

REPORT TO: Policy and Performance Review Committee

MEETING DATE: 27 November 2012

BY: Executive Director (Services for Communities)

SUBJECT: Planning Performance Framework

1 PURPOSE

- 1.1 To give a report on the background to and content of the Council's first annual Planning Performance Framework.

2 RECOMMENDATIONS

- 2.1 It is recommended that the Committee note the Planning Performance Framework (PPF).

3 BACKGROUND

Background to PPF

- 3.1 A new system of annual Planning Performance Frameworks for all of Scotland's planning authorities was introduced this year. As part of the 'Modernising the Planning System' agenda, the Heads of Planning Scotland worked with the Scottish Government to develop a new framework for measuring and reporting performance.
- 3.2 The work recognised that the time taken to make a decision on any application is important to applicants and developers. However, the work also recognised that a narrow focus on a purely quantitative measure offered an incomplete and narrow assessment of performance at any one time. Furthermore, it did not consider the context within which decisions were taken, including the characteristics of the local authority area, the planning authority's operational systems, its democratic processes and any external factors outwith the authority's control.
- 3.3 The outcome of this work is that for the first time the Scottish land use planning system has a balanced scorecard approach to performance measurement. Speed of decision making still features as an important factor, but is set within a wider supporting context including quality, organisation and outcomes achieved on the ground.

- 3.4 The PPF is structured around a context-setting introduction, followed by the main headline indicators, decision-making timescales for planning applications and other consents and commentary on these. This is followed by a more qualitative, standard assessment defining how the planning authority (a) is open for business (b) delivers high quality development (c) provides certainty (d) promotes communication, engagement and customer service (e) delivers efficient and effective decision-making (f) has efficient management structures (g) has good financial management and local governance procedures and (h) has a culture of continuous improvement. Finally, a series of service improvement actions for 2012-13 are detailed.
- 3.5 The first Planning Performance Framework was submitted to the Scottish Government in October 2012. Attached to this report, it encompasses the prime statutory responsibilities of the planning service's Policy & Projects and Development Management business units.

Content of East Lothian's PPF

- 3.6 The East Lothian PPF sets the context for its land use planning function by highlighting the high quality built and natural environment within which it operates. For example, its significant proportion of listed buildings increases the percentage of planning applications that also require listed building consent. This can extend the time taken to determine such applications with a consequent performance impact.
- 3.7 East Lothian's increasing population is acknowledged to place particular demands on the provision of infrastructure and supporting services. For example, available school capacity is limited. The requirement to assess the additional capacity implications of a development proposal, and how this will be delivered (eg by means of a Section 75 Agreement), can add to the complexity of the planning assessment and its determination time.
- 3.8 Significant issues are highlighted, including affordable housing provision, infrastructure constraints, the level of out-commuting and the need to increase East Lothian's employment base. It is acknowledged that the planning system in East Lothian needs to address these issues while accommodating new development in a way that does not undermine the area's special qualities.

National Headline Indicators 2011-12

- 3.9 In terms of development planning, the Council continues to have a local plan that was finalised/adopted less than five years ago. The housing land availability figure of only 10 months supply is an artificial one since the current structure plan period ends in 2015 and the Council does not currently have an annual requirement beyond that period. The continuing economic conditions are also having their effect on the take-up of the housing land supply. The effective employment land supply is limited to 10 hectares, largely because little of the 100 hectares or so of allocated employment land is in the control of a business/industrial developer.

- 3.10 The development management service approved 95.8% of applications over the 2011-12 period. The average time to determine householder developments was 9.6 weeks, local developments 20.9 weeks and major developments 94.5 weeks.
- 3.11 Notwithstanding the large number of conservation areas and listed buildings in East Lothian, 92.6% of all householder development type applications were determined in less than 2 months. This compares with a 91.8% performance for the preceding period of August 2009 to March 2011.
- 3.12 62.0% of all non-householder local development type applications were determined in less than 2 months, a significant improvement compared with a 56.6% performance for the preceding period of August 2009 to March 2011.
- 3.13 At 39.0%, the rate of determination of local housing development type applications in less than 2 months was low. However, a quarter of those decisions were taken following the prior conclusion of a Section 75 Agreement designed to provide planning control over the development and/or to secure developer contributions, mainly for education and affordable housing provision.
- 3.14 That 91.4% of business and industry development type applications were approved demonstrates the priority given to the delivery of economic development in East Lothian. Although 78.1% of the applications were decided in less than 2 months (an improvement on the 68.1% performance for the preceding period of August 2009 to March 2011) greater focus needs to be given to the quicker determination of business and industry type applications
- 3.15 11 of the 14 major development type applications decided (78.6%) were granted, however the average time taken to reach these decisions was high.
- 3.16 Overall, the planning authority's performance compares well with the Scottish average. Our 2011-12 performance of determining 75.2% of all applications in less than two months compares with the Scottish average of 68.1%.

