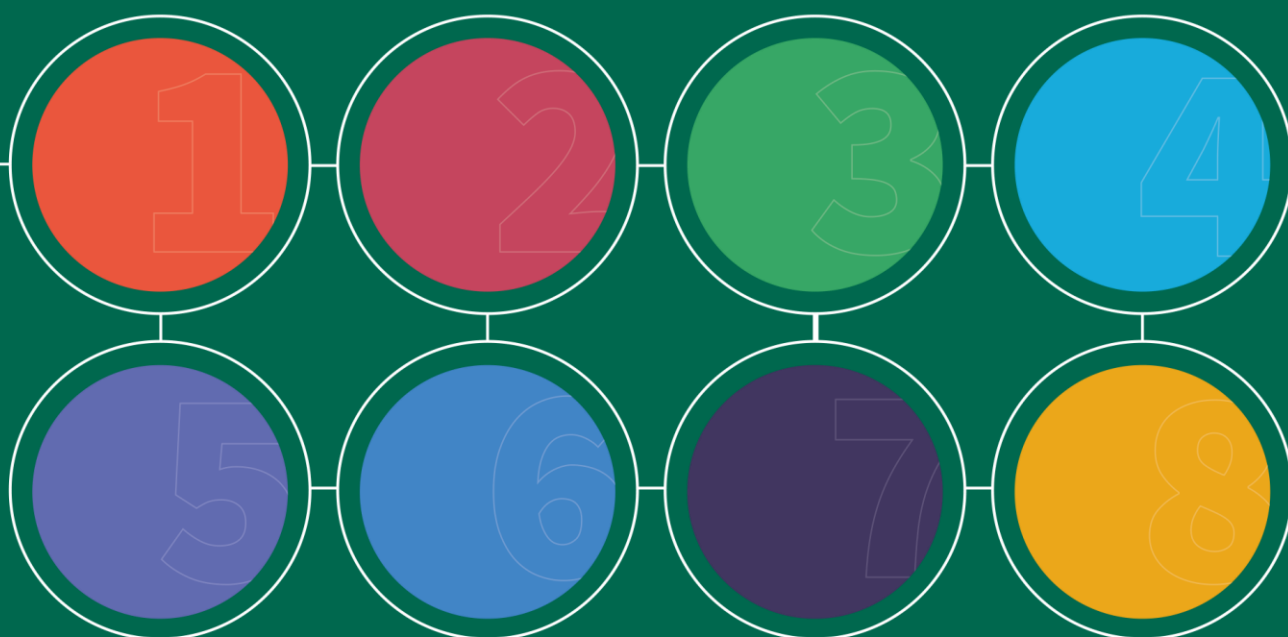


Planning Performance Framework

11



Annual Report 2021/22

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Foreword

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

The council's Planning Service strives to provide an excellent service to local residents and investors in West Lothian. This year there have again been the dual challenges of the increasing financial pressure on the council and the evolving working practices brought about as a result of the pandemic. The central focus over this past year has been to utilise the full benefits of technology to provide a service which is interactive, customer focused and agile while responding to the needs of our customers throughout the period.



The council's eleventh Planning Performance Framework (PPF) reflects on the progress and performance of the service over the financial year 2021/22. It responds to the issues identified in PPF10 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.

Planning Performance Framework 2021/22

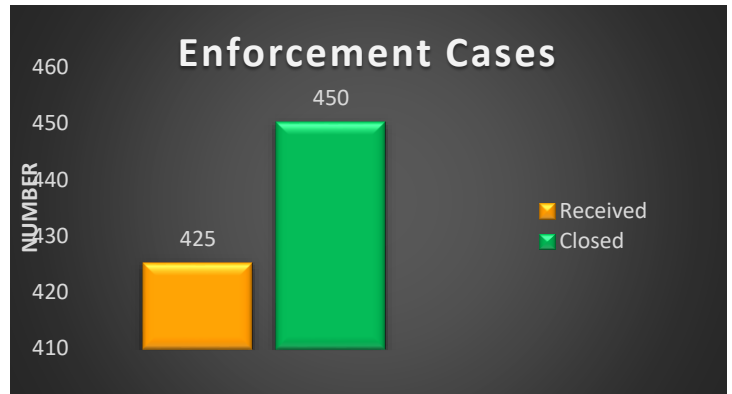
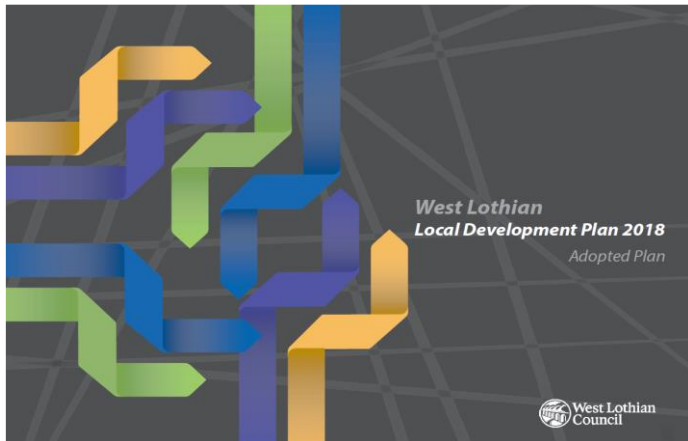
Marker	2013/14	2014/15	2015/16	2016/17	2017/18	2018/19	2019/20	2020/21
1 Decision making	Green	Green	Amber	Amber	Green	Amber	Amber	Amber
2 Processing Agreements	Amber	Green	Green	Red	Red	Green	Green	Green
3 Early Collaboration	Green	Amber	Amber	Amber	Amber	Amber	Green	Green
4 Legal agreements	Green	Amber	Green	Amber	Amber	Red	Red	Amber
5 Enforcement Charter	Red	Green	Green	Red	Red	Green	Green	Green
6 Continuous Improvement	Amber	Amber	Amber	Amber	Amber	Amber	Amber	Amber
7 Local Development Plan	Red	Red	Red	Red	Red	Green	Green	Green
8 Development Plan Scheme	Red	Red	Amber	Amber	Red	Green	Green	Green
9 Elected Member Engaged Early (pre -MIR)	Amber	N/A	N/A	N/A	N/A	N/A	N/A	N/A
10 Cross Sector Stakeholders Engaged Early (pre-MIR)	Amber	N/A	N/A	N/A	N/A	N/A	N/A	N/A
11 Regular and Proportionate Policy Advice	Amber	Amber	Green	Amber	Green	Green	Green	Green
12 Corporate Working Across Services	Green	Amber	Green	Green	Green	Green	Green	Green
13 Sharing Good Practice, Skills and Knowledge	Green	Green	Green	Green	Green	Green	Green	Green
14 Stalled Sites / Legacy Cases	Amber	Amber	Green	Amber	Red	Amber	Amber	Amber
15 Developer Contributions	Green	Amber	Amber	Amber	Red	Green	Green	Green

In 2020/21, West Lothian Council's Planning Service received 9 green markers and 4 amber markers based on Scottish Governments RAG ratings. This shows steady continuous improvement since 2017/18 when the ratings were 4 green markers, 3 amber markers and 6 red markers.

Planning Performance Framework 2021/22

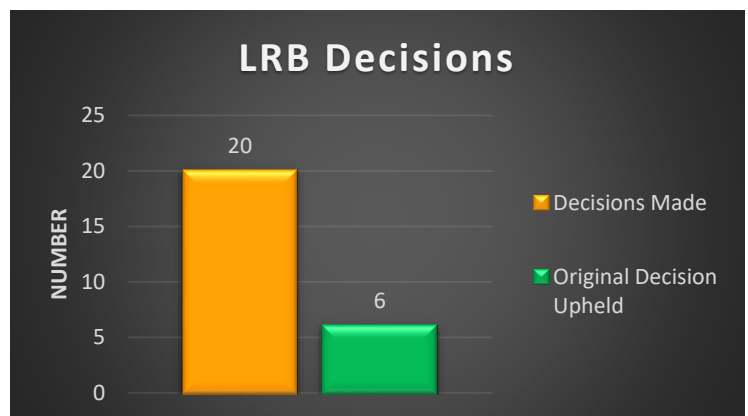
2021/2022 Overview

The enforcement team dealt with 425 new enforcement enquiries and closed 450 enquiries during the year.

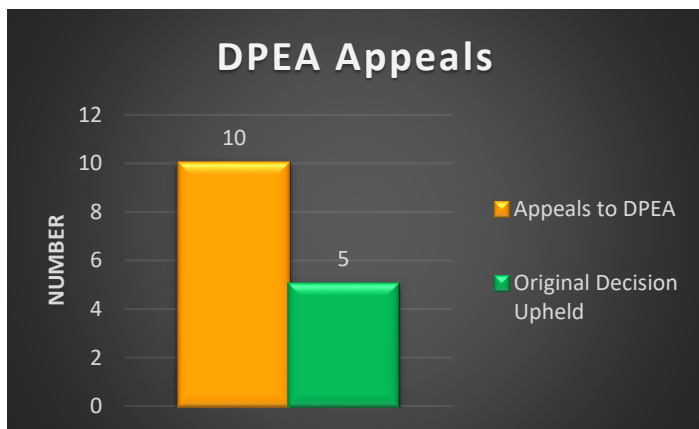


Adopted 4 Statutory Guidance Documents, with a further 3 being worked on with 1 of these awaiting Scottish Government sign off. Adopted 2 Planning Guidance Documents with a further 2 drafted and awaiting Council Executive Approval

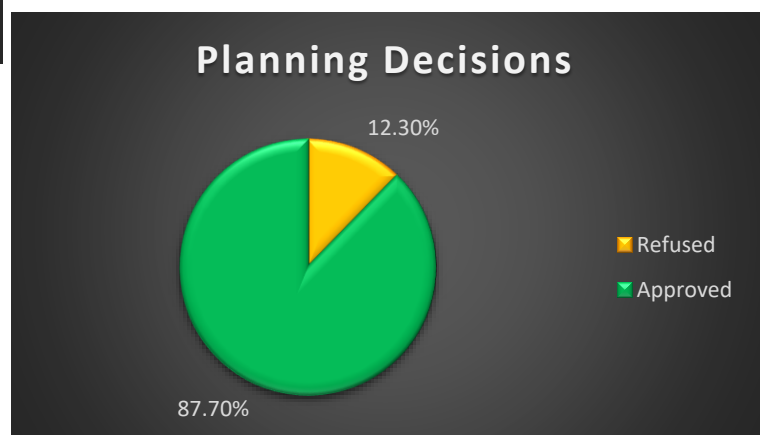
There were 20 Local Review Body (LRB) submissions determined of which 6 were upheld in favour of the original decision.



There were 10 appeals to Scottish Ministers (DPEA) of which 5 were upheld in favour of the original decision.



