

REPORT TO: Policy and Performance Review Committee

MEETING DATE: 27 February 2019

BY: Depute Chief Executive (Partnerships and Community Services)

SUBJECT: Planning Service

1 PURPOSE

- 1.1 To provide the Committee with an update and overview of the performance of the Planning Service, benchmarking information with other Councils and to highlight funding and income streams and areas for improvement going forward.

2 RECOMMENDATIONS

- 2.1 The Committee is asked to use the information provided in this report to consider the performance of the Service.

3 BACKGROUND

- 3.1 The Planning Service operates within the Development Division of the Council's Partnerships and Services for Communities Department, reporting directly to the Head of Development. The Service delivers the Council's statutory responsibilities for Development Management (Planning Delivery), Development Planning (Strategy and Policy), Landscape and Tree Protection, Corporate Address Gazetteer and Archaeology/Heritage Management. The Service comprises the former Development Management, Policy and Projects and Archaeology business units which delivered all of the above responsibilities.
- 3.2 There are two Team Managers with responsibility for the two major business streams of the service, Planning Delivery (development management) and Policy & Strategy (development plan and policy), with delegated responsibility from the Service Manager to allow a clear line of responsibility and reporting for those workstreams. Landscape Officers, the Corporate Address Gazetteer, Archaeology Officers and the Management Systems

and Administration Officer all currently report directly to the Service Manager. Planners' responsibilities are subject to a generic job description with enhanced responsibilities to support the Senior and Principal Planners and Team Managers and allow for flexibility across the two main workstreams of the service. This service structure balances responsibilities and provides appropriate tiers of delegation to support the Service Manager.

- 3.3 Two Project Managers posts within the Development Department now work closely with Planning to deliver the growth agenda set by the development plan, City Deal and the Council's ownership/involvement in progressing key sites at Queen Margaret University and Cockenzie and to address the need for the governance and delivery programmes for the proposed new settlement safeguarded within ELLDP 2018 at Greater Blindwells.
- 3.4 All stages of the Local Development Plan (LDP) process have seen continued and increased corporate engagement with all services of the Council to ensure buy-in to the outcomes of the LDP and direct alignment to with the Council's Capital Plan, Asset Management Plan, Local Transport Strategy and Local Housing Strategy. Work between Planning and Finance/Asset Management has been further improved through the work of the Planning Obligations Officer. The post's key objectives of improving and streamlining the administrative processes in respect of developer obligations were quickly achieved and significant work has been carried out by the post-holder in taking forward the Developer Contributions Framework and in developer negotiations to finalise Section 75 agreements.
- 3.5 Fee income from enhanced major application fees was lower than expected during 2018/19 and therefore the anticipated additional recruitment of staff was not able to be carried out to the extent envisaged, this will be kept under review moving forward. The Service is benchmarked within the LGBF 2017/18 as having the lowest cost per application. The Service Manager and Head of Service need to ensure the growth agenda set by the LDP can be serviced and allow for improvements in application performance.
- 3.6 The approved scheme of delegation, legal agreement cut off points and Committee scheduling are of obvious importance and remain in place, however, a benchmarking exercise will be carried out to look for further potential approaches to help improve application performance. Delegated planning decisions continue to run at a high level showing consistency across the years, reflecting the governance set out in the Council's [Standing Orders](#). No changes have been made to the Council's scheme of delegation in the past year. As extant it allows for officer decisions for all but major development proposals, though where there is public objection or if the application raises important planning issues the report is circulated to all Councillors through the weekly Scheme of Delegation List which allows the call in of applications to Planning Committee. Some 16% in 2018-18 were decided this way rather than going to Committee (2015-16 17%, 2014-15 16%), a consistent trend. In this the Service is performing effectively whilst allowing for cases of significant public interest to be taken to Planning Committee.

