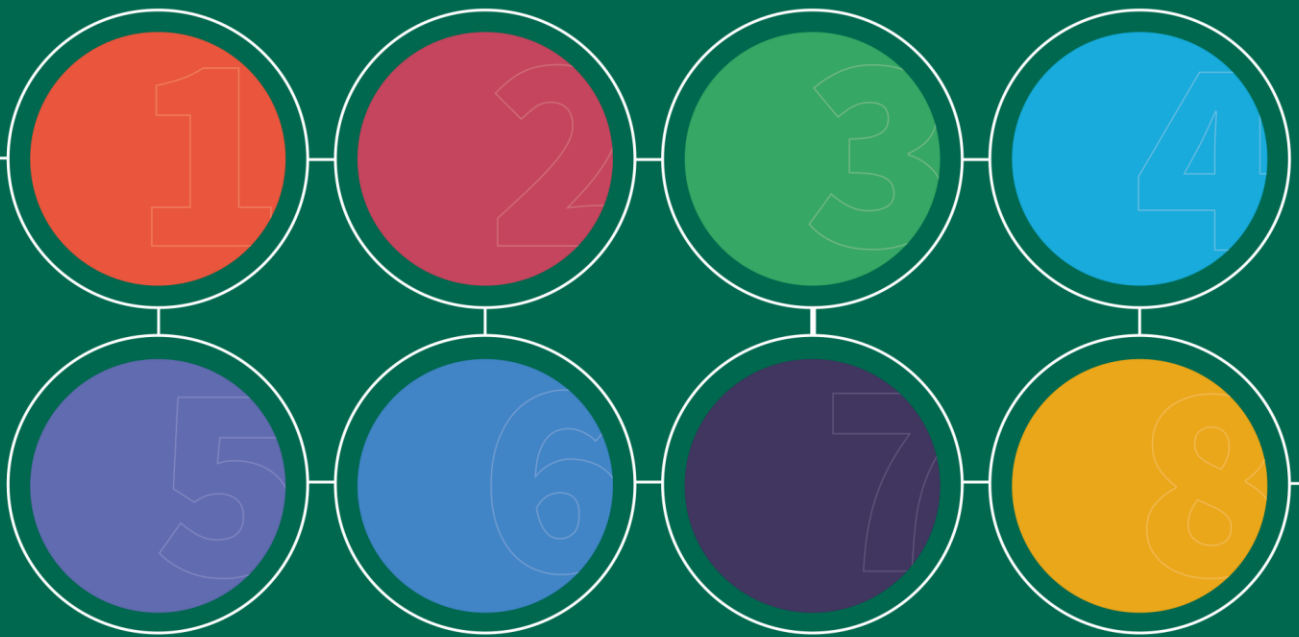


# Planning Performance Framework

# 9



## Annual Report 2019/20

transforming  
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West Lothian  
Council

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## Foreword

**Welcome to West Lothian Council's ninth Planning Performance Framework Report.**

The council's Planning Service strives to provide an excellent service to local residents and investors in West Lothian, in a time of increasing financial pressures on the council. The central focus over this past year has been to consolidate past improvements and to continue to utilise the full benefits of technology to provide a service which is interactive, customer focused and agile, responding to the needs of our customers.

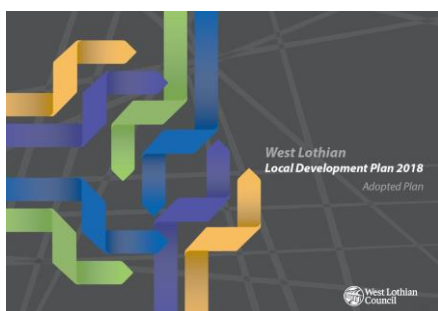
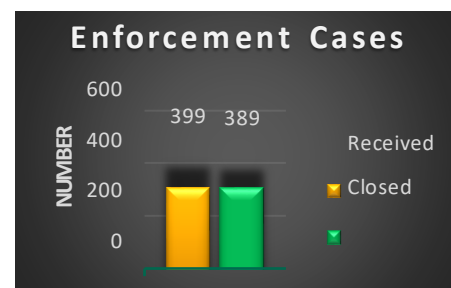


## 2019/2020 Overview



West Lothian Council achieved a **Scottish Award for Quality in Planning** for **West Lothian Partnership Centres**, in recognition of our delivery of a vision which they had stuck to in order to create more efficient use of resources for communities

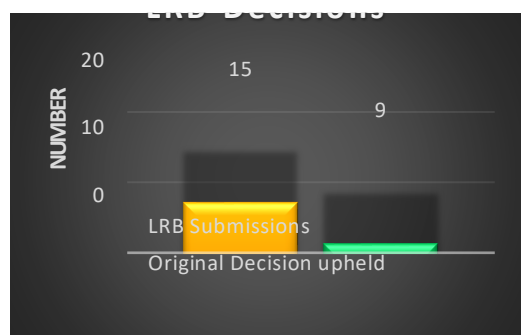
The enforcement team dealt with 399 enforcement enquiries and closed 389 during the year.



Adopted 5 Statutory Guidance Documents with a further 8 drafted and awaiting Council Executive Approval prior to sending to Scottish Government.

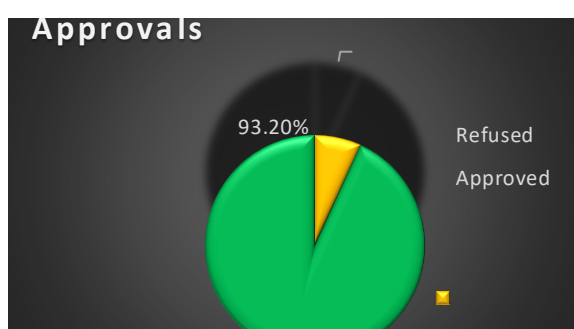
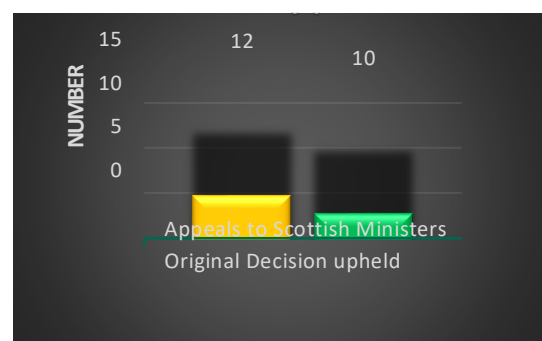
Adopted 2 Planning Guidance Documents with a further 7 drafted and awaiting Council Executive Approval.

West Lothian Council achieved a **Scottish Award for Quality in Planning** for **Unlocking Key Development Sites – An Innovative Approach to Delivering Infrastructure**, in recognition a true partnership in the style of 'put your money where your mouth is' whereby there was an innovative financial approach to getting the delivery of a major housing expansion scheme



There were 15 Local Review Body (LRB) submissions made of which 9 were upheld in favour of the original decision.

There were 12 appeals to Scottish Ministers made of which 10 were upheld in favour of the original decision.



Determined 879 planning applications with a 93.2% approval rate.

# Part 1: Qualitative Narrative and Case Studies

The council's ninth Planning Performance Framework (PPF) reflects on the progress and performance of the service over the financial year 2019/20. It responds to the issues identified in PPF8 and the performance markers report from the Scottish Government and looks ahead to the potential for improvement over the next year and addressing the inevitable challenges, particularly in the wake of the 2020 Covid-19 pandemic and the impacts this has had in West Lothian.

## 1.1 Quality of Outcomes

Throughout the past year Planning Services has retained a strong commitment to providing a high-quality service, against a background of financial constraints and particularly latterly in the fast-changing working practices allied to the COVID-19 pandemic.

During the year the service was awarded two Scottish Award for Quality in Planning in 2019:

- [West Lothian Partnership Centres](#) and
- [Unlocking Key Development Sites – An Innovative Approach to Delivering Infrastructure](#).

These awards, both in the partnership category, reflected the commitment and work carried out over the previous years and can be demonstrated in the judges' comments for both categories.

### West Lothian Partnership Centres

*"It illustrated the delivery of a vision which they had stuck to in order to create more efficient use of resources for communities – whether this involved the restoration of old buildings or the building of new ones. Careful consideration was also always given to accommodating specific needs within communities. This tailored approach to communities and places was welcomed by the Judges."*

### Unlocking Key Development Sites – An Innovative Approach to Delivering Infrastructure

*"this was a true partnership in the style of 'put your money where your mouth is' whereby there was an innovative financial approach to getting the delivery of a major housing expansion scheme. There was no doubt that the 'unlocking' not only had an impact but was also delivering."*

## Planning Performance Framework 2019/20

The ongoing Winchburgh and East Calder core development areas have seen the approval, and initial site work commence, on an investment in excess of £70 million by West Lothian Council, in conjunction with Hub South East Scotland, which consists of two 3 storey secondary schools, a 2-storey primary school and a combined sports facility in Winchburgh and a 2-storey primary school in East Calder. Case Study 4 highlights the benefits of engagement with the community in delivering such a high-profile development and the positive outcomes for service delivery; the on-site development itself and the community empowerment that this engenders.

The council was also shortlisted in the “Plans” category for its Planning Guidance on Air Quality in the Scottish Award for Quality in Planning in 2019.

### Local Development Plan

The council formally adopted the West Lothian Local Development Plan (LDP) on 4 September 2018.

The Local Development Plan sets out a local interpretation of the requirements of national and strategic policy. In particular, it conforms to the approved Strategic Development Plan (SDP 1) which was prepared by the strategic development planning authority (SESplan) and was approved (with modifications) by Scottish Ministers on the 27 June 2013. Supplementary Guidance to identify the individual housing requirements for Local Development Plan areas was also prepared by SESplan and was similarly approved by Scottish Ministers and formally adopted on 28 October 2014 as part of the development plan.

The LDP comprises a written statement and a proposals map. The written statement provides the general policy context against which planning applications for new development proposals will be assessed. This is supported by the proposals map which shows the range of development opportunities and constraints within the area.

Adoption of the LDP, while a significant milestone and an achievement in its own right, does not however mark the end of the development planning process.

### Local Development Plan Action Programme

The LDP Action Programme is an important document marking the transition from the plan making stage to the delivery stage and focusing on the specific infrastructure required to facilitate the implementation of the West Lothian Local Development Plan.

The Planning etc. (Scotland) Act 2006 requires a Local Planning Authority to publish an Action Programme to accompany its LDP which sets out how the local authority proposes to implement the plan to which it relates. The

## Planning Performance Framework 2019/20

Action Programme must contain a list of actions required to deliver each of the plan's policies and proposals; identify the appropriate parties that are required to carry out the action(s); and provide an indicative timescale for completing these actions. In preparing the Action Programme the council is required to consult and consider the views of the key agencies and those parties specified by name in the document.

The first Action Programme was published and submitted to Scottish Ministers in February 2019 and there is an ongoing obligation on the council to review and update the Action Programme annually and for the lifetime of the LDP.

The Second Action Programme is currently being drafted, although at the time of writing it has yet to be reported to the Council Executive for consideration and sign off.

Items identified in the LDP Action Programme essentially fall into four main topic areas: education, transportation, green infrastructure and community services. The current status of projects has been identified and some twenty-five actions have already been completed.

West Lothian is one of the fastest growing areas in Scotland and development continues apace in the Core Development Areas with areas such as Winchburgh, East Calder and Mossend contributing significantly to the supply of new housing. During the period 1 April 2019 to 31 March 2020, there were in excess of 1,100 new house completions, a figure which is broadly comparable to what was being achieved prior to the 2008 economic downturn. Of these, more than one third were categorised as 'affordable housing'.

A number of high-profile development proposals have been successfully delivered, for example a new High School in West Calder. The council has also agreed to invest almost £60m in two new secondary schools and a new primary school in Winchburgh, one of the largest investments in education anywhere in Scotland.

### **Development Plan Scheme**

Having successfully secured the adoption of the first West Lothian Local Development Plan, consideration is now turning to the successor plan.

The Planning etc. (Scotland) Act 2006 requires the publication of an annual Development Plan Scheme (DPS). The DPS sets out the programme for preparing and reviewing the Local Development Plan and explains what is involved at each of the key stages. It creates an awareness of the LDP preparation process and how and when people can engage with the process.

## Planning Performance Framework 2019/20

The most recent scheme is Development Plan Scheme No.12 (DPS No.12) which was published in February 2020 and has been submitted to Scottish Ministers for information. It anticipates that LDP 2 will replace the current West Lothian Local Development Plan (LDP 1) and it sets out a provisional timetable for doing this.

