

Procedure Note – Processing Applications

Managing Representations

INTRODUCTION

Representations come in from a variety of sources and can be difficult to manage. The main sources of representations are online comments but we also have emails and letters. It is appreciated that this is a time-consuming task but it is important that these representations are managed correctly and all are recorded.

Why is this so important?

Section 38(1) of the Town and Country Planning (Scot) Act 1997 states that the planning authority shall take into account any representations within the prescribed period in determining the application. A missed representation could therefore have legal consequences.

If comments are not recorded properly, we will be unable to send notifications of decisions and appeals, a statutory requirement

Redaction and Data Protection

- All email addresses, phone numbers and signatures need to be redacted (hidden) from public view.
- There is no need to redact business emails or officer signatures.
- Car registration numbers and any other personal information such as medical conditions should also be redacted.
- All representations should have a name and address. This information is not data protected. Representations are part of the background papers to the planning application and our publication scheme allows the publication of these details online. This has been agreed with the Information Commissioner as it is important to know the location of the objector in relation to the application site.
- Support staff will ensure redaction of most documents but do not attach email comments directly into IDOX if the email address is visible. Please also be aware of email trails where sensitive data may appear further down the email trail.

General Principles

- All representations should be in both **IDOX and Uniform**. The numbers should match up. Check this before the case leaves you.
- Watch out for **community council consultation comments** which are not representations but are recorded under contributors so we can inform them of the decision. See the special codes below. However, note that community councils can also make comments without being a statutory consultee.
- Representations cannot be treated as confidential. However, if an objector is particularly adamant that they do not want it viewed on the portal then make it sensitive – there is no point having an argument over this
- **Anonymous** comments are not accepted.
- Comments that discriminate on the grounds of age, disability, gender, race, religion or sexual orientation will not be accepted. The writer should be asked to amend their comments or it will be withdrawn.
- **Late representations** cannot normally be taken into account but still need to be coded as REPLTT and put into uniform and IDOX. If they raise new material considerations, you will have to consider these in your assessment.
- If you get a request for more time to comment, try to accommodate this if there is a good reason given.
- If you are asked factual questions as part of the representation, you should respond quickly to these to ensure all information is available to the enquirer.
- Extra time must be added for **public holidays**. Enquirers should be advised of this.
- Whilst we should not get into extended dialogue with objectors, we should offer polite constructive advice if asked. However, if the objector tries to continue the conversation to seek to influence the decision refer them to the Planning Customer Service Charter and decline to respond.
- Cases with **petitions** should be handled in line with the Scheme of Delegation.

PROCESSING COMMENTS

Online Comments

Online comments are submitted on the Planning Portal. Comments can only be made before the overall expiry date for comments – the portal closes after that.

Electronically, the process is as follows

- Comment submitted by neighbour or other
- Sender gets a copy of their comment if they have ticked this box and completed their email address.

- The comment and the name and address of the sender are populated into uniform and can be viewed in the contributor tab
- 2 copies of the comment appear in IDOX, one with name and address, one without. No personal details such as the email address of the sender are included in the headers
- the case officer gets email notification that a comment has been submitted
- Case officer assesses the representation.
- If the comments includes personal information in the body of the text, such as personal email addresses or phone numbers or health details, the case officer must contact Transactions 2 (planning.support@edinburgh.gov.uk) to get the data protected information redacted.
- There is no need to get online comments acknowledged
- If you need to open the portal to give a longer period for comments, do this in the dates screen on the decision tab in uniform. Change the Overall Expiry Date to the new date.

Emailed Comments

Sometimes we will receive emailed comments and these have to be handled properly. These cannot be checked into IDOX as they will usually have personal email addresses which need to be redacted. These are processed as follows:

- Forward the email to Transactions 2 at planning.support@edinburgh.gov.uk for processing. You need to advise them of the coding to be used for uniform. See Appendix 1.
- The details are entered into uniform and an acknowledgement is sent
- Transactions 2 will also put a redacted copy of the email into IDOX.
- You may wish to keep your own copy of the email in case there is a time delay in processing

Paper Comments

(During the Coronavirus period, letters are being scanned centrally and sent to the case officer by email – the email process should therefore be used for paper reps)

Process for when in office

- Read the representation and code it using the codes in Appendix 1. Attach a scanning slip with the details completed making it clear it has to go into uniform and IDOX. Put the letter in a brown folder and place it in the in-tray for reps in G2

- Support staff will pick up the reps from the in-tray and process them
- It is advisable to take a copy of the paper rep in case it is not processed quickly

Petitions

Petitions of objections or support may be submitted and it is important that they are properly recorded. Petitions should have the name of the petition co-ordinator clearly on it (see our guidance note on [Commenting on Planning Proposals and Applications on the Council website](#)). This is the person to whom the acknowledgement should be sent. If there is no co-ordinator's name, you will have to use the first person on the list. As there is no longer a contributor type PETIT, use NEIGHRES.

As petitions have personal signatures on them they cannot be made publicly available on the portal and should therefore be coded under document type **other**.

Refer to the scheme of delegation to decide if cases with petitions need to go to committee.

MAKING COMMENTS PUBLIC

Currently comments on Committee items are made public 3 working days before the Committee date.

Comments on delegated items are not made public. However, they can be made public for a short period on request.

Further information for third parties regarding representations and how we handle them can be found online in our [Privacy Notice](#) or in our guidelines on [How to Comment on Planning Applications](#)

APPENDIX 1

Letter Type

REPLET - standard letter response
REPLTT - late letter
REPLTI - invalid application
REPPNR – likely PNR
REPCCC – community council representation

Contributor Type

AMENBO – amenity body
COMMC – community council
MEMPAR – Member of Parliament

MSP – member of Scottish parliament
NEICOM – neighbour commercial
NEIRES – neighbour residential
NEIGH – neighbour
OTHER – other
WCOUNCIL – councillor
PUBLIC – member of public
RESASS – residents' association

Comment Type

O- Object
R - Comment
S – Support
Null for community council consultations

Scheme Number

S1

S2 etc

It is important that this is entered on representations on subsequent schemes to avoid duplication in uniform. Support staff will check for any original entries and add a new representation date beside that field.