- 3.7 The Service has carried out additional briefings for Elected Members on the planning system, key stages of the LDP and SDP and Affordable Housing. The presentation for the briefing on the planning system formed the basis for briefing Community Councils in the area which was well received "it is very good, clear and well written and a lot of work on somebody's part. Thank you very much to all those involved" (Dunpender Community Council).
- 3.8 Appendix A is the 2017/18 East Lothian Planning Performance Framework document, which includes the National Headline Indicators, commentary on performance in the key planning areas of the service and measures to seek further improvement.
- 3.9 The Local Development Plan (LDP) and Service actions for delivery are at the forefront of activity. The majority of the new LDP sites are either on the ground and delivering new homes, undertaking preliminary groundworks or with permissions and anticipated site starts. Delivery of significant employment opportunities at Craighall, Blindwells and Service and corporate work on the LDP, the Developer Contributions Framework and other Supplementary Planning Guidance demonstrates the Council's commitment to delivery of growth, contributing to improving availability of homes, affordable homes and employment opportunities with sound governance processes.
- 3.10 The 2018 Housing Land Audit confirms the continued value of this work on planning and delivery to ensure the Council has an effective housing land supply greater than the five years as required by Scottish Planning Policy (SPP).
- 3.11 High approval rates of submitted applications reflect the value of work in constructive pre-application discussions informed by development frameworks and briefs and consultation comment. Both pre-application enquiries and applications are appraised in weekly team meetings to highlight potential issues, assess opportunities for design improvements and give greater consistency on outcomes.
- 3.12 Internal consultees including Roads, Education, Environmental Health, Landscape, Countryside and Legal services are available for fortnightly pre-application slots with developers. The uptake of and feedback on these sessions represent a positive step, particularly for major and complex applications. The team of Transport Planners who are consulted on proposals are also responsible for the Roads Construction Consents for the same proposals so as to ensure that RCCs and planning applications are subject to consistent processes and are twin tracked.
- 3.13 The Service has a long-term commitment to providing opportunities for pre-application discussions for developers, businesses, householders and others and continues to encourage developers and individuals to make best use of this and the high approval rates for applications are at least in part due to the availability and effectiveness of pre-application discussions on proposals and development opportunities. The Service has refined its formal pre-application meeting schedule based on uptake, so that weekly

Wednesday afternoon slots (pre-booked in all relevant Council staff calendars) have become fortnightly. These round table pre-application discussions facilitate better cross service advice to developers on major applications, particularly housing applications and other complex applications. This is well received by agents and developers on an on-going basis as it helps to minimise diary conflict, with a key benefit of this rolling programme being the best availability of relevant staff to give direct input to discussions on new major proposals. For other applications, the Council retains a duty planner system for enquiries and offers written responses to informal submissions within 10 days where straightforward and fuller responses to more complex cases where responses from statutory consultees will better inform the response.

- 3.14 These factors confirm the value of the service's approach to being open for enquiries from all prospective applicants. This is kept under review in relation to the increasing pressure on budgets and resources. As an outreach of this to engage further with the business sector, Service officers were part of the Council's annual 'Open for Business' event, which promotes increased business and employment activity in East Lothian. It gives the Council the opportunity to engage with local businesses out of the normal channels and gives them a cross service context in which to discuss potential opportunities directly with planning officers as well as other Council officers. The engagement allows for better understanding of policy and development management contexts and promotes good contacts and relationships with businesses.
- 3.15 Processing agreements are consistently offered for major and complex applications through both the Council's website and pre-application discussions, however, there remains no uptake of this opportunity, with developers being content to work with the Council in terms of application project management and, where required, agreed extensions of time. Project management approaches help to monitor progress and to ensure that major planning applications are determined within agreed timescales including simple project planning, keeping a spreadsheet for consultation responses, and, where necessary, meeting on a regular basis with applicants and agents.
- 3.16 Clear and comprehensive guidance notes for applicants are provided in web and print form to help with the submission process. Applicants can also arrange to have their application checked over by a planning technician before they submit it.
- 3.17 Positive comments on the quality of the service have been greater than in previous years and are welcomed.

"Essentially, I was applying for planning/listed building consent to install double glazing at my flat in North Berwick. From the outset, you both provided me most valuable help in this process which I'm glad to say has recently been granted. I feel that this was in no small part due to the guidance I was given by you both. I would commend, as well as thank both

of you for your professionalism, prompt and most concise help” (Customer commenting on assistance from Planning Technicians).

“I’ve just read the report for the SSC [Seabird Centre] planning application. I know you probably don’t hear this enough but thank you for the obvious time and effort that has gone into this piece of work. I’m sure our elected members will also appreciate your consideration and clarity” (Comment on Committee Report from member of the public).

“It is most pleasing that the Caledonian Foods advertisements defacing the Grade B Listed Building in Kilwinning Place have been removed, presumably as a result of your action. I wish to thank you very much indeed. It is good to know that the planning system works effectively in cases such as this” (Comment from member of the public on enforcement issue).

“Our thanks are due to you and all at ELC. Whatever the result, it was so encouraging to see a LPA defend its interests, and those of its residents, so well but particularly with a clear understanding of why it mattered” (Comment from Community Council on Council Case at Windfarm public inquiry).