<b>Early 2022</b>	<b>Publication of Draft LDP 2 Monitoring Report and Strategic Environmental Assessment (SEA).</b>
<b>Winter 2022/2023</b>	<b>Publication of Proposed Plan including Environmental Report and Action Programme.</b>
<b>Spring 2023</b>	<b>Submission of Proposed LDP, representations and a summary of unresolved issues submitted to the DPEA for examination.</b>
<b>Winter 2023</b>	<b>Examination Report</b>
<b>Spring 2024</b>	<b>Anticipated Adoption of Plan</b>

It is a requirement that the LDP must be in compliance with the approved Strategic Development Plan and, in time, National Planning Framework 4 (NPF 4) and to have regard to the Regional Spatial Strategy for the plan area. The timetable for producing the West Lothian LDP 2 is set out in Figure 2 of the DPS but may be subject to further change given the confirmed delay to NPF 4 and other secondary legislation as a consequence of the Covid 19 emergency.



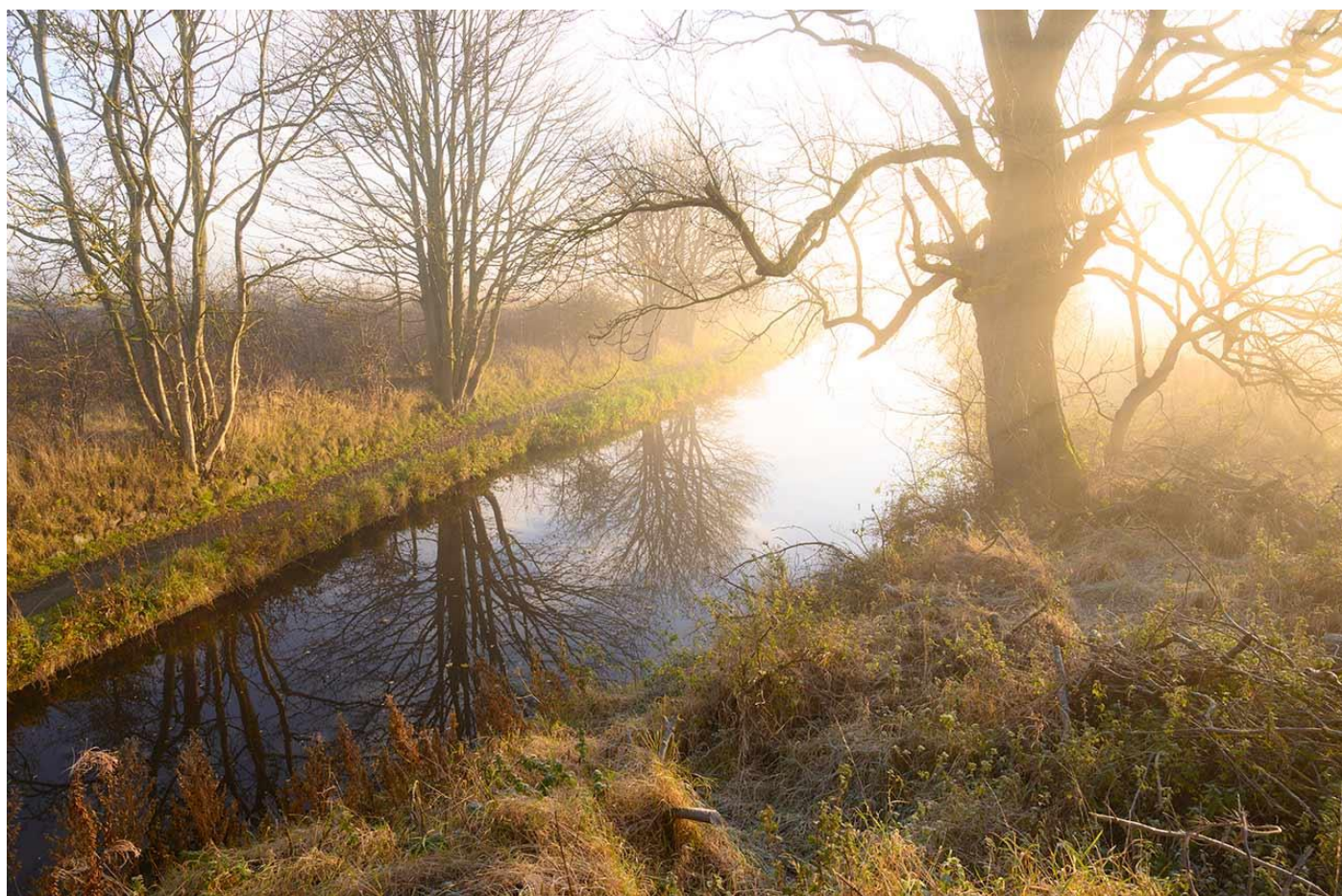
## Case Study 1 - The Shale Trail

<b>Case Study Title</b>
The Shale Trail
<b>Location and Dates</b>
West Calder to Winchburgh via Livingston & Broxburn
<b>Element of a High-Quality Planning Service this study relates to:</b>
<ul style="list-style-type: none"> <li>• Quality of outcomes</li> <li>• Quality of service and engagement</li> </ul>
<b>Key Markers:</b>
12
<b>Key Areas of Work:</b>
<ul style="list-style-type: none"> <li>• Environment</li> <li>• Active Travel</li> </ul>
<b>Stakeholders Involved:</b>
<ul style="list-style-type: none"> <li>• Almond Valley Heritage Trust</li> <li>• Community Development Trusts (West Calder, Winchburgh and Broxburn)</li> </ul>
<b>Overview:</b>
<p>£310,000 (i.e. £100k from Heritage Lottery Fund and £200k from LEADER, which is a European rural development fund, part of the EU Common Agricultural Policy (CAP), and delivered in Scotland through the Scottish Rural Development Programme (SRDP) with a further £10k from WLC as grants leverage), was secured to develop a 16-mile walking and cycling Shale Trail across West Lothian from West Calder to Winchburgh, via Livingston (Almond Valley Heritage Centre which included the Scottish Oil Shale Museum) and Broxburn (using the Union Canal) and is due to launch in Autumn 2020 after the involvement of three Community Development Trusts and local schools.</p>
<b>Goals:</b>
<ul style="list-style-type: none"> <li>• Successful launch of the Shale Trail that utilises existing rights of way and core paths which pass sites that could tell the story of oil shale in West Lothian and involvement of the local community via their Community Development Trusts as well as local schools.</li> <li>• Legacy of the project to involve annual meeting of interested parties, chaired by Planning Services and consider a Phase 2 extension of the Shale Trail to Tarbrax in South Lanarkshire.</li> </ul>
<b>Outcomes:</b>
<ul style="list-style-type: none"> <li>• The Shale Trail route is on schedule to open in Autumn 2020, despite the Covid 19 shutdown delays and restrictions on contractors.</li> <li>• Creation of website and associated heritage material to allow further interpretation and information on oil shale as it relates to numerous sites and areas along the Shale Trail route.</li> </ul>

- The “Greening the Shale Trail” report has assessed the environmental opportunities for c100 actions, 500m on either side of the 16 miles route on public land between West Calder & Winchburgh. Subject to external grant funding, this will allow for community volunteer activity.

Name of Key Officer
Chris Alcorn

Lothian & Fife Green Network Partnership (L&FGNP), of which West Lothian Council is a member, secured £310,000 (i.e.; £100k from Heritage Lottery Fund and £200k from LEADER, with £10k from WLC as grants leverage), in spring 2019 to develop a 16-mile walking and cycling Shale Trail across West Lothian from West Calder to Winchburgh, via Livingston (Almond Valley Heritage Centre that included the Scottish Oil Shale Museum) and Broxburn (using the Union Canal).



**Shale Trail – Winchburgh Canal**

As L&FGNP went into abeyance shortly afterwards due to funding issues, Edinburgh & Lothians Greenspace Trust (E&LGT) stepped in and hosted a Shale Trail Project Manager for 18 months to deliver the scheme and specify and oversee a contract to undertake path improvements along the rights of way and core paths that form the route.



## Planning Performance Framework 2019/20

Heritage consultants were also appointed to develop an associated Shale Trail web site with a major focus on children, involving 150 school pupils from five primary schools along the route over a seven-month period.

One open meeting was held with the public in October 2019 to explore themes and content for the web site, as well as the style and form of the Shale Trail logo that was to be used in way-marking of the route.



**Shale Trail – Five Sisters**



**Shale Trail – Almond Pools**

## Planning Performance Framework 2019/20

Planning Services (Development Planning & Environment Team - DP&E), have been a key member of the Shale Trail Steering Group providing guidance on physical planning and other issues and contacts along the route, including setting up meetings with WLC Transportation and Street Lighting colleagues on road safety and signage issues.

DP&E also provided the brief for the related “Greening the Shale Trail” consultants study (undertaken by Mark Hamilton Landscape Studies), completed in March 2020. This identified and costed c100 environmental actions straddling the route that could be carried out by either contractors, or volunteers from surrounding communities. The budget for these works will be raised from external grant funding sources and WLC Countryside Services will organise the volunteer activity.

The Shale Trail Project has brought together various resources to create an active travel route across West Lothian that can be undertaken in one day, or as a series of shorter loops. Alongside the waymarked and physically improved route, is a large interactive website with a vast array of further heritage subjects related to the unique story of Oil Shale in West Lothian which allows for this geodiversity issue to be explored in greater detail.

## Case Study 2 - Kirk Lane Housing Development

<b>Case Study Title:</b>
Kirk Lane Housing Development
<b>Location and Dates:</b>
Livingston Village, 2018-2019
<b>Elements of a High-Quality Planning Service this study relates to:</b>
<ul style="list-style-type: none"> <li>• Quality of outcomes</li> <li>• Quality of service and engagement</li> </ul>
<b>Key Markers:</b>
3, 6, 14 & 15
<b>Key Areas of Work:</b>
<ul style="list-style-type: none"> <li>• Placemaking</li> <li>• Community Engagement</li> </ul>
<b>Stakeholders Involved:</b>
<ul style="list-style-type: none"> <li>• Community Council</li> <li>• Authority Planning Staff</li> </ul>
<b>Overview:</b>
<p>The former Kirkton Business Centre had become derelict and was subsequently demolished leaving a vacant site.</p> <p>The redevelopment of the site had stalled with an application minded to grant but undetermined with a legal agreement remaining unsigned.</p> <p>A new application resulted in the successful redevelopment of the site with input from Planning Services and the local community resulting in a good design and placemaking outcome.</p>
<b>Goals:</b>
To regenerate the site, bring it back into an appropriate use for the area; get the design of the development to link to the adjacent conservation area and to feed into the council's housing land supply targets.
<b>Outcomes:</b>
The site is still under construction; when completed it will make an attractive and pleasing residential community, benefiting the area as a whole by redeveloping a derelict site adjacent to a conservation area. The council also benefited from the payment of developer contributions towards education, cemeteries, as well as on-site provision of affordable housing.
<b>Name of key officer</b>



Matthew Watson

The Kirk Lane site is brownfield site having been the site of the former Kirkton Business Centre and is adjacent the Livingston Village Conservation Area. The site extends to 1.5 ha in area. A nursing home that adjoins the conservation area had been granted planning permission immediately south of the site.

The redevelopment of the site had stalled as an application for planning permission in principle for an indicative 29 house development, which was submitted in April 2013, was minded to grant but remained undetermined.

Persimmon Homes made a full planning application in March 2018 for 40 houses. During the period for comments on the application, Livingston Village Community Council objected to the planning application. Their objection centred on the considerable difference in density between the minded to grant application and the Persimmon application.

At this point, officers discussed with the points raised with Persimmon and asked that they attend a meeting with the Chair of the community council, which was agreed.

At the meeting, in addition to points made about density, the community council also raised concern over the lack of variety in the pallet of materials proposed. All of the house types were proposed to be finished in red brick. The meeting allowed for a discussion around density where it was highlighted the minded to grant scheme was for housing at a very low density. Council officers were able to explain that our aim is to make best use of urban land and that the density proposed was slightly higher than a typical suburban development, but was not hugely dense for a brownfield site in an urban area. Discussion around materials led Persimmon to suggest they could use a variety of bricks through the site and also use render and reconstituted stone. The council added that the use of render and reconstituted stone would work well at the south of the site, as the consented nursing home is proposed to be finished with natural stone.

A further meeting was organised for Persimmon to present revised plans to the council and the community council. The revisions included the use of render and reconstituted stone at the south of the site and three different colours of brick across the rest of the site. Council officers and the community council agreed the revisions resulted in a better design for the development that was more visually interesting. It was agreed that these revisions should be put forward as the finalised designs for the house types.