Determined 954 planning or other applications with an 87.4% approval rate.



Part 1: Qualitative Narrative and Case Studies

The council's eleventh Planning Performance Framework (PPF) reflects on the progress and performance of the service over the financial year 2021/22. It responds to the issues identified in PPF10 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.

West Lothian Council's Planning Service has successfully risen to these challenges and have focused on maintaining service levels within development management to help support the development industry and economic recovery. Our focus has been refining adapted processes and procedures to allow good decisions to be made in a timely manner, demonstrating a commitment to quality of outcomes and quality of service and engagement, while ensuring appropriate governance arrangements remain in place. In particular, the service has continued to respond positively to the shift to home and online working and has utilised the full benefits of technology to provide a service which is interactive, customer focused, agile and while responding to the needs of our customers has not had a detrimental impact on performance. The flexible working practices will now be piloted for a year to consider their longer-term effectiveness.

1.1 Quality of Outcomes

The delivery of high-quality development on the ground contributes to meeting the needs of communities by providing a high quality of life for residents and creating and maintaining an environment that encourages investment. This in turn contributes to the objectives of the Council's overall strategy, including improving the physical environment and creating sustainable and inclusive communities.

In particular, the service has continued to respond positively to the shift to home and online working and has utilised the full benefits of technology to provide a service which is interactive, customer focused, agile and while responding to the needs of our customers has not had a detrimental impact on performance.

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 has been prepared by the strategic 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 as part of the development plan by all SESplan authorities on 28 October 2014.

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.

Action Programme

The West Lothian Local Development Plan (LDP) sets out the spatial land use planning policy and development framework for West Lothian for the next ten years and is a vital component in ensuring economic growth and business support, meeting confirmed housing need in all tenures and ensuring the protection / enhancement of built and natural heritage resources, all within an overarching aim of securing environmental sustainability.

The LDP is supported by an [Action Programme](#) which provides an update on progress with policies and proposals in the LDP and sets out how the council proposes to implement the plan.

The Action Programme contains a list of actions required to deliver each of the plan's policies and proposals. It identifies the appropriate parties that are required to carry out the action(s); and it provides an indicative timescale for completing these actions.

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The Action Programme is the principal mechanism used to monitor the performance of the LDP and to trigger change and/or adjustments to the development strategy in order to maintain the planned investment in future growth and development in West Lothian over the plan period (2014 to 2024).

The LDP and Action Programme also help to inform the future spending priorities of the council and its community planning partners as well as other public, private and voluntary sector bodies.

The LDP Action Programme First Review was reported to and approved by Council Executive in December 2020.

It advised that a number of key development proposals had been delivered or had been granted planning approval over the period including the construction of two new high schools and a new primary school at Winchburgh which will make a significant contribution towards removing education constraints from a large part of the identified land allocations in West Lothian.

Commencement of construction of the schools represents the single biggest capital investment ever undertaken by the council and is well underway with the first school due to open in 2022/23.

The Action Programme Review noted that development continued to hold up and take place in the Core Development Areas despite the Covid -19 Pandemic with areas such as East Calder and Mossend contributing significantly to new housing in West Lothian.

It was also reported that significant progress had been made in the preparation of Supplementary Guidance and Planning Guidance. In particular, the preparation of Supplementary Guidance has provided up to date developer contribution rates for a variety of infrastructure required to support delivery of development.

The Action Programme was the subject of public consultation and all comments received (and the council's response to them) can be viewed by [clicking here](#).

A new iteration of the Action Plan is to be prepared and will be reported to the Council Executive in due course.

Local Development Plan Scheme

Having successfully secured the adoption of the first West Lothian Local Development Plan in 2018 consideration has now turned to the successor plan.

The Planning etc. (Scotland) Act 2006 requires planning authorities to publish an annual Development Plan Scheme (DPS). The DPS sets out the programme for preparing, reviewing and consulting on the next 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.

The council's strategy for preparing the next LDP requires however to be informed by The Planning (Scotland) Act 2019 which was enacted in July 2019 and which makes substantive changes to the Town & Country Planning (Scotland) Act 1997.

The most significantly relevant changes include:

- removing the requirement to prepare Strategic Development plans;
- making the National Planning Framework (NPF) part of the Development Plan;
- introducing Regional Spatial Strategies (RSS) to provide long term spatial development frameworks at regional level;
- introducing potential for local communities to prepare new 'Local Place Plans'

In view of the foregoing the council decided that it would prepare LDP 2 wholly in the context of the new legislative framework introduced by The Planning (Scotland) 2019 Act, thus minimising the risk of having to make substantive revisions at a later date in order to align with emerging secondary legislation, NPF4 in particular, which is yet to be ratified by the Scottish Parliament.

The most recent [Development Plan Scheme](#) No.14 (DPS No.14) was published in March 2022 and has been submitted to Scottish Ministers for information. It intimates that LDP 2 will replace the current West Lothian Local Development Plan (LDP 1) and it sets out a new provisional timetable for doing this.

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Q3 – 2023	Submission of Evidence Report to Scottish Ministers
Q4 – 2023 Q1 – 2024	“Gatecheck” of Evidence Report
2024	Preparation of Proposed Plan and Delivery Programme
Q4 – 2024	Publish Proposed Plan, Evidence Report and Delivery Programme
Q4 – 2024 Q1 – 2025	Consultation period
Q3 – 2025	Publish Proposed Plan and Modification Report (if appropriate)
Q4 – 2025	Examination of Proposed Plan
Q1 – 2026	Modifications of Proposed Plan (where necessary)
Q1 – 2026	Anticipated Adoption of LDP 2

It is a requirement that the LDP must be compliant with the National Planning Framework 4 (NPPF 4) and to have regard to the Regional Spatial Strategy for the plan area. However, in the absence of a comprehensive framework of legislation relating to the new development plan preparation process at this time there are difficulties in reliably programming and timetabling.

The dates shown assume that Scottish Government will adopt the National Planning Framework (NPF 4) and other guidance and regulations pertaining to Local Development Plans by Summer 2022, and while it is hoped that this will be realised, it will be appreciated that in the event of any slippage the anticipated programming of LDP 2 may require to be changed.

Case Study 1 – Craigninn Terrace Blackridge

Case Study Title
Craigninn Terrace Affordable Housing and Retail Site
Location and Dates
Craigninn Terrace, Blackridge. 2021-2022
Element of a High-Quality Planning Service this study relates to:
<ul style="list-style-type: none"> • Quality of outcomes • Quality of service and engagement
Key Markers:
1, 12 and 14
Key Areas of Work:
<ul style="list-style-type: none"> • Design • Affordable Housing
Stakeholders Involved:
<ul style="list-style-type: none"> • Local Developers • Authority Other Staff
Overview:
A new application resulted in the successful commencement of development of the site with input from Planning Services and Roads resulting in a good design and placemaking outcome.
Goals:

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To help kick start development on the site, ensure an appropriate design to the development and to feed into the council's housing supply targets.
Outcomes:
The site is still under construction; when completed it will make an attractive and pleasing residential community, benefiting the area as a whole by introducing elderly amenity housing and a convenience retail unit in a village that has few amenities.
Name of Key Officer
Matthew Watson, Planning Officer, Development Management

The site at Craiginn Terrace is a long-standing housing allocation having been allocated in the previous West Lothian Local Plan before being carried forward into the West Lothian Local Development Plan.

Development of the site had stalled due to the economic downturn from 2008 and two previous applications on the site had been withdrawn.

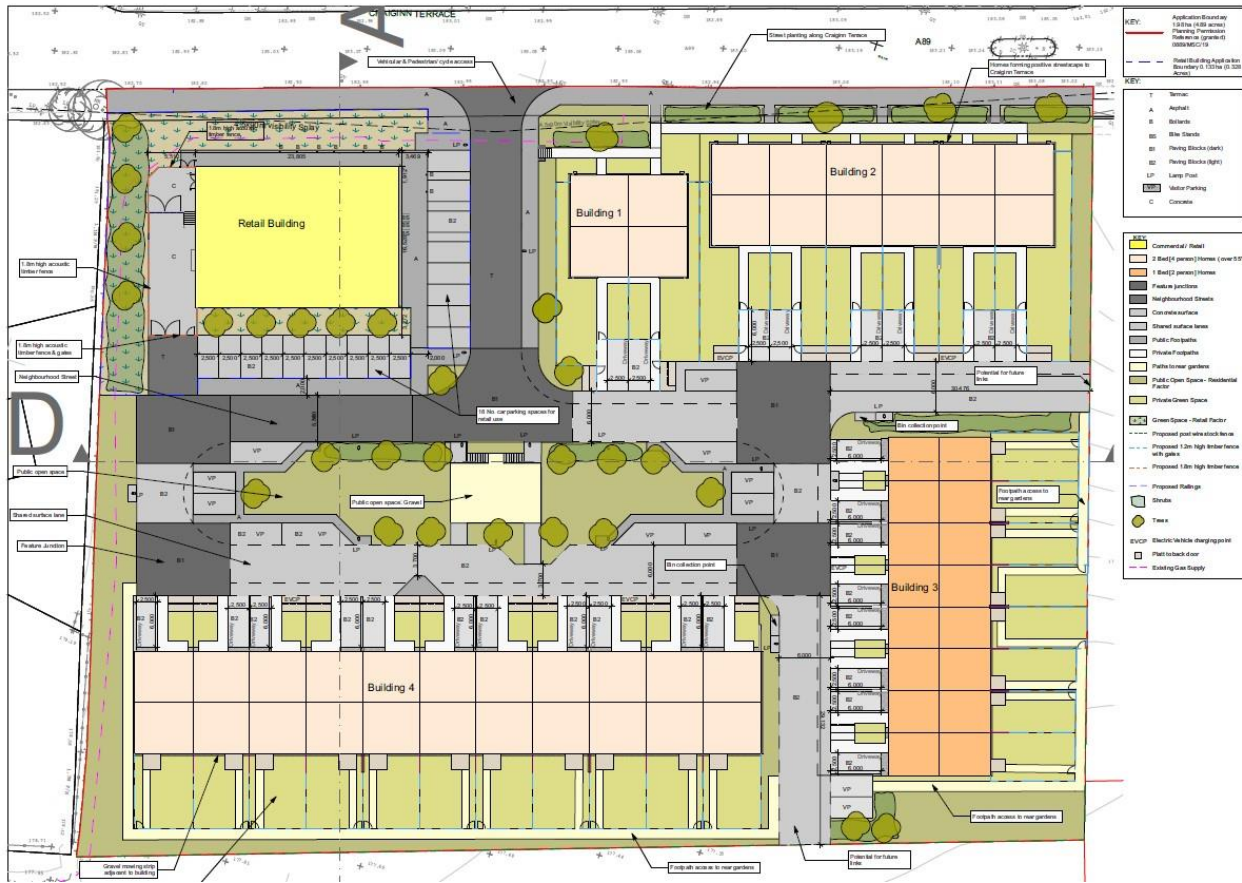
A new application for planning permission in principle covering this site and the majority of the wider housing allocation was granted in 2019. An application for an approval matters specified in conditions for 27 houses and a retail unit was subsequently granted, which covered the bulk of the affordable housing for the wider site.

