

Protocol for Neighbourhood Partnerships and Planning

This protocol sets out guidelines for the role of Neighbourhood Partnerships in the land use planning process. It sits alongside the existing “Protocol Framework for Local Community Planning in Edinburgh”. This protocol is subject to review in Spring 2008 as part of the wider review of the operation of Neighbourhood Partnerships.

The protocol is based upon the modernised planning system, so far as this is known. Regulations to determine procedures, including engagement opportunities, will be set out over the next 2 years by the Scottish Government. It will therefore be necessary to review this protocol as further detail emerges from the Government. However, this present protocol will allow progress during the interim period.

The legal nature of the planning system places restrictions on the way in which the Planning Service can relate to others. As a consequence, effective mechanisms need to be in place to allow community involvement in an appropriate way. Advice issued by the Scottish Government advocates a close relationship between community and land use planning and calls for land use planning to utilise the networks of community planning. It is in this context that this protocol has been developed.

The Role of the Planning Service

The Planning Service operates the statutory land use planning system for the City of Edinburgh Council.

The planning system promotes, facilitates and regulates development in the public interest. Its primary objectives are:

- To set the land use framework for promoting sustainable economic development
- To encourage and support regeneration
- To maintain and enhance the quality of the natural heritage and built environment.

The Role of the Neighbourhood Partnerships

Neighbourhood Partnerships provide the local community planning function in the city. The broad functions of the Neighbourhood Partnerships are to:

- Listen and consult
- Make contributions to strategies, plans and agreements
- Monitor and report on progress

Neighbourhood partnerships will prepare a Local Community Plan to identify key issues of concern in their area and priorities for resolving these issues. The Plan will serve as the agenda for action by the Partnership. Neighbourhood Partnerships will make recommendations and provide guidance and direction to the Council and partner organisations.

Neighbourhood Partnerships and the land use planning system

Land use planning promotes, facilitates and regulates development in the public interest. Community Planning involves local people in shaping their communities and consequently there is a clear link between community planning and land use planning.

As the vehicle for local community planning in Edinburgh, it is clear that there must be a structured interface between the Neighbourhood Partnerships and the Planning Service. In particular, the local community plan should inform and be informed by the development plan.

Neighbourhood Partnerships should focus on the additional areas for engagement in the planning process where they can have real influence. In development planning, this means being involved in the preparation of the main issues reports for strategic and local development plans. In development management, this means being involved in pre-application stages of proposals, prior to the preparation of specific proposals.

Development Planning

The Development Plan sets out policies to promote the economic, social, physical and environmental well being of an area and allocates sites for specific land uses. In the new system, there will be two levels of plans. A Strategic Development Plan will set out the vision and spatial strategy for development, identifying the key locations and priorities for protection, development and regeneration up to 20 years ahead for the Edinburgh City Region. Arrangements for engagement in this plan will be subject to statutory regulations and decisions of the Strategic Development Plan Authority which is likely to consist of The City of Edinburgh Council along with at least five other local authorities. All Neighbourhood Partnerships in the city will be expected to consider relevant issues for the strategic development plan.

A Local Development Plan will articulate the detailed policies and proposals to implement the vision of the Strategic Development Plan. As this plan sets out the principle of development on specific sites and planning applications will be determined in accordance with this plan, it is vitally important that the community are engaged in its preparation. There is a legal requirement for the community to be engaged at various stages, although these may be subject to future change. There are likely to be issues which overlap Neighbourhood Partnership areas and the need for joint working should be anticipated.

A main issues report will set out the key areas of change that need to be addressed in the local development plan. This stage will be an opportunity for the aspirations of the Neighbourhood Partnership, as articulated in the local community plan, to inform the local development plan. In addition to the view of the Neighbourhood Partnership, the views of key agencies (to be defined in legislation) will be sought by the Planning Service.

Once prepared, the main issues report will be issued. There will be a period of at least 6 weeks allowed to engage the public on this. Neighbourhood Partnerships may wish to make further comment at this stage of the plan process. Views collected at this stage will inform the development of the proposed plan. A further period of at least 6 weeks will be provided for comments following the publication of the proposed plan. The Planning Service will again carry out a range of exercises to seek the views of the public. The focus of Neighbourhood Partnership involvement in the development plan process should be in the

preparation of the main issues report where there is an opportunity to influence the development plan at its initial stages of development.

Following the consultation period, the Planning Service may modify the proposed plan to take account of any comments which have been received. The Planning Service will seek where possible and appropriate to resolve any objections to the plan through a process of negotiation.

If modifications are made to the plan, there will be a further period of consultation. Following this the plan may have minor modifications prior to being submitted to Scottish Ministers.

In addition to preparing development plans, the Planning Service will prepare supplementary guidance such as development briefs/frameworks/masterplans and other planning documents for specific areas of the city in relation to redevelopment opportunities which may or may not have been articulated in the development plan. These can be led by the Council or developers. The incorporation of relevant planning considerations into a single document is a key tool in subsequent negotiations between developers and the planning authority.