Defining and measuring a high quality planning service

- 3.17 The PPF assessment against the more qualitative categories detailed in para 3.4 above were as follows:

Open for business

- Development Management operates a free enquiry service for the giving of pre-application advice
- Case officers are the single points of contact for customers with an interest in an application for planning permission or some other consent

- Development Management offers customers a full online application service
- The vast majority of planning applications and applications for other consents are approved
- Most applications for planning permission for business and industry type developments are approved.
- Development Management is effective in facilitating the provision of affordable housing within East Lothian
- There is a co-ordinated approach to the delivery of strategic housing land allocations
- Co-ordinated response to strategic housing applications

High quality development on the ground

- Regular engagement in the good practice of negotiated or conditional design improvements to development proposals
- Clear development plan policy, development frameworks and supplementary guidance promote good design and layout

Certainty

- Guidance notes for the making of applications are available to applicants/agents and following stakeholder engagement they were recently re-written to make it clearer, and less onerous, of what are the necessary requirements for the submission of a valid application
- Only a few applications are decided by the Planning Committee against officer recommendation
- The majority of officer decisions that go before the Local Review Body are upheld
- Up to date development plan

Communications, engagement and customer service

- Formal procedures are in place for a transparent consideration of public representations on applications for planning permission and other consents and of decision making on applications
- Complaint handling is through the Council's Feedback procedures
- Use of web site
- Follow up surveys

Efficient and effective decision making

- Operation of the Council's Scheme of Delegation, Scheme of Delegation List and Committee Expedited List procedures enables efficient and effective decision making.
- Most local development type applications are officer decisions through the Scheme of Delegation.

Effective management structures

- There is a well defined yet flexible staff structure to the Development Management team to deal with the large and varied caseloads of pre-application enquiries, applications and post determination matters, whilst also providing for required specialisations of work.

Culture of continuous improvement

- The planning service adheres to the How Good is Our Council practices of self assessment and performance management.

Service improvement actions 2012-13

3.18 The proposed service improvement actions 2012-13 respond to the planning service's How Good is Our Council assessment. They include:

- Consideration of a 'one-stop shop' approach for pre-application advice
- Develop customer feedback processes
- Develop further the planning pages on the web site
- Consider staff rotation or similar between teams
- Reduce average times to determine applications

4 POLICY IMPLICATIONS

4.1 None

5 EQUALITIES IMPACT ASSESSMENT

5.1 This report is not applicable to the well being of equalities groups and an Equalities Impact Assessment is not required.

6 RESOURCE IMPLICATIONS

6.1 Financial - none

6.2 Personnel - none

6.3 Other - none

7 BACKGROUND PAPERS

7.1 Planning Policy Framework, October 2012, East Lothian Council

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PLANNING PERFORMANCE FRAMEWORK



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1.0 INTRODUCTION

1.1 Following discussions with a range of agencies and representatives of the land use planning profession, the Scottish Government has introduced a requirement on planning authorities to prepare an annual Planning Performance Framework (PPF).

1.2 Using a balanced scorecard approach, the PPF enables each planning authority to demonstrate its achievements and successes within its own local context. While the requirement for speed of decision is an important factor, this is set within a wider context of development quality, resources, organisation and outcomes achieved on the ground

1.3 At national level, the context behind the framework is:

- A consistent approach across Scotland.
- A clear demonstration of performance improvement outputs and areas of best practice and innovation.
- An integral part of a Council's current performance reporting processes, and not a separate, stand-alone document.
- An opportunity to incorporate other areas of work which are seen as independent, e.g. staff workforce survey, bench marking, case studies and budgetary information reflecting unit costs and the costs of the different parts of the planning service.

1.4 This is the first PPF for East Lothian Council. Its key parts are:

Part 1 - National Headline Indicators

Part 2 - Defining and measuring a high quality planning service.

Part 3 - Supporting evidence

Part 4 – Service Improvement Actions 2012-13

Appendices

1- Official statistics - decision making timescales 2011-12

2.0 EAST LoTHIAN CONTEXT

Natural environment

2.1 The land use planning process in East Lothian takes place against a background of an area that is growing, accessible, has a high quality built and natural heritage and has many leisure tourism opportunities. Being within easy reach of Edinburgh, East Lothian is in high demand as a place in which to live and to visit.

2.2 The quality of the urban and rural environment in East Lothian is one of its greatest assets. The countryside contains a significant proportion of Scotland's prime quality agricultural land, although it tends to exist where there is most pressure for development. Areas designated for their biodiversity value include the Firth of Forth Ramsar site (also a SPA) and two SPA's - the Firth of Forth and the Forth Islands. Fifteen SSSI's cover the Forth Estuary and Islands, parts of the Lammermuir Hills, as well as former quarries and coastal areas and areas of woodland and unimproved grassland of botanical interest. There are 10 Areas of Great Landscape Value, including the coast, the Lammermuir and Garleton Hills and Traprain Law.

2.3 The Tyne and Esk are the areas main rivers; they, and the Biel Water, all have a history of flooding. SEPA reported in 2009 that 18 (34%) of water bodies in or partially in East Lothian were at good ecological status. The remaining 35 (66%) were classified at moderate, poor or bad ecological status. Water bodies at good status are generally situated in the south eastern areas of East Lothian, whilst those of moderate, poor or bad quality are in the northern, central and western areas where most agricultural activity takes place. Urban diffuse pollution is not identified as a pressure affecting any water body in East Lothian. There are no declared Air Quality Management Areas in East Lothian, although parts of Musselburgh High Street and Tranent High Street are being monitored.

Built heritage

2.4 Positioned along an historic invasion route from the north of England, East Lothian contains a variety of historic battle sites, encampments, castles and other fortifications. Numerous archaeological sites are found in the rural landscape of East Lothian from crop mark sites to earthworks and castles. There are 291 Scheduled Monuments and three of its historic battlefields are currently included on the national inventories. The Historic Environment Record records a further 7,500 known archaeological and historic sites. These include a further 4 historic battlefields and numerous designed landscapes not designated nationally. The quality of East Lothian's built environment is reflected in its 2,700 listed buildings, 30 conservation areas and 28 Gardens and Designed Landscapes



Example of East Lothian's built heritage

2.5 East Lothian's economic history is in agriculture, fishing and mining, with the latter most prevalent to the west above the coal fields. Settlements have grown and evolved in this context, with many developing organically around harbours, market squares, former mines and at river crossings with some including historic mills and lades. Smaller settlements developed around farmsteads, fortifications, parish churches and manses, while some were planned by estate managers to house workers during agricultural improvement. The diversity of settlements developed in harmony with their surroundings and in response to the area's economic activities and connections to its surroundings. This is reflected in their layout, architectural styles and in the materials and colours used for building. Many are renowned for their historic and architectural interest and are attractive places to live in and to visit.