A variation to this application was subsequently submitted to change the design of the retail unit and restrict occupancy of the houses to over 55s only.

There were some issues with the previously approved road layout that needed to be resolved, including inadequate turning space for bin lorries. Input from the council's Roads and Transportation service and early engagement with the developer allowed for these problems to be ironed out, and the road layout to be more in line with Designing Streets than previously. Due to the early engagement with the developer and Roads and Transportation, a decision was issued within the eight-week statutory target for the determination of the application.

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After subsequent condition discharges the applicant approached the council for changes to the chosen wall and roof finishes due to supply chain issues. The council took a flexible approach with these changes given the recognised supply chain issues the construction is facing at present. This flexible approach allowed for the developer to make a site start at the earliest possible opportunity. The developer is now on-site progressing the development.





Case Study 2 – Cedarbank Assisted Special Needs (ASN) School

Case Study Title:
Cedarbank Assisted Special Needs (ASN) School
Location and Dates:
Ladywell Livingston 2020-2022
Elements of a High-Quality Planning Service this study relates to:
<ul style="list-style-type: none"> • Quality of outcomes • Quality of service and engagement
Key Markers:
3, 12 and 13
Key Areas of Work:
<ul style="list-style-type: none"> • Collaborative Working • Project Management
Stakeholders Involved:
<ul style="list-style-type: none"> • Authority Planning Staff • Authority Other Staff
Overview:
<p>Cedarbank Assisted Special Needs (ASN) School in Ladywell, Livingston was considered to be no longer fit for purpose and a purpose-built school was proposed within the ground of The James Young High School (JYHS) in Dedridge, Livingston. A new school was a priority for the council and Development Management took a key role in managing the detailed negotiations with stakeholders and ensuring all the regulatory processes were followed whilst maintaining design quality and integration with the local environment.</p>
Goals:
<p>To provide a new state of the art ASN school as a stand-alone unit within a safe environment for pupils and staff which would provide an excellent education facility and be a positive addition to the local community.</p>

Outcomes:
The positive outcome is that Cedarbank ASN is now operational and, as can be seen from the image below, the result is a high-quality building and environment and there remains a substantial area of ground which can be utilised for both Cedarbank and JYHS.
Name of key officer
Steven McLaren, Planning Officer, Development Management

Cedarbank Assisted Special Needs (ASN) School in Ladywell, Livingston was considered to be no longer fit for purpose and a purpose-built school was proposed within the ground of The James Young High School (JYHS) in Dedridge, Livingston.

Whilst the replacement Cedarbank ASN would be within the grounds of JYHS, access would be taken from Dedridge North District Road rather than utilising the existing access and parking at JYHS. This would ensure that the new school was a stand-alone unit with parking for staff and also ensured a safe environment for the drop off of children at the school entrance, rather than utilising the new footpath proposed adjacent to existing playing fields and linking the two school with a pedestrian access.

The school building is an attractive modern design, combining buff facing brick with dark grey cladding and incorporating tree and shrub planting as part of the development. The overall design of the building was acceptable and did not raise concerns.

The location of the school, however, did raise one or two challenges. The site chosen for the new school would result in the loss of approximately 50% of an area of land set aside as grass playing fields.

The loss of playing fields to development, albeit a new school within the grounds of an existing high school and where outdoor sports facilities can be shared, is of concern to Sport Scotland. Sport Scotland as a statutory consultee was consulted on the application and issued a 'holding response' to the proposals.

Sport Scotland quoted policy ENV22 (protection of outdoor sports facilities) from the adopted West Lothian Local Development Plan, 2018 and stated that whilst they understood the need for ASN school provision, the potential impact on existing outdoor sports facilities needed to be considered alongside this need.

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Sport Scotland set out that there was no information provided with the application to enable full consideration to be given in accordance with policy ENV22.

Discussions were held with Education which provided a response for Sports Scotland identifying that the JYHS did not use the elevated grassed area and that following the construction of the ASN school, the remaining grassed area would be marked out as a 7 aside football facility which could be used by the full campus.

Sport Scotland was not convinced with the initial response from Education and set out their assessment against SPP paragraph 226. Additional information was required to demonstrate that the remaining pitch would be able to either maintain or improve the overall playing capacity in the area. Further information was required on who uses the existing pitch, including any outside clubs, and whether this space currently used by the public?

Sports Scotland also sought information on whether the drainage will be improved on the new pitch.

Further discussions were held and Education provided additional information on the fact that the current grassed area was not used. The development of the site will leave a new playable 7 aside grass pitch adjacent to the ASN and JYHS would continue to utilise a 3G pitch, existing grass pitch and 6 tennis courts.



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Yet more information was provided in support of the proposals for the new ASN school and Sport Scotland finally took the view that they did not object to the proposals but required a condition to be added to the planning permission ensuring that the playing field is marked out as a 60m x 40m pitch and required that drainage is installed to ensure the remaining grass pitch is drained and playable.

Whilst Sport Scotland was defending the position that playing fields should not be developed unless there was strong policy justification, Sport Scotland seemed to find it difficult to accept the fact that the condition of the grassed area and its long-term lack of use by JYHS or other groups meant the ground was not an active part of the sports facilities available to JHYS or the wider community.

Nevertheless, following the submission of additional supporting information and Sport Scotland condition request, that condition was included to allow the decision to be released. The positive outcome is that Cedarbank ASN is now operational as can be seen from the image above and there remains a substantial area of ground which can be utilised for both Cedarbank and JYHS.

Major developments delivered on the ground during 2021/22

During 2021/22 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: -

- Completion of 146 unit RSL flatted development in Livingston town centre providing social rent, mid market rent and elderly amenity flats.
- Delivery of first phase of 40 Ha District Park, including play area and community growing area at Winchburgh.
- Completion of construction of Holy Family Primary School and Winchburgh Academy Secondary School at Winchburgh.
- Completion of canal marina in Winchburgh.
- Start of construction works on the M9 motorway junction at Winchburgh.
- Opening of Calderwood Primary School in East Calder.
- Commencement of platforming works at the former Bangour Hospital site at Dechmont, Livingston for the delivery of over 990 new and refurbished homes at the historic hospital site.
- Completion of 51 houses by Cala at Blackness Road, Linlithgow.
- Completion by Bellway, Barratt and Miller Homes of 142 houses on three sites in South Livingston.
- Completion of 68 houses in the Heartlands strategic development area.
- Opening of a new Petrol Filling Station and services building for Spar and Greggs and opening of retail outlets for KFC, Starbucks and McDonalds at the Heartlands strategic development area.
- Completion of 158 houses in the Calderwood Core Development Area (CDA) and 89 in the Winchburgh CDA.
- Opening of new wedding venue adjacent to Harperigg Reservoir south west of Kirknewton.

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 [pre-application enquiry](#) service was reduced to an informal service during 2021/22, which continued to prove popular. The informal service allowed customers to request information on the application process and any relevant policy guidance and receive this through a telephone discussion with an officer and/or emails, with links to the necessary documents online.

In view of a staffing review and the legislative changes brought in by the Town and Country Planning (Fees for Applications) (Scotland) Regulations 2022 which includes the ability to charge fees for Pre-application enquiries, the formal service will be resumed from April 2022. This service will run alongside a separate call back duty service for general planning enquiries provided by the Planning Service.

Advice provided by both of these services also includes details of 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.

This year has seen a minor decrease in the submission of applications for a [Certificate of Lawfulness](#) for proposed development to 117 in 2021/22 from last year's 120 in total but this, nevertheless, illustrates the continuation of a high demand for this service. These applications 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

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amendments and legislation, to mitigate the development's individual or cumulative impacts upon infrastructure, including cross-boundary impacts.

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 2021/22 there were 13 applications subject to processing agreements, an increase from the 10 applications in 2020/21.

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 either individual or 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 – Remediation of Former Auldcathie Landfill

Case Study Title
Remediation of Former Auldcathie Landfill
Location and Dates
2011 -2021 Winchburgh, West Lothian
Element of a High-Quality Planning Service this study relates to:
<ul style="list-style-type: none"> • Quality of Service and Engagement • Governance
Key Markers:
1,3,7 and 10
Key Areas of Work:
<ul style="list-style-type: none"> • Regeneration • Greenspace
Stakeholders Involved:
<ul style="list-style-type: none"> • Local Developers • Authority Other Staff (retained consultants)
Overview:
<p>The solution to the problems at Auldcathie, an abandoned landfill site on the edge of Winchburgh, required a multi-disciplinary approach to the technical issues. However, the requirement for the restoration was established through the West Lothian Local Plan. This was the draft and then adopted plan in place in 2005-2008, when the initial proposals for the settlement expansion and masterplan for Winchburgh came forward.</p> <p>The process of achieving both the correct technical solution and the appropriate end use involved extensive collaboration with the developer, technical experts and most importantly the local community. The former landfill had been abandoned in the 1990s and was a blight on the local landscape. It was therefore important that any development in and around Winchburgh ensured that the restoration and reuse of the land formed a key component in the masterplan development.</p>

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Goals:
To ensure a technically robust remediation scheme but with an end use and land profile that tied in with the wider aspirations for the area as a district park and adjacent school and delivered the environmental, social and economic benefits envisaged at conception.
Outcomes:
The former landfill has been fully remediated and with ongoing monitoring forming part of the long term maintenance it is being used as a District Park and forms a key component of the landscape setting of the recently completed 'Schools in the Park' and a valuable social, recreational and environmental asset for Winchburgh.
Name of Key Officer
Wendy McCorriston, Development Management Manager

The requirement for the restoration of Auldathie, an abandoned landfill site, was set out in the West Lothian Local Plan. Inclusion of this requirement in the draft and then adopted plan ensured that the restoration was a key driver behind the masterplan approach to the settlement expansion at Winchburgh. It was also a major driver for the community and seeing that the restoration was a major part of the overall development strategy allowed for a much more positive relationship between the council, community and the developer than may have otherwise been the case.

As a unique requirement, the restoration of the site was then incorporated through the use of two suspensive conditions in the Planning Permission in Principle for the settlement expansion of Winchburgh. Initial site investigation and reporting had been undertaken as part of the permission in principle, so the first condition was that no development in certain adjacent development blocks could be undertaken until updated reports and a remediation strategy were submitted and approved. The second condition then required the full remediation to be undertaken prior to the opening of the adjacent planned schools.

