

# How to comment on Planning Proposals and Applications



July 2020

There are various stages in the Planning process where you can make an input into how the City develops and grows. The Council encourages involvement in Planning to ensure people have a say.

### **This guidance note is divided into five sections**

- The Development Plan and non-statutory guidance
- The pre-application stage of planning proposals
- Commenting on planning applications
- Appeals and reviews
- Finding information on planning proposals

## **The Development Plan and Non-Statutory Guidance**

The Strategic Development Plan steers the future development and growth of the City Region up to 2032. A participation statement sets out the public consultation process. Further details can be found on the [SESplan website](#).

**The second Strategic Development Plan was rejected by Scottish Ministers and legislative changes will mean that in due course the strategic focus will be provided by the Scottish Government’s National Planning Framework 4 as informed by Regional Spatial Strategies. Work is ongoing on both of these processes.**

The [Local Development Plan](#) drills down to more local development issues and a full public consultation process is at the heart of this process. Details of the existing Local Development Plan can be found on the Council website. Details of the next Local Development Plan and its progress, including consultation, are available on the [City Plan 2030](#) pages.

The Council also has [non-statutory guidance](#) on a range of subjects. These assist decision-making by offering guidance on when certain developments may be acceptable.

## **The Pre-Application Stage of Planning Proposals**

There is a statutory process for commenting on national and major development proposals at pre-application stage. There is not a formal process for local developments but this does not stop the developer liaising with the local community to gauge views.

The definition of a national or major development is set out in the [Planning hierarchy](#) and developers must consult with the local community as part of this process.

At least 12 weeks before submitting a formal planning application, the developer must send a Proposal of Application Notice to the Council and the local Community Council setting out how the local community is going to be consulted. At least one public event must be held. You can find out more about this public consultation process on our [community engagement](#) page.

## **Commenting on Proposal of Application Notices**

- The pre-application stage provides an opportunity for individuals and the community to give their views on a proposal before a formal planning application is submitted. The applicant can then decide whether to amend the proposal in line with these comments.
- Comments should be made directly to the applicant or their named agent. This can be done either individually, at the public meeting or through your community council if you prefer. The applicant's contact details will be available with the publicity. Any comments the Council receives at this stage will be passed directly to the applicant. Comments made at pre-application stage are not representations on any subsequent planning application which is then submitted and fresh comments must be submitted for this

## **Commenting on Planning Applications**

It is important to realise that an application simply cannot be refused because a lot of people object to it or approved simply because a lot of people are in favour of it. Local views are one consideration along with other planning issues.

We can only consider objections or letters of support which are relevant to planning issues. These can include for example, the effect of the proposal on traffic, the appearance of the area, or the privacy of neighbours.

We cannot take into account such matters as the loss of a private view, the effect the development might have on property values, or matters dealt with under Building Regulations or other legislation.

The Council will not consider letters of comment which discriminate on the grounds of age, disability, gender, race, religion or sexual orientation.. The writer will be advised of the authority's concerns and the matter may be referred to the Police.

## **Data Protection and Public Comments**

The name and address of those who choose to make comments on planning applications is public information and cannot be treated as confidential.

It is therefore published on the Planning Portal in line with the Scottish Government's guidance on [Publishing Planning Applications Online](#). We cannot accept representations if the writer is unwilling to have this information published and made available for public inspection in line with the Planning Acts.

Our [privacy notice](#) sets out what happens to your details when you submit comments. You should note that your name, address and comments will become public on the planning portal once the application is determined. Personal details such as email addresses, phone numbers and signatures will not be published.

Please do not put personal information, such as your personal email address or phone number in the body of your comment when submitting online.

We will remove names and addresses from the Planning Portal three months after the decision is issued in accordance with our retention schedule. However, details may remain public for longer in the event of an appeal or review of the application.

Please do not put personal information, such as your personal email address or phone number in the body of your comment when submitting online.

## **Time periods for comments**

- Public comments on planning applications must be made within 21 days of the validation date, advert date or neighbour notification date, whichever is the later. The weekly list date has no statutory significance in relation to the period for comments and we would urge the public to check online if you want to keep up-to-date with new applications.
- If you are using Planning and Building Standards Online Services (The Planning Portal) to comment on an application, you will be advised whether you still have time to make your views known.
- The Weekly List of Planning Applications, includes reference to the period for comments on applications included within the list and is sent to all community councils and others who have signed up to it. It is also available online.
- During public holiday periods, there will be extra time for comments to be submitted.
- For applications which require an Environmental Impact Assessment, the period for submitting comments is increased to 30 days.

## **Submitting comments on a planning application**

- The easiest way to make comments is to use the Planning Portal Provided you fill in your email address, we can email you the decision on the application.
- Comments can also be submitted in writing to the Chief Planning Officer. Contact details are

**Chief Planning Officer, PLACE,**

**Waverley Court, 4 East Market Street, Edinburgh, EH8 8BG**

- Please try to avoid emailing your comments to us as they may get lost with other email correspondence. The quickest and most secure way to make comments is to use the Planning Portal.
- Anonymous letters commenting on an application cannot be considered.
- You should state clearly what you are commenting on, and the comments must include:
  - the date
  - the name and address of the sender
  - the reference number of the application
  - the name and/or address of the site
- Remember that there may be more than one application for the same site. For instance, there may be separate applications for planning permission and listed building consent.
- You will need to comment on each application separately if you are commenting online.

