

# **Assembly site almost ready for the Fringe – but what about the planning permission?**

**The Cockburn Association has raised a red flag about the tent in George Square which has gone up over the last week or so, apparently in preparation for Fringe events.**

Terry Levinthal of Cockburn said: “I had a look at George Square on Friday and the big tent is already erected and much of the groundwork is begun. It certainly looks as though it will be complete by Friday when the consultation period ends, but no planning permission will yet be in place.

“We were aware of the planning application by Assembly Festival. The context of this is that when the planning committee met recently they considered the request from the government to relax the planning restrictions during the pandemic. The planning officer said then that many sites did not have the necessary consents in place in previous years. We lodged an FOI with the council which has not yet been answered, asking which sites were being referred to, but we do already know that the sites at Teviot and George Square are included in the list.

“The University owns half of the Fringe venues. They sought advice on the impact of soil compaction on the trees in George Square from an expert, but they do not appear to be following

that advice. Planning policy makes it clear that this impact is not acceptable.

“On the other hand the Fringe have applied for permission for the site at the Castle Terrace Car Park which in our view is a more suitable site.”

The Edinburgh Food Festival is due to begin in George Square on Friday 23 July 2021 and is billed to run for a week.

A spokesman for Assembly said: “Assembly Festival is working closely with The City of Edinburgh Council as it does every year, to allow its George Square Garden festival set up from 22 July. There is an active planning permission application to extend the default 28-day period to 40 days to allow the location in George Square to host the Edinburgh Food Festival and then to be used as part of the Edinburgh Festival Fringe.”

## **The Edinburgh Reporter asked the council for comment.**

A spokesperson said: “George Square required a planning application as it is in use for more than 28 days and in addition there is a construction and deconstruction period. It is intended to report the application to the Council’s Development Management Sub-Committee on 4 August 2021 so planning permission will not be granted before the Edinburgh Food Festival opens on Friday.”

We asked if the council will be taking any kind of enforcement action in relation to the works already carried out in George Square. The spokesperson replied: “We have not received any enquiries to date regarding the works at George Square. If we do receive an enquiry, it would be investigated in the normal way to establish the extent of any potential harm to the area and its residents but, as there is a live planning

application, a decision on any enforcement action would normally be held in abeyance pending the outcome of the application.”

<https://twitter.com/AssemblyFest/status/1415021479658463232?s=20>

## **GOVERNMENT RECOMMENDATION ON RELAXATION OF THE RULES**

The City of Edinburgh Council’s Planning Committee considered what the procedure for summer festival structures might be this year at their May meeting. This followed a [letter](#) from The Scottish Government’s Chief Planning Officer to all councils which encouraged planning authorities to be more relaxed about planning control, meaning that they could react to the pandemic by simply by not taking enforcement action in a range of circumstances. The government felt that this would help businesses and services diversify and operate during the “current difficult circumstances”.

Councillors agreed to the temporary relaxation of restrictions with notification to ward councillors in respect of any planning application for temporary structures related to the festival.

Planning Convener, Cllr Neil Gardiner, said he hoped that there was enough certainty from the Planning Committee to allow festival events to proceed this year following a year of lockdown.

In practical terms The City of Edinburgh Council Chief Planning Officer, David Givan, pointed out to councillors that the window within which any formal applications had to be lodged had already closed by 19 May when the committee met. He also explained that there were circumstances where permission would not be needed.

The Chief Planning Officer presented a report to councillors explaining that it was difficult for festival organisers to decide what they would be able to do this summer, owing to the changing nature of the Covid-19 restrictions. Formal requirements to have planning applications and permissions in place could mean that core elements of the summer festivals would be stopped – for example the Edinburgh International Festival.

The planning committee was asked to approve a more relaxed stance towards sites where land or property had already been used for such events in previous years, considering the size of the installation (if it is less than 3,500 square metres), the time any public green space would be used for (as long as it did not exceed 28 days) and also the impact on neighbouring amenity.

Mr Givan explained in the report that the impact of the festivals in 2018 to the local economy was £280 million. The report stated: “The festivals’ audiences support thousands of local businesses, including accommodation, transport, food and drink, as well as other visitor attractions and activities, and many of these have been reliant on the income associated with the festivals.”

Planning enforcement is discretionary and it is open to the local council to make exceptions having regard to material consideration – one of which is the coronavirus emergency.

Mr Givan outlined where the exceptions lie: “Where we would seek planning permission would be occasions when the permission would be for more than 28 days in connection with an existing business. The 28 days relates to the period of use and not the construction and demolition at either end.”

He also explained in detail that this year is exceptional but in future years officers in Events and Public Safety teams will be asked to recommend to production companies involved

where they should make necessary planning applications.

Cllr Max Mitchell asked about locations which are used this year for the first time, wondering if this would set a precedent in future years, but was told that it would only be for those sites used in previous years.

The Chief Planning Officer said the council was aware of sites where no planning permission had been obtained on previous occasions. Cllr Mary Campbell asked about those events where planning permission had not been properly obtained (clearly having in mind the structures that Underbelly put in place for Edinburgh's Christmas in Princes Street Gardens).

Mr Given replied: "We are not going to go back over history and try to resolve things. All we can do is look to the future and if we are aware that something which has happened in previous years would need planning permission then we will ask for that."

Separately, most pubs and restaurants in Edinburgh will once again have extended opening hours during the festival this summer.

Edinburgh's Licensing Board agreed to allow each on-sale licensed establishment with a seasonal variation in their licence to extend their normal opening times for an additional two hours, if public health guidance allows.

The dates for this year are 6-30 August 2021 to tie in with the Festival Fringe and the Edinburgh International Festival (7-29 August).



Edinburgh Food Festival in George Square Garden in 2018