The Planning Service will:

- 1) Prepare development plans; supplementary guidance; planning briefs and other planning documents and make copies available to Neighbourhood Partnerships and other stakeholders. All documents will be accessible on the Council website.
- 2) Consult Neighbourhood Partnerships and other stakeholders at key stages of preparation of such plans and policies.
- 3) Produce a development plan scheme annually setting out the timescale for plan preparation and when people can be involved in the process.
- 4) Present proposals to Neighbourhood Partnerships and other stakeholders and answer questions.
- 5) Prepare exhibitions, displays, organise and participate in workshops and other means of engaging the wider community.

Neighbourhood Partnerships will:

- 1) Inform the early stage of development plan preparation by articulating local aspirations in the local community plan.
- 2) Consider development plans and other planning policy or guidance at draft stages and where appropriate return views in the context of the local community plan.
- 3) Work jointly with other Neighbourhood Partnerships where appropriate to develop a common response.
- 4) Provide the Planning Service with up to date details of local groups and contacts.
- 5) Identify where known hard to reach groups exist and advise the Planning Service how best to engage with them.
- 6) Advise on the scheduling of meetings, workshops or other events.
- 7) Develop new techniques and approaches to community engagement and assist the Planning Service in their application.
- 8) Develop capacity within local communities to enable them to engage productively with planning processes.

Development Management

Planning decisions will be made in accordance with the development plan unless there are material considerations which indicate otherwise. This reinforces the need for communities to be involved at the development plan stage.

There are existing structures for individuals and groups to make comments on planning applications. As with Community Councils, it is not expected that Neighbourhood Partnerships would engage with proposals contained in small scale planning applications. Instead, Neighbourhood Partnerships should focus on the broader community issues raised by significant development proposals and on the additional engagement which is available to them.

Within the modernised planning system, larger planning applications which have a wide bearing on the local community will be subject to a process of pre-application consultation with the local community. Pre-application consultation will be undertaken by developers, although the detailed process is yet to be defined in regulations by the Scottish Government. It is at this pre-application stage that there is an opportunity to link the aspirations of the community plan to the preparation of proposals by developers. If the developer chooses to engage with the neighbourhood partnership at this stage, it would allow the Neighbourhood Partnership to express their view to the developer in advance of the submission of proposals i.e. at a stage where there is greater potential to influence decisions affecting their neighbourhood.

The wider community must also be involved at the pre-application stage. It is the role of the developer to engage the community, however, the Planning Service will have a duty to ensure that the engagement by developers is effective. The Neighbourhood Partnership could perform a valuable role in promoting inclusive community engagement at this stage of planning proposals.

Neighbourhood Partnerships should where they wish to, set up structures to meet the timescales and other constraints set by the planning process.

Once proposals have been submitted in a planning application and the assessment process commences, it is not appropriate for planning case officers to enter into discussions with the Neighbourhood Partnership or other parties. A period of 21 days is provided for anyone to comment on a planning application. In some cases of major development proposals, longer timescales will be specified. With the strictures of the statutory planning process, the partnership will have no role in commenting on individual planning applications once they are lodged. Community Councils do have a statutory role in commenting on planning applications which raise broader community issues.

Once a decision has been made by Planning Committee, there is no further influence which Neighbourhood Partnerships can bring to bear at this stage. Discussions on planning issues should take place early in the process and be focused on the areas where the Neighbourhood Partnership can influence the outcome in the interests of the local community.

The Planning Service will:

- 1) Determine planning applications in accordance with the development plan unless material considerations indicate otherwise.
- 2) Advise the Neighbourhood Partnership on focus and relevant concerns at pre-application consultation stage.

- 3) Guide developers in undertaking pre-application consultation with stakeholders, including the local community.
- 4) Assess the effectiveness of developers' engagement.

The Neighbourhood Partnerships will:

- 1) Provide developers with up-to-date details of local groups and contacts.
- 2) Advise developers on the scheduling of meetings, workshops or other events as part of the gathering of local views.
- 3) Where appropriate, express views to developers in advance of the preparation of their proposals.
- 4) Work jointly with other Neighbourhood Partnerships where it is agreed that a common response to developers could be beneficial.
- 5) Ensure that developers are aware of the aspirations of the community plan.

Training

Planning will provide some initial awareness/training to Neighbourhood Partnership Board Members. Procedural training will be delivered for Neighbourhood Partnership support staff as well as Planning staff to ensure that there is a mutual understanding of respective roles.

Timing

The statutory nature of the planning system means that there are specific stages for community engagement on each planning issue and set timescales. The planning process will need to keep to these timescales, and this may necessitate additional meetings of Neighbourhood Partnerships or specially formed sub-groups, if they wish to facilitate engagement within these timescales.

For more information on this Protocol contact David Leslie, Development Manager, Planning and Strategy City of Edinburgh Council on 0131 529 3948, d.leslie@edinburgh.gov.uk

Further information on planning can be found from on the Council website's Planning and Building Standards Portal <http://citydev-portal.edinburgh.gov.uk/portal/portal.jsp>