The revisions allowed the community council to discuss the application at their meeting and resulted in them dropping their objection to the development. The application could then be determined under delegated powers.

The development is now well underway with over half of the development completed and the affordable housing close to being fully delivered.

## Planning Performance Framework 2019/20

The result of the council's input and joint working with the community council has resulted in the redevelopment of a long-standing brownfield site and a better design and placemaking outcome for a development adjacent to a conservation area.



**Major developments delivered on the ground during 2019/20**

## Planning Performance Framework 2019/20

During 2019/20 the following major developments have been delivered on the ground, establishing West Lothian as a key location and destination for sustainable economic growth within the central belt: -

- Restoration of the former Auldcathie landfill site at Winchburgh ready for redevelopment as a major District Park.
- Completion of the final houses and infrastructure in Winchburgh Phase 1 by Taylor Wimpey and start of Phase 2 delivery of housing by Bellway.
- Completion and handover of final phases of council houses at Kirkhill and the former Vion site in Broxburn and adjacent to Almondvale Stadium in Livingston.
- Completion of ground works for new Lidl and Home Bargains stores in Broxburn.
- Completion by Barratt of 112 houses at the former Buchanan House site in Livingston and 90 houses in the first phase of development at Limefields near Polbeth.
- Completion of 148 houses in the Heartlands strategic development area.
- Completion of 173 houses in the Calderwood Core Development Area (CDA).
- Commencement of the construction of 200 houses by Bellway and Millers at Murieston in Livingston.
- Commencement of the construction of 54 houses by Cala in Linlithgow.
- Commencement of the construction of 130 houses by Bellway at Eliburn.
- Commencement on the construction of 146 affordable flats in Livingston town centre, including 70 flats for social rent and 45 elderly amenity flats.
- Commencement of the operation of the Phase 1 thermal treatment plant at Levensat Waste Management Site with Phase 2 obtaining planning permission during 2019. The Levensat Waste Management Site covers some 17 hectares and includes a 2 million cubic metre non-hazardous landfill and a range of recycling facilities including a waste to energy thermal treatment plant, waste sorting, aggregates washing and grading, block composting, and in-vessel composting. The extension to the overall site capacity, from 400,000 tonnes to 750,000 tonnes was granted in May 2019.



### 1.2 Quality of Service and Engagement:

The Planning Service offers to meet early in the design process with developers through [pre-application discussions](#) to front load the application process and, in some cases, this has helped with a more streamlined process and better quality of outcomes. This paid for [pre-application enquiry](#) service continues to prove popular with applicants as in 2019/20 the service saw a 103.7% increase in requests for the service from 79 to 161 which either sought a meeting or, more often, written advice.

These requests can be submitted either online or by mail and Planning Services will assess the proposal against development plan policies and issues such as privacy, overshadowing and other impacts it might have on neighbours. In addition to an assessment of the proposal against policy, advice is also given on any [developer contributions](#) that may be payable along with what information should be submitted with the application to ensure that it is dealt with as speedily as possible.

If insufficient information is provided to assess the proposal against development plan policies then further information will be requested. Any further information requested will be clear and proportionate in that it will only be requested if required to determine the proposal against development plan policies.

The major benefit of the written advice which is offered through the [pre-application enquiry](#) service is the certainty that is provided to the developer.

For general planning enquires a separate call back duty service is provided by the Planning Service.

This year has seen an increase in the submission of applications for a [Certificate of Lawfulness](#) for proposed development. These are now being submitted by regular agents as a means of obtaining a formal decision notice for their client's proposals, ranging from garage conversions and extensions to changes of use. Agents have recognised the value of this process for all parties which in turn has streamlined the general enquiry service and reduced the number of emails seeking opinions on minor proposals.

[Developer contributions](#) are identified through the Local Development Plan (LDP) policies INF 1 (Infrastructure Provision and Developer Obligations) and CDA 1 (Development in the Previously Identified Core Development Areas). These policies advise that the council will seek contributions ([developer contributions](#)) that are in accordance with Scottish Government Circular 3/2012 'Planning Obligations and Good Neighbour Agreements', as interpreted by emerging case law and amended by subsequent amendments and legislation, to mitigate the development's individual or cumulative impacts upon infrastructure, including cross-boundary impacts.

## Planning Performance Framework 2019/20

The Service continues to promote the use of [processing agreements](#), which are published on the [How is a planning application processed](#) page of the website. These [processing agreements](#) encourage a closer working relationship between the council and the applicant. In 2019/20, seven applications were the subject of processing agreements.

The Service continues to seek to provide new services to the community. A potential service under consideration at the moment is the provision of a 'certificate of completion' for planning applications, which would provide applicants with a formal notice confirming that all conditions attached to a planning consent have been discharged.

Through our Economic Development & Regeneration Service Planning officers, in association with our colleagues in Building Standards, engage with potential and existing inward investors in helping to identify and expand both potential and existing sites. These customer engagements are especially beneficial to SME's who may not have the ready experience or financial resources available as do some larger organisations. Even with this early engagement Planning Services allow the SME's additional time to adjust their proposals as required to meet the constraints of the LDP. It is felt that it is more beneficial to the local economy to work with these organisations longer and gain the necessary approval rather than determine the application early to improve the average time taken to determine a SME application.

## Case Study 3 - Planning Guidance on Air Quality

<b>Case Study Title</b>
Planning Guidance: Air Quality
<b>Location and Dates</b>
West Lothian Civic Centre
<b>Element of a High-Quality Planning Service this study relates to:</b>
<ul style="list-style-type: none"> <li>• Governance</li> <li>• Quality of service and engagement</li> </ul>
<b>Key Markers:</b>
11, 12
<b>Key Areas of Work:</b>
<ul style="list-style-type: none"> <li>• Project Management</li> <li>• Process Improvement</li> </ul>
<b>Stakeholders Involved:</b>
<ul style="list-style-type: none"> <li>• Authority Planning Staff</li> <li>• Other Authority Staff</li> </ul>
<b>Overview:</b>
This guidance is part of a larger programme of statutory supplementary guidance and non-statutory planning guidance that is being rolled out following the adoption of the LDP.
<b>Goals:</b>
The guidance is aimed at informing and guiding developers in support of the policies of the LDP.
<b>Outcomes:</b>
The guidance will provide clear guidelines on the information relating to air quality that will require to be submitted with a planning application i.e. an air quality impact assessment, explain the council's requirements for the methods that should be used when carrying out air quality impact assessments for development management purposes and advise on what type of mitigation measures may be required to reduce or offset air quality impacts.
<b>Name of Key Officer</b>
Margaret Stone

The Scottish Awards for Quality in Planning (SAQP) is one of the Government's most prestigious awards. It celebrates achievements in planning, from the detail of processing to the bigger picture of creating places for our communities to thrive.

Working with colleagues in the Council's Environmental Health Service, the Development Planning team produced Guidance on the subject of Air Quality in support of the West Lothian Local Development Plan and submitted it under the 'plans' category in so far as it demonstrated innovative working in development planning.

The council has a responsibility to ensure that health-based air quality standards are achieved to protect the health of its citizens. It also has a responsibility through the planning system to ensure no new pollution hotspots are created or introduce new human exposure where there could be existing poor air quality.

The Planning Guidance explains how the council will process and assess planning applications which have distinctive air quality issues and it expands on the details of Local Development Plan Policy EMG 4 (Air Quality) in particular. This policy requires developers, where appropriate, to provide information on the impact of their proposals on air quality as an integral element of a planning application. Where air quality is deemed likely to be affected, developers must identify and submit details of potential mitigation measures and make provision for planning obligations to secure these measures.

The Planning Guidance provides developers and their consultants with an understanding of how the council will consider the issue of air quality within the planning process and it explains the circumstances when an air quality impact assessment is likely to be required; what should be included in an air quality impact assessment; and practical suggestions for mitigating air quality impacts.

The Planning Guidance also makes clear that proposals which have been assessed to have an unacceptable impact on air quality will be unlikely to be supported.

The Guidance was the subject of wide-ranging consultation with SEPA, community councils, developers and other parties with a specific interest or concern relative to the subject of air quality. For officers of the council it brought together two separate regulators (Planning and Environmental Health) and for the first time provided a "one-stop shop" for setting out and sharing technical guidance for conducting air quality impact assessments and yielded an air quality impact assessment evaluation checklist.

Air quality has a particular resonance in West Lothian given that three Air Quality Management Areas (AQMAs) have been declared. These are located in Broxburn, Linlithgow and Newton. The council gave a commitment in the West Lothian LDP to prepare planning guidance to help inform and address this complex subject matter and external consultees were engaged to provide technical input to the document.

## Planning Performance Framework 2019/20

West Lothian Council was one of the first planning authorities in Scotland to prepare such guidance and it was approved by the council in December 2018.

The Guidance was submitted for the Scottish Awards for Quality in Planning (SAQP) in May 2019 and was one of 34 entries successfully shortlisted.



## Case Study 4 - Restoration and Realisation on the ground in Winchburgh

<b>Case Study Title:</b>
Restoration and Realisation on the ground in Winchburgh
<b>Location and Dates:</b>
Winchburgh, West Lothian, 2019 -20
<b>Elements of a High-Quality Planning Service this study relates to:</b>
<ul style="list-style-type: none"> <li>• Quality of outcomes</li> <li>• Quality of service and engagement</li> <li>• Governance</li> <li>• Culture of continuous improvement</li> </ul>
<b>Key Markers:</b>
1,2,3,4,15
<b>Key Areas of Work:</b>
<ul style="list-style-type: none"> <li>• Regeneration</li> <li>• Masterplanning</li> </ul>
<b>Stakeholders Involved</b>
<ul style="list-style-type: none"> <li>• Authority Other Staff</li> <li>• Authority Planning Staff</li> </ul>
<b>Overview:</b>
<p>This year has once again seen several key milestones in the expansion of Winchburgh. The most significant have been issuing the planning permissions for the provision of 3 new schools, alongside the completion of the restoration of the former Auldcathie landfill site and start of the verification process for this work.</p>
<b>Goals:</b>
<p>One of the main goals for the council in supporting the concept of Core Development Areas (CDAs) was that they would bring about the delivery of key school infrastructure for West Lothian. In the 2009 West Lothian Local Plan, the delivery of two new secondary schools at Winchburgh was the key objective in the council's education strategy, whilst the restoration of Auldcathie was a significant environmental objective.</p>
<b>Outcomes:</b>
<p>Issuing of both the infrastructure and school building planning permissions during 2019 and early 2020 was a major milestone in the overall settlement expansion of Winchburgh which has allowed a site start on the major ground works for the schools. At the same time, the completion of the restoration work at the former landfill site fulfils a 25-year-old environmental priority for both the council and the community. This has demonstrated the importance of having a plan-led system with policies which identified and addressed infrastructure and environmental deficiencies in the local authority area, together with the importance of collaboration between the</p>

local developers; the council's development partners, the regulatory functions of the council and the local community.

The final verification process for the restoration can now run alongside the development of the school buildings whilst keeping the community up to date and engaged with the processes.

<b>Name of key officer</b>
Wendy McCorriston

### Restoration and Realisation on the ground in Winchburgh

The key goals to moving the masterplan development at Winchburgh into its second phase, which are set out as triggers in the 2012 permission, were securing the delivery of two new secondary schools and a primary school before the occupation of 551<sup>st</sup> house together with the need to commence the restoration and remediation of the former Auldcathie landfill site.

It is to the credit of West Lothian Council that over the last year, working in partnership with the developer, Winchburgh Developments Limited and the Scottish Government, it has been able to meet the significant milestones of securing the necessary commitments to the school provision, alongside the implementation of the restoration of the landfill site.

The detailed planning permission for the restoration works was issued in March 2019 and work commenced on site within a few months. The technical remediation works are now complete and represent a major achievement in the overall package of improvements that the development will bring to the area and one which the local community has long anticipated.



**Former landfill restoration works underway**

## Planning Performance Framework 2019/20

Joint working between council officers and the overall developer's master plan team and increased consultation with the public has also resulted in a more positive relationship and wider engagement with the community on recent planning applications. This has been particularly evident in the proposals for the three new schools. Meetings to discuss these proposals, including the formal public consultation following the Proposal of Application Notice (PAN) submission, were particularly well attended. This resulted in only one representation being submitted to the formal planning applications.