Population growth

2.6 As a result of these special characteristics, and unlike much of Scotland, East Lothian's population continues to grow. Between 1981 and 2010 it increased by around 20% from 79,000 to 97,500. This has reflected East Lothian's attractiveness as a place in which to live, supported by a long-standing strategic planning policy that has directed substantial amounts of additional housing land here as part of the wider Edinburgh housing market area. The GRO's 2012 population projections estimate on a further 33.5% increase to 129,729 by 2035. The scale and age structure of this population growth has and will continue to have implications for increasing and changing demands on Council services and facilities and will bring a need for more development land. With little previously-developed 'brownfield' land, most of East Lothian's development requirements must be found on previously undeveloped 'greenfield' land, much of which is also prime quality agricultural land.

Economic and social

2.7 Between 1998 and 2008 East Lothian experienced growth in the service, construction and tourism sectors, but a decline in manufacturing. Of the working age population around 78% are economically active, with 80% of males and 76% of females. Out of work benefits issued in the area (JSA) in 2010 stood at 3.3%, below the Scottish figure of 4.3%. The 2006 claimant count also showed that the area had a low unemployment rate at 1.7% and ranked 28th out of Scotland's 32 local authority areas. However, by 2011 this figure had increased to 4.1% and it is now ranked 17th among them. In 2009 around 30,000 jobs were available in the area (for around 61,200 people of working age), resulting in a job density of 0.5, compared to the Scottish and GB average of 0.78.

2.8 Despite East Lothian's overall relative prosperity and environmental quality, the Scottish Indices of Multiple Deprivation, based on 2009 data, shows parts of Musselburgh, Prestonpans, Tranent and Haddington to be among the most deprived 15% in Scotland in areas of health, employment, income, education, housing and crime.

Infrastructure

2.9 The strategic transport routes of the A1(T) trunk road and the East Coast Main Line pass through East Lothian from east to west and the North Berwick Branch Rail Line extends northward to the coast. Torness Nuclear Power Station and Cockenzie Power Station lie within the area as do a number of commercial scale wind farms in the Lammermuirs. There are major gas pipelines and electricity grid connections and transmission lines in the area that distribute energy throughout it and beyond. There are also active mineral, landfill and waste handling operations of strategic importance.



East coast main line service at Dunbar

Development issues

2.10 The growth in population and housing has not brought benefits to everyone in East Lothian. It is very difficult for first-time buyers to enter the owner-occupied housing market: prices are high and house types tend towards the upper end of the market. At the same time, the Council's house waiting list continues to grow and homelessness remains a problem. The lack of affordable housing has become a major issue. The Council seeks to develop a partnership approach with all housing providers in order to secure adequate affordable housing provision for all needs, but current economic conditions are acting as a barrier to the delivery of all housing and the infrastructure and facilities needed to support their delivery.

2.11 East Lothian has been the subject of strategic development pressure for many years, mainly because it is part of the Edinburgh Housing Market Area. All of East Lothian is easily accessible to Edinburgh and therefore it is not a remote rural area. However, when compared to other parts of the city region in terms of relative accessibility via national and international modes of transport, it has not to date been a preferential location for large scale economic development and employment. As such, whilst many people are attracted to live in the area, most residents elect to travel out of it to access the wider range of jobs, goods and services on offer elsewhere.



Brierybank, Haddington

2.12 These factors combine to restrict access to housing, jobs and other opportunities for some residents, placing them at a disadvantage, as well as promoting unsustainable travel patterns. The 2001 Census indicated that around 31,000 people commute to work via car, van or motor cycle and that around 28,950 of these people (93%) travel between 5 - 40km to work. This demonstrates the link between the size of the working age population, the availability of jobs in the area (job density), the commuting travel pattern and the capacity issues in the transport network.

2.13 This has manifested itself in the need for affordable housing, in the requirement to resolve transport network capacity issues, in the demand for the limited capacity in public transport services, and in the car based commuting travel pattern. The trend towards travelling longer distances has also influenced shopping habits, impacting on the role, vitality and viability of traditional town centres and the range of amenities available locally.

2.14 Within a growing local authority area, particular demands are also placed on facilities and infrastructure to secure adequate local service provision and infrastructure capacity where this does not already exist. Until relatively recently, East Lothian's population and housing growth could largely be absorbed by existing capacity in its schools, social and community services and other infrastructure. This is no longer the case. Existing education capacity is very limited and many new housing developments require the provision of expanded or even new school provision. In today's economic climate, developers no longer have the same access to development finance to provide this. While the Council is exploring ways in which it can assist, this is having a particular effect on the delivery of East Lothian's current development plan strategy and on its five year housing land supply.

2.15 There are also junction and link capacity constraints on the A1 west of the Gladsmuir interchange and capacity constraints in the rail network. Factors such as

these constrain the identification and delivery of land for housing. Local public transport provision within East Lothian, particularly to the villages and north/south across the area, is an issue but one over which the Council has limited influence.

2.16 Whilst most existing settlements have generally reached the logical limit of their expansion in terms of infrastructure and landscape capacity, there is a continuing need to make appropriate development land available within the area. A new settlement at Blindwells is recognised as having potential to deliver much of East Lothian's future strategic housing growth.