“This was a very rewarding discussion and helped us determine exactly what we may be able to do with the property in the future. I might add that the new system of recording inquiries and information they now use at the planning department was very useful indeed. We were given all the necessary information and documentation to take away there and then” (Customer comment on Duty Planner service).

- 3.11 The Council’s Feedback team report 11 complaints compared to 8 in the previous year, only one of the complaints was upheld through the Feedback process. In general these complaints tend to be where objectors are unhappy with the outcome of the decision making process or an applicant is unhappy with the decision. In previous years we have carried out electronic surveys via the Council’s consultation hub and by email, however, the responses have been so low it has not been practical to continue resourcing this, as the outputs are of little use in considering the service offering.

4 DEVELOPMENT PLANNING

- 4.1 The Council submitted its [proposed LDP](#) to the Department for Planning and Environmental Appeals (DPEA) on 4 May 2017 after the representation/Schedule 4 process. In the context of the requirement for direct notification of more than 8000 addresses adjacent to proposed allocations and proposals, the 441 representations received to the proposed LDP compared favourably to the 1,100 responses to the MIR and to other LDPs in Scotland. The submission to [Examination](#) was preceded by extensive early collaborative working with DPEA Case Managers to discuss and agree the procedures for the submission of the plan and to align our approach for an efficient exchange of Examination papers in hard copy as

well as electronic format. This early joint working led to only nine Further Information Requests (FIR) relating to such procedural matters during the course of the Examination in Public. The process followed is now being used by the DPEA as a good example of engagement and as an efficient and effective development plan submission.

- 4.2 Stage 2 of the Examination commenced on 8 June 2017. To facilitate the smooth running of the Examination, the Council answered all but one FIR within the prescribed timescales or earlier, and requested an extension of time for only one, relating to Planning for Housing (by only two weeks). The reason for this was to allow time for the up-to-date 2017 [Housing Land Audit](#) (HLA) to be agreed with Homes for Scotland as the Examination was ongoing. This gave time to agree the HLA before the Council and interested parties submitted their responses and importantly provided a common basis for these. Agreement was reached on the land supply position (though not the policy approach) and the Council's FIR response was submitted within the extended time.
- 4.3 Overall, the Council was asked to respond to only 21 FIRs during the Examination. As a result of these exchanges, two unresolved representations were also withdrawn during the course of the Examination by Key Agencies, reflecting the Council's on-going collaborative working with those agencies on their unresolved representations during the Examination.
- 4.4 Throughout the Examination there was no need for any oral session on any Issue. The [Report](#) was issued to the Council on 12 March 2018, around nine months after the Council's submission for Examination, 6 weeks after the DPEA target date. A very limited number of post-examination modifications were recommended to the proposed LDP, reflecting the limited number of unresolved representations and the overall collaborative approach to LDP preparation.
- 4.5 Importantly, the Examination found that the housing and economic land supply overall, and within this the five year effective housing land supply (at 6.17 years), is sufficiently generous at the point of LDP adoption.
- 4.6 There are now only 16 of the 90+ housing sites in the LDP that are not yet the subject of a planning application or planning permission, many of which are very small scale; all of the major sites have applications submitted, approved or anticipated. Since 2008, housing completions have continued to increase annually, and more recently the average level of completions achieved here historically (circa 500 annually) is again being achieved. The draft 2017/18 Housing Land Audit indicates a further increase towards 2008 levels of completions around the 700 mark.
- 4.7 There is ongoing industry support for how the Council has engaged around the preparation of the plan and managed the adequacy of its housing land supply as the LDP has been developed. In a letter to the Chief Planner, Homes for Scotland have expressed positive views of the process on behalf of the organisation and its members: "I am writing to express our support for the positive and proactive process of engagement undertaken by East

Lothian Council as it has prepared the LDP...We commend the Council's approach to housing delivery. Its focus on this issue is evident from planning officers and runs through the plan...We have also welcomed the Council's wider proactive work in recent years to recognise and address housing land supply issues, including through the publication of interim guidance."