The development of the school site has only been possible due to the innovative partnership approach between the council, the developer and the Scottish Government to secure the complex funding package needed to deliver this major infrastructure project. This approach secured the council a Scottish Award for Quality in Planning but, more importantly, has seen the extensive ground works get underway at the site. The works were well advanced but had to stop due to the Covid-19 restrictions. It is hoped that the ground work can be completed and the main contractor for the school building project can start on site before Summer 2020.

This school project is an exciting development which puts Winchburgh and West Lothian Council in the forefront of innovative and sustainable building design which will ultimately bring about not only educational but social, economic and environmental benefits for West Lothian's pupils, residents and businesses.



**Proposed Secondary School Buildings**



### 1.3 Governance:

#### Decision Making

Our governance is underpinned by the Development Management Committee who meet every four weeks and West Lothian Planning Committee meetings who meet 10 times a year as required.

The delegation scheme has been reviewed and reported to the Council's Development & Transport Policy Development and Scrutiny Panel (PDSP) and it is now expected the revised scheme will be going to Council Executive in August 2020, dependant on COVID-19 business and subsequently forwarded on to Scottish Government for approval by Scottish Ministers in September 2020.

In terms of decision making 92.9% of applications were approved with 95.4% of these under delegated powers by the Appointed Officer. The Major and Strategic decisions are made by the West Lothian Planning Committee in line with Scottish Government Policy although this may change going forward in line with the new Act. The Local Review Board meets every four weeks if required and over the year 15 cases were presented to the board of with **60%** of decisions made by the Council being upheld.

#### Staffing

A Planning Services wide restructure was concluded in July 2019 which has seen a Planning Services Manager managing 3 service units, Building Standards, Development Management and Development Planning & Environment. See staffing structure in Part 6.

All customer enquiries are now by telephone only and are logged through our customer relations management software. A planning officer, on a rotational basis, is responsible for all calls for that day and these are responded to over a short time period in the afternoon.

#### Discretionary Charging

As mentioned in the quality of service and engagement section, the Planning Service offers to meet early in the design process with developers to front load the application process and in some cases, this has helped with a more streamlined process and better quality of outcomes. This paid for [Pre-Application Advice](#) continues to prove popular with applicants.

In the financial year 2019/20 the service saw a 103.7% increase requests for the service from 79 to 161 which either sought a meeting or, more often, written advice.

### Average Performance

A combination of the development management team being a member of staff down for 5 months of the year as a result of 2 staff leaving allied to a rise in the number of decisions determined in Scottish Government figures, from 583 to 652, a 11.84% increase, resulted in average timescales increasing slightly across all application types.

The number of major decisions increased from 6 to 8 this year, a 33.33% increase, which resulted in the average timescale increasing.

The number of local development (non-householder) decisions increased from 282 to 329 this year, a 16.67% increase, which resulted in the average timescale increasing.

The number of householder development decisions increased from 295 to 315 this year, an 11.84% increase, which resulted in the average timescale increasing.

### Shared Service

A shared service with East Lothian Council has been utilised throughout this year using East Lothian Council's Contaminated Land Officer to check and comment on all submissions to West Lothian Council under both Planning Applications and Building Warrant submissions.

This has proven beneficial to both services with the contaminated land officer being able to fully utilise their time on the core business of contaminated land issues. This arrangement provided better value than outsourcing the requirement to another consultant

## Case Study 5 – Review of TPO Register

<b>Case Study Title</b>
Review of tree Preservation Order (TPO) Register
<b>Location and Dates</b>
West Lothian Civic Centre
<b>Element of a High-Quality Planning Service this study relates to:</b>
<ul style="list-style-type: none"> <li>• Governance</li> <li>• Quality of service and engagement</li> </ul>
<b>Key Markers:</b>
11, 12
<b>Key Areas of Work:</b>
<ul style="list-style-type: none"> <li>• Greenspace</li> <li>• Online System</li> </ul>
<b>Stakeholders Involved:</b>
<ul style="list-style-type: none"> <li>• Authority Planning Staff</li> <li>• Other Authority Staff</li> </ul>
<b>Overview:</b>
The review of the TPO Register provided opportunity to collate records; store these in a central point; digitise associated mapping; and identify priorities for review of the Register in the coming years.
<b>Goals:</b>
<p>The review of the TPO Register is to allow for a comprehensive record of all TPOs in West Lothian to be made available at a single point with a view to publication at a later date on the council's webpages and input to the TPO Module in Uniform.</p> <p>Improved accessibility of the TPO Register to the public.</p> <p>Efficiency in officer time spent on advising whether or not trees are covered by TPO.</p> <p>To support and inform the Development Management process.</p> <p>Going forward, populating the TPO module in Uniform to allow for all records of tree works to be stored in a central location.</p>
<b>Outcomes:</b>
The review of the TPO register will allow for priorities to be set in terms of review of the Register; enhanced data recording via use of the TPO module in Uniform.
<b>Name of Key Officer</b>
Fiona McBrierty/Sarah Collings/Rebecca Anderson

The TPO Register had been overdue for review. Records relating to TPOs were held by two Service areas in the council – Legal and Planning Services however, it was found that the records were incomplete which led to the procurement of an outside Agency to search the Registers of Scotland to obtain a full and comprehensive record of TPOs which exist in West Lothian and which had been formally registered with Registers of Scotland.



**Houston House TPO, Uphall (1969)**

Attention was drawn to the need to review the TPO Register following a number of tree felling incidents which raised the profile of the council's approach to tree matters. This led to the formation of a cross-service working group to ensure that the council took a co-ordinated approach when responding to tree and greenspace matters. A Trees Action Plan was agreed; TPO records were reviewed on a Ward by Ward basis and, once a complete set of records was available a TPO Bulletin was issued to relevant council services to inform decision making and to ensure that all relevant services were aware of those areas where a TPO was in place.

Working with colleagues principally in the Council's Legal Service and NETS, Land and Countryside Service, the Development Planning team produced the review of the TPO Register which will now be used to input data to the TPO module in Uniform, inform priorities for review of extant TPOs and enhance customer experience once the Register is published on the webpage.

The council has authority to promote TPOs where this is expedient in the interest of amenity and/or, that the trees, groups of trees or woodlands are of cultural or historical significance. The protection of trees can promote quality environments, promote health and well-being and inform development management decisions and the identification of development sites and constraints to be considered in the LDP plan preparation process.

Whilst TPOs are a legal requirement they may not always have been digitised accurately. The review of the TPO Register has allowed for full digitisation of maps associated with the TPO and identification of anomalies which will require further investigation moving forward.

## Case Study 6 -Statutory and Non-Statutory Guidance

<b>Case Study Title:</b>
Statutory and Non-Statutory Guidance
<b>Location and Dates:</b>
Civic Centre Livingston
<b>Elements of a High-Quality Planning Service this study relates to:</b>
<ul style="list-style-type: none"> <li>• Quality of service and engagement</li> <li>• Governance</li> </ul>
<b>Key Markers:</b>
11, 12
<b>Key Areas of Work:</b>
<ul style="list-style-type: none"> <li>• Local Development Plan &amp; Supplementary Guidance</li> <li>• Collaborative Working</li> </ul>
<b>Stakeholders Involved:</b>
<ul style="list-style-type: none"> <li>• Key Agencies</li> <li>• Authority Planning Staff</li> </ul>
<b>Overview:</b>
A key substantive work stream which the Development Planning and Environment team has been engaged in since the adoption of the LDP has been the preparation of new statutory Supplementary Guidance (SG) and non-statutory Planning Guidance (PG).
<b>Goals:</b>
The guidance will provide additional detail on specific subject areas within the LDP, explain how planning policies will be implemented and at the same time be compliant with Planning Circular 6/2013: <i>Development Planning</i> , current national planning policies and the policies of the Strategic Development Plan for Edinburgh and South East Scotland (SESplan).
<b>Outcomes:</b>
<p>The guidance will provide certainty for residents, businesses and developers in West Lothian and will support the LDP, in particular with regard to developer contributions which have been approved as meeting the requirements of Planning Circular 3/2012: Planning obligations and good neighbour agreements.</p> <p>Significant progress has been made, particularly over the past twelve months and as can be evidenced from the list below.</p>
<b>Name of key officer</b>
Steve Lovell, Principal Planning Officer

## Planning Performance Framework 2019/20

### Statutory and Non-Statutory Guidance:

Adopted or commenced new planning guidance supporting the Local Development Plan at 30 June 2020

Statutory Planning Guidance (SG)	Status
Flooding and Drainage	<b>Adopted</b> April 2019
Residential Development Guide	<b>Adopted</b> April 2019
Planning & Noise	<b>Adopted</b> February 2019
Development in the Countryside	<b>Adopted</b> March 2019
Affordable Housing	<b>Adopted</b> May 2019
Planning & Education	SG has been the subject of public consultation and is awaiting the approval of the Council Executive before being sent to Scottish Ministers.
Developer Contributions Towards Public Art	<b>Adopted</b> January 2020
Minerals (Including Restoration Bonds)	<b>Adopted</b> May 2019
West Lothian Place-Based Green Network Guidance	SG drafted and consulted on. A new iteration of the SG is being drafted.
Developer Contributions Towards Cemetery Provision	SG has been the subject of public consultation and is awaiting the approval of the Council Executive before being sent to Scottish Ministers.
Developer Obligations for General Infrastructure for Site Delivery	SG approved by Council Executive awaiting conclusion of SEA process before being sent to Scottish Ministers.
Developer Contributions Towards Transport Infrastructure	SG approved by Council Executive awaiting conclusion of SEA process before being sent to Scottish Ministers.
Wind Energy	SG drafted and awaiting Council Executive Approval before being sent to Scottish Ministers.
Renewables & Low Carbon Energy Development (excluding Wind Energy)	SG drafted and due to be consulted on subject to committee approval.

## Planning Performance Framework 2019/20

<b>Contaminated Land</b>	SG drafted and due to be consulted on subject to committee approval.
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<b>Non-Statutory Planning Guidance (PG)</b>	<b>Status</b>
<b>West Lothian Active Travel Plan</b>	<b>Adopted</b> April 2016
<b>Health Impact Assessment</b>	<b>Adopted</b> March 2017
<b>Air Quality</b>	<b>Adopted</b> April 2019
<b>Planning for Nature</b>	<b>Adopted</b> April 2020
<b>Mobile Snack Bars</b>	<b>Adopted</b> May 2020
<b>Shop fronts and Advertisements in Broxburn and Uphall, Linlithgow, Kirknewton, Livingston, Mid Calder and Torphichen Conservations Areas</b>	<b>Adopted</b> May 2020
<b>Controlling Obtrusive Lighting</b>	<b>Adopted</b> March 2020
<b>House Extension and Alteration Design Guide</b>	PG drafted and awaiting Council Executive approval.
<b>Non-employment Uses within Employment Areas</b>	PG drafted and awaiting Council Executive approval.
<b>Public Realm Design Guides for Armadale, Bathgate, Broxburn &amp; Uphall, Linlithgow and Whitburn</b>	PG drafted and due to be consulted on subject to committee approval.
<b>Areas of Built Heritage and Townscape Value – The Shale Miners Rows</b>	PG drafted and awaiting Council Executive approval.

### 1.4 Culture of Continuous Improvement

The Planning Service has continued over the last 12 months to embed a culture of continuous improvement into its delivery of the services, despite the challenging financial climate. [The Management Plan](#) (current online version 2019/20) is updated annually and as a document is a record of proposed service improvements for 2020/21 and really focusses in on those changes that are required by legislation, the introduction of new technology and customer demand. The Management Plan for 2020/21 has been prepared but will be published once approved by the relevant Performance, Development and Scrutiny Panel. Due to the current Covid 19 situation this has been delayed at this time.

The Employee Annual Development and Review programme plays an important part in identifying training opportunities and service improvements through the holding of individual review meetings. Senior Management Team meetings are held:

- monthly to provide an opportunity to ensure staff are well briefed on corporate issues,
- weekly in Development Management to provide an opportunity to:
  - share concerns,
  - identify pressing issues with applications nearing target,
  - prioritise or reallocate workload and
  - identify needs for training and sharing of ideas for best practice.
- Fortnightly in Development Planning to:
  - share concerns,
  - identify pressing issues with projects nearing target,
  - prioritise or reallocate workload and
  - identify needs for training and sharing of ideas for best practice.

West Lothian Council has continued over the last 12 months to arrange regular leadership meetings led by either a Depute Chief Executive or Head of Service and provides an opportunity to network and focus on common themes that cut across the Council.

In addition, the Chief Executive and Depute Chief Executives invite all Heads of Service and third/fourth tier managers to at least an annual update which provides an opportunity to network and focus on common themes that cut across the wider Council.