As a major technical and environmental project, this required a strong partnership between technical and environmental stakeholders, together with the community, including the masterplan developer's engineers and landscape architects, the delivery contractor, SEPA and council officers in planning and open space services, together with in house and external contaminated land consultants, to ensure the remediation scheme tied in with the wider aspirations for the district park and adjacent school and delivered the environmental, social and economic benefits envisaged at conception.

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Remediation of the Auldcaithie site was zoned based on the findings of earlier investigation, waste delineation during remediation and the proposed end use of the area. The core of the strategy was to provide an engineered landfill cap and gas collection system across the main biodegradable landfill area, with works comprising waste reprofiling and construction of a composite geosynthetic and geological

barrier, and design and construction of a network of gas extraction wells and gas management infrastructure.

Effective drainage of the landfill cap was required in order to control runoff and limit infiltration into the waste mass. Review of the topography and hydrological regime indicated that surface water runoff was best directed as overland flow to drainage channels, followed by infiltration into exposed bedrock rock within a



reprofiled gully area. This approach mimicked pre-existing drainage and infiltration whilst mitigating the contamination risk to surface water and ground water. Elsewhere on the site, areas of inert construction and demolition waste were reprofiled to meet the needs of the new district park. Wastes were contained beneath a clean cover system utilising site won rock and soil, and suitable surplus soils from across the wider Winchburgh masterplan development.

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Soils from within the masterplan planning boundary were used in accordance with SEPA's guidelines on sustainable reuse of greenfield soils in construction, and on land remediation & waste management to avoid waste disposal and avoid the need to import materials to site. The thickness of the soil cover system was

varied as necessary across the site to accommodate specific planting schemes (e.g. woodland, community growing areas and orchard areas required a greater depth of cover than grassland) or infrastructure foundations.

The result is a fully remediated site which has been planted with trees and grasses to enhance biodiversity and, whilst some final finishing works are ongoing, over half of the area is open to the public, including community growing and play areas shown below and an extensive path network. The Winchburgh community and the wider West Lothian public now have a valuable recreational and environmental asset on their doorstep.



Case Study 4 - Longhill Burn Wind Farm

Case Study Title:
Longhill Burn Wind Farm
Location and Dates:
Woodmuir Plantation, West Calder, 2016 to 2022
Elements of a High-Quality Planning Service this study relates to:
<ul style="list-style-type: none"> • Quality of outcomes • Quality of service and engagement
Key Markers:
1, 3, 12 and 14
Key Areas of Work:
<ul style="list-style-type: none"> • Planning Applications • Economic Development
Stakeholders Involved
<ul style="list-style-type: none"> • Local Developers • Authority Planning Staff
Overview:
<p>Large scale commercial wind energy in West Lothian is focussed in the south west of the county.</p> <p>Energiekontor first approached the council in 2016 regarding construction of a wind farm on commercial forestry land at Woodmuir Plantation, some 3 miles south-west of West Calder. To the west of the site is Tormywheel wind farm with Black Law wind farm beyond. To the east of the site is Pates Hill wind farm with Pearie Law and Harburnhead wind farms beyond. The consented but unbuilt Heathland windfarm is to the south of the site.</p> <p>Initial pre-application discussions with Energiekontor took place in 2016 regarding a wind farm at the site, at that time the proposal was for 14 turbines up to 130m high. Advice was issued on a range of environmental issues. An EIA scoping opinion was issued in 2017. A proposal of application notice was submitted in 2017, with public events held in April 2017.</p>

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Goals:
<p>To provide pre-application advice about the development of a wind farm and to process the proposal through the planning system.</p> <p>Once the project was consented, the goals moved to engagement with the developer to ensure construction in accordance with the terms of the consent.</p>
Outcomes:
<p>By the time the wind farm is commissioned in December 2022, officers will have engaged with the developer for six years on this project. It is a significant renewable energy project and it has been a complex process from pre-application discussion to where we are today. There has been a constructive and positive relationship with the developer that has enabled the project to successfully reach financial close and construction.</p> <p>The wind farm will have the first 'tall' turbines (over 150m high) in West Lothian and make a significant contribution to renewable electricity generation and carbon emission reduction.</p> <p>The developer will also make voluntary community benefit payments during the lifetime of the wind farm which will have social and economic benefits for surrounding communities in West Lothian.</p>
Name of key officer
Tony Irving, Principal Planning Officer, Development Management

At the beginning of 2018, Energiekontor approached officers about a reduction in the number of turbines but with increase in height to 180m. There were a number of drivers for this, including economic and technological factors and policy direction for tall turbines. Officers engaged on this revised proposal, highlighting it would be a step-change in height of turbines compared to existing turbines and the added issues of required visible aviation lighting and how taller turbines would relate to Tormywheel (111m to tip), Pates Hill (107m to tip) and Heathland (132m to tip).

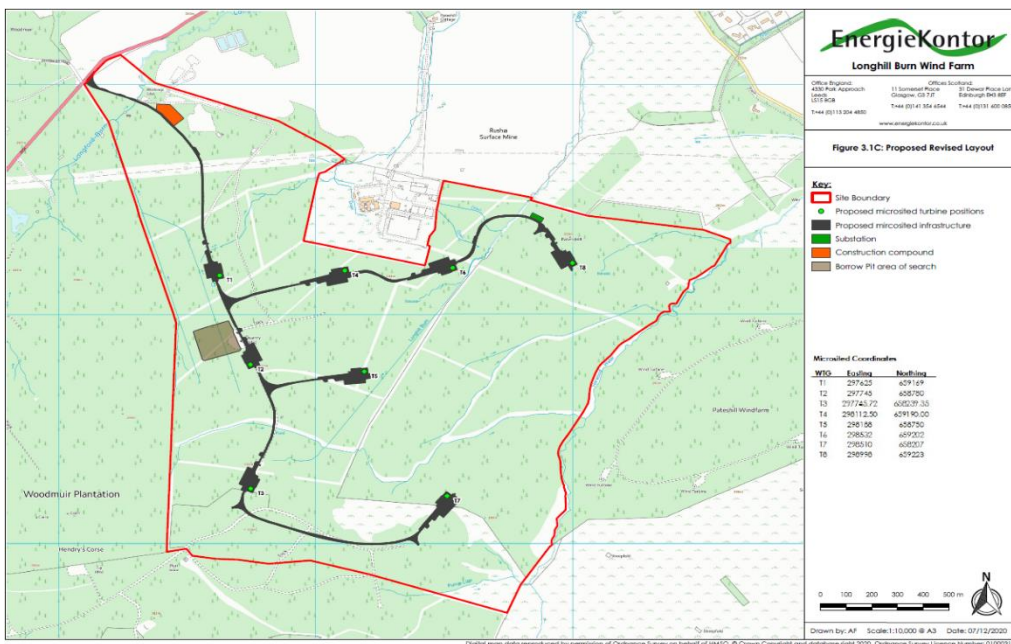
Energiekontor undertook further community consultation with public events in December 2018.

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A planning application for the wind farm was submitted in May 2019 with a proposal for 8 turbines with tip height of 180m. There was need for considerable assessment, particularly with regard to issues of landscape & visual impact, visible aviation lighting and radar issues. Consent was granted in April 2020.

Energiekontor then contacted officers to enquire about increase of turbine height to 200m as this would give considerable increase in electricity generation with fairly nominal increase in turbine height. To achieve this, it submitted an application under S42 of the planning act to vary conditions attached to the consent. At this time there was debate about the implications of the *Finney v Welsh Ministers* court decision on S42 applications in Scotland. Officers took legal advice and it was concluded that in this case a S42 application wasn't competent. Energiekontor withdrew the application.

Energiekontor then submitted a further proposal of application notice and undertook community consultation in August 2020 for the 200m high turbine proposal. A planning application followed in



November 2020 and had to go through same process as the application for 180m high turbines. Officers worked closely with Energiekontor and stakeholders to process the application and it was granted in February 2021.

Officers also processed and granted planning applications for an access track to service the required electricity grid connection and an access track to facilitate delivery of turbine components.

Energiekontor was keen to move the project to construction and officers engaged on the discharge of planning conditions, including securing decommissioning & restoration bond and appointment of a planning monitoring officer and ecological clerk of works.

Construction works started in May 2021 and all site infrastructure and turbine foundations have been completed. Delivery of turbine components has been delayed by global supply chain issues and at present

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all turbine blades and tower components are on site. Turbine hubs and nacelles are scheduled for delivery in October. Commissioning and energisation are expected in December.

T6 foundation concrete pour - November 2021



T5 access track, lay down areas and turbine foundation – March 2022



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. These meetings continue to be held remotely with a view to moving to a hybrid arrangement from August 2022.

The delegation scheme has been reviewed and reported to the Council's Development & Transport Policy Development and Scrutiny Panel (PDSP) and has also been approved by the Council Executive. Subsequent to this the delegation scheme was forwarded on to Scottish Government and was approved by Scottish Ministers in April 2021

In terms of decision making 87.4% of applications (834 out of 954) were approved. With 95.4% (910 out of 954) being determined 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 20 cases were presented to the board of which 30% of decisions (6 out of 20) made by the Council being upheld.

Staffing

The interim review of the Development Management section which had been carried out in late 2020 was further reviewed due to maternity leave and a 0.5FTE fixed term Development Management Technicians post was extended to a full-time fixed term contract.

See complete staffing structure in Part 6.

All customer enquiries are now handled by telephone or email 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 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 [pre-application enquiry](#) service was reduced to a free informal service during 2021/22, which continued to prove popular. The informal service allowed customers to request information on the application process and any relevant policy guidance and receive this through a telephone discussion with an officer and/or emails, with links to the necessary documents online.

In view of a staffing review and the legislative changes brought in by the Town and Country Planning (Fees for Applications) (Scotland) Regulations 2022 which includes the ability to charge fees for Pre-application enquiries, the formal service will be resumed for financial year 2022/23. This service will run alongside a separate call back duty service for general planning enquiries provided by the Planning Service.

Advice provided by both of these services also includes details of 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.

Average Performance

During 2021/22 the development management team were a member of staff down for a number of months due to staff being unavailable and the time taken to advertise, appoint and start staff in post.

The number of:

- major decisions increased from 14 to 18 this year, a 28.57% increase, although the average timescale increasing from 32.5 weeks to 114.1 weeks, a 251% increase. The vast majority of this increase related to the time taken to get legal agreements agreed which was a result of a high turnover of legal staff.
- local development (non-householder) decisions increased from 257 to 367 this year, a 42.8% increase, with the average timescale increasing from 13.1 weeks to 15.1 weeks, a 15.27% increase.
- householder development decisions increased from 363 to 387 this year, a 6.61% increase, with the average timescale increasing from 7.8 weeks to 8 weeks, an 2.5% increase.