- 4.8 Another key policy area supported at Examination is the LDP approach to infrastructure planning, provision and delivery. The LDP has been developed so as to match infrastructure projects with the delivery of its spatial strategy and sites. It is supported by a [Developer Contributions Framework](#) (DCF) as statutory Supplementary Guidance to set out in advance for applicants and communities the 'likely nature and scale' of developer contributions that will be expected of applicants, consistent with relevant circulars and the 'Elsick Supreme Court Decision' (decided as the Examination was on-going). A draft of this statutory guidance was consulted on with the proposed LDP and as the Council's cumulative assessment of the impacts of housing and employment land requirements, provided the evidence base for application assessment, ensuring developers have clear sight of likely contribution levels. The Council has resolved to adopt an updated version of the DCF which is awaiting Ministers' approval.
- 4.9 In the preparation of this guidance the Council has engaged with housing providers and local business groups, communities and the public amongst other stakeholders. Crucially, this work has also informed the Council of its own obligations for delivery of the LDP, provision for which has been made within its Capital Plan and Financial and Treasury Strategies. The Council was asked to present at the Scottish Government's Development Plan Forum, and since also to individual Authorities, in order to share best practice experiences of corporate and collaborative working in plan-making. The Council Developer Contributions Officer and Project Managers posts complement this.
- 4.10 Monitoring the delivery of the plan will likely become annual, with a read-across provided between the housing land audit, demand assessments (i.e. when interventions will be required), developer contribution intake gathered and anticipated overtime and the Council's capital plan and financial reporting structures – i.e. HLA agreed July/August; demand assessment September/October; preparatory budget and capital planning and developer contribution assessment October/November; informing February budget setting. This will allow the authority to assess the timing of the need for, cash flow and risks associated with delivering interventions that will enable development sites within the LDP.
- 4.11 The Service continues to progress [Supplementary Guidance and Supplementary Planning Guidance](#) for the LDP, with the last round anticipated for conclusion in early 2019. This programme is intended to leave a clear path for LDP2 preparation and publication through 2019. It will also ensure that the associated supplementary policy framework required to support LDP1 when it is operative is in place with the minimum delay, in accordance with the overall programme of on-going work planned for the Policy and Strategy Team.

4.12 The second Strategic Development Plan (SDP2) has been submitted to the Scottish Ministers for approval, resultant preparatory work on LDP2 has commenced.

4.13 LDP2 will follow the extensive collaborative and corporate working which informed the preparation for and projected implementation phase of LDP1. An initial discussion document for LDP2 has been prepared by Officers and briefings with Members held to set the context for the development of MIR2, and to allow early internal consideration of the issues and options LDP2 will need to consider and address. This was prepared at the time the LDP1 Examination and adoption processes were on-going to ensure that LDP2 can be brought forward timeously. Further work will follow in Member and public engagement once SDP2 is approved by Ministers.

5 DEVELOPMENT MANAGEMENT

5.1 The table below shows the historic trend for application performance in East Lothian since 2013. This trend in performance demonstrates that whilst we perform well for major applications, the figures for local applications and resultant rankings need improvement.

Ave weeks	Q1 18/19	2017/18	2016/17	2015/16	2014/15	2013/14	2012/13
Major no s75	33.3	45.4	10	25	18.4	41.8	20.7
Major s75	66.7	85.6	43.9	32	57.1	52	-
All major	61.6	60.9	32.6	26.6	28.1	43.5	20.7
All local	9.1	9.8	10.4	9.0	9.7	10.7	11.6
Householder	8.1	8.0	8.4	7.6	7.5	7.7	8.3
Non householder	10.9	12.5	14.1	11.4	12.7	15.6	17
Business	10.00	10.7	12.4	10.4	8.9	24.6	20.7

5.2 The National Headline Indicators show an increase in average decision timescales for major developments from 32.6 weeks in 2016-2017, to 60.9 weeks this year and this is a significant concern. The number of major applications determined rose from 8 to 13, a significant increase and including one which had a particular impact on resources. Performance does depend on the complexity of / and resolving issues, agreeing necessary improvements and the timescales for completion of Section 75 agreements, even where these are limited to six months. There was also a significant delay with one application relating to a waste recycling facility in the submission of noise assessment information by the applicant. However the main delay in the determination of major applications was in the sometimes lengthy period to conclude Section 75 Agreements.

5.3 The appointment of a Planning Obligations Officer in April 2017 was a key objective to secure greater focus and expertise on both the negotiation and administration of developer contributions. Further improvement can be expected through the establishment throughout the year of the Developer Contributions Framework as the evidence base for likely contributions on applications, as discussed in the LDP section above.