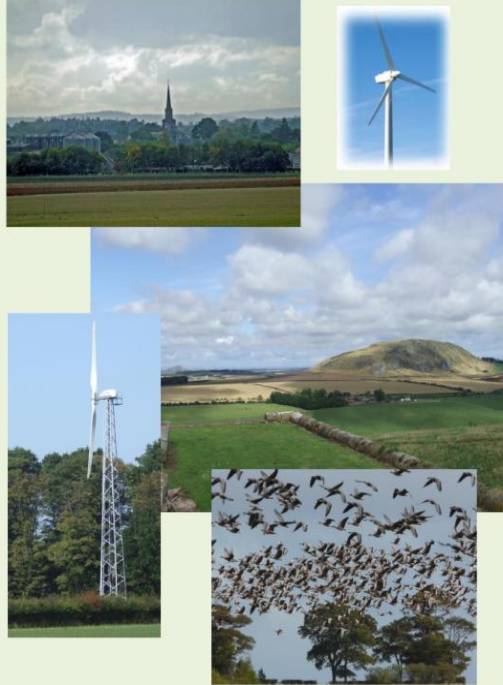
2.17 The planning authority has embraced the Scottish Government's place-making agenda. It has sought to promote higher density development less dominated by the car through a masterplan-led approach. Indeed, the Council's Design Standards for New Housing Areas received a commendation from the Scottish Awards for Quality in Planning and Designing Places. However, it is a particular challenge to secure the acceptance of some of the house building industry to submit development proposals consistent with the Council's requirements in this regard. There is a tension between delivering this agenda while at the same time recognising the current economic constraints on the house building industry.

2.18 In addition to the significant amount of installed wind turbine capacity in the Lammermuirs, there is a particular and current demand for single and/or small groups of wind turbines in lowland East Lothian, raising significant tensions between the benefits of renewable energy provision and landscape impact. The Council has approved a landscape capacity study for smaller wind turbines to provide an enhanced policy context for their assessment.

The challenge

2.19 The need to accommodate and manage development in a way that benefits East Lothian and its communities, while not undermining their special qualities, is a particular and continuing challenge to the land use planning process within East Lothian. This is accentuated by an articulate and well-informed community well-able to question development proposals and planning recommendations. In addition, the process of delivering land use planning in an area where there are substantial statutory designations brings its own challenges to efficient and timely decision-making.

PLANNING GUIDANCE FOR THE LOCATION
AND DESIGN OF WIND TURBINES IN THE
LOWLAND AREAS OF EAST LoTHIAN



December 2010

Example of Supplementary Planning Guidance

PLANNING PERFORMANCE FRAMEWORK

ANNUAL REPORT 2011-2012

1. National Headline Indicators (NHIs)

Key outcomes	2011-2012	
Development Planning: <ul style="list-style-type: none"> age of local/strategic development plan(s) (full years) <i>Requirement: less than 5 years</i> development plan scheme: on track? (Y/N) 	<p>4 years</p> <p>No</p>	
Effective Land Supply and Delivery of Outputs <ul style="list-style-type: none"> effective housing land: years supply effective housing land supply housing approvals effective employment land supply employment land take-up effective commercial floor space supply commercial floor space delivered 	<p>10 months (<i>see commentary</i>)</p> <p>2,246 dwellings</p> <p>1,329 dwellings</p> <p>10 ha</p> <p>3.6 ha</p> <p>25ha</p> <p>4098 m²</p>	
Development Management <p>Project Planning</p> <ul style="list-style-type: none"> percentage of applications subject to pre-application advice number of major applications subject to processing agreement or other project plan percentage planned timescales met <p>Decision-making</p> <ul style="list-style-type: none"> application approval rate delegation rate 	<p><i>No accessible recorded data</i></p> <p><i>none</i></p> <p><i>not applicable</i></p> <p>95.8%</p> <p>91.7%</p>	
Decision-making timescales <p>Average number of weeks to decision:</p> <ul style="list-style-type: none"> major developments local developments (non-householder) householder developments 	<p>94.5</p> <p>20.9</p> <p>9.6</p>	
Enforcement <ul style="list-style-type: none"> time since enforcement charter published / reviewed (months) <i>Requirement: review every 2 years</i> 	<p>Published: June 2011/reviewed May 2012</p>	

• number of breaches identified	248	
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Commentary on National Headlines Indicators

Development planning

The Development Plan programme has slipped by at least six months from that originally envisaged in DPS No 1. This has largely been due to (i) the unanticipated amount of work associated with SEA and the preparation of the LDP evidence base (ii) the effects of the significant staff resources that were diverted onto work on the Strategic Development Plan (iii) the introduction of an additional pre-MIR consultation stage in early spring 2012 and (iv) to a wish to front-load the MIR and ensure that it is robust with a strong evidence base. It is still anticipated that the first East Lothian Local Development Plan will be adopted within two years of approval of SESplan’s Strategic Development Plan.

Housing Land Supply

There is a shortfall in the housing land supply set against the requirements of the Edinburgh and the Lothians Structure plan 2015. This is a direct result of the continuing economic conditions and their impact on the house building industry. To date the Council has not released additional housing land. The Edinburgh and Lothians Structure Plan Joint Liaison Committee has previously agreed not to invoke Structure Plan Policy HOU10 policy to bring forward additional land on the grounds that the situation has arisen for infrastructure and marketing reasons rather than a lack of land identified for housing. East Lothian is of the view that there are few, if any, currently unallocated sites of significance that would be suitable for housing and which would be free of infrastructure constraints such that early house completions could be anticipated. SESplan, the Strategic Development Plan for South East Scotland, advises in its Proposed Plan that the focus of the first phase to 2019 should be on the delivery of the current development plan strategies.

