Planning Customer Service Charter

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What this Charter does

This Charter explains what the Council's Planning service does and what its customers can expect from us. It begins by setting out what you can expect from us when contacting the service and then more specific standards linked to our three main responsibilities which are planning policy, development management, planning enforcement.

Planning

- To prepare a policy framework that sets out how land should be developed and our natural and built places protected; and
- To consider and make decisions on applications for planning permission, listed building consent and other types of application and investigate breaches of planning control to ensure the development of our City is properly managed.

What you can expect from us

If you contact us by telephone: *

- We will help you with your query on the spot if we can
- We will direct you to further information online, including online forms to request pre-application advice

If you email or write to us:

- will respond to you within 10 working days or tell you if we need longer
- ensure our response is free from jargon and easy to understand
- direct you to further information online, including online forms to request pre-application advice
- translate information into large print, other languages or Braille if needed

If you visit us: *

- we will advise you when the Planning helpdesk is available for general enquiries
- one of our staff will give you information that meets your needs or direct you to where you can find it online, including online forms
- we will see you within five minutes of your appointment time
- have friendly public offices, with clean and tidy waiting areas

* Our Helpdesk is an email service with customer call-backs where necessary.

Planning service

Policy Framework

What the Planning System does is set out by the Scottish Government in legislation, guidance and advice. Further information is available at www.gov.scot/policies/planning-architecture/

Scottish Government legislation requires that all Councils prepare a document setting out principles for where development of land will be allowed and where buildings and green spaces will be protected. These are called Development Plans. In Edinburgh, the Scottish Government requires that this Development Plan be made up of two documents: National Planning Framework 4 and the adopted Local Development Plan.

The Local Development Plan for Edinburgh contains detailed policies and proposals for the future use of land and the protection of the natural and built environment over a 10-year period. This includes key topics such as identifying sites for housing to meet the requirements set out by the Scottish Government. Preparation of the document begins with the evidence gathering stage which includes inviting communities to prepare a local place plan and preparing the evidence report.

The Planning Service can also prepare more detailed guidance, for example on design, which forms part of the Local Development Plan but is prepared at a later time. This is called Supplementary Guidance and must meet Scottish Government requirements on preparation, participation and adoption.

The next local development plan will be called City Plan 2030 and was approved in its proposed form in September 2021, and it is expected to be adopted in 2024.

The Local Development Plan

What you can expect from us:

- The programme for adopting City Plan 2030 and the preparation of the next local development plan – City Plan 2040 – can be found in a document called the Development Plan Scheme at www.edinburgh.gov.uk/cityplan2030
- We will update this document annually.
- We will use a range of ways of making sure there are opportunities to comment on future plans including using the Council's Consultation Hub, drop-in sessions, website information and workshops.

As stated above, the "Development Plan" for the city consists of National Planning Framework 4 and the Local Development Plan. Planning applications must be decided in line with the content of the Development Plan unless there are important planning reasons for an alternative decision.

Planning Applications

This charter explains what you can expect to happen when you want to make an application for planning permission or other planning consents and when you want to comment on someone else's application. It then explains what happens when making a decision on a planning application.

All applications for planning permission are grouped in terms of size and importance of the type of development that is being proposed. National developments are proposed by Scottish Government, are of Scotland-wide significance, and are the top tier in the hierarchy. An example is the Central Scotland Green Network. Below national developments are major developments which are of a size and scale to be considered of major importance. Examples might be a new shopping centre, a business park or a large-scale housing development. All development proposals which are not national or major are classed as local developments. Examples are house extensions, small scale housing development of less than 50 houses and changes to the use of a property.

Anyone proposing a national or major development must carry out pre-application consultation with the local community to allow them to be better informed and to have an opportunity to contribute their views to the developer prior to the submission of a planning application. Developers must submit a Proposal of Application Notice with details of consultation at least 12 weeks before they want to submit a planning application.

Further information is on our major applications webpage.

Pre-Application Consultation

What you can expect from us:

- We will assess Proposal of Application Notices in accordance with the Edinburgh Development Concordat which sets out how the Council, communities and developers work together on major developments.
- We will expect developers to carry out more than the minimum consultation for more complex and contentious cases and we will encourage developers to set up websites to allow communities to access information and make comment more easily.

Further information can be found in our Pre-Application Consultation Process Guidance Note.