- 5.4 PPRC members should note that these applications are of strategic importance for the delivery of homes, including affordable homes, Council objectives and housing land supply. Therefore, in several instances and only where reasonable progress had been made with the applicant, the six month period for conclusion of the agreement was informally extended to facilitate positive outcomes and not undermine the significant progress the Council has made through the LDP process and agreed Housing Land Audit. This remains a worthwhile process to ensure that development can be secured rather than be subject to refusal or through further delays through new applications or appeals.
- 5.5 In respect of this the greatest impact on performance was from the two applications for the Letham Mains site, again where delay with agreement on the Section 75 took place, in part due to landowner/developer legal issues and in part to the complication of the agreement needing to be concluded with three developers. It was strategically important to support the conclusion of these applications in order to secure a start date for work on a site stalled since the 2008 Local Plan and in this context a quicker refusal would have led to greater delay in delivery of the site, where completions are now coming through.
- 5.6 The number of householder applications was largely static with the previous year (481 to 486), whilst there was significant growth in non-householder local applications (322 to 267). In that context the improvement in householder timescales is good progress, but benchmarking with other planning authorities the Service needs to learn what the context of their quicker delivery is, and that will be a priority to action.
- 5.7 For non-householder applications, as for major applications, the significant increase in numbers has resource as well as process implications. The Service's performance also needs to be seen in the context that it is benchmarked through the LGBF as the lowest cost service in the country at a time of significant growth in housing and employment applications.
- 5.8 A significant workload issue remains poor submissions by agents/developers and having to deal with invalid applications even with clear print and online application guidance. The total of applications received was 1226 of which 64% were invalid on receipt though this is notable improvement from 73% in the previous year (2015-16 73%, 2014-15 64.2%, 2013-14 69%, 2012-13 65%). Further work will be done with agents in relation to the key errors of incorrect fees, insufficient drawings/statements, incorrect/inaccurate drawings, incorrectly scaled/annotated drawings. The Duty Planner service is also available to check through applications or discuss submission requirements and the Service assists agents wherever possible to make complete applications that can be registered.
- 5.9 Resource has also been directed towards reducing the number of legacy cases, with a significant increase in withdrawn legacy cases compared to previous years. The legacy cases remaining, now properly assessed as

any over a year old, will be a continued point of focus for the team through active management of officer caseloads.

- 5.10 Given the above there is an ongoing review of performance management to provide an updated framework for application timescales and processes and active management of officer caseloads exists through regular meetings and reviews and engagement in further benchmarking with planning authorities in the top quartile of average timescales for applications is active. It is likely that action from this will be part of the further engagement with agents, consultants and developers to ensure a coordinated approach to improving performance significantly. In addition the level of planning fee income will be reviewed regularly throughout the year to assess the potential for additional staffing going forward.
- 5.11 Enforcement has seen increased activity, and this reflects increased levels of development, major and local, in the area from both approvals and also from increased permitted development rights (PDR) for both householder and non-householder premises. Increased PDR can often mean that neighbours are unaware of development intentions and if they do check the planning portal, will contact the service if there is no relevant record.
- 5.12 The Enforcement Charter has been reviewed and updated and importantly, rewritten to simplify the language used and break up the text with illustrations to make it a more customer friendly document and more accessible.
- 5.13 The level of complaints received has been dealt with within the existing resource, with an increased number of resolved and closed cases reflecting increased activity levels. If this growth continues then consideration will be given to allocating additional resources to this function to ensure that cases continue to be dealt with effectively and that public confidence in enforcement responses continues to grow. The increase in resolution alongside the increase in cases is encouraging as this is one of the most difficult areas of action in terms of public and developer perceptions of the process and reflects a good balance of resources to the scale of the issue.
- 5.14 An issue to be considered for enforcement in respect of any development is whether or not there is a proportionate response to the relevant infraction. A Breach of Condition Notice can be used to enforce the conditions applied to any planning permission. It comes into effect 28 days after being served. It may be used as an alternative to an enforcement notice (see below). There is no right of appeal. Contravening a breach of condition notice can result in the Council deciding to prosecute, with a fine of up to £1,000.
- 5.15 An Enforcement Notice is generally used to deal with unauthorised development, but can also apply to a breach of planning conditions. There are similar notices and powers to deal with Listed Buildings and advertisements. An Enforcement Notice also comes into effect 28 days after serving and can be appealed or a relevant application submitted. Failure to comply with an enforcement notice within the time specified is

an offence and may lead to prosecution and a fine of up to £20,000 in the Sheriff Court, or in appropriate cases the Council taking direct action to correct the breach.