Effective Housing Land Supply: years supply

Calculations are based on the remaining 3 year period until the end of the Edinburgh and the Lothians Structure Plan period (2015). The Council does not have annualised housing requirements beyond that date and so cannot estimate how many years’ supply exists. The figure of 10 months, as estimated below, is therefore an artificial figure.

Remaining target completions to 2015 to meet ELSP (at 04/2012):	3694
Equals an annual target of:	1231 (i.e. one year supply)
East Lothian’s effective supply for the period 2012-2015 :	1028
% of the target completions we can achieve:	27.84%
Proportion of the 3 year supply we can achieve (27.84% of 3 years):	0.84 years = 10 months

PLANNING PERFORMANCE FRAMEWORK

2. Defining and measuring a high-quality planning service

Open for business

Each day of the working week Development Management operates a free enquiry service, including the giving of pre-application advice. Part of this is a written enquiry service with a service standard response time of 10 working days. In 2011-2012, of the total number of 378 written enquiries received 66% were responded to within 10 working days. Each morning a duty planner service is provided for applicants/agents/the public who come into the Council's offices and to persons telephoning the service. One of the functions of the free enquiry service is to facilitate the giving of pre-application advice, including consideration and advice on the detail and quality of development proposals, in addition to the principles of development.

A senior planner in Development Management is, as part of a larger caseload of applications, dedicated to the processing of applications for planning permission for housing developments entirely of affordable housing units. Accordingly, that senior planner is a member of the Council's Affordable Housing Co-ordination Group. Additionally that senior planner and Development Management's principal planner process all major housing development type applications and thereby they act to secure from each development proposal a 25% affordable housing provision as a requirement of the Council's Affordable Housing Policy.

Through the determination of applications for developments of 5 new houses/flats or more since August 2009 planning permissions have been granted or resolved to be granted for a total of 3193 new houses/flats, of which 1163 units is the required affordable housing provision. Of these total 395 new houses/flats are completed and occupied, with 372 of them being affordable housing units. Additionally, development has commenced or is due to commence on the building of 860 of the 3193 new houses/flats of which 269 would be affordable housing units.

One of the Development Management planners is, as part of a larger caseload of local development type non-householder applications, dedicated to giving pre-application advice on and to the processing of the applications made to the Council for single and small number wind turbine developments. In the past

few years there has been an upsurge in the number of these enquiries and applications. In 2008 the Council received only 2 such applications. In 2009 the number of applications received increased to 9. In 2010 a total of 34 applications were received and in 2011 a total of 31 applications were received.

In addition to the other work of their caseloads two Development Management planners are dedicated to giving pre-application advice on alterations/extensions to listed buildings and to the processing of most applications made to the Council for listed building consent for such developments.

In the interests of achieving a high standard of performance in the determination of all applications some of the planners of Development Management work to caseloads of householder development type applications (and associated applications for listed building consent and conservation area consent) and the others to caseloads of non-householder development type applications. One senior planner and the principal planner process the major development type applications.

Once an application for planning permission or other statutory consent is registered it is allocated to a respective Development Management planner who from that time until the application is reported for a determination and thereafter in cases of post decision activity is the single point of contact for the application. At the time of registration applicants are informed in writing of who the planner for the processing of their application is and consultees and the public are informed of this through the Council's published weekly list of registered applications and thereafter through the file record of the application, viewable online and in the Council's offices.

Development Management offers a full online application service. In the year 2011-2012 a total of 508 applications were submitted online, being 41% of the 1223 applications submitted.

Development Management have regular liaison and consultation with the Council's Economic Development Unit on business development type proposals and applications

The vast majority of planning applications and applications for other consents made to East Lothian Council are granted. In 2011-2012 a total of 1089 applications were decided, with the percentage granted being 95.8%. In the preceding period of 3 August 2009 to 31 March 2011 96.6% of all applications decided were granted.

	<p>This, in part is reflective of the extent to which the Council’s planning service actively engages with applicant’s both at the pre-application stage of the development management process and through appraisal and negotiation at the application stage to best ensure that development proposals are compliant with</p> <p>the development plan and other material considerations, that development is fit for its place without detriment to the high quality character, appearance and amenity of East Lothian, and makes a positive contribution to the economy of East Lothian.</p> <p>In 2011-2012, 97.8% of all householder applications decided were granted, 92.7% of all non-householder development type applications were granted and 96.6% of all applications for other consents were granted.</p> <p>In the case of business and industry development a total of 35 applications were decided in 2011-2012 (3 of a major development type and 32 of a local development type). 32 of those applications (2 major and 30 local) were granted at an overall approval rate of 91.4%. In the preceding period of 3 August 2009 to 31 March 2011, all of the total of 50 business and industry development type applications decided were granted (100%).</p> <p>Finally, planning for the delivery of strategic housing land allocations is supported by the coordination of a team of officers from different ELC departments led by a Principal Planner to co-ordinate infrastructure and service requirements for strategic site development including advice on expected standards for planning application submissions.</p>
<p><i>High quality development on the ground</i></p>	<p>The East Lothian Local Plan 2008 has a range of development policies that encourage good design that takes into account the context of the site. Supplementary Planning Guidance on Design Standards for New Housing Developments in East Lothian has been introduced to shape places and encourage higher quality housing design on the ground, aimed firmly at encouraging a range of different house types in an area and reducing the visual dominance of the car. Development frameworks, briefs and design guidelines prepared for individual sites and buildings are aimed at ensuring that development on the ground reflects the context in which it sits.</p> <p>These Development frameworks have been prepared for strategic land allocations to provide clear and comprehensive</p>

