

Development Management Decision Making Processes: Review

Response on behalf of CTC Lothians and Spokes

We welcome the opportunity to respond to this Document, following on from the Customer Focus meeting of 20th Jan. To begin, we shall outline the main issues with the decision-making process as we see them, and then work through the Document offering comments on specific proposals.

Main issues:

CEC has signed the Charter of Brussels and set, as a target, 15% of journeys to be by cycle by 2020. This is an ambitious target which, if it is to be met, will require concerted action by many, if not all, Departments, as well as cooperation from the voluntary sector including the campaign groups.

1 Developer Contributions beyond their boundaries:

In times of budgetary constraints, we have to do more to derive maximum benefit from developers, in particular to tie improvements to local infrastructure to new developments via the planning process. Hitherto, opportunities have been missed, even though the cycling organisations have pointed them out in their objections to the Planning Applications.

For big developments, the promoters usually include adequate cycle access, and parking, *within* the development, but access to the sites often has implications *beyond* the site. In these cases our requests and suggestions have mostly never been taken up, and opportunities thus lost.

By way of illustration, one example might be the Newbridge-Kirkliston-S Queensferry corridor. There have recently been some big applications in both Newbridge (mainly commercial), and Kirkliston, where a number of large residential sites are proposed. The cycling organisations (CTC, Spokes) have repeatedly drawn attention to the old rail line which links all three communities, and pointed out the advantages of upgrading it (it is currently a rather rough path) to provide a segregated off-road route, and hence sustainable travel, from the residential Kirkliston sites to jobs in Newbridge in one direction, or to schools and shops in S Queensferry in the other.

This is just one example. There have been many others, such as the former BigW site at Brunstane, where developers wanted to build a new food supermarket. National Cycle Route 1 passes across the site's car park, beyond which is a footbridge over the railway, currently only provided with steps (thus not DDA-compliant as well as unsuitable for cycling). We asked for the steps to be replaced with a partial ramp. (In the event, planning permission was refused, for other reasons).

Action: ensure that opportunities for cycling infrastructure outwith the development but relevant to it are made conditions of planning consent.

2 The need for consistency across major developments

Many of the larger developments are developed piecemeal, based on a master plan. There is a need to ensure that any cycle routes within the 'masterplan' area are designed

and built to a high standard of consistency, so that surfacing, width etc match up from one application to the next.

In the past this has often not happened. Haymarket Yards is one example – the cycle route is partly on a shared-use pavement, partly on-road. But the worst example is the Canal-Lothian Rd route, through Scottish Widows and the EICC, where the cycle route, such as it is, is disjointed, inconsistent, and unsigned, and encourages conflict with pedestrians.

We believe the solution is to specify the details of any route as part of the masterplan, and ensure that developers are made aware of these and incorporate them at the outset.

Action: specify any cycle routes within the Masterplan and ensure individual developers maintain consistency of detail across the whole route.

3 The effect of PANs

The new arrangement whereby developers are required to offer public consultation for major schemes (PANs) has given us a chance to make comments and suggestions at an earlier stage. We hoped this would signal, to the developers, the opportunities *to promote sustainable travel to their sites, and thus make their submissions more eco-friendly* and hence more acceptable to the Council.

Our experience however is that this is not happening; promoters are submitting plans to the 'full' application virtually unchanged from the ones produced for the PAN. Our suggestions are sometimes barely mentioned in their Reports on the PAN, and if they are mentioned, they are played down. Yet we know that in some cases, the changes were supported by significant numbers of people who attended the exhibitions.

One way the Decision-making Process could help here would be *to ask developers to provide a list of changes they have made to the plans as a result of the consultations*. This would signal to the developers that changes are expected; and would make it easier to identify what changes have been made, without having to scrutinise the plans in full for a second time (this is a time-consuming job for consultees).

By way of illustration we could point to a number of applications currently in the system. One is the proposed supermarket at Inglis Green, where the cycling organisations seek a footbridge over the adjacent Water of Leith. There are no land ownership issues, since the land on the opposite bank is Council-owned, and the Transport Department support the idea. We know that a significant number of consultees at the public exhibition expressed an interest – indeed, the agents said they had been surprised at the response. But in the subsequent Report, the developers gave it the briefest of mentions, and then offered some very weak arguments for refusal.

Here then is an outstanding case of where a significant infrastructure improvement could be gained at the developers' expense, the gain to them being that they are offering sustainable travel modes to their site. So now it's up to the Planning Development Committee to ensure that the bridge becomes a condition of approval. From past experience, this would not happen. What changes can be made to the Decision-making Process to ensure that opportunities like this are not lost?

In some cases, requests for interventions beyond the limits of the site will entail land ownership issues, as in the Brunstane rail bridge example above (Network Rail), but we feel it should not be impossible even in such cases for developers to undertake negotiations for the wider public interest. In many, if not most cases, land ownership is not an issue since there is normally an existing path or route, on Council-owned land, and

what we seek by way of gain is an upgrade of an existing route.

Action: Developers required, for Full Application, to list changes they have made to Plans as a result of the PAN – and to give reasons for suggestions they are not taking up.

4 Committee Hearings:

We welcome the changes to the Process which have enabled third parties to address the Committee with a short presentation outlining their objection. Our experience of this procedure suggests there are opportunities for improvements.

To illustrate: the proposed transport interchange and rail station at Gogar, which includes a new pedestrian/cycle underpass under the adjacent A8. The A8 corridor is as important for cyclists as it is for vehicles, and a crossing at this point is a vital link because the cycle routes towards the east (the city) lie on the south side of this road, while the link to the west (airport) lies on the north side.