- 5.16 A Stop Notice is used in urgent or serious cases where an unauthorised activity must be stopped, usually on grounds of public safety. When a Stop Notice is served, the planning authority must also issue an Enforcement Notice. There is no right of appeal against a Stop Notice and failure to comply is an offence. An appeal can be made against the accompanying Enforcement Notice. If a Stop Notice is served without due cause, or an appeal against the Enforcement Notice is successful, the Stop Notice may be quashed and the Council may face claims for compensation. The use of Stop Notices therefore needs to be carefully assessed by the Council.
- 5.17 A Temporary Stop Notice (TSN) can be used to require the immediate halt of an activity which breaches planning control, though the provisions make an exception in that a TSN cannot prohibit the use of a building or a caravan as a dwellinghouse. TSNs are enforceable for 28 days, after which time they expire.
- 5.18 A Fixed Penalty Notice (FPN) provides planning authorities with an alternative process to seeking prosecution, to address situations where a person has failed to comply with the requirements of an Enforcement Notice or a Breach of Condition Notice. By paying the penalty imposed the person will discharge any liability for prosecution for the offence. They will not, however, discharge the obligation to comply with the notices and the planning authority will retain the power to take direct action to remedy the breach and recover the costs of action. Any decision to use this power would be dependent on considerations such as the scale of the breach and its impact on local amenity.

6 POLICY IMPLICATIONS

- 6.1 The Planning Performance Framework is an important component of East Lothian Council's performance management arrangements and the drive to deliver Continuous Improvement.

7 EQUALITIES IMPACT ASSESSMENT

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

8 RESOURCE IMPLICATIONS

- 8.1 Financial – none.
- 8.2 Personnel - none.
- 8.3 Other – none.

9 BACKGROUND PAPERS

- 9.1 Appendix A: East Lothian Planning Performance Framework 2017/18 including Scottish Ministers' Feedback on Planning Performance Framework 2017/18.
- 9.2 Enforcement Charter
https://www.eastlothian.gov.uk/downloads/file/24433/planning_enforcement_charter_2018

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DATE	20 February 2019

Appendix A:

12	Number of visits to libraries expressed per 1,000 population	8,278	6,199	6
13	Average time (weeks) to deal with major applications	20.7	39.0	5
13	Average time (weeks) to deal with local applications	13.6	11.6	25
13	Average time (weeks) to deal with all major and local applications	13.6	12.0	20
14	Percentage of repairs completed within target times	86.6%	92.2%	24 (1-26)
15	Percentage of council dwellings brought up to a tolerable standard	100.0%	100.0%	-
15	Percentage of council dwellings free from serious disrepair	98.5%	98.5%	13 (1-26)
15	Percentage of council dwellings that are energy efficient	88.1%	90.2%	15 (1-26)
15	Percentage of council dwellings that have modern facilities and services	87.7%	96.1%	25 (1-26)
15	Percentage of council dwellings that are healthy, safe and secure	97.3%	94.7%	10 (1-26)
15	Percentage of dwellings meeting SHQS	76.7%	79.7%	16 (1-26)
16	Percentage of rent due in the year that was lost due to voids	1.0%	1.0%	10 (1-26)
17	Average time to re-let low demand houses (days)	79	74.1	14 (1-26)
17	Average time to re-let not low demand houses (days)	17	33.1	3 (1-26)
18	Current tenants' arrears as a percentage of net rent due	11.0%	6.8%	26 (1-26)

18	Percentage of current tenants owing more than 13 weeks rent excluding those owing less than £250	9.5%	4.7%	26 (1-26)
18	Proportion of those tenants [giving up tenancy] that were in rent arrears	29.4%	45.0%	6 (1-26)
18	Average debt owed by tenants leaving their tenancies with arrears	£550	£528.04	16 (1-26)
18	Average number of weeks rent owed by tenants leaving in arrears	11.40	8.57	24 (1-26)
18	Percentage of former tenant arrears written off or collected during the year	26.3%	29.0%	14 (1-26)
19	Percentage of decision notifications issued within 28 days of date of initial presentation for permanent accommodation	80.2%	92.1%	26
19	Percentage who are housed into permanent accommodation	44.3%	60.4%	28
19	Percentage of permanent accommodation cases reassessed	2.3%	4.6%	5
19	Percentage of decision notifications issued within 28 days of date of initial presentation for temporary accommodation	76.5%	88.4%	26
19	Percentage of temporary accommodation cases reassessed	5.5%	5.3%	19
19	The proportion of those provided with permanent accommodation in council stock who maintained their tenancy for at least 12 months	89.2%	87.0%	8 (1-26)
20	Average time (hours) between time of complaint and attendance on site, for those requiring attendance on site	1.7	10.4	10 (1-29)
20	Average time (hours) between time of complaint and attendance on site, for those dealt with under the ASB Act 2004	0.3	0.42	3 (1-24)
21	Percentage of consumer complaints dealt with within 14 days of receipt	90.4%	79.6%	4 (1-31)
21	Percentage of business advice requests dealt with within 14 days of receipt	96.7%	96.3%	15