	<p>guidance for the developer to follow in the preparation of a masterplan for the site that meets the considered needs of the site in its context. Smaller allocated sites have development briefs or design guidelines prepared for them which provide the right amount of guidance to the developer of the site. East Lothian is the second fastest growing area of Scotland and there are considerable pressures on infrastructure, particularly the school estate and lack of affordable housing. However the need to address infrastructure to accommodate growth brings additional burdens and has slowed site delivery.</p> <p>Although the delivery rate of development on the ground has slowed, recent private housing developments at Nungate Gardens (Briery Meadow) in Haddington and at Manse Road (Orchard Lane) in Dirleton won Homes for Scotland Designing Places Awards for best small town and village developments in Scotland. Both had detailed development briefs and were the subject of a series of pre-application meetings. ELC won a British Urban Regeneration Award and a Scottish Quality in Planning Award for Development on the ground for its work in regeneration of Dunbar Conservation Area.</p> <p>Development Management regularly engages in the good practice of negotiated or conditional design improvements to development proposals through the processing of applications for planning permission. Development Management does not have any performance data to evidence this. However, it reflects in East Lothian's high quality environment and amenity and quality of life.</p> <p>East Lothian Planners have benefited from tailored urban design training courses provided by Heriot Watt University.</p>
<p><i>Certainty</i></p>	<p>For many years the Council has published its 'guidance notes' for the making of an application for planning permission and other statutory consents. These are published on the Council's website and in paper form and thus are readily available to applicants and agents. In 2011-2012, following consultation with a selected group of agents (workshop and subsequent emails), the 'guidance notes' were re-written to make it clearer in them and less onerous of what the Council deems to be the necessary requirements for a valid application are. Notwithstanding any of this 756 of the 1223 applications submitted to the Council in 2011-2012 (i.e. 62%) were found to be invalid on receipt.</p> <p>The planning authority has consistently maintained an up-to-date development plan. In 2011-2012 of the total of 1089</p>

	<p>applications decided only 13 of them (1%) were approved contrary to the development plan. This demonstrates that in East Lothian the decision making on applications is based on a robust development plan policy framework and a consistency of decision making in accordance with the provisions of the development plan.</p> <p>Of the 1089 applications decided in 2011-2012 only 5 of them (0.5%) were decided by the Council’s Planning Committee against officer recommendation.</p> <p>In 2011-2012, of the 12 applications for review that went to the Council’s Local Review Body, 2 (16.7%) were allowed.</p>
<p><i>Communications, engagement and customer service</i></p>	<p>The Council’s online application service enables the public to submit representations on applications for planning permission and other statutory consents and whether representations are received in this way or in some other written form they are, if they are objections, dealt with as a material consideration in the determination of the applications they relate to. In the case of applications that go before a meeting of the Council’s Planning Committee for a decision, Members of the Committee are given sight of all written representations in full in addition to the summary of them given in application reports and, additionally, objectors are afforded the opportunity of giving the Committee a 5 minutes spoken presentation of their grounds of objection. Objectors are invited to attend Planning Committee site visits undertaken prior to meetings of the Committee to point out salient locational features and features of the proposed development.</p> <p>Notwithstanding the procedure through which an application is to be decided a full written report for every application is produced giving a full assessment of the development proposal and the justification for the decision.</p> <p>Through the terms of the Council’s Customer Care Charter, Development Management has a responsibility to ensure the provision of the best service possible to its customers.</p> <p>Complaints against the Development Management service are handled through the Council’s Feedback procedures.</p> <p>The Council web page provides up to date information on the development plan and a database of interested parties has been</p>

	<p>developed to facilitate distribution of updates. ELC uses corporate standards for public engagement and customer care.</p> <p>We have responded to the current high level of interest in wind turbine applications by maintaining a dataset of such applications, indicating details of the proposal and their planning status. This includes applications made under Section 36 of the Electricity Act. We have also included details of planning application consultations from adjoining authorities, particularly where these may have cross-boundary effects.</p> <p>At the pre-MIR stage of the Local Development Plan in February 2012 an early round of public engagement facilitated by Planning Aid for Scotland was well received by consultees and stakeholders. The exercise involved some 200 people in</p> <p>workshop style meetings held in the main communities of East Lothian. A follow up questionnaire survey was undertaken and the results published on the Council’s website.</p>
<p><i>Efficient and effective decision-making</i></p>	<p>The Council’s Scheme of Delegation empowers the Council’s Appointed Officer to decide applications for planning permission for all local development type proposals other than the statutory exclusions of: (i) applications made by the planning authority; (ii) applications made by a member of the planning authority; and (iii) applications where the planning authority has an ownership or financial interest in the land.</p> <p>Notwithstanding, applications for planning permission for local development type proposals falling within the Scheme of Delegation that raise important planning issues and/or are subject to any amount of public objection are reported to all Members of the Council through a Scheme of Delegation List issued to them on Thursday of each week. This provides Members with an informed basis through which to decide whether under the statutory provisions of Section 43A(6) of the Town and Country Planning (Scotland) Act 1997 that an application should not be determined as a Scheme of Delegation decision by the Appointed Officer but that instead it be taken to the Planning Committee for the decision of the Committee. Other than for a two month summer recess each year the Planning Committee is scheduled to meet monthly.</p> <p>Through the procedure of the Scheme of Delegation List Members have 1 week in which to decide that an application be taken from the Scheme of Delegation in order that it be decided by the Planning Committee and to give in writing their reason(s)</p>

for their decision. The decision that an application be taken from the Scheme of Delegation can be that of only 1 Member or otherwise of any other number of Members. Usually it is the decision of only 1 Member. An application so taken from the Scheme of Delegation is put on the agenda for the first available meeting of the Planning Committee and prior to the meeting there has to be a Committee site visit.