Making an application for planning permission, and all types of applications, is quicker when done online and it helps to avoid many of the reasons for applications not being valid on receipt.

- Online applications are submitted via the Scottish Government ePlanning website at www.edevelopment. scotland.gov.uk
- Forms can be downloaded from ePlanning.

As well as applications for planning permission, there are many other types of application depending on what it is you are proposing.

Heads of Planning Scotland have prepared standards for the validation and of planning applications and other related consents.

If you are unsure whether you need planning permission or other consents, read our online information on when to make an application.

The completion and submission of planning application forms, and all other types of application, can be submitted by applicants themselves or using a professional agent, such as an architect.

Making an application for planning permission

What you can expect from us

- **Within 5 working days**, we will check your application and advise you of any problems. It is the responsibility of the applicant to ensure that their application is submitted correctly. Further information on the process and what should be submitted is in the guide to the Validation of Applications.
- **Within 10 working days** of a valid application being received, we will send you an acknowledgement letter and inform you of the planning officer who will be dealing with it and the timescale for making a decision.
- If a professional agent is used to submit a planning application, we will deal with the agent rather than the applicant in all discussions and negotiations. It is the responsibility of the agent to keep their client informed of progress and of any requirements of, or delays to, the process.
- **Within 15 working days** of a valid application being received, we will carry out neighbour notification and consult on the application, where it applies. Notification involves sending a letter to all postal properties within 20 metres of the application site giving details of the proposal and highlighting that comments must made to the planning service within 21 days from the date of the notification letter. Some applications are also advertised in the Evening News and a site notice is put up nearby.
- **Within 25 working days** of a valid application being received, we will visit the site where appropriate. The case officer will advise if minor changes are needed to make the proposals acceptable. If we do accept amendments during the application process, we will only arrange for neighbours to be re-notified if the changes raise new planning matters. However, if substantial changes are needed, we will refuse the application.

Time Performance Indicators

Major and Local Developments

We aim to issue decisions* within the timescales set in processing agreements and/or extensions, or faster than the national average time where bespoke timescales have not been agreed.

Householder Developments

We aim to issue decisions faster than the national average time.

Listed Building Consents

We aim to issue decisions within 8 weeks.

* Decision making times include period up to signing of any legal agreement, after which planning permission is issued. National average times are published annually by the Scottish Government here: https://www.gov.scot/collections/planning-statistics/

Commenting on someone else's planning application

If you wish to look at a planning application or decision, or on an application, you can do so via the Planning and Building Standards Portal. Your comments cannot be treated as confidential for a number of reasons:

- if the application is refused, the applicant needs to know about objections if deciding to appeal;
- the closeness of an objector to the application site may be an important factor in the decision, and
- comments on an application are part of the background papers and have to be available under Freedom of Information and Environmental Information Acts.

There is no statutory requirement to consult on Certificates of Lawfulness, non-material variations and Tree work applications. Comments received on non-material variations and tree work applications are not taken into account in the assessment of these applications.

Comments may be made in relation to Certificates of Lawfulness. However, they will only be taken into account where they raise matters in relation to the lawfulness of the application and not on planning issues as described below.

Only comments relevant to planning issues can be considered as part of the assessment of the planning application. Relevant planning issues include:

- traffic and parking
- appearance of the area
- loss of sunlight or daylight
- overshadowing
- economic benefits.
- noise and disturbance
- effect of cooking odours
- impact on a conservation area
- setting or character of a listed building
- loss of significant landscape features
- privacy

We cannot consider comments on non-relevant planning issues such as;

- loss of private view
- effect of development on property values
- building regulation matters.

Any representations we receive which are offensive, derogatory or racist will not be accepted and may be passed to the police for further investigation. Your communication may not be published if it includes personal information, this includes names, addresses and personal details of you or anyone other than yourself.

Our guide on How to Comment on Planning Proposals outlines how to ensure you make a valid comment.

Comments must be received within 21 days of the date of registration, neighbour notification letter, or advertisement in the press, whichever is later. Extra time is given for public holidays and if the application has an Environmental Impact Assessment.

Community Councils should contact the case officer if they need more time to comment.