22	Overall percentage of road network that should be considered for maintenance treatment	31.5%	34.7%	8
23	Net cost of refuse collection per premise	£68.91	£69.27	16
23	Net cost of refuse disposal per premise	£83.63	£93.27	8
24	Percentage of municipal waste recycled	45.1%	42.8%	11
25	Overall cleanliness index	74.0%	74.0%	16

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Ms Angela Leitch
Chief Executive
East Lothian Council

10 January 2019

Dear Ms Leitch

PLANNING PERFORMANCE FRAMEWORK FEEDBACK 2017/18

I am pleased to enclose feedback on your authority's 7th PPF Report for the period April 2017 to March 2018. Considerable progress has been made since the introduction of the Planning Performance Framework and key markers, although performance still remains variable over some authorities and markers.

As you may be aware, the Planning Bill has recently passed through the second stage of parliamentary consideration, during which the Local Government and Communities Committee voted to remove the proposed provisions on planning performance, provisions to make training for elected members mandatory, and the existing penalty clause provisions. We expect Stage 3 of the bill process to begin in the new year.

Whatever the outcome of the Planning Bill, I believe now is the time to look again at how we measure the performance of the planning system. The High Level Group on Planning Performance recently met to discuss performance measurement and other improvements. I very much hope that we can continue to support ongoing improvements in our planning service and further demonstrate the value which the planning system can add to people's lives. Ministers see an important connection between performance and fees and I am aware that any proposals to increase fees will raise applicants' expectations of an efficient and effective service.

We need to be able to measure performance to provide that crucial evidence to support any increases in fees, to help ensure that authorities are appropriately resourced to deliver on our ambitions. With this in mind, we will continue to liaise with COSLA, SOLACE and Heads of Planning Scotland on matters of the Bill's implementation and planning performance measures going forward.

If you would like to discuss any of the markings awarded below, please email chief.planner@gov.scot and a member of the team will be happy to discuss these with you.

Kind Regards



KEVIN STEWART

CC: Mr Douglas Proudfoot, Head of Housing and Environment

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PERFORMANCE MARKERS REPORT 2017-18

Name of planning authority: **East Lothian Council**

The High Level Group on Performance agreed a set of performance markers. We have assessed your report against those markers to give an indication of priority areas for improvement action. The high level group will monitor and evaluate how the key markers have been reported and the value which they have added.

The Red, Amber, Green ratings are based on the evidence provided within the PPF reports. Where no information or insufficient evidence has been provided, a 'red' marking has been allocated.

No.	Performance Marker	RAG rating	Comments
1	Decision-making: continuous reduction of average timescales for all development categories [Q1 - Q4]	Amber	<p>Major Applications Your timescales of 60.9 weeks are slower than the previous year and are slower than the Scottish average of 33.6 weeks. RAG = Red</p> <p>Local (Non-Householder) Applications Your timescales of 12.5 weeks are faster than the previous year but are slower than the Scottish average of 10.7 weeks. RAG = Amber</p> <p>Householder Applications Your timescales of 8 weeks are faster than the previous year but are slower than the Scottish average of 7.3 weeks. However, this is within the statutory timescale. RAG = Green</p> <p>Overall RAG = Amber</p>
2	<p>Processing agreements:</p> <ul style="list-style-type: none"> offer to all prospective applicants for major development planning applications; and availability publicised on website 	Green	<p>You encourage processing agreements to applications for all major developments. No processing agreements were entered into this reporting year. RAG = Green</p> <p>Processing agreement information is available through your website. RAG = Green</p> <p>Overall RAG = Green</p>
3	<p>Early collaboration with applicants and consultees</p> <ul style="list-style-type: none"> availability and promotion of pre-application discussions for all prospective applications; and clear and proportionate requests for supporting information 	Amber	<p>You provide a pre-application advice service which is promoted through staff engaging with prospective applications. We note the high amount of applications subject to pre-application and that you put your high approval rate down to this. However, it is noted that you refer to invalid applications as being an issue. RAG = Green</p> <p>The report does not make clear how your information requests are proportionate to their needs, nor what process or guidance is in place for these to be clear to developers. RAG = Red</p> <p>Overall RAG = Amber</p>