Even with the operation of this procedure and the statutory exclusion of some local development type applications from the Scheme of Delegation, 91.7% of the applications for planning permission for local development types decided in 2011-2012 were Scheme of Delegation decisions (795 out of a total of 867 applications decided)

In tandem with the Scheme of Delegation List procedure and also to facilitate expeditious decision making the Council operates a Planning Committee expedited decision making procedure for the determination of applications for (i) listed building consent, conservation area consent and advertisement consent and also for (ii) Council applications for planning permission, planning permission in principle and approval of matters specified in conditions for developments of a local development type and (iii) applications for planning permission, planning permission in principle and approval of matters specified in conditions for developments of a local development type where the Planning Authority has an ownership or financial interest in the land.

Through a Committee Expedited List issued to all members of the Planning Committee and other Members of the Council on Thursday of each week reports and decision recommendations on any of these categories of applications included on the List. Members have 1 week in which to decide that an application be taken from the Committee Expedited List in order that it be decided by the Planning Committee at a meeting of the Committee and to give in writing their reason(s) for their decision. The decision that an application be taken from the Committee Expedited List can be that of only 1 Member or otherwise of any other number of Members. Usually it is the decision of only 1 Member. An application so taken from the Committee Expedited List is put on the agenda for the first available meeting of the Planning Committee and prior to the meeting there has to be a Committee site visit. If an application is not called off the Committee Expedited List then on the expiry of the 1 week life of the List the expedited decision of the Planning Committee is as per the officer recommendation made in the application report.

<p><i>Effective management structures</i></p>	<p>The management structure at East Lothian Council changed in April 2012. The Planning Service is now subsumed into a Housing and Environment Division within the Services for Communities Department. There is no Director or Head of Planning post, with the senior planning staff being the Development Management Manager and the Policy and Projects Manager. Both report to a Head of Housing & Environment.</p> <p>There is a well defined but flexible staff structure to the Development Management team which is managed to effectively deal with required specialisations of work whilst also providing a range of professional competencies and experience required for the effective processing of the large and varied caseloads of applications for planning permission and other statutory consents and related work of pre-application discussions, other planning enquiries and post-determination matters.</p> <p>The Policy and Projects team is responsible for the development plan, planning policy, supplementary planning guidance and development frameworks, briefs and design guidelines. It is also responsible for project work including landscape and tree related work, historic building conservation and regeneration, environmental improvement, town centre strategies, coordinating Council departments in respect of delivery of development on the ground, the local transport strategy and transport planning, environmental impact assessment, and provision of the corporate GIS, gazetteer and street naming and numbering service.</p>
<p><i>Financial management and local governance</i></p>	<p>Planning managers have access to monthly financial monitoring statements to track current expenditure against budget. Regular meetings are held with dedicated Management Accountant to ensure any issues with budgets are highlighted early.</p>
<p><i>Culture of continuous improvement</i></p>	<p>East Lothian Council uses the <i>How Good is Our Council</i> (HGIOC) performance management system to assess annually the performance of its services, including land use planning. This requires a critical analysis of performance and is designed specifically to encourage continuous improvement. The planning service is committed to developing its staff and improving their skills through an annual Performance Review and Development process. This helps to identify and justify staff training and development needs.</p>

3. Supporting evidence

Part 2 of this report was compiled, drawing on evidence from the following sources:

- How Good is Our Council?: self assessment of Policy & Projects and Development Management services, March 2012
- East Lothian Customer Care Charter
- East Lothian Customer Care Standards
- East Lothian Feedback Policy
- East Lothian Council Web Site: Planning Pages
- Planning Service Improvement Plan 2011/12
- East Lothian Council Plan
- Single Outcome Agreement
- East Lothian Local Plan 2008
- Development Plan Scheme No 4, March 2011
- Design Standards for New Housing Areas, ELC, 2008
- East Lothian Supplementary Landscape Capacity Study for Smaller Wind Turbines, 2011
- Development Frameworks for Blindwells New Settlement, Wallyford Settlement Expansion, Pinkie Mains (Musselburgh), Mains Farm/Gilsland (North Berwick), Letham Mains (Haddington), Hallhill South West (Dunbar)
- Draft Housing land Audit 2011
- East Lothian Council Affordable Housing Policy
- Scheme of Delegation
- Scheme of Delegation List and Committee Expedited List Procedures
- Published Scottish Government Performance Figures
- East Lothian Council Planning Performance Figures
- Notes for Guidance for Submission of Applications

4. Service improvement actions 2012-13

Committed improvements and actions
<ul style="list-style-type: none"> We will examine the introduction of a 'one stop shop' for the provision of pre-application advice bringing together planning, economic development, education, housing, landscape and biodiversity, transportation and environmental protection inputs
<ul style="list-style-type: none"> We will develop and implement ways to obtain and evaluate customer feedback
<ul style="list-style-type: none"> We will improve access/content of planning web site and explore other forms of publicity
<ul style="list-style-type: none"> We will implement a GIS mapping interface to allow public access to Council-held data and mapping
<ul style="list-style-type: none"> We will review performance indicators to ensure they reflect the primary services provided by the Policy & Projects Team
<ul style="list-style-type: none"> We will continue to ensure that staff are effectively briefed on new legislation and given adequate training in new practices and procedures (ongoing)
<ul style="list-style-type: none"> We will continue to support to staff to ensure that they meet their Continuing Professional Development requirements (ongoing)
<ul style="list-style-type: none"> We will consider if staff skills and development can be broadened by giving policy planning and development management staff direct experience in each other's teams, either through staff rotation, job shadowing or specific initiatives such as joint policy development
<ul style="list-style-type: none"> We will undertake regular monitoring of the planning service's web pages and on-line planning service to ensure they remain up-to-date, relevant, accessible and usable by the customers of our service (ongoing)
<ul style="list-style-type: none"> We will seek to reduce the average time taken to decide all major development type applications.
<ul style="list-style-type: none"> We will continue to determine more than 90% of all householder development type applications in less than 2 months.
<ul style="list-style-type: none"> We will seek to improve our rate of determination of non-householder local development type applications to at least 70%.
<ul style="list-style-type: none"> We will seek to improve our rate of determination of local and business and industry development type applications to over 80%.