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The increases in average time noted above can in large part be attributed to the time taken to get legal agreements agreed which was a result of a high turnover of legal staff. This was also affected by ongoing delays in receiving information from agents due to the staff furloughed, or absent or working remotely. Given the ongoing extenuating circumstances, the service did not wish to determine applications early by refusing them and worked with the agents to reach satisfactory outcomes for all parties even though this resulted in an increased average decision time as noted above.

Shared Service

The shared service whereby East Lothian Council's Contaminated Land Officer would check and comment on all submissions to West Lothian Council under both Planning Applications and Building Warrant submissions came to an end at the end of 2019/20 due to reallocating resources in light of the pandemic. It is hoped that this service can be restarted as this shared service has proven beneficial to both services and preliminary discussions have begun on this subject. In the interim the service has been outsourced to an external consultant although shared service provisions are still being discussed with other local authorities.

Building Standards staff continue to provide a shared service with planning enforcement and are their eyes on the ground for the initial assessment of planning enquiries. This shared service allows planning enforcement to priorities their workload with enforcement staff concentrating on clear planning breaches of planning legislation.

Case Study 5 – Implementation of Covid Working Practices

Case Study Title
Implementation of Lessons Learned and New Practices from Development Management Service Delivery During the Pandemic
Location and Dates
West Lothian, 2021/22
Element of a High-Quality Planning Service this study relates to:
<ul style="list-style-type: none"> • Governance • Culture of continuous improvement
Key Markers:
1, 6 and 12
Key Areas of Work:
<ul style="list-style-type: none"> • Online Systems • Process Improvement
Stakeholders Involved:
<ul style="list-style-type: none"> • Authority Planning Staff
Overview:
<p>The COVID-19 pandemic and the resulting national lockdown from March 2020 is unprecedented in the council’s history. Planning Services was able to respond robustly to the challenges it faced and was able to mobilise staff and resources quickly and efficiently to ensure there was the minimum of disruption to its functions and to its customers and service users.</p> <p>During 2021 and into 2022, when emerging from the pandemic, the service has been able to reflect on some of the working practices that were brought in as a result of the pandemic and, where appropriate, take the opportunity to incorporate them into normal working practices for the benefit of the service and its customers.</p>
Goals:
<p>To ensure all staff were given the necessary resources and support to be able to work from home whilst minimising any breaks in service provision and customer contact then, moving forward to incorporate the positive aspects of new practices, particularly digital and home working, into normal working practices within Planning Services.</p>

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Outcomes:
Planning Services was able to respond robustly to the challenges it faced and was able to mobilise staff and resources quickly and efficiently. The service was also able to capitalise on the benefits of the changes and draw on the positives of the new working practices, including an expansion of electronic communication, service access and meetings. During 2021/22 the service been able to identify and consolidate those elements of best practice that can be taken forward, such as hybrid working and virtual meetings and rationalise or bring back other practices which were changed during the pandemic, such as the ability to undertake site visits and in person meetings where appropriate.
Name of Key Officer
Wendy McCorriston

Whilst the impact of the pandemic and the resulting lockdown in March 2020 occurred within a matter of weeks, West Lothian Council's Development Management Service was in a good position to be able to respond quickly and efficiently to maintain our excellent customer service.



Over the preceding 6 Years the service had already successfully undertaken a significant shift from paper to electronic means of working with:

- all planning and other applications being assessed and processed electronically from summer 2016.
- all planning applications being online and letters, decision notices and plans being issued electronically through the use of the Idox Uniform system, allied to the use of Enterprise for workflow purposes.
- Building Standards, who use the same software, having already developed remote access and having in place, for over a year, access to all the necessary software which had allowed building standards to access all records from site.
- the service having, within the previous 6 to 8 months, trialled and secured the introduction of an external hybrid mail provider which meant that neighbour notification and all other letters which could not be emailed could still be sent out by mail for all applications.

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As a result of all this development and investment the switch to remote working happened almost seamlessly.

From this starting point it was only a small change to allow all staff access to the same systems which permitted remote working from any location. The majority of officers already had laptops with remote access to all the necessary software systems in place and in the two to three weeks leading up to the lockdown, arrangements were made to secure the necessary additional hardware and have arrangements put in place to allow for the remote access for all planning services staff.

Building on this positive transition to home and digital working, Planning Services has been keen to build on the positive aspects of these new working practices, particularly where they have brought benefits to service delivery and customer satisfaction.

In relation to neighbour notification procedures in particular, whilst the Scottish Government was issuing guidance on how to proceed and a number of other authorities were advising that applications where notification was required were being held in abeyance, letters were being issued by West Lothian Council using these remote systems. This continues to be part of the standard working practices for Planning Services and more letters and notifications, including those for Building Standards and Development Planning, are now being delivered in this way.

The council's web pages and public access portal were updated timeously to stress the importance of applications being submitted through the ePlanning portal wherever possible and updated messages about making payments, contacting staff and making representations by electronic means and these messages have been retained and clarified as staff have returned to council offices.

Whilst there were some inevitable challenges to home working and to maintaining team morale and mental health when face to face meetings could not take place, as a whole the planning teams have reacted and engaged positively to the changes. Feedback following 18 months of mainly home working was positive and Planning Services is now to be part of the council's pilot scheme for Hybrid Working. Arrangements are now being put in place to start this pilot from the 1 April 2022, with risk assessments and all the necessary digital and home equipment now being in place for 22 of the 23 staff who are eligible to take place in the pilot. Only one person declined to take part and preferred to work full time in the office.

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One of the key practices that had to change during the pandemic was carrying out site visits and site meetings. Previously visits were undertaken for every planning application. During the pandemic into 2021 and the start of 2022, applicants and agents have been requested to submit photographs and/or videos of the site and these, together with Google Street View, have been used to carry out assessments of applications.

Objectors have also been allowed to submit photographs of any aspects of a site that they wish to be considered in the application assessment. This has generally been a very successful approach and one which has been retained, for straightforward householder applications where there are no objections and for the submission of Enforcement cases, where much of the initial assessment can be desk based which improves the initial assessment and contact with applicants/agents for further information where necessary. It has also allowed for Enforcement cases to be progressed more quickly where there are clearly no breaches or where it is clear that an application is required to regularise a matter.

For meetings with applicants, agents and objectors or other parties, these have been undertaken using video links and screen sharing of plans and proposals. From discussions with agents and customers, for schemes involving bigger companies and their agents, this has generally been a positive method of working and often timesaving for all parties where travel time normally involved has been removed. This is again a method of working that is being retained, at least in part, going forward.

There were some inevitable issues with setting up remote/video conferencing systems for council meetings, including Development Management and Planning Committees, however, councillors and customers have generally responded positively, again primarily where it reduces travel times to attend meetings in person. In view of this the council has now invested in new conferencing systems and training is underway to allow for hybrid style meetings to become the norm going forward.

It is clear that Planning Services has been able to identify and capitalise on the positive outcomes from the pandemic and is now actively incorporating those lessons learned into it's standard working practices for the benefit of its customers and overall service delivery.

Case Study 6 -Statutory and Non-Statutory Guidance

Case Study Title:
Statutory and Non-Statutory Guidance
Location and Dates:
Civic Centre Livingston
Elements of a High-Quality Planning Service this study relates to:
<ul style="list-style-type: none"> • Quality of service and engagement • Governance
Key Markers:
11, 12 and 13
Key Areas of Work:
<ul style="list-style-type: none"> • Local Development Plan & Supplementary Guidance • Interdisciplinary Working
Stakeholders Involved:
<ul style="list-style-type: none"> • Key Agencies • Authority Planning Staff
Overview:
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).
Goals:
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).
Outcomes:
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. Significant progress has been made, particularly over the past twelve months and as can be evidenced from the list below.

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Name of key officer
Steve Lovell, Principal Planning Officer, Development Planning & Environment

Statutory and Non-Statutory Guidance:

Adopted or commenced new planning guidance supporting the Local Development Plan at 31 March 2022

Statutory Planning Guidance (SG)	Status
Planning & Noise	Adopted February 2019
Development in the Countryside	Adopted March 2019
Flooding and Drainage	Adopted April 2019
Residential Development Guide	Adopted April 2019
Air Quality	Adopted April 2019
Affordable Housing	Adopted June 2019
Developer Contributions Towards Public Art	Adopted January 2020
Minerals (Including Restoration Bonds)	Adopted February 2020
Developer Obligations for General Infrastructure for Site Delivery	Adopted September 2020
Planning & Education	Adopted May 2021
Wind Energy	Adopted June 2021

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Renewables & Low Carbon Energy Development (excluding Wind Energy)	Adopted June 2021
Developer Contributions Towards Cemetery Provision	Adopted August 2021
West Lothian Place-Based Green Network Guidance	SG drafted and consulted on. A new iteration of the SG is being drafted.
Developer Contributions Towards Transport Infrastructure	SG submitted to Scottish Ministers but not yet approved to adopt
Contaminated Land	SG drafted and will be consulted on subject to committee approval.

Non-Statutory Planning Guidance (PG)	Status
West Lothian Active Travel Plan	Adopted April 2016
Health Impact Assessment	Adopted March 2017
Air Quality	Adopted April 2019
Controlling Obtrusive Lighting	Adopted March 2020
Planning for Nature	Adopted April 2020
Mobile Snack Bars	Adopted May 2020
Shop fronts and Advertisements in Broxburn and Uphall, Linlithgow, Kirknewton, Livingston, Mid Calder and Torphichen Conservations Areas	Adopted May 2020
House Extension and Alteration Design Guide	Adopted October 2020
Areas of Built Heritage and Townscape Value – The Shale Miners Rows	Adopted November 2020

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Non-employment Uses within Employment Areas	Adopted January 2021
Soil Management & After Use of Soils on Development Sites	Adopted April 2021
The Historic Environment	Adopted April 2021
Public Realm Design Guides for Armadale, Bathgate, Broxburn & Uphall, Linlithgow and Whitburn	Public Consultation was carried out on the public realm designs guides for the 5 traditional town centres in Autumn 2021 after co-vid lockdown restrictions were raised. The results are to be reported to Council Executive in April 2022.
Historic Battlefield – Battle of Linlithgow Bridge (1526)	Planning guidance drafted and to be consulted on prior to being presented at Council Executive for 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 2022/23) is updated annually and as a document is a record of proposed service improvements for 2022/23 and really focusses in on those changes that are required by legislation, the introduction of new technology and customer demand. The [Management Plans](#) for previous years can also be found online.

The Employee Annual Development and Review (ADR) 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.
- weekly in Building Standards 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.