What you can expect from us:

- You will have the opportunity to receive an automatic email acknowledgement when commenting online using the Planning and Building Standards Portal.
- We will send you a letter acknowledging receipt if you comment by letter or email.
- We will consider all comments on applications provided they are submitted on time and the comments are relevant to planning issues. We will only consider late comments if they raise important planning matters that were not previously considered. We do not accept anonymous comments.
- We will make a summary your comments known to the agent during the consideration of an application, but we will not make your personal details available at that time.
- We will only re-notify you of changes to the application if they raise new planning issues: changes can be viewed on the Planning and Building Standards Portal.
- We are unable to discuss the merits or demerits of a case with objectors or other third parties when an application is being considered as this may affect the objective assessment of the proposal. We will not provide a direct response to the issues raised in the comments submitted.
- We will inform you of the decision on the planning application.
- Comments on Committee items will be publicly available online when the agenda is published for the meeting. Comments on delegated items will be publicly available online after the decision has been issued. We will redact personal information such as email addresses, phone numbers and signatures. Comments will be taken offline 6 months after the decision is issued.
- We will deal with requests for comments to be taken offline before 6 months as sympathetically as possible.

Making a decision on a planning application

Once the application, including the responses from consultees, and public comments has been assessed by the planning officer, a report of handling is prepared. Decisions on planning applications are taken in one of two ways. In some cases, the decision can be made by planning officers and is referred to as a "delegated decision". Delegated decisions make up the vast majority of all decisions and enable quicker decisions on simpler cases. They are usually the less contentious, smaller applications, but can include cases with objections or which are being recommended for refusal.

In other cases, the planning officer makes a recommendation to the Development Management Sub-Committee or a Full Council meeting in some circumstances and the decision is then taken by the City's councillors.

What can you expect from us:

- We will notify you or your agent within 4 working days of the decision being made.
- We will notify all those who have made comments on the application within 4 working days of the decision being made.
- We will place a copy of the decision notice and the report of handling on Planning and Building Standards Portal.

Planning permission lasts for 3 years although we can make a Direction for it to be longer or shorter.

If an applicant is unhappy about a delegated decision taken on a local development, or the application has taken longer than the legal time limit, they can request a review by the Local Review Body.

In cases that cannot be decided by a Local Review Body, the applicant has the right to appeal to Scottish Ministers. Further information is available at www.dpea.scotland.gov.uk

There is no 3rd party right of appeal in Scotland. This means that if anyone commenting on an application is unhappy about the decision, they cannot ask for a review and they cannot appeal to Scottish Ministers. We will direct any aggrieved parties to our Report of Handling which explains the reasons for our decision. We are unable to respond if you think the decision was wrong. However, you can complain if you thought our processes or procedures were wrong in coming to the decision.

*Our Helpdesk is an email service with customer call-backs where necessary

If a scheme needs to be changed after the decision:

A Non-Material Variation can be requested for changes which are unlikely to raise any new planning issues. For changes which raise new planning issues requiring assessment, a new planning application will be required.

Further details on Non-Material Variations are available at Non-Material Variations.

Seeking Advice

The Council is committed to giving advice on a range of planning proposals. Details of general planning advice and our pre-application service are online.

What you can expect from us:

- If you have a general enquiry about a planning matter, we will aim to respond within 10 working days. As part of this process, we will advise you to where you can find the information online.
- The Planning Help Desk operates between 9am – 1pm and will respond to general enquiries by email every weekday other than between Christmas and New Year.
- The Council offers two tiers of pre-application advice: **generic** and **bespoke**.
  Generic advice is free on the Council website that customers can use to determine whether their proposals are in accordance with planning policies.

  We will not generally give advice on the following types of development as the information can be found online; householders, windows, driveways, straight forward change of uses, adverts. Advice on these types of proposals can be accessed in the planning quick guides.

Works where there is no Record of Permission

We understand that sometimes work is carried out and there is no record of permission. This is called retrospective works. This can be particularly frustrating when you are trying to sell your house.

In relation to Planning

If the works were completed more than 4 years ago to your house, they are then legal under planning law but if you need a formal letter to confirm this, you will need to apply for a certificate of lawfulness. Other types of development such as a change of use, other than to a house, have a longer period (10years) before they become legal.

It may be that the works did not need planning permission but again you need to apply for a certificate of lawfulness if you want legal confirmation.

If you have a listed building and have done work to it without consent or confirmation that may need consent, you should read out guide to Selling Your Home.

You can check online whether work has consent.

Finally, if you are concerned that work has been carried out without permission, please fill in the enforcement breach form. You can find out more in our Enforcement Charter.