The cycling organisations sought three changes to the promoter's (Network Rail) plans: that the underpass be open 24/7; that cyclists not have to dismount; and, most important, that a direct link from the north end of the underpass to the east-west cycle path above should be built, to avoid a lengthy and unnecessary detour into the station.

The members of the Committee asked many questions, and the discussion continued well beyond the allotted 10 minutes. Most Councillors were clearly sympathetic to the main aims. Cllr A then proposed an amendment incorporating all three of our requests, while Cllr B proposed a counter-amendment which would include the path link and no dismounting but not the 24/7 opening, over which there were security concerns. Both amendments were formulated 'on the hoof' and at a moment when Cllrs probably felt enough time had already been given to this one issue. As a result Cllr B's amendment, which was carried, was loosely worded, and the promoters subsequently had no difficulty in evading its intent, meaning that we lost the opportunity for a major infrastructure gain at no expense to the Council.

There are two possible 'lessons' from this debacle; one is that objectors might be advised beforehand to have an amendment or amendments ready prepared, which could be offered to the Committee at the time, or beforehand; the second involves the Development Management Sub-Cttee which hears the revised submissions at a later date than the hearing. At present objectors are not allowed any input into this Sub-Cttee, even to clarify such things as poorly-worded amendments. We feel the interests of democracy would be served if that constraint were modified in some way, to permit at least limited access to their deliberations.

Action: advice to objectors before a presentation should mention possible formulation of amendments; objectors allowed limited access to Sub-Cttee which ratifies the decisions.

5 Status of Voluntary Groups, and need for collaboration within Council Depts:

The status of voluntary groups in the planning decision process is currently not well defined and could be clarified. On the one hand we (cycling organisations) are not Community Councils, nor are we statutory consultees. We are not localised to one part of

the city but have an interest in major developments in any and all areas. In practice this means that we cannot always realistically seek the help or support of Ward Members, as other local objectors can, since these Members may be unfamiliar with, or have no interest in, cycling issues. Ideally, we would like to be treated as statutory consultees.

A related issue is the status of cycling. Traditionally regarded as a leisure pursuit, it is now accepted, by progressive Local Authorities at least, as a mode of transport with contributions to make to sustainability, health, and congestion. The Council has 'Transport' and 'Planning' as separate sub-Departments, however, and decisions made by the latter are of vital importance to us. The Gogar Station case, above, is an example – here, Transport made exactly the same representations as Spokes and CTC. Yet when it came to Planning, these were ignored. We would welcome changes which would bring the two sub-Departments into closer collaboration, particularly on cycling issues.

We also wonder whether the Health Department should have a major input into planning issues where cycling facilities are involved. Obesity is now a major health concern, the costs of which could end up overwhelming the Health Services, according to some. Cycling has a significant role to play here if it can reduce the impact of sedentary lifestyles.

Action: closer collaboration between the sub-Departments of Transport and Planning to ensure opportunities are not lost.

6 Comments on specific issues in the Document:

3.3, third bullet – Increasing councillor knowledge and awareness:

We welcome this, and we agree that current training programmes are extensive. “The programme gives opportunity [for members] to discuss current issues with a wide range of stakeholders ...” The cycling organisations would welcome the opportunity to become one of those stakeholders, so as to be included in the process. We would be happy to be involved in the training, for example by running short workshops or giving a presentation.

3.4, last bullet – Managing cttee meetings more consistently – to focus attention on achieving good planning outcomes.

The Gogar Station example above, and the suggestions we made for changes, are relevant here -ie formulate amendments before the hearing; allow representation to the subsequent sub-Cttee.

3.7, fourth bullet – pre-application reports.

We suggested, above, that developers for major projects should be required to indicate, in summary, what changes they have made to the plans between the PAN and the 'full' application, partly to show that the Council considers it important that changes should be made following a public consultation, and also to simplify the identification of the changes among the complexity of all the plans. They should also be required to state which suggestions were rejected, and why.

3.12 Hearings:

We welcome the changes which have allowed groups such as ourselves a time of 10 minutes to make presentations.

3.15 para c) “if ... the Council has substantial financial or land ownership interests in the proposals ...”

In the case of Newcraighall North (a recent application), the land is owned by EDI, which

we understand is a Council subsidiary. The wording might thus be amended to include "or its subsidiary". EDI's proposals for Newcraighall North directly contravene some of the Council's own transport policies, such as TRA 13.

3.17, 3.18 and ff: Site visits. The cycling organisations would welcome the opportunity to participate in site visits where major schemes are involved and where we have lodged objections. This is particularly important where planning gain might be achieved (for access) beyond the boundaries of the development, as pointed out earlier. The developers might well "not want to know" about these, and might therefore take care not to point them out on a site visit.

3.21 Ward Members and their chance to speak at hearings: as mentioned earlier, the interests of the cycling organisations in any scheme are not normally suited to being 'attached' to any particular ward member, but rather relate to the city as a whole. We would welcome the opportunity to be treated as the equivalent of a Ward Member in relation to meetings of the Sub-Cttee which deals with Returning Applications; cf the Gogar Station example mentioned earlier.

Thank you for the opportunity to comment on this Document.

Peter Hawkins
on behalf of:
CTC Lothians
Spokes

CTC is the national cyclists' organisation. The Lothians Member Group has about 1100 members.

Spokes is the Lothians Cycle Campaign, with over 1000 members.

Both promote cycling as a mode of transport, especially in towns and cities, for utility purposes such as travel to work, schools, shops etc.

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