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In 2021/22 staff from Planning Services attended the following training/CPD events or forums to share/develop good practice:

Training/ CPD events

The majority of the events this year were held virtually through video calls and meetings

15.04.2021 - Planning Skills - DPEA Appeals Training - Improvement Service/ DPEA

20.05.2021 – IRSS and NPF4 – Introductory session

03.06.2021 – IRSS and NPF4 – Plenary session

11.06.2021 – HOPS Annual Conference

22.06.2021 – GPD(S)O – Update training

23.06.2021 – RTPi Digital HOPS focus group

June 2021 - MIT course in planning: - Site Planning Online

20.07.2021 – HOPS Validation Workshop for DM Staff

28.07.2021 – APSE Trees and Woodlands Seminar

28.07.2021 – Planning Skills – Peatland Training with Crichton Carbon Centre and NatureScot

04.08.2021 – GIS Training / Update with Stirling Council

21.09.2021 - Brodies CPD - Planning live with guest Tom Arthur

02.09.2021 - Freedom of Information 2021, Records Management 2021, Data Protection 2021 and the Health & Safety annual refresh 2021

26.10.2021 – RTPi Digital Planning Focus Group

23.11.2021 - Brodies CPD - Enforcement

09.12.2021 and 13.12.2021 - HOPS NPF4 Workshop -Introduction and Overview Sessions

14.12.2021 - HOPS NPF4 Workshop - Sustainable Places

15.12.2021 - HOPS NPF4 Workshop - Liveable Places

16.12.2021 - HOPS NPF4 Workshop – Productive Places

17.12.2021 - HOPS NPF4 Workshop - Distinctive Places

27.01.2022 – NatureScot – Developing with Nature Guidance

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09.02.2022 - Community Wealth Building Awareness Workshop - WLC Economic Development

23.03.2022 - CSGN Connectivity Map layers – Webinar - NatureScot

23.03.2022 - The People’s Proposals for Planning, Places and Transport -Webinar - RTPi/Scotland Climate Assembly

23.03.2022 - Sir Patrick Geddes Commemorative Lecture

Good Practice Forums

1.09.2021 - Place and Wellbeing: Integrating land use planning and public health in Scotland - Improvement Service

21.09.2021 - Planning Skills Webinar - Land for Housing - Scottish Land Commission

07.12.2021 - Planning Skills - Webinar with the Health and Safety Executive - Improvement Service

Case Study 7 – Planning Guidance on Soil Management & After Use of Soils on Development Sites

Case Study Title:
Planning Guidance on Soil Management & After Use of Soils on Development Sites
Location and Dates:
West Lothian - 2021/22.
Elements of a High-Quality Planning Service this study relates to:
<ul style="list-style-type: none"> • Quality of outcomes • Quality of service and engagement • Culture of continuous improvement
Key Markers (please select all that apply):
6, 11 and 13
Key Areas of Work:
<ul style="list-style-type: none"> • Development Management Processes • Environment
Stakeholders Involved:
<ul style="list-style-type: none"> • Local Developers • Authority Planning Staff
Overview:
<p>Soil is a finite resource. Some of the most significant impacts on it occur as a result of construction activity, yet it appears that there is a general lack of awareness and understanding of soil issues within the construction industry.</p> <p>Mapping of the natural drainage status of the soils in West Lothian shows that the majority of the southern half of the district and some areas to the west have poor or very poor natural drainage characteristics. During development, misuse of soil often results in even poorer drainage capacity of the soil that is returned to a site after construction activity.</p>

The "[West Lothian Soil Sustainability Report](#)" was originally published in 2004 following research by Scottish Agricultural College (SAC) and funded by Scottish Natural Heritage (SNH - now 'Nature Scot'), after arising out of the West Lothian Local Biodiversity Action Plan.

The 2004 report's broad indications remain valid in that the majority of soils in West Lothian have a soil texture ranging from clay to sandy clay loam. This high clay content often results in the worst drainage conditions, albeit there are examples of particularly good soils, yielding very high crop returns. Preserving the structure of soil is of particular importance in assisting with its drainage. Soils with the most susceptible structural stability problems include silty clay loams and sandy clay loams as occur in West Lothian. Deterioration of soil structure can occur if soil is badly managed on development sites.

Given these circumstances it is prudent to have a soil management procedure in place before the commencement of specific developments on site, which would be implemented during and after construction. The new [Soil Management & After Use of Soils on Development Sites](#) Planning Guidance sets out requirements of developers in that regard. It has been drafted with the input of Nature Scot soil scientist and expands on the policy requirements set out in the LDP.

The new Guidance sets out the circumstances where applicants will be required to submit a Soil Sustainability Plan (SSP) alongside planning applications. Soil Sustainability Plans / planning conditions will need to consider the following:

- soil analysis and assessment of the development site;
- risk assessment before moving soil;
- soil archaeology assessment;
- soil identification for after-use purposes, including the opportunity to retain on site as much existing top-soil as is practical;
- top-soil handling proposals, including avoidance of compaction and movement of soils when ground conditions are inappropriate;
- storage proposals for soil, including profiling and height of soil dumps;
- site restoration proposals;

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- open space drainage proposals, correction of mineral and nutrient deficiencies and soil erosion mitigation measures; and
- monitoring of soil post-development.

Goals:

The aim of the Planning Guidance on Soils Management is to:

- help conserve prime quality soils, as an irreplaceable natural resource where greenfield sites are being developed;
- minimise problems, like flooding, for development sites and adjacent land uses, where soil has been poorly managed during the course of construction; and
- prepare sites more effectively for landscaping and open space use.

Outcomes:

Examples of appropriate planning conditions related to soils are set out in the Planning Guidance

It also incorporates as an Annex a '*Best Practice Specification for Handling of Soil*',

In addition, there is a checklist of the "*Do's and Don'ts of soil management*" directed towards Site Agents.

These Annexes will both be released with future relevant planning permissions to applicants and developers.

Training is being arranged for Development Management Case officer from Nature Scot Soil Scientist on Soil Sustainability Plans and other issues related to storage and use of soils on development sites.

The Planning Guidance was drawn up with the help of Nature Scot to enable it to be circulated to all other Scottish local planning authorities to allow them to adapt it to their council area.

Name of key officer

Chris Alcorn – Principal Planner, Development Planning & Environment.

Case Study 8 – Review of Local Review Body (LRB) Decisions.

Case Study Title:
Review of Local Review Body (LRB) Decisions.
Location and Dates:
Council wide, April 21- March 22
Elements of a High-Quality Planning Service this study relates to:
<ul style="list-style-type: none"> • Quality of outcomes • Governance • Culture of continuous improvement
Key Markers:
1, 6 and 11
Key Areas of Work:
<ul style="list-style-type: none"> • Performance Monitoring • Staff Training
Stakeholders Involved:
<ul style="list-style-type: none"> • Authority Planning Staff
Overview:
<p>Two groups of officers from the Development Management team reviewed the decisions made by the LRB in the 12-month period to identify any trends or learning points.</p> <p>The first group looked at local developments such as small-scale residential development and change of use proposals.</p> <p>The second group looked at householder applications, and also reviewed cases which were granted previously by the LRB and are now built.</p> <p>The groups reviewed the handling report, review documents and minutes from the LRB.</p>
Goals:
<ul style="list-style-type: none"> • To identify trends in the decisions made by the LRB • To critically reflect on the decisions being made at officer level

- To review the effectiveness of the relevant policies
- To identify training points for officers and elected members, particularly relevant given the training being rolled out to elected member after the elections

Outcomes:

The first point which was noted by the team was that review requests for commercial uses or small-scale residential developments were generally dismissed, in line with the decision of the appointed person. In particular the LRB agreed with the appointed person in cases of town cramming.

The majority of requests which were upheld related to house extensions and changes of use from public open space to garden ground. Several of the change of use applications were retrospective but that did not appear to be a key factor. Many of the areas of public open space were owned by the applicant, often to the front and side of the property and members were more likely to view these as compliant with policy. Change of use proposals for land which was more clearly defined as open space was more likely to be refused.

In terms of householder applications, members were less likely to support refusal of a planning application on design grounds, particularly if there was no other concern such as privacy or overshadowing. Almost all of the cases allowed by the LRB, including one which is now built, related to issues of roof design. On reflection, officers are perhaps being overly concerned about roof pitches and heights, which may appear worse on plan than when built. This is certainly true of the extension which is now constructed. The group also reflected on how materials can help to lessen the impact, and noted that negotiating about changes to the materials should be considered more in future.

The majority of cases allowed by the LRB related to houses which sit apart from other houses, so not in a street with a defined character and appearance and with no immediately adjacent neighbours. There was therefore little impact on other people and more scope to have a non-standard design. Two of the projects now have building warrants and the team agreed that it would be interesting to discuss them again once they are built.

The outcome of these discussion was fed back to all officers within the Development Management team, including officers involved in the training of elected members. Whilst officers will continue to

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assess applications in line with relevant policy, the process has helped the team to identify where it would be more appropriate to negotiate and where a more flexible approach to design can be taken. Ultimately this should lead to a smoother and more satisfactory outcome for our customers. The process will be repeated annually and again will include any development which are on the ground.

Name of key officer
Gillian Cyphus – Principal Planning Officer, Development Management

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
- Case Studies
- Benchmarking
- Partnership Working
- Committee Reports
- Local Development Plan Scheme
- Housing Land Audit 2021

Supporting evidence for Planning Performance Framework 11 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.

Planning Performance Framework 2021/22

- 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 2021/22 survey are currently being analysed to identify potential areas of improvement.

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	11	1
Climate Change	26	4
Regeneration	22	3
Environment	44	7
Greenspace	22	3
Local Development Plan & Supplementary Guidance	37	6
Affordable Housing	11	1
Development Management Processes	44	7
Planning Applications	26	4
Interdisciplinary Working	37	6
Collaborative Working	15	2
Performance Monitoring	47	8
Process Improvement	33	5
Project Management	15	2
Staff Training	47	8
Online Systems	33	5

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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	
Do I Need Planning Permission	Developer Contributions Guidance
Applying for Planning Permission	How to Submit a Planning Application
Residential Development Guide – Supplementary Guidance	Minerals (Including Restoration Bonds) – Supplementary Guidance
Affordable Housing – Supplementary Guidance	Flooding and Drainage– Supplementary Guidance
QUALITY OF SERVICE & ENGAGEMENT	
Pre-Application Advice	View, Object or Comment on a Planning Application
Householder Planning Application Guidance	Objecting to a Planning Application
Processing Agreements	Local Development Plan (LDP)
Planning Processing Agreement Form	Local Development Plan Scheme (DPS)
Planning Enforcement	West Lothian Housing Land Audit (HLA)
Planning Enforcement Charter	Active Travel Plan for West Lothian 2016-2021
You Said, We Did Development Management	You Said, We Did Development Planning & Environment
GOVERNANCE	
West Lothian Corporate Plan 2018/19 – 2022/23	Local Outcomes Improvement Plan
Council Minutes, Meetings & Agendas	Scheme of Delegation
CULTURE OF CONTINUOUS IMPROVEMENT	
Planning, Economic Development and Regeneration Management Plan	Planning Performance Framework 10 - 2020/21
You Said, We Did Development Management	You Said, We Did Development Planning & Environment