## **Petitions**

### **Petitions of objection or support may also be submitted and will be considered provided that:**

- each page of the petition is headed with the aim of the petition
- the names and addresses of those signing are provided and are readable
- the comments are relevant in planning terms and are clearly stated
- the name and address of the petition co-ordinator is included for receipt of acknowledgement and notification of decision

Please note that acknowledgement and notification of the decision will only be made to the petition co-ordinator.

## How we deal with your comments

Your comment will be acknowledged if made on paper. If you have made online comments, please tick the box to receive a copy of your comments. A separate acknowledgement will not be issued.

If your comments do raise planning issues, the case officer will fully assess these against the proposals and make a recommendation on the case.

You will be notified of the final decision on the application.

Where a change is made to a proposal either prior to a decision being made on the application or following the decision on the application, there will generally be no further publicity, unless new issues are raised. Please see our [Customer Service Charter](#) for details of the service we provide.

## Community Councils

For more information on the role of community councils see [Community Councils and the Planning System](#).

## The decision making process

### Delegated items

Approximately 95% of applications are decided by planning officers under the Council's [Scheme of Delegation](#) to Officers (please refer to Appendix 6 and the information below). These are generally local applications that are not controversial and do not raise wider issues. However, there are processes in place to ensure planning officers cannot determine their own cases.

### Scheme of Delegation in Relation to Planning Applications

Officers have delegated powers to determine planning applications where, for instance:

- The proposals comply with the Development Plan;
- The application is for householder development and its associated listed building consent and not more than twenty objections have been received when it is recommended for approval;
- The application has not more than six objections for all other application types and the application is recommended for approval;
- There are not more than twenty letters of support and the application is recommended for refusal. This applies to all application types;

- The application is not a national development or includes a legal agreement less than £250,000 in value; and
- An elected member has not requested referral to Committee or such a request has been declined.

Other situations apply. Please refer to the [Scheme of Delegation](#) for full details.

## **Items considered at Committee**

Approximately 6% of all applications are decided by councillors. These are the applications which raise significant planning issues, are of wider importance to the City or are controversial.

Comments are summarised in the Committee report. Comments are made public on the portal 5 working days before the committee date.

As part of the enhanced scrutiny measures for planning applications, some applications will be subject to pre-determination hearings. These are mandatory for major developments which are significantly contrary to the development plan and in respect of national developments. Any applications which are required to have a pre-determination hearing will have to be decided by full Council.

Other significant applications may also be the subject of a hearing, although these do not have to be decided by the full Council. Selected objectors will be contacted if this is the case.

## **Appeals and Reviews**

Applicants have the right to appeal or ask for a review of a planning decision for three reasons – where the application is refused, where the applicant does not agree with a condition of consent and where the application is not determined within the specified time period. More details can be found on the [Planning Appeals](#) webpage.

Anyone who has made comments on the application will be informed of the appeal or review and asked if they wish to amend their comments. Only those who made comments on the planning application, can make further comments on the appeal or review.

## **Finding Information on Planning Proposals**

### **Neighbour notification**

If you live within 20m of the application boundary, you will receive a letter from the Council telling you about the planning application and how to make comments.

### **Newspaper adverts**

Some applications are advertised in the newspaper on a Friday notably if the address is a listed building or within a conservation area or it raises particular neighbourhood issues.

### **Site notices**

Some applications require a site notice to be placed near the property notably if the address is a listed building or within a conservation area. Site notices can also be viewed on the [Weekly List](#) web page.

### **Planning and Building Standards Portal**

Once you have registered to [view or comment on planning applications](#) you can save searches so that you will be notified of any new applications that match the saved search details.

For instance, you can enter keywords such as Marchmont or postcodes and save these as searches. You can then be notified by email of any new cases that match your searches.

The on-line database provides access to plans, reports associated with each application. These can be re-ordered by date, document type, or description.

You can also track applications that interest you and you can be notified of any changes to its status.

### **Weekly list (online)**

The [Weekly List](#) of applications is updated daily during the working week, and will contain a statement as to how further information on an application may be obtained.

### **Weekly list (applications received and decided)**

A [Weekly List](#) of all applications received and decided the previous week, including Proposal of Application Notices, is published every week. This is available to view on the [Weekly List webpage](#) but is also emailed to community councils and others on the distribution list.



## **Tell Me Scotland**

*Tellme Scotland* is a portal for accessing public information notices issued by local authorities across Scotland. You can search for planning notices or sign up to receive alerts within a specified radius of a postal code. Currently planning notices are only those that are advertised in the press.

## **Further Information**

### **The Enquiry Office/Planning and Building Standards Help Desk**

The Planning and Building Standards Help Desk is part of the Enquiry Office service and is staffed by officers. For people wishing to make comments on applications, assistance in understanding proposals and plans can be provided.

A helpdesk planner is available: Monday to Friday 9.00am - 1.00pm

Tel: 0131 529 3550

Email: [planning@edinburgh.gov.uk](mailto:planning@edinburgh.gov.uk)

Website: [www.edinburgh.gov.uk/planning-building](http://www.edinburgh.gov.uk/planning-building)

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