PLANNING PERFORMANCE FRAMEWORK OFFICIAL STATISTICS

Decision-making timescales 2011-12

Category	Total number of decisions	Proportion of Decisions	Average timescale (weeks)
Major developments	14		94.5
Local developments (non-householder)	329		20.9
<ul style="list-style-type: none"> Local: less than 2 months Local: more than 2 months 	204 125	62.0% 38.0%	7.1 43.5
Householder developments	539		9.6
<ul style="list-style-type: none"> Local: less than 2 months Local: more than 2 months 	499 40	92.6% 7.4%	7.5 36.0
Housing developments			
Major	3		59.0
Local housing developments	82		36.8
<ul style="list-style-type: none"> Local: less than 2 months Local: more than 2 months 	32 50	39.0% 61.0%	7.5 55.5
Business and industry			
Major	3		27.1
Local business and industry	32		9.1
<ul style="list-style-type: none"> Local: less than 2 months Local: more than 2 months 	25 7	78.1% 21.9%	6.9 17.0
EIA developments	2 major 1 local		
Other consents*	207		
Planning/legal agreements**	31		
Local reviews	12		

* Consents and certificates: Listed buildings and Conservation area consents, Control of Advertisement consents, Hazardous Substances consents, Established Use Certificates, certificates of lawfulness of existing use or development, notification on overhead electricity lines, notifications and directions under GPDO Parts 6 & 7 relating to agricultural and forestry development and applications for prior approval by Coal Authority or licensed operator under classes 60 & 62 of the GPDO.

** Legal obligations associated with a planning permission; concluded under section 75 of the Town and Country Planning (Scotland) Act 1997 or section 69 of the Local Government (Scotland) Act 1973

Decision-making: local reviews and appeals 2011-12

Type	Total number of decisions	Original decision upheld			
		No.	%		
Local reviews	12	2	16.7		
Appeals to Scottish Ministers	13	2	15.4		

Enforcement activity

	2011-2012	
Cases taken up	248	
Cases resolved	163	
Notices served***	21	
Reports to Procurator Fiscal	0	
Prosecutions	0	

*** Enforcement notices; breach of condition notices; planning contravention notices; stop notices; temporary stop notices; fixed penalty notices, and Section 33 notices.

Commentary on Performance Statistics

Although in 2011-2012, 11 (78.6%) of the 14 major development type applications decided were granted the average timescale for decision making was high. This is a reflection of the complexity of consideration that goes into the determination of such applications, the extent of consultation required and the need for legal agreements.

East Lothian maintains a high standard of performance in the determination of householder applications, particularly in the circumstance of the number of these applications which propose development in a conservation area and alterations/extensions to listed buildings that is a consequence of there being within East Lothian 30 conservation areas and 2,700 listed buildings. The 2011-2012 performance of 92.6% of all householder applications determined in less than 2 months compares favourably with a 91.8% performance for the preceding period of 3 August 2009 to 31 March 2011.

The 2011-2012 performance of 62.0% of all non-householder local development type applications determined in less than 2 months compares more than favourably with a 56.6% performance for the preceding period of 3 August 2009 to 31 March 2011; demonstrating a significant improvement in performance.

Only 39.0% of local housing development type applications were decided in less than 2 months. However of the 82 applications decided as many as 21 of them (25.6%) required the conclusion of a legal agreement to secure required developer contributions mainly for education provision and the provision of affordable housing in accordance with the terms of the Council's affordable housing policy.

Whilst 91.4% of the local business and industry type applications were granted, demonstrating that delivering economic development in East Lothian is a priority, greater focus needs to be given to improving on the performance of 78.1% of the applications decided in less than 2 months. Nonetheless this 2011-2012 performance is a marked improvement on the comparable performance of 68.1% for the preceding period of 3 August 2009 to 31 March 2011.

These performances demonstrate that the planning service of East Lothian Council is open for business and is working to a culture of continuous improvement.

Our performance compares well with the Scottish average. In the performance period of 3 August to 31 March 2010 we decided 74.3% of all applications in less than 2 months compared with the Scottish average of 62.7%. In 2010-2011 our performance of 76.5% compares with the Scottish average of 66.5% and in 2011-2012 our performance was 75.2% in comparison with the Scottish average of 68.1%. In this an allowance should be made for the higher than average number of applications for listed building consent and conservation area consent that East Lothian Council has to decide. In 2011-2012 a total of 159 such applications were decided, being 29% of all non-householder development type applications decided. Of those 159 applications, 100 had to be statutorily notified to Historic Scotland before the decisions on them could be issued, involving a procedural 28 days notification period beyond the time at which the Council had concluded its appraisals of the applications. Mostly as a consequence of this only 62 (39.0%) of the 159 applications for listed building consent/conservation area consent were decided in less than 2 months.

Of the applications for other consents decided in 2011-2012 there was in comparison to the 39.0% of listed building consent/conservation area consent applications decided in less than 2 months, 87.8% of advertisement consent applications and 100% of other consents and certificate applications determined in less than 2 months.



***East Lothian Council
Department of Services for Communities
Housing & Environment***