4	Legal agreements: conclude (or reconsider) applications after resolving to grant permission reducing number of live applications more than 6 months after resolution to grant (from last reporting period)	Red	Your average timescales for determining major applications with legal agreements is slower than last year and the Scottish average. Local applications with legal agreements are determined slower than last year and the Scottish average. You have referenced having legal agreement cut off points and a dedicated planning obligations officer, however, the reasons for your timescales increasing significantly are not clear.
5	Enforcement charter updated / re-published within last 2 years	Green	Your enforcement charter was 4 months old at the end of the reporting year.
6	Continuous improvement: <ul style="list-style-type: none"> • progress/improvement in relation to PPF National Headline Indicators; and • progress ambitious and relevant service improvement commitments identified through PPF report 	Amber	Your LDP is due for renewal and your enforcement charter was renewed this year. Overall, your decision making timescales, with and without legal agreements, were slower than last year. Elsewhere, not enough progress has been made over stalled sites. RAG = Red You have completed 2 out of 7 of your improvement commitments with the remaining to be continued over the next reporting year. You identified four improvement commitments for the coming year which respond to shortfalls seen in your service delivery. RAG = Amber Overall RAG = Amber
7	Local development plan less than 5 years since adoption	Red	Your development plan was over 9 years old at the time of reporting.
8	Development plan scheme – next LDP: <ul style="list-style-type: none"> • on course for adoption within 5 years of current plan(s) adoption; and • project planned and expected to be delivered to planned timescale 	Amber	Your LDP2 is not on track for adoption within the five year cycle. We note that the LDP2 is now published, although was out with the reporting period. RAG = Red Your project plan for the replacement of the development plan is set out in your action plan though it is not clear how you have addressed prior issues with the LDP project planning. RAG = Green Overall RAG = Amber
9	Elected members engaged early (pre-MIR) in development plan preparation – <i>if plan has been at pre-MIR stage during reporting year</i>	N/A	
10	Cross sector stakeholders* engaged early (pre-MIR) in development plan preparation – <i>if plan has been at pre-MIR stage during reporting year</i>	N/A	
11	Regular and proportionate policy advice produced on information required to support applications.	Green	You mention that you have reviewed existing guidance including revoking your interim planning guidance for housing land. Elsewhere you have drafted development briefs and affordable housing guidance in preparation of your LDP's publication.
12	Corporate working across services to improve outputs and services for customer benefit (for example: protocols; joined-up services; single contact arrangements; joint pre-application	Green	You continue to ensure a duty planner system for enquiries, ensuring a single contact for customers. Elsewhere, your team consults internally with transport planners on relevant proposals and road construction consents.

	advice)		
13	Sharing good practice, skills and knowledge between authorities	Green	You provide evidence of benchmarking through HOPS to improve service delivery and you have used the Knowledge Hub, benefiting from their archaeology and landscape specialists. Your team has attended several training events through COSLA, HES and others.
14	Stalled sites / legacy cases: conclusion or withdrawal of old planning applications and reducing number of live applications more than one year old	Red	You have cleared 164 cases during the reporting year, however, you now have 289 cases due to a miscalculation in previous reports. It is unclear how many cases have reached legacy status this year but we note that this is part of a longer strategy for improving the councils output and that current progress has been significant from previous years figures.
15	Developer contributions: clear and proportionate expectations <ul style="list-style-type: none"> • set out in development plan (and/or emerging plan); and • in pre-application discussions 	Green	Your LDP, supported by a framework sets out expectations for developer contributions. RAG = Green Your pre-application discussions address developer contributions and are part of a protocol for application processing. RAG = Green Overall RAG = Green

EAST LOTHIAN COUNCIL
Performance against Key Markers

Marker		2012-13	2013-14	2014-15	2015-16	2016-17	2017-18
1	Decision making timescales						
2	Processing agreements						
3	Early collaboration						
4	Legal agreements						
5	Enforcement charter						
6	Continuous improvement						
7	Local development plan						
8	Development plan scheme						
9	Elected members engaged early (pre-MIR)				N/A	N/A	N/A
10	Stakeholders engaged early (pre-MIR)				N/A	N/A	N/A
11	Regular and proportionate advice to support applications						
12	Corporate working across services						
13	Sharing good practice, skills and knowledge						
14	Stalled sites/legacy cases						
15	Developer contributions						

Overall Markings (total numbers for red, amber and green)

2012-13	7	6	2
2013-14	7	7	1
2014-15	4	5	6
2015-16	1	6	6
2016-17	1	5	7
2017-18	3	4	6

Decision Making Timescales (weeks)

	2012-13	2013-14	2014-15	2015-16	2016-17	2017-18	2017-18 Scottish Average
Major Development	20.7	43.5	31.5	38.3	32.6	60.9	33.6
Local (Non-Householder) Development	22.2	22.8	13.9	11.4	15.3	14.2	10.7
Householder Development	8.3	7.7	7.5	7.6	8.4	8.0	7.3