In 2019/20 staff from Planning Services attended the following training/CPD events or forums to share/develop good practice:



### Training/ CPD events

West of Scotland Archaeological Service (WoSAS) presentation by Hugh McBride with case studies and best practice.

Coal Authority presentation with an update on processes and consultation requirements.

Officer walk over of CDA development areas at Winchburgh and Calderwood with Roads and Transportation colleagues and at council house sites in Broxburn and Bathgate with Housing colleagues to review the developments.

Presentation by Winchburgh engineering consultants (SWECO) and their infrastructure provider to Planning and Environmental Health and discussion on Electric Vehicle Charging and electrical infrastructure.

INEOS visit to present current requirements and issues regarding pipeline inspection and safety.

Digital Planning, All Partner Event. Presentation by the SG on digital strategy and how this may impact on the future of planning.

Design in Planning Applications workshop at Glasgow, hosted by Timothy Crawshaw.

Implementing the Planning (Scotland) Act 2019 event at Edinburgh, presented by Craig McLaren.

Permitted Development Rights Introduction by the Improvement Service.

Training session by Environmental Health to Planning Enforcement on evidence gathering and interviewing under caution.

Planning Appeals training by DPEA/Improvement Service.

Training on Applying the Place Principle at Highland Council.

Seminar presentation by Brodies on Optimising Subsidy Free Wind.

Development Viability training by the Improvement Service.

Planning (Scotland) Act 2019, Improvement Service Webinars.

Presentation on Bathgate Regeneration Plan hosted by WLC Regeneration.

Planning for Environmental Risk training by the RTPI.

Event on Delivering Climate Resilient Places hosted by SEPA.

Training on Place and Design held by the Improvement Service/West Dunbartonshire Council.

Designing Places in a Climate Emergency event hosted by Ecosystems.

Internal courses on: Supporting attendance at work; Interviewing skills; Records management; Health & safety at work and Cyber Security.

### **Good Practice Forums**

Heads of Planning Conference

Scottish Awards for Quality in Planning

Heads of Planning Executive Committee

Heads of Planning Development Plans Sub-Group

Heads of Planning Development Management Sub-Group

Heads of Planning Climate Change, Energy & Resources Sub-Group

Heads of Planning Enforcement Forum

Developing Leadership Forum – West Lothian Council

Transport Scotland Events

Scottish Government NPF4 events

Scottish Government RSS events

Special Reporting Agency training conference by the Procurator Fiscal

## Case Study 7 – Improving Eliburn Housing Layout

<b>Case Study Title:</b>
Improving Eliburn Housing Layout
<b>Location and Dates:</b>
Houston Road, Eliburn, Livingston. Planning application determined 25/6/19. Early stages of construction with around 10 houses under various stages of build.
<b>Elements of a High-Quality Planning Service this study relates to:</b>
<ul style="list-style-type: none"> <li>• Quality of outcomes</li> <li>• Culture of continuous improvement</li> </ul>
<b>Key Markers</b> (please select all that apply):
3, 6, 11, 12, 15
<b>Key Areas of Work:</b>
<ul style="list-style-type: none"> <li>• Design</li> <li>• Planning Applications</li> <li>• Interdisciplinary Working</li> </ul>
<b>Stakeholders Involved:</b>
<ul style="list-style-type: none"> <li>• Authority Planning Staff</li> <li>• Authority Other Staff</li> </ul>
<b>Overview:</b>
<p>In striving for improved living environments and high-quality place making for the benefit of residents in West Lothian, a key obstacle that is becoming more prevalent is the potential impact of noise from existing roads and railway lines on new homes. Road noise is a particular issue in Livingston which was built 50 years ago with a focus on movement and accessibility by car. As place making strategies have changed and we look to reduce our reliance on motor vehicles and promote sustainable pedestrian friendly environments, the legacy of the fast and efficient road network through Livingston now requires particular planning skills and design techniques to address. Eliburn was one of those sites where noise impacts had to be considered carefully to come up with a design layout which would satisfy noise mitigation criteria but also meet the council's objectives for high quality place making.</p>
<b>Goals:</b>
<p>The goal was to ensure that there was compliance with the recently adopted statutory Supplementary Guidance on Planning and Noise which in turn would benefit residents, making the new housing development an attractive and pleasant place for individuals and families whilst make a positive contribution to the streetscape and counting towards the council's housing land supply requirements.</p>
<b>Outcomes:</b>

The outcome was significant and positive, producing a broader range of house types including terraced houses, semi-detached and bungalows which make the development more inclusive both for a broader demographic and budget but also meet the technical requirements of the new SG Planning and Noise.

<b>Name of key officer</b>
Steven McLaren

Planning permission in principle was submitted to the council for the development of an area of land in Livingston for the construction of residential properties in 2013 (Ref: 0822/P/13). The decision on this permission in principle was granted on 15 June 2018. It took approximately four and a half years to issue the decision on that application due to status of the adopted local plan at that time. In 2013 the adopted plan, the West Lothian Local Plan, set this land aside for employment use however, a review of land allocation in the district was under way and there was an intention to re-allocate some of the employment land in Livingston to residential. In 2013 therefore, the proposals were contrary to the Development Plan. Following the adoption of the West Lothian Local Development Plan in 2018 and the allocation of the site for residential purposes, the granting of permission in principle was in accordance with the newly adopted plan.

The permission in principle approved an indicative layout with blocks of flats and terraced houses to the front of the site fronting Houston Road and a mix of detached and semi-detached houses at the rear of the site towards the Edinburgh-Glasgow railway line. The resultant layout submitted for the MSC application bore no resemblance to this indicative plan.

Conditions were set including the need for an updated noise report in accordance with the council's most recent Supplementary Guidance: Planning and Noise. This, now statutory SG, had been approved in April 2017 and adopted in February 2019 with the result being that the standards set for noise disturbance for sensitive receptors had changed during the intervening period and higher bar had been set to ensure the long-term residential amenity for residents.

In carrying out the revised noise assessment it was found that the noise from the railway line and the 40mph Houston Road would exceed the new standards set. The railway line was at an elevated level which meant that a simple acoustic fence would not suffice and the location of a tree belt meant that a raised bund could not be formed without substantially impacting on the area of development land. Similarly, a simple acoustic fence would not be appropriate to the front of the site. For the fence to be effective, it would need to be over 2m high and sited at the rear edge of the footpath along the public road, resulting in a very poor public frontage to the detriment of the visual amenity of both passing traffic and residents within the new estate.

## Planning Performance Framework 2019/20

Colleagues from Environmental Health were instrumental in the preparation of the guidance of noise and their assessment of the noise reports was critical in determining the likely impact of noise on residents within the estate. The layout as submitted was unimaginative and was dominated by detached 2-storey villas with land set aside for affordable housing. The result of this layout was that on both the north and south boundaries of the site, bedroom windows would face the railway and road, resulting in unacceptable noise disturbance.

The site was green field and as such the SG required an assessment on open windows (there is a relaxation on brown field sites). The developer's initial solution was to use a combination of acoustic fencing, bunds and a higher standard of double glazing to reduce the impact of noise on residents when windows were closed. This approach was not acceptable in terms of the resultant place making and a number of meetings were held with the developer and Environmental Health in order to resolve the situation. There was close collaboration between Development Management and Environmental Health and ideas and potential solutions put to the developer to allow them to come up with a design layout which would satisfy the criteria set out in the SG.

Whilst Environmental Health was fair and proportionate in the application of the SG, there were some areas where upgraded windows had to be used such as at the site entrance but this was kept to a minimum. The developer brought forward a new 1.5 storey design of house with bedrooms facing into the site and incorporating bungalows and cottage flats with amended interior layouts, again keeping bedrooms inward facing. These revised house types and layout, in conjunction with acoustic fencing and landscape bunds, resulted in compliance with the noise SG and a much more interesting range of house designs, inclusivity and layout to the benefit of both residents and the surrounding area.



## Case Study 8 – Update on Developer Contribution Tracking

<b>Case Study Title:</b>
Update of Developer Contribution Tracking System
<b>Location and Dates:</b>
West Lothian, 2019-2020
<b>Elements of a High-Quality Planning Service this study relates to:</b>
<ul style="list-style-type: none"> <li>• Governance</li> <li>• Culture of continuous improvement</li> </ul>
<b>Key Markers:</b>
4, 15
<b>Key Areas of Work:</b>
<ul style="list-style-type: none"> <li>• Development Management Processes</li> <li>• LDP &amp; Supplementary Guidance</li> </ul>
<b>Stakeholders Involved:</b>
<ul style="list-style-type: none"> <li>• Authority Planning Staff</li> <li>• Local Developers</li> </ul>
<b>Overview:</b>
The council now uses Exacom, a software package developed with Midlothian Council, to track all developer contributions required to enable development, ensuring that no triggers are missed and that all contributions paid are placed in the appropriate account and are available for audit.
<b>Goals:</b>
Continuous tracking of developer contributions, for transparency and effective use of contributions.
<b>Outcomes:</b>
<ul style="list-style-type: none"> <li>• The tracking system has been in operation for nearly 2 years, including the full financial year 2019/20</li> <li>• The Development Management service now employs a contributions officer whose task it is to update and monitor the tracker, ensuring accuracy and transparency</li> </ul>
<b>Name of key officer</b>
Mark Brooks

## Planning Performance Framework 2019/20

The planning service has now been using an obligation tracking system (Exacom), which was trailed in PPF 7, for almost 2 years. Set up in conjunction with Midlothian Council, at the start of 2018, the system ensures that all payments which are made in accordance with the provisions of circular 3/2012 are made timeously. During 2019/20, 24 new Section 75 or Section 75A obligations were logged into the Obligation Tracker. This gives a cumulative total of 142 Section 75 or Section 75A legal agreements held by the tracking system where there were outstanding obligations to pay or deliver (including land transfer for affordable housing obligations) at the start of 2018.

The system was brought into use for formal tracking and invoicing purposes from 1 June 2018. In the last financial year, 2019/20, 21 invoices, relating to 14 planning applications, have been issued for Section 75 and Section 75A payments.

The financial contribution amounts received through the S75 and S75A invoices for the financial year to 31 March 2020 amounts to £9,532,952.33 and relates to the full range of developer contributions, from cemetery contributions and play area provision to contributions towards new and extended schools.

The system is now being managed by a technical officer but all planning case officers have access to the system and can obtain updates of the contributions received in respect of individual applications or the towards specific projects. The project tracking is carried out through the use of cost codes for allocating money towards specific projects. The cost codes/projects are based on the individual developer contribution requirements aligned to Policy INF1 (Infrastructure Provision and Developer Obligations) and Policy CDA 1 (Development in the Previously Identified Core Development Areas) of the adopted Local Development Plan and the associated Supplementary Guidance set out in Case Study 6. This tracking allows the council to run forecasts for expected income against specific projects, so that the timescales for implementation of projects and resource allocation can be properly managed.

The system has brought about significant benefits for the council in respect of project planning and will be particularly useful as we go into the coming months and possibly years of financial uncertainty following the impacts from Covid-19.

## Case Study 9 – Planning Enforcement – Fixed Penalty Notice

<b>Case Study Title:</b>
Planning Enforcement - Fixed Penalty Notice
<b>Location and Dates:</b>
West Lothian Civic Centre
<b>Elements of a High-Quality Planning Service this study relates to (please select all that apply):</b>
<ul style="list-style-type: none"> <li>• Culture of continuous improvement</li> </ul>
<b>Key Markers (please select all that apply):</b>
5, 6
<b>Key Areas of Work:</b>
<ul style="list-style-type: none"> <li>• Enforcement</li> <li>• Process Improvement</li> </ul>
<b>Stakeholders Involved:</b>
<ul style="list-style-type: none"> <li>• General Public</li> <li>• Authority Planning Staff</li> </ul>
<b>Overview:</b>
<p>Planning Enforcement had received a number of service complaints relating to a lack of action where an Enforcement Notice had been served and the recipient had failed to comply with the Notice, resulting in the breach of planning control remaining unresolved.</p> <p>In order to reduce the number of service complaints and to refine the level of service being provided, the team reviewed the legislative framework and current procedures for opportunities to maximise enforcement powers for resolving breaches and to improve service delivery.</p>
<b>Goals:</b>
To explore all powers the legislative frame work provides for Planning Enforcement to resolve non-compliance with Enforcement Notice's and to introduce new procedures to improve service delivery and reduce the number of service complaints received.
<b>Outcomes:</b>
<p>On review of the legislative frame work, it was noted that serving a Fixed Penalty Notice as a result of non-compliance provides planning authorities with an alternative process, in addition to the option to seek prosecution. The team introduced a new procedure for serving Fixed Penalty Notices for non-compliance with Enforcement Notices and Breach of Condition Notices.</p> <p>The income received from Fixed Penalty Notices is being allocated into a budget for taking Direct Action,</p>



where it is deemed appropriate and in the public interest. The current legislation does not provide adequate cost recovery methods for taking direct action therefore the money received from the penalties allows the accumulation of an income source used solely for taking direct action to resolve outstanding breaches without touching service budgets, and at no financial risk to the council.