Retrospective Works - What you can expect from us:

- In all cases, the target response time is 10 working days.
- We will direct you to our online systems if you want to check whether work has permission.
- We will direct you to our enforcement breach form if you think work has been carried out without Planning permission.
- We will advise you to apply for a certificate of lawfulness if you need a legal decision on whether planning permission is needed.
- We will direct you to our guidance on Guide to selling your home if work has been done to your listed building without consent. Alternatively you can apply for listed building consent as we do not issue letters of comfort.

Information Requests

The Planning Service holds a great deal of information. Some has to be kept in perpetuity, but other information is only kept in accordance with a records retention schedule. Under the Public Records (Scotland) Act 2011 the Council is obliged to keep schedules of what records we keep and for how long we keep them. You can check if we've already published the information that you want. If you cannot find the information you want online, you can request information via our Managing Information webpage. Information requests are dealt with centrally within the Council and the Planning service will send any information requests to that unit for processing.

Anyone has a right to request information from a public authority. Many planning applications and certain data relating to building warrants are available online on the Planning and Building Standards Portal.

Details of Tree Preservation Orders are online at www.edinburgh.gov.uk/privatelyownedtrees

What you can expect from us:

- We will hold information in accordance with our records retention schedule.
- We will make information available online in accordance with the Council's publication scheme.
- The Plan Store* where you can view and copy paper records, when authorised to do so, will be open from 9am to 12 noon and 2pm to 4pm, Monday to Thursday. It is closed all day Friday and between Christmas and New Year.
- Document requests to the Plan Store can be made using the online request form, with all requests sent out by post / email
- We will send any environmental information requests to the Freedom of Information team for processing and you will receive a response within 20 working days.

* The plan store is currently closed to the public.

Complaints

We will consider all complaints made about the way in which your planning application, building warrant, enquiry or comment was dealt with. However, disagreement with a decision of the Council will not, in itself, be a ground for complaint and in many situations, there is a separate procedure for an applicant to appeal against such decisions. As such we will not discuss the merits or de-merits of a decision and we will direct you to the Report of Handling which sets out the reasons for the decision.

The quickest way to sort things out is to talk to the officer concerned. However, if this does not work our formal complaints procedure has two stages:

- frontline resolution
- investigation

Frontline resolution

We will respond to your complaint within five working days. We aim to resolve your concerns within this timescale. If we need more time, we'll let you know. If you are not satisfied with our response, you can ask us to review your complaint.

Investigation

We will appoint a senior Council officer to review your complaint. We will tell you who the Council officer is and respond within 20 working days. If your complaint is complex, we may be unable to resolve your concerns within this timescale. Instead, we'll contact you to agree a different date.

If you are still not satisfied, you can then contact the Scottish Public Services Ombudsman (SPSO).

Occasionally, the behaviour or actions of customers using our service can make it difficult for us to deal with their enquiry or application. If we consider a customer's actions to be unacceptable, we may restrict or change access to our service in accordance with the Council's managing customer contact policy. This is to ensure we can protect our staff and the services we provide to our customers. Unacceptable actions include aggressive or abusive behaviour, unreasonable demands, unreasonable levels of contact, and unreasonable use of the complaints process. Further information can be found on the Council website.

Data Protection

When handling personal data, the Council must do so fairly and lawfully in accordance with the General Data Protection Regulations. Our privacy notice sets out what happens to your details when you make a planning application or submit comments. You should note that your name, address and stance will be published on the public comments tab of the planning portal as soon as you make your comment. Personal details such as email addresses, phone numbers and signatures will not be published.

Where appropriate other "sensitive" personal information within documents will also be removed prior to publication online.

However, all other information relating to a planning application will be available for public inspection in line with the planning acts.

If you are unhappy that information about you is published in connection with a planning application, please contact the Council at planning@edinburgh.gov.uk and, depending on the nature of your concern, we will consider what we can do about the matter.

What you can expect from us:

- We will comply with the Data Protection Act when we publish information.
- We will redact any personal email addresses, phone numbers, signatures and other personal information from our online records.
- We will consider whether we can remove information from our website if you are not happy about its publication.

Contact Us

Planning Enquiries

planning@edinburgh.gov.uk

www.edinburgh.gov.uk/planning

Telephone: 0131 529 3550

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HAPPY TO TRANSLATE

The City of Edinburgh Council Place Development November 2023