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No	Performance Marker	Measure	Policy Background to Marker	Part of PPF report best suited to evidence this marker
DRIVING IMPROVED PERFORMANCE				
1	Decision making: Authorities demonstrating continuous evidence of reducing average timescales for all development types		See Official Statistics and Planning Performance Framework report	NHI Scottish Government Official Statistics
2	Project management: 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 increased in 2021/22 to 13 from 10 in 2020/21.</p>	Modernising the Planning System (Audit Scotland); Scottish Government website / template	NHI Quality of Service and Engagement
3	Early collaboration with applicants and consultees on planning applications:	The availability of pre-application advice is publicised online on website.	White Paper; Delivering Planning Reform;	NHI Quality of Service and Engagement

Planning Performance Framework 2021/22

	<ul style="list-style-type: none"> • availability and promotion of pre-application discussions for all prospective applications • clear and proportionate requests for supporting information 	<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 required if clear and proportionate to determine the proposal against development plan policies.</p>	<p>Planning Reform</p> <p>Next Steps</p>	
<p>4</p>	<p>Legal Agreements:</p> <p>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>	<p>The number of legal agreements concluded in 2021/22 increased from 38 to 42, a 10.53% increase from 2020/21.</p> <p>The average timescale for major applications increased due to a high turnover of staff in the legal service.</p> <p>An ongoing review of completed legal agreements</p>	<p>Official statistics</p> <p>PPF report</p> <p>evidence of delays to major developments</p>	<p>Quality of Service and Engagement</p> <p>Governance</p>

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		is being carried out to minimise delays for all concerned.		
5	Enforcement charter: Updated / re-published	Enforcement Charter reviewed and re-published March 2021.	Planning Act (s158A)	NHI Part 2 - Evidence
6	Continuous improvements: <ul style="list-style-type: none"> • show progress / improvement in relation to PPF National Headline Indicators • progress ambitious and relevant service improvement commitments identified through PPF report 	A further interim review of the Development Management section has been carried out with the following additional post being created: <ul style="list-style-type: none"> • Development Management Technician (0.5 FTE - Fixed Term) 	Delivering Planning Reform PPF Report	Culture of Continuous Improvement Service Improvement Plan
PROMOTING THE PLAN-LED SYSTEM				
7	Local Development Plan: Less than 5 years since adoption	The Local Development Plan was adopted on 04 September 2018 and is less than 5 years old. Plan preparation is project planned to meet deadlines for management approval and Council Executive submission alongside relevant Development Plan Scheme dates.	Planning Act (s16) Scottish Planning Policy	NHI Quality of Outcomes Quality of Service and Engagement

Planning Performance Framework 2021/22

		<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>		
8	<p>Development plan scheme demonstrates next LDP:</p> <ul style="list-style-type: none"> • on course for adoption within 5-year cycle • project planned and expected to be delivered to planned timescale 	<p>The Development Plan Scheme 13 was approved by Council Executive on 23 February 2021.</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 / Spring 2024.</p> <p>Current timetable set out in DPS No.14 reflected Scottish Government timeframes for delivery of NPF4 and secondary legislation in support of the Planning (Scotland) Act 2019. It will however be appreciated that</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>

Planning Performance Framework 2021/22

		<p>the absence of a comprehensive framework of legislation relating to the new development plan preparation process at this time significantly impacts on the ability to reliably forecast programming and timetabling for development plan preparation and it is therefore important to recognise that dates shown in the proposed DPS No.14 may be subject to change as events unfold.</p>		
9	<p>Elected members engaged early (pre-MIR) in development plan preparation</p>	<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 14 was approved by Council Executive on 22 March 2022 which has the draft LDP2 scheduled for 2024/25 with early engagement taking place through 2023/24.</p> <p>Members will be engaged on a continual basis through the LDP2 preparation process</p>		<p>Quality of Service and Engagement Governance</p>

Planning Performance Framework 2021/22

		through Local Area Committees, Policy and Development Scrutiny Panels and Council Executive meetings and potential workshops and briefing sessions.		
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 14 was approved by Council Executive on 22 March 2022 which has the draft LDP2 scheduled for 2024/25 with early engagement taking place through 2023/24.</p>		Quality of Service and Engagement Governance
11	<p>Production of regular and proportionate policy advice:</p> <p>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"> • Planning and Education • Wind Energy Development • Renewables and Low Carbon Energy 		<p>Quality of Service and Engagement</p> <p>Part 2 - Evidence</p>

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		<ul style="list-style-type: none"> • Developer Contributions Towards Cemetery Provision <p>Supplementary Guidance approved by Council Executive but awaiting Scottish Government approval to adopt included.</p> <ul style="list-style-type: none"> • West Lothian Place-Based Green Network Guidance • Developer Contributions Towards Transport Infrastructure <p>Planning guidance adopted through the year includes</p> <ul style="list-style-type: none"> • The Historic Environment • Soil Management and After Use of Soils on Development Sites <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</p>		
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Planning Performance Framework 2021/22

		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.		
SIMPLIFYING AND STREAMLINING				
12	<p>Corporate working across services to improve outputs and services for customer benefit: (e.g. protocols; joined-up services; single contact; joint pre-application advice)</p>	<p>Surface pro used to remotely connect from site to access DMS and Uniform in Building Standards and in Planning Enforcement team.</p> <p>Building Standards staff continue to provide a shared service with planning enforcement and are their eyes on the ground for the initial assessment of planning enquiries. This shared service allows planning enforcement to priorities their workload with enforcement staff concentrating on clear planning breaches of planning legislation</p>		Quality of Service and Engagement Governance

Planning Performance Framework 2021/22

		<p>Process for dealing with contaminated land consultations further reviewed.</p> <p>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 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</p>		
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Planning Performance Framework 2021/22

		Development and Regeneration Team and Building Standards in the delivery of business opportunities, and also with roads and building standards in pre-application discussions.		
13	Sharing good practice, skills and knowledge between authorities	<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>West Lothian officers are working with Edinburgh City on cross-boundary transport and school infrastructure projects and with Fife on good practice on key major housing development projects.</p>	Delivering Planning Reform; Planning Reform Next Steps	Culture of continuous improvement
DELIVERING DEVELOPMENT				
14	Stalled sites/legacy cases: conclusion/withdrawal of planning applications more than one-year-old	Although the number of legacy cases cleared in 2021/22 decreased to 30 from 34 in 2020/21 the number of cases remaining		NHI Governance

Planning Performance Framework 2021/22

		only rose by 7 to 52 in 2021/22 from 45 in 2020/21.		
15	<p>Developer contributions:</p> <p>Clear expectations set out in development plan (and/or emerging plan,) and in pre-application discussions</p>	<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> <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>		Quality of service and engagement

Planning Performance Framework 2021/22

		<p>A variety of supplementary guidance which contains developer contributions has been updated and adopted through 2021/22 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 2022/23

Service improvements in the coming year

- Develop Pilot Hybrid working scheme
- Community Council Training Sessions
- Development Management Committee Training Sessions
- Local Review Body Training Sessions
- Further Review of Development Management Staffing
- Develop hybrid Development Management Committee system and update associated documents

Delivery of service improvement actions in 2021/22

Looking back at the service improvements we identified for 2021/22

Committed improvements and actions	Progress	
Community Council Guidance Refresh	Completed	
Local Review Body Guidance Refresh	Completed	
Development Management Committee Guidance Refresh	Completed	
Review of Development Management Staffing	Completed	
Roll out Surface Pro's to all Enforcement Staff	Completed	
Update validation Guidance for applicants / Agents	Completed but now Ongoing	

Part 4: National Headline Indicators (NHI)

A: NHI Key outcomes – Development Planning:

Development Planning	2021-22	2020-21
Local and Strategic Development Planning:		
Age of local/strategic development plan(s) at end of reporting period <i>Requirement: less than 5 years</i>	3 year and 6 months	2 year and 6 months
Will the local/strategic development plan(s) be replaced by their 5 th anniversary according to the current development plan scheme?	N	N
Has the expected date of submission of the plan to Scottish Ministers in the development plan scheme changed over the past year?	Y Later	N
Were development plan scheme engagement/consultation commitments met during the year?	Y	Y
Effective Land Supply and Delivery of Outputs		
Established housing land supply	25,097¹	25,362²
5-year effective housing land supply programming	9,040¹	8,363²
5-year effective land supply total capacity	21,468¹	21,499²
5-year housing supply target	6,604¹	6,604²
5-year effective housing land supply (to one decimal place)	6.84 years¹	6.3 years²
Housing approvals	990 units³	2,357 units³
Housing completions over the last 5 years	3,839	4,102
Marketable employment land supply	130.53 ha	99.74 ha
Employment land take-up during reporting year	38.42 ha	19.27 ha

Notes:

¹ Source: Final 2020/21 Housing Land Audit January 2022

² Source: Final 2019/20 Housing Land Audit November 2020

³ 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, if 280 units were approved for a site in Livingston this year as part of an MSC approval. These 280 units were 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

Planning Performance Framework 2021/22

consent. This also leads to double-counting between years. For example, if 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.

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B: NHI Key outcomes – Development Management:

Development Management:	2021-22	2020-21
Project Planning		
Percentage and number of applications which are subject to pre-application advice	<p style="text-align: center;">N/A</p> <p style="text-align: center;">There was no detailed pre-application advice provided over this period due to the pandemic. Only informal advice was provided which was not recorded against a subsequent application</p>	<p style="text-align: center;">4.42%</p> <p style="text-align: center;">54 applications</p>
Percentage and number of major applications which are subject to processing agreement	<p style="text-align: center;">11.11%</p> <p style="text-align: center;">2 applications out of 18</p>	<p style="text-align: center;">14.29%</p> <p style="text-align: center;">2 applications out of 14</p>
Decision Making		
Application approval rate	87.4%	91.6%
Delegation rate	95.4%	94.7%
Validation	43.44%	35.54%
Decision-making Timescales		
Major Developments	114.1 weeks	32.5 weeks
Local developments (non-householder)	15.2 weeks	20.5 weeks
Householder developments	8 weeks	7.8 weeks
Legacy Cases		
Number cleared during reporting period	30	34
Number remaining	52	45

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C: Enforcement activity

	2021-22	2020-21
Time since enforcement charter published / reviewed	13 months	1 months
Complaints lodged and investigated	425	374
Breaches identified – no further action taken	13	29
Cases closed	451	268
Notices served	36	19
Direct Action	0	0
Reports to Procurator Fiscal	0	1
Prosecutions	1 case pending	0

D: NHI Key outcomes – Commentary

Commentary

Short contextual statement

During 2021/22 the development management team were a member of staff down for a number of months due to staffing matters and the resultant time taken to advertise, appoint and start staff in post.