<b>Name of key officer</b>
Claire Johnston

The council has in the past received a number of service complaints relating to a lack of resolution where an Enforcement Notice has been served however the owners have failed to comply with the requirements of the Notice within the stated timescales.

Previously when faced with non-compliance of Enforcement Notices the council would have considered whether to report the case to the Procurator Fiscal (PF) or to simply take no further action. The team have in the past reported cases to the PF however these were unsuccessful due to both being deemed not to be in the wider public interest and that the Council had failed to exhaust all available powers to have the matter resolved.

On reviewing the legislative framework it was noted that the council does have additional enforcement powers which have not been utilised in previous cases. These powers include the serving of Fixed Penalty Notices and taking Direct Action.

The team introduced Fixed Penalty Notices in December 2019, this involved drafting a Fixed Penalty Notice template covering all legislative requirements and creating an internal process for the raising of an invoice for payment of the fine. While it is the Enforcement Team who serve the Fixed Penalty Notices through royal mail delivery systems, the council's revenue team produce and post the invoice for payment of the Fixed Penalty to the Notice recipient. The decision to have the council's revenue team post the invoice means that the amount to be paid is carefully tracked and on non-payment is progressed through the same channels as any other outstanding debt to the local authority.

The council also has powers to take direct action to resolve non-compliance with Enforcement Notices however as with many other local authorities, the council is facing substantial budget cuts on an annual basis. In addition, there must be significant public interest in order to finance the resolution of a breach in planning control using public funding.

As noted above, the money received from the fixed penalty notices has been allocated to the direct-action budget, and will be used on cases where it is deemed appropriate.

To date, the enforcement team have served five Fixed Penalties for non-compliance with a range of Enforcement Notices and have successfully received all outstanding money. The council can also confirm that all recipients of the

## **Planning Performance Framework 2019/20**

Fixed Penalties have then gone on to resolve the outstanding breaches in line with the original enforcement notice requirements.

By introducing the new procedure of serving Fixed Penalty Notices, the council has seen a reduction in the number of service complaints received with regards to the planning enforcement teams service delivery. The new procedures have also been successful in creating a financial income which can be safeguarded and used for direct action when all other enforcement powers have been exhausted.

# Part 2: Supporting Evidence

Information contained in this report was drawn from evidence from a variety of sources such as:

- Planning, Economic Development and Regeneration Service Management Plan
- Scottish Quality Awards in Planning
- Case Studies
- Benchmarking
- Partnership Working
- Committee Reports
- Local Development Plan Scheme
- Housing Land Audit 2019 and Draft Housing Land Audit 2020

Supporting evidence for Planning Performance Framework 9 is integrated into the body of the report, using hyperlinks to relevant documents and website information.

The Planning pages of the council's website are reviewed continuously, taking note of comments received from customers through the web team and the Customer Service Centre.

The Service has consistently played its part in the council's accreditation for Customer Service Excellence. The council makes extensive use of performance monitoring tools, and the Planning Service's performance consistently meets the exacting standards which are set for the determination of planning applications and the resolution of planning breaches.

The council uses complaints as a tool for learning, and complaints which are received by planning services are scrutinised for any lessons which can be learned, a process which has in the past led to changes in our practice.

Our culture of continuous improvement includes:

- seeking out constructive criticism from the members of the Development Management Committee, which has led to a change in the way reports are presented by officers. This is an ongoing process, which has also identified additional training requirements for members.
- annual customer survey of applicants, agents and those who make representations through the development management process from which a [You Said, We Did Development Management](#) update is produced.
- annual customer survey of those who make representations through the development planning process from which a [You Said, We Did Development Planning & Environment](#) update is produced.
- The results of the 2019/20 survey are currently being analysed to identify potential areas of improvement.

## Planning Performance Framework 2019/20

The table below identifies the key areas of work that are covered by the Case Studies which are embedded within the PPF.

Case Study Topics	Page Number	Case Study Number
Design	35	7
Regeneration	22	4
Environment	9	1
Greenspace	27	5
Masterplanning	22	4
LDP & Supplementary Guidance	29 & 38	6 & 8
Enforcement	40	9
Development Management Processes	38	8
Planning Applications	35	7
Interdisciplinary Working	35	7
Collaborative Working	29	6
Community Engagement	13	2
Placemaking	13	2
Process Improvement	19 & 40	3 & 9
Project Management	19	3
Online Systems	27	5
Active Travel	9	1

## Performance Marker Report

To assist with the 15 key performance markers, in addition to hyperlinks spread throughout the report, a list of relevant hyperlinks has been added in the table below under each of the four sub-headings.

- Quality of Outcomes
- Quality of Service & Engagement
- Governance
- Culture of Continuous Improvement

When combined together these headings and information define and measure a high-quality planning service:

QUALITY OF OUTCOMES	
<a href="#">Do I Need Planning Permission</a>	<a href="#">Developer Contributions Guidance</a>
<a href="#">Applying for Planning Permission</a>	<a href="#">How to Submit a Planning Application</a>
<a href="#">Residential Development Guide – Supplementary Guidance</a>	<a href="#">Minerals (Including Restoration Bonds) – Supplementary Guidance</a>
<a href="#">Affordable Housing – Supplementary Guidance</a>	<a href="#">Flooding and Drainage– Supplementary Guidance</a>
<a href="#">Scottish Awards for Quality in Planning 2019 - West Lothian Partnership Centres</a>	<a href="#">Scottish Awards for Quality in Planning 2019 - Unlocking Key Development Sites – An Innovative Approach to Delivering Infrastructure</a>
QUALITY OF SERVICE & ENGAGEMENT	
<a href="#">Pre-Application Advice</a>	<a href="#">View, Object or Comment on a Planning Application</a>
<a href="#">Householder Planning Application Guidance</a>	<a href="#">Objecting to a Planning Application</a>
<a href="#">Processing Agreements</a>	<a href="#">Local Development Plan (LDP)</a>
<a href="#">Planning Processing Agreement Form</a>	<a href="#">Local Development Plan Scheme (DPS)</a>
<a href="#">Planning Enforcement</a>	<a href="#">West Lothian Housing Land Audit (HLA)</a>
<a href="#">Planning Enforcement Charter February 2019</a>	<a href="#">Active Travel Plan for West Lothian 2016-2021</a>
<a href="#">You Said, We Did Development Management</a>	<a href="#">You Said, We Did Development Planning &amp; Environment</a>
GOVERNANCE	
<a href="#">West Lothian Corporate Plan 2018/19 – 2022/23</a>	<a href="#">Local Outcomes Improvement Plan</a>
<a href="#">Council Minutes, Meetings &amp; Agendas</a>	<a href="#">Scheme of Delegation</a>
CULTURE OF CONTINUOUS IMPROVEMENT	
<a href="#">Planning, Economic Development and Regeneration Management Plan</a>	<a href="#">Planning Performance Framework 2018/19</a>
<a href="#">You Said, We Did Development Management</a>	<a href="#">You Said, We Did Development Planning &amp; Environment</a>

## Planning Performance Framework 2019/20

No.	Performance Marker	Measure	Policy Background to Marker	Part of PPF report best suited to evidence this marker
<b>DRIVING IMPROVED PERFORMANCE</b>				
<b>1</b>	<b>Decision making:</b> Authorities demonstrating continuous evidence of reducing average timescales for all development types	<p>A combination of the development management team being a member of staff down for 5 months of the year as a result of 2 staff leaving allied to a rise in the number of decisions determined, from 583 to 652, a 11.84% increase, resulted in average timescales increasing slightly across all application types.</p> <p>The number of major decisions increased from 6 to 8 this year, a 33.33% increase, which resulted in the average timescale increasing.</p> <p>The number of local development (non-householder) decisions increased from 282 to 329 this year, a 16.67% increase, which resulted in the average timescale increasing.</p> <p>The number of householder development decisions increased from 295 to 315 this year, an 11.84% increase, which resulted in the average</p>	See Official Statistics and Planning Performance Framework report	NHI Scottish Government Official Statistics



## Planning Performance Framework 2019/20

		timescale increasing.		
<b>2</b>	<b>Project management:</b> offer of processing agreements (or other agreed project plan) made to prospective applicants in advance of all major applications <u>and</u> availability publicised on planning authority website	<p>The use of processing agreements is encouraged in discussions/correspondence during major development pre-application stage.</p> <p>The offer of Processing Agreement is available on website with specific template and guidance on the web site under preapplication advice.</p> <p>Number of processing agreements and project plans being entered into are being increased.</p>	Modernising the Planning System (Audit Scotland); Scottish Government website / template	NHI Quality of Service and Engagement
<b>3</b>	<p>Early collaboration with applicants and consultees on planning applications:</p> <ul style="list-style-type: none"> <li>availability and promotion of pre-application discussions for all prospective applications</li> <li>clear and proportionate requests for supporting information</li> </ul>	<p>The availability of pre-application advice is publicised online on website.</p> <p>Pre-application advice requests are logged in uniform and can be tied back to resultant planning application when submitted.</p> <p>There is a link on the website to the form, guidance and charges.</p> <p>The website and the advice contained in pre-application responses indicate what is required with subsequent applications and that it is only</p>	White Paper; Delivering Planning Reform; Planning Reform Next Steps	NHI Quality of Service and Engagement

## Planning Performance Framework 2019/20

		required if clear and proportionate to determine the proposal against development plan policies.		
4	<b>Legal Agreements:</b> Conclude (or reconsider) applications within 6 months of a 'minded to grant' decision for Section 69 agreements or within 6 months of the first draft of a Section 75 planning obligation being issued by the council	<p>The number of legal agreements concluded increased from 24 to 36, a 50% increase from 2018/19.</p> <p>The average timescale for major applications decreased partly as a result of front-loading Heads of Terms from within the uniform system with relevant developer contributions and the use of updated standard format agreement templates for the different types of planning obligation that the council enters into.</p> <p>Unfortunately, a high turnover of legal staff through 2018/19 - 2019/20 contributed to delays in agreements being concluded. This has been resolved since mid-2019/20 and a review of legal agreement processes has been carried out to minimise delays. This review is to be redone now that replacement staff are in post to ensure delays are minimised for all concerned.</p>	Official statistics PPF report evidence of delays to major developments	Quality of Service and Engagement Governance

## Planning Performance Framework 2019/20

5	<b>Enforcement charter:</b> <b>Updated / re-published</b>	Enforcement Charter reviewed and re-published February 2019 following approval by the Scottish Government.	Planning Act (s158A)	NHI Part 2 - Evidence
6	<b>Continuous improvements:</b> <ul style="list-style-type: none"> <li>show progress / improvement in relation to PPF National Headline Indicators</li> <li>progress ambitious and relevant service improvement commitments identified through PPF report</li> </ul>	See service commitments and case studies.  Continuous improvements have been made to processes to support these key drivers.	Delivering Planning Reform PPF Report	Culture of Continuous Improvement Service Improvement Plan
<b>PROMOTING THE PLAN-LED SYSTEM</b>				
7	<b>Local Development Plan:</b> Less than 5 years since adoption	<p>The Local Development Plan was adopted on 04 September 2018 and is less than 5 years old.</p> <p>Plan preparation is project planned to meet deadlines for management approval and Council Executive submission alongside relevant Development Plan Scheme dates.</p> <p>The replacement plan is slightly behind schedule due to the lack of secondary legislation produced following the enactment of the Planning (Scotland) Act 2019.</p>	Planning Act (s16) Scottish Planning Policy	NHI Quality of Outcomes Quality of Service and Engagement

## Planning Performance Framework 2019/20

8	<p><b>Development plan scheme demonstrates next LDP:</b></p> <ul style="list-style-type: none"> <li>• on course for adoption within 5-year cycle</li> <li>• project planned and expected to be delivered to planned timescale</li> </ul>	<p>The Development Plan Scheme 12 was approved by Council Executive on 25 February 2020.</p> <p>The DPS identifies the key milestones for the preparation of the LDP2, including completing public consultation on the Proposed Plan, reporting representations to Committee and submitting the Plan for Examination Winter 2023.</p> <p>Current timetable set out in DPS No.12 reflected Scottish Government timeframes for delivery of NPF4 and secondary legislation in support of the Planning (Scotland) Act 2019. Revisions to the DPS are currently being considered to reflect the Scottish Government's revised timetable for progressing NPF4, this may result in an earlier publication date for LDP2 than that currently set out in DPS no.12 and allow for a new LDP to be in place 5 years after adoption of LDP1. Due to legislative gaps a hybrid approach is anticipated for LDP2 taking into account the requirements of both the 2006 and 2019 Planning Acts.</p>	<p>Planning Act (s16)</p> <p>Scottish Planning Policy</p>	<p>NHI</p> <p>Quality of Outcomes</p> <p>Quality of Service and Engagement</p>
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## Planning Performance Framework 2019/20

9	<b>Elected members engaged early (pre-MIR) in development plan preparation</b>	<p>Not directly applicable.</p> <p>Extensive engagement undertaken during previous years leading to LDP being adopted on 04 September 2018.</p> <p>The Development Plan Scheme 12 was approved by Council Executive on 25 February 2020 which has the draft LDP2 scheduled for 2022/23 with early engagement taking place through 2021/22.</p> <p>Members will be engaged on a continual basis through the LDP2 preparation process through Local Area Committees, Policy and Development Scrutiny Panels and Council Executive meetings and potential workshops and briefing sessions.</p>		Quality of Service and Engagement Governance
10	Cross-sector stakeholders, including industry, agencies and Scottish Government, engaged early (pre-MIR) in development plan preparation	<p>Not directly applicable.</p> <p>Extensive engagement undertaken during previous years leading to LDP being adopted on 04 September 2018.</p> <p>The Development Plan Scheme 12 was approved by Council Executive on 25 February 2020 which has the draft LDP2 scheduled for 2022/23 with early engagement taking place through 2021/22.</p>		Quality of Service and Engagement Governance

## Planning Performance Framework 2019/20

11	<p><b>Production of regular and proportionate policy advice:</b> for example, through supplementary guidance, on information required to support applications</p>	<p>Supplementary Guidance adopted during the year includes:</p> <ul style="list-style-type: none"> <li>• Residential Development Guide</li> <li>• Flooding and Drainage</li> <li>• Affordable Housing</li> <li>• Minerals (Including Restoration Bonds)</li> </ul> <p>A range of guidance for applicants can be found on the website. In particular there is a page specifically to assist anyone wanting to object to a planning application. This is to try and ensure that objections when made are made on appropriate planning grounds. Previously it has been noted that complaints or comments can be raised through surveys that objections are not taken account off.</p> <p>A shared service with East Lothian Council has been utilised throughout this year using East Lothian Council's Contaminated Land Officer to check and comment on all submissions to West Lothian Council under both Planning Applications and Building Warrant submissions. This has proven beneficial to both</p>		<p>Quality of Service and Engagement</p> <p>Part 2 - Evidence</p>
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## Planning Performance Framework 2019/20

		services with the contaminated land officer being able to fully utilise their time on the core business of contaminated land issues. This arrangement provided better value than outsourcing the requirement to another consultant.		
<b>SIMPLIFYING AND STREAMLINING</b>				
<b>12</b>	<b>Corporate working across services to improve outputs and services for customer benefit:</b> (e.g. protocols; joined-up services; single contact; joint pre-application advice)	<p>Successful pilot of using surface pro's remotely from site to access DMS and Uniform in Building Standards rolled out successfully to Planning Enforcement team.</p> <p>Process for dealing with contaminated land consultations further reviewed. Uniform used to link requests for contaminated land consultations by both Development Management (DM) and Building Standards (BS), to avoid duplication and potential confusion between the two systems. DM consultations now take account of whether or not BS mandatory standards have been met.</p> <p>Planning staff work closely with other services and community planning partners to align</p>		Quality of Service and Engagement Governance

## Planning Performance Framework 2019/20

		<p>future infrastructure requirements with projected development. This includes assisting with work on the future school estate, carbon reduction and flood prevention schemes and council, social rented and homeless housing delivery strategies.</p> <p>Cross function working with the Council's Economic Development and Regeneration Team and Building Standards in the delivery of business opportunities, and also with roads and building standards in pre-application discussions.</p>		
13	<b>Sharing good practice, skills and knowledge between authorities</b>	<p>Staff continue to be actively involved in national projects such as the Scottish Government's proposals for digital transformation of the planning process; NPF4 and emerging SPP workstreams.</p> <p>Key workstreams involve working with Midlothian Council on developer contribution tracking and sharing of contaminated land advice. West Lothian officers are working with Edinburgh City on cross-boundary transport and school infrastructure</p>	<p>Delivering Planning Reform; Planning Reform Next Steps</p>	<p>Culture of continuous improvement</p>

## Planning Performance Framework 2019/20

		projects and with Fife on good practice on key major housing development projects.		
<b>DELIVERING DEVELOPMENT</b>				
<b>14</b>	<b>Stalled sites/legacy cases:</b> conclusion/withdrawal of planning applications more than one-year-old	<p>Number of legacy cases cleared rose from last year and the number of legacy cases remaining dropped from last year.</p> <p>An overall improvement in both caseloads.</p> <p>Last year's figures (2018/19) were misreported and have been updated in following NHI table.</p>		NHI Governance
<b>15</b>	<b>Developer contributions:</b> Clear expectations set out in development plan (and/or emerging plan,) and in pre-application discussions	<p>Local Development Plan Policies INF 1 (Infrastructure Provision and Developer Obligations) and CDA 1 (Development in the Previously Identified Core Development Areas) of the LDP advise that the council will seek contributions in accordance with Scottish Government Circular 3/2012 'Planning Obligations and Good Neighbour Agreements', as interpreted by emerging case law and amended by subsequent amendments and legislation, to mitigate the development's individual or cumulative impacts upon infrastructure, including cross-boundary impacts.</p>		Quality of service and engagement

## Planning Performance Framework 2019/20

		<p>Clear expectations are therefore set out in development plan and in pre-application discussions.</p> <p>Early assessments are offered to inform developers at an early stage.</p> <p>A variety of supplementary guidance which contains developer contributions has been updated and adopted through 2019/20 and this continues. As guidance is updated it is added to the list of guidance which attracts developer contributions.</p> <p>Pre-application advice is available through prearranged meetings with Officers which includes detailed discussions on Developer Contributions and this availability is published and available on the website.</p>		
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## Part 3: Service Improvements 2020/21

### Service improvements in the coming year

- Utilise the Uniform TPO module as a basis for the TPO register going forward.
- Implement a service charge to cover paper applications in a bid to drive up use of the eDevelopment portal and streamline processes.
- Review work on legacy cases to minimise number reaching legacy status
- Recruit and train a Modern Apprentice to assist with Development Management and Development Planning administrative tasks.
- Review procedures to ensure that delays are minimised in relation to Section 75 agreements following the recruitment of new legal staff.
- Identify appropriate software to be used for consultation by Development Planning in the forthcoming Local Development Plan (LDP2)

### Delivery of service improvement actions in 2019/20

Looking back at the service improvements we identified for 2019/20

Committed improvements and actions	Progress	
Establish a new, dedicated, Technical Team which will be embedded within DM and will validate applications, track contributions, send neighbour notifications and consultations, stamp plans, monitor the planning inbox, deal with CLUs	Technical team embedded within the Development Management and have full control of the validation process with minimal input from planning officers.	
Complete the drafting and approval of new SG and PGs	Adopted 5 Statutory Guidance Documents with a further 8 drafted and awaiting Council Executive Approval prior to sending to Scottish Government.  Adopted 2 Planning Guidance Documents with a further 7 drafted and awaiting Council Executive Approval.	
Introduce a new planning condition approval service	This initiative is ongoing as work progresses to finalise the use of the uniform system for the monitoring of planning conditions. This service is being expanded to ensure compliance can be achieved for the introduction of	

## Planning Performance Framework 2019/20

	monitoring conditions on major planning applications through the Enforcement Charter as brought in by the Planning (Scotland) Act 2019.	
Introduce a revised scheme of delegation	New scheme of delegation drafted and been presented at Policy and Development Scrutiny Panel. Awaiting approval, which was delayed due to cancellation of meetings through COVID, before sending to the Scottish Government and implementing.	
Review, revise and publish our guidance on submitting a planning application	Website reviewed on an ongoing basis with all web pages set to require a mandatory update 6 months from date of last update to ensure pages are current and relevant.	
Review, and improve where possible, the operation of the Development Management Committee	Committee processes and performance reviewed with Chair and changes developed and implemented to assist both Councillors and planning officers presenting reports. Ongoing meetings after each committee meeting to refine process where issues occurred.	



## Part 4: National Headline Indicators (NHI)

### A: NHI Key outcomes – Development Planning:

Development Planning	2019-20	2018-19
<b>Local and Strategic Development Planning:</b>		
Age of local/strategic development plan(s) at end of reporting period <i>Requirement: less than 5 years</i>	<b>1 year and 6 months</b>	<b>6 months</b>
Will the local/strategic development plan(s) be replaced by their 5 <sup>th</sup> anniversary according to the current development plan scheme?	<b>N</b>	<b>Y</b>
Has the expected date of submission of the plan to Scottish Ministers in the development plan scheme changed over the past year?	<b>Y-later</b>	<b>Y-later</b>
Were development plan scheme engagement/consultation commitments met during the year?	<b>Y</b>	<b>Y</b>
<b>Effective Land Supply and Delivery of Outputs</b>		
Established housing land supply	<b>24,912<sup>1</sup></b>	<b>24,846<sup>2</sup></b>
5-year effective housing land supply programming	<b>8,169<sup>1</sup></b>	<b>7,931<sup>2</sup></b>
5-year effective land supply total capacity	<b>21,079<sup>1</sup></b>	<b>20,879<sup>2</sup></b>
5-year housing supply target	<b>5,795<sup>1 and 3</sup></b>	<b>6,590<sup>2</sup></b>
5-year effective housing land supply (to one decimal place)	<b>7.05 years<sup>1</sup></b>	<b>6.02 years<sup>2</sup></b>
Housing approvals	<b>2,514 Units<sup>4</sup></b>	<b>1,023 Units</b>
Housing completions over the last 5 years	<b>4,112 units</b>	<b>3,780 units</b>
Marketable employment land supply	<b>119.8 ha</b>	<b>132.21 ha</b>
Employment land take-up during reporting year	<b>13.92 ha</b>	<b>33.97 ha</b>

#### Notes:

<sup>1</sup> Source: Draft 2019/20 Housing Land Audit June 2020

<sup>2</sup> Source: Final 2018/19 Housing Land Audit March 2020

<sup>3</sup> Source: 4 years from SDP 1 (6,590/5x4) + 1 year from SDP2 Reporters recommendations = 5,272 + 523

<sup>4</sup> This includes units consented as part of full planning permission (FUL), Approval of Matters Specified in Condition (MSC) and Planning Permission in Principle (PPP). It therefore also includes units from MSC and FUL consents for sites already with PPP approval, this leads to an inflated figure due to double-counting between years. For example, 280 units were approved for a site in Livingston this year as part of an MSC approval. These 280 units also counted towards the number of housing units in a previous PPF reporting year through the PPP approval.

Some approved housing applications are also for amendments at sites that already have planning consent. This also leads to double-counting between years. For example, an application to amend the house types for 10 units was approved for Whitburn. These 10 units would have also counted towards the housing approval numbers provided in a previous PPF reports when the original PPP and MSC applications were consented.