The number of major decisions increased from 12 to 18 this year, a 50% increase for the 2nd year, although the average timescale increased from 32.5 weeks to 114.1 weeks. This increase was almost entirely due to the determination of 18 legacy cases from prior to 2020, which included complex legal agreements.

The number of local development (non-householder) decisions increased from 257 to 316 this year, a 22.96% increase, with the average timescale decreasing from 20.5 weeks to 15.2 weeks, an 34.87% reduction.

The number of householder development decisions increased from 363 to 387 this year, a 6.6% increase, with the average timescale increasing from 7.8 weeks to 8 weeks, a 2.56% increase. This increase can in part be attributed to the service not wishing to determine applications early by refusing them and working with the agents to reach satisfactory outcomes for all parties even though this resulted in an increased average decision time.

Part 5: Scottish Government Official Statistics

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

Timescales	2021-22	2021-22	2020-21
Overall			
Major developments	16	114.1 weeks	32.5 weeks
Local developments (non-householder)	316	15.2 weeks	20.5 weeks
<ul style="list-style-type: none"> Local: less than 2 months Local: more than 2 months 	(65.5%) (34.5%)		
Householder developments	387	8 weeks	7.8 weeks
<ul style="list-style-type: none"> Local: less than 2 months Local: more than 2 months 	(89.7%) (10.3%)		
Housing Developments			
Major	9	137 weeks	59.7 weeks
Local housing developments	57	27 weeks	58.2 weeks
<ul style="list-style-type: none"> Local: less than 2 months Local: more than 2 months 	(43.9%) (56.1%)		
Business and Industry			
Major	4	29.8 weeks	N/A
Local business and industry developments	55	11.6 weeks	9.4 weeks
<ul style="list-style-type: none"> Local: less than 2 months Local: more than 2 months 	(67.3%) (32.7%)		
EIA Developments	1	40.9 weeks	17.1 weeks
Other Consents	106	3.3 weeks	5.1 weeks
<ul style="list-style-type: none"> <i>As listed in the guidance(right)</i> 			
Planning/legal agreements			
<ul style="list-style-type: none"> Major: average time Local: average time 	7 28	219.4 weeks 37.4 weeks	64.4 weeks 83.7 weeks

B: Decision-making: local reviews and appeals

Type	Total number of decisions No.	Original decision upheld			
		2021-22		2020-2021	
		No.	%	No.	%
Local reviews	20	6	30%	5	55.6%
Appeals to Scottish Ministers	10	5	50%	4	44.4%

C: Context

During 2021/22 the development management team were a member of staff down for a number of months due to staffing matters and the resultant time taken to advertise, appoint and start staff in post.

The number of major decisions increased from 12 to 18 this year, a 50% increase for the 2nd year, although the average timescale increased from 32.5 weeks to 114.1 weeks. This increase was almost entirely due to the determination of 18 legacy cases from prior to 2020, which included complex legal agreements.

The number of local development (non-householder) decisions increased from 257 to 316 this year, a 22.96% increase, with the average timescale decreasing from 20.5 weeks to 15.2 weeks, an 34.87% reduction.

The number of householder development decisions increased from 363 to 387 this year, a 6.6% increase, with the average timescale increasing from 7.8 weeks to 8 weeks, a 2.56% increase. This increase can in part be attributed to the service not wishing to determine applications early by refusing them and working with the agents to reach satisfactory outcomes for all parties even though this resulted in an increased average decision time.

With regards to the Local Review Body decisions these have been subject to analysis and are a case study. The outcome of these discussion was fed back to all officers within the Development Management team, including officers involved in the training of elected members. Whilst officers will continue to assess applications in line with relevant policy, the process has helped the team to identify where it would be more appropriate to negotiate and where a more flexible approach to design can be taken. Ultimately this should lead to a smoother and more satisfactory outcome for our customers.

Part 6: Workforce Information

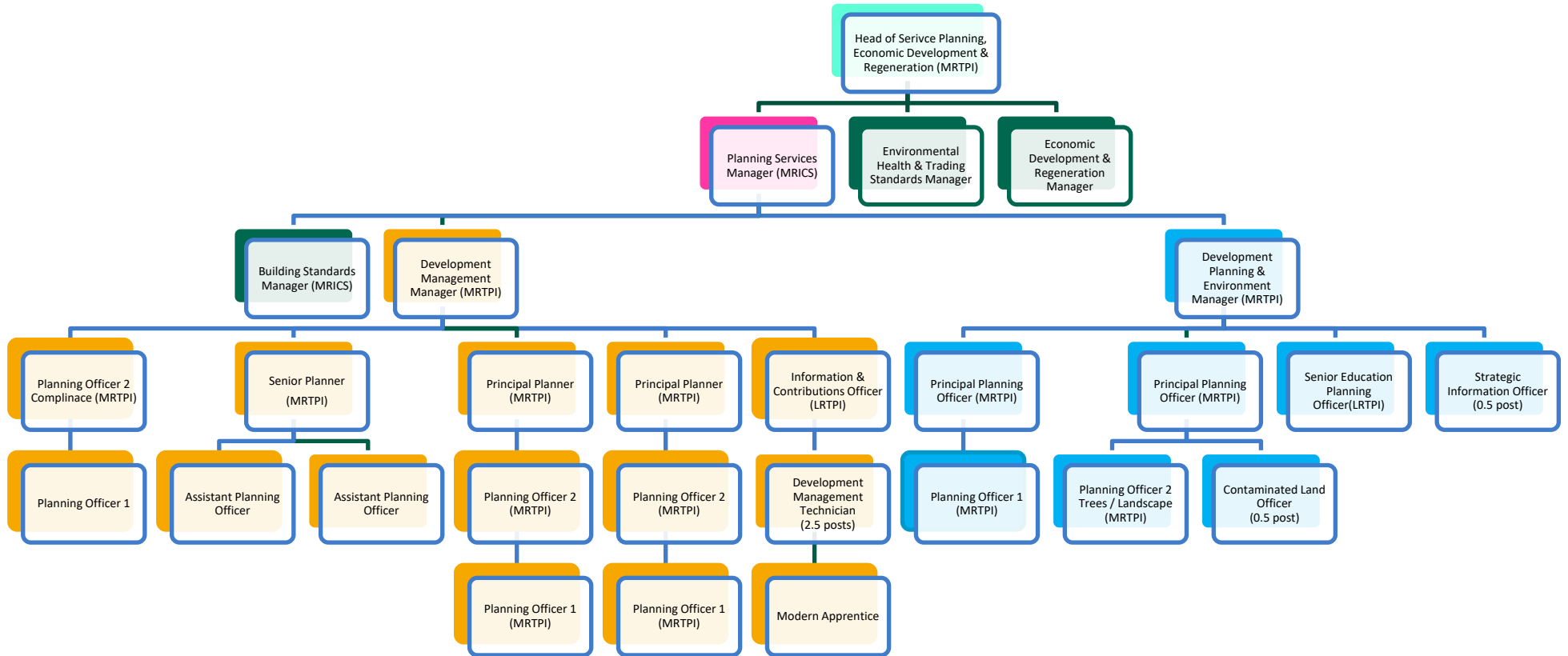
Workforce information should be a snapshot of the authorities planning staff in position on the **31st of March 2022**. The information requested in this section is an integral part of providing the context for the information in parts 1-5. The template below allows the information to be recorded in a consistent format, additional guidance on what to include is within the template itself.

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

RTPI Chartered Staff	Headcount
Chartered Staff	17

Staff Age Profile	Headcount
Under 30	6
30-39	4
40-49	6
50 and over	10

Planning Services Structure



Part 7: Planning Committee Information

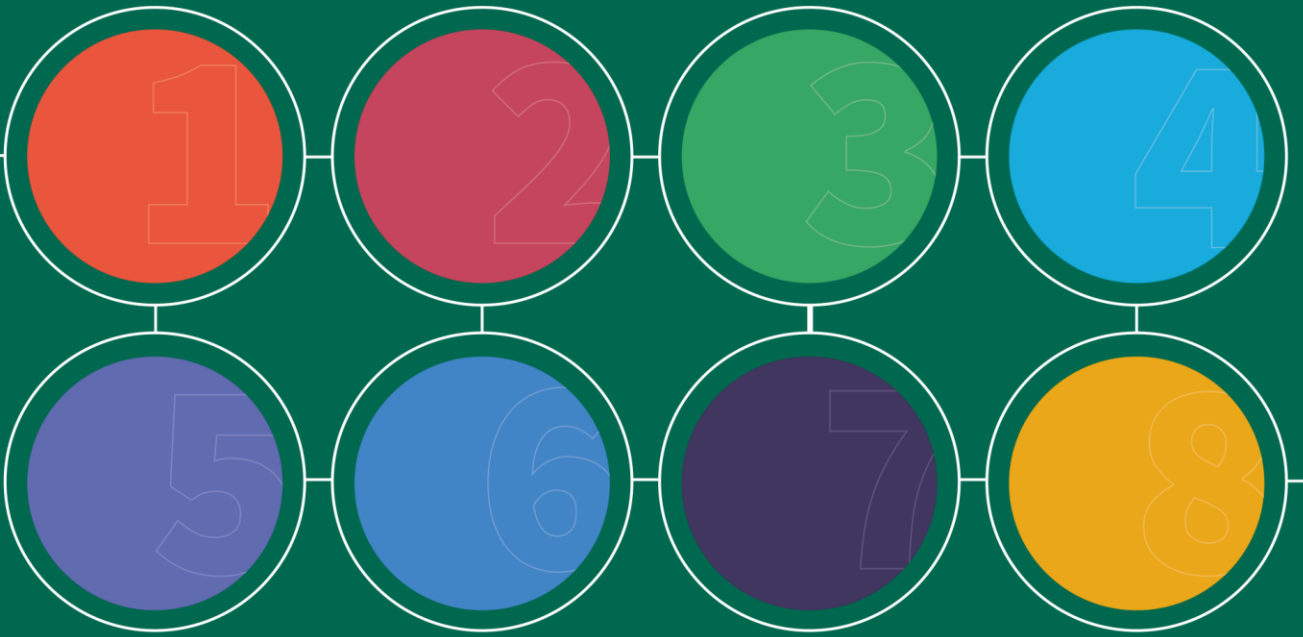
The template below allows the information on the number of meetings and site visits during 2020-21 to be recorded in a consistent format, additional guidance on what to include is within the template itself.

Committee & Site Visits	Number per year
Full council meetings	4 ¹
Planning committees	10
Area committees	N/A
Committee site visits	10 ²
Local Review Body (LRB)	9
LRB site visits	9 ³

¹ No meetings were pre-scheduled during the year with meetings only being called as required. There were 4 meetings called where applications which were significantly contrary to the Development Plan were to be determined.

² This relates to the number of committee meetings with site visits scheduled to take place prior to each committee meeting.

³ This relates to the number of LRB meetings with site visits scheduled to take place prior to each LRB meeting.



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