## Planning Performance Framework 2019/20

### B: NHI Key outcomes – Development Management:

Development Management:	2019-20	2018-19
<b>Project Planning</b>		
Percentage and number of applications subject to pre-application advice	<b>7.47%</b> <b>74 applications</b>	<b>7.05%</b> <b>62 applications</b>
Percentage and number of major applications subjects to processing agreement	<b>N/A</b> <b>0 applications</b>	<b>N/A</b> <b>0 applications</b>
<b>Decision Making</b>		
Application approval rate	<b>92.9%</b>	<b>90.6%</b>
Delegation rate	<b>95.4%</b>	<b>93.9%</b>
Validation	<b>44.81%</b>	<b>48.12%</b>
<b>Decision-making Timescales</b>		
Major Developments	<b>53.2weeks</b>	<b>49.0 Weeks</b>
Local developments (non-householder)	<b>14.3 weeks</b>	<b>13.3 Weeks</b>
Householder developments	<b>7.7 weeks</b>	<b>6.7 Weeks</b>
<b>Legacy Cases</b>		
Number cleared during reporting period	<b>46</b>	<b>28</b>
Number remaining	<b>41</b>	<b>60</b>

## C: Enforcement activity

	2019-20	2018-19
Time since enforcement charter published / reviewed	14 months	2 months
Complaints lodged and investigated	400	394
Breaches identified – no further action taken	11	110
Cases closed	389	386
Notices served	46	46
Direct Action	0	0
Reports to Procurator Fiscal	0	0
Prosecutions	0	0

## D: NHI Key outcomes – Commentary

Commentary
<p><b>Short contextual statement</b></p> <p>A combination of the Development Management team being a member of staff down for 5 months of the year through 2 staff leaving allied to a rise in the number of decisions determined in Scottish Government figures, from 583 to 652, a 11.9% increase, resulted in average timescales increasing slightly across all application types.</p> <p>The number of:</p> <ul style="list-style-type: none"> <li>local development (non-householder) decisions increased from 315 to 329 this year, a 4.44% increase, which resulted in the average timescale increasing. However, while the overall average timescale may have increased the percentage determined within the statutory timescale also increased from 67.00% to 68.1%</li> <li>householder development decisions increased from 295 to 315 this year, an 11.84% increase, which resulted in the average timescale increasing. However, while the overall average timescale may have increased the percentage determined within the statutory timescale also increased from 88.48% to 89.2%.</li> </ul> <p>Following the identification of typographic errors in the submitted numbers for legacy cases a review was carried out and legacy cases were prioritised for attention. This has resulted in the number of remaining legacy cases at year end falling. This review is embedded in procedures and a monthly report gives each officer their cases approaching 6 months to prioritise these applications to minimise the applications becoming a legacy case.</p>

## Part 5: Scottish Government Official Statistics

### A: Decision-making timescales (based on 'all applications' timescales)

Timescales	2019-20	2019-20	2018-19
<b>Overall</b>			
<b>Major developments</b>	8	53.2 weeks	49.0 weeks
<b>Local developments (non-householder)</b>	329	14.3 weeks	13.3 weeks
<ul style="list-style-type: none"> <li>Local: less than 2 months</li> <li>Local: more than 2 months</li> </ul>	(68.1%) (31.9%)		
<b>Householder developments</b>	315	7.7 weeks	6.7 weeks
<ul style="list-style-type: none"> <li>Local: less than 2 months</li> <li>Local: more than 2 months</li> </ul>	(89.2%) (10.8%)		
<b>Housing Developments</b>			
<b>Major</b>	6	65.4 weeks	63 weeks
<b>Local housing developments</b>	72	28.5 weeks	23.7 weeks
<ul style="list-style-type: none"> <li>Local: less than 2 months</li> <li>Local: more than 2 months</li> </ul>	(45.8%) (54.2%)		
<b>Business and Industry</b>			
<b>Major</b>	0	N/A	29 weeks
<b>Local business and industry developments</b>	37	10.3 weeks	10.9 weeks
<ul style="list-style-type: none"> <li>Local: less than 2 months</li> <li>Local: more than 2 months</li> </ul>	(83.8%) (16.2%)		
<b>EIA Developments</b>	1	153.1 weeks	N/A
<b>Other Consents</b>	195	6.4 weeks	6.8 weeks
<ul style="list-style-type: none"> <li>As listed in the guidance(right)</li> </ul>			
<b>Planning/legal agreements</b>			
<ul style="list-style-type: none"> <li>Major: average time</li> <li>Local: average time</li> </ul>	5 31	75.0 weeks 54.6 weeks	94.7 weeks 34.7 weeks

## B: Decision-making: local reviews and appeals

Original decision upheld					
Type	Total	2019-20		2018-2019	
	number of decisions	No.	%	No.	%
Local reviews	15	9	60.0%	11	81.8%
Appeals to Scottish Ministers	12	10	83.3%	15	60.0%

## C: Context

A combination of the Development Management team being a member of staff down for 5 months of the year as a result of 2 staff leaving allied to a rise in the number of decisions determined, from 583 to 652, a 11.9% increase, resulted in average timescales increasing slightly across all application types. This increase is contrary to the national trend where applications numbers are decreasing.

The number of local development (non-householder decisions increased from 315 to 329 this year, a 4.44% increase, which resulted in the average timescale increasing. However, while the overall average timescale may have increased the percentage determined within the statutory timescale also increased from 67.00% to 68.1%.

The number of householder development decisions increased from 295 to 315 this year, an 11.84% increase, which resulted in the average timescale increasing. However, while the overall average timescale may have increased the percentage determined within the statutory timescale also increased from 88.48% to 89.2%.

## Part 6: Workforce Information

Workforce information should be a snapshot of the authorities planning staff in position on the **31<sup>st</sup> of March 2020**. The information requested in this section is an integral part of providing the context for the information in parts 1-5. The template below allows the information to be recorded in a consistent format, additional guidance on what to include is within the template itself.

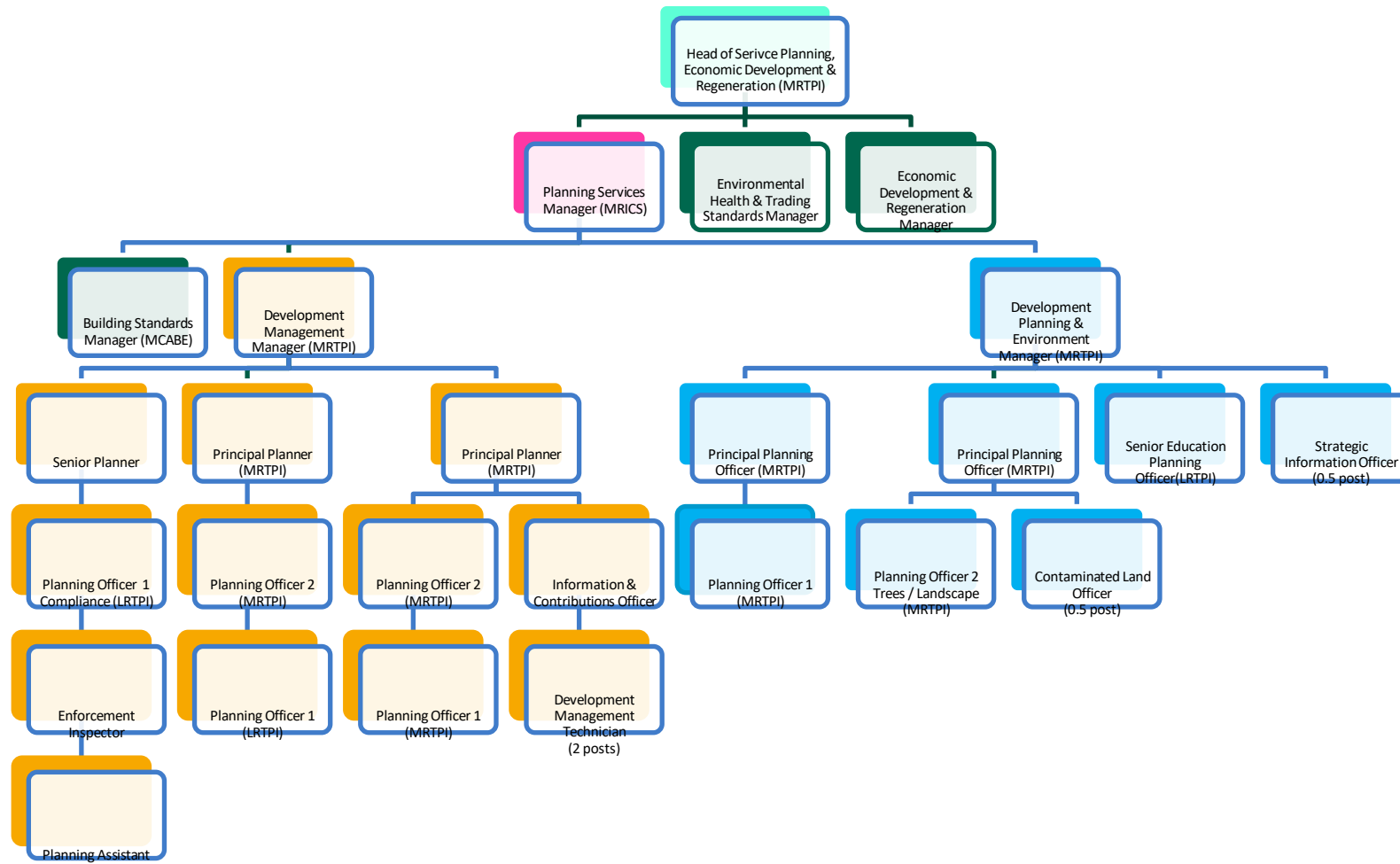
	<b>Tier 1</b> <i>Chief Executive</i>	<b>Tier 2</b> <i>Director</i>	<b>Tier 3</b> <i>Head of Service</i>	<b>Tier 4</b> <i>Manager</i>
<b>Head of Planning Service</b>			●	●

<b>RTPI Chartered Staff</b>		<b>Headcount</b>	
	Chartered RTPI	Licentiate RTPI	All Staff
Development Management	6	2	14 (1 vacant)
Development Planning	5	1	8 (1 vacant)
Total (inc Senior Management)	12	3	24 posts

<b>Staff Age Profile</b>	<b>Headcount</b>
Under 30	5
30-39	2
40-49	6
50 and over	9



## Planning Services Structure

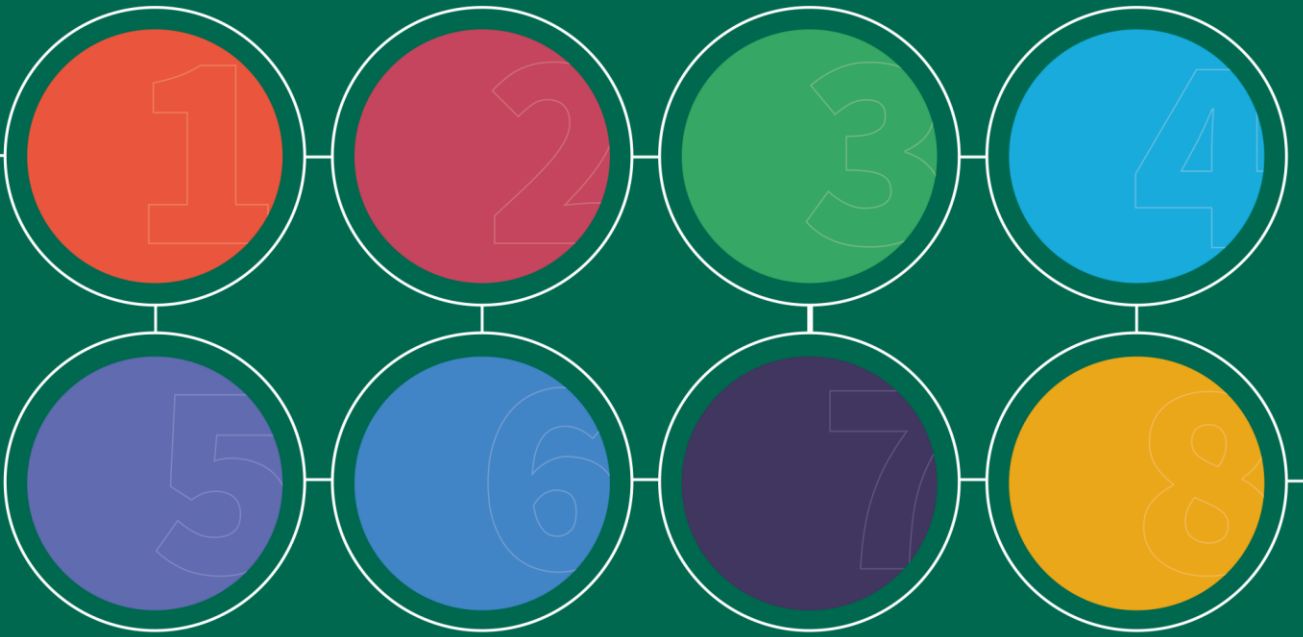


## Part 7: Planning Committee Information

The template below allows the information on the number of meetings and site visits during 2019-20 to be recorded in a consistent format, additional guidance on what to include is within the template itself.

Committee & Site Visits	Number per year
Full council meetings	10
Planning committees	12
Area committees	N/A
Committee site visits	12*
Local Review Body	8
LRB site visits	8*

\* This relates to the number of committee or LRB meetings with site visits scheduled to take place prior to each committee meeting or LRB meeting



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