

REPORT TO: Policy and Performance Review Committee

MEETING DATE: 9 June 2022

BY: Head of Development

SUBJECT: Review of Performance of the Planning Service

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1 PURPOSE

- 1.1 The purpose of this report is to update the Committee on the performance of the Planning Service.

2 RECOMMENDATIONS

- 2.1 The Committee is asked to note the continuing strong performance of the Planning Service over the last year. The Committee is asked to use the information provided in this report to consider the performance of the Service.

3 BACKGROUND

- 3.1 Every year, the planning departments of all Scotland's Councils report on their work as part of a process called the Planning Performance Framework (PPF). This provides Scottish Government Ministers, other Councils and the public a better understanding of how the planning authority is performing. The latest Report is for the financial year 2020-2021. The contents of the PPF, together with the feedback from the Scottish Government, have been used to inform this report and they are appended as background papers to this report.
- 3.2 In the financial year 2020-2021 the Council registered 1146 planning and other related applications, which is a slight increase from the 1118 applications that the Council registered the previous year.
- 3.3 In that financial year the Council determined 903 planning applications and 243 applications for other consents. The other consents were primarily listed building, conservation area and advertisements. This compares to 761 planning applications and 219 other consents determined during the

previous financial year of 2019-2020. The significant increase in the number of planning applications determined was mainly due to an extra 128 householder planning applications that were decided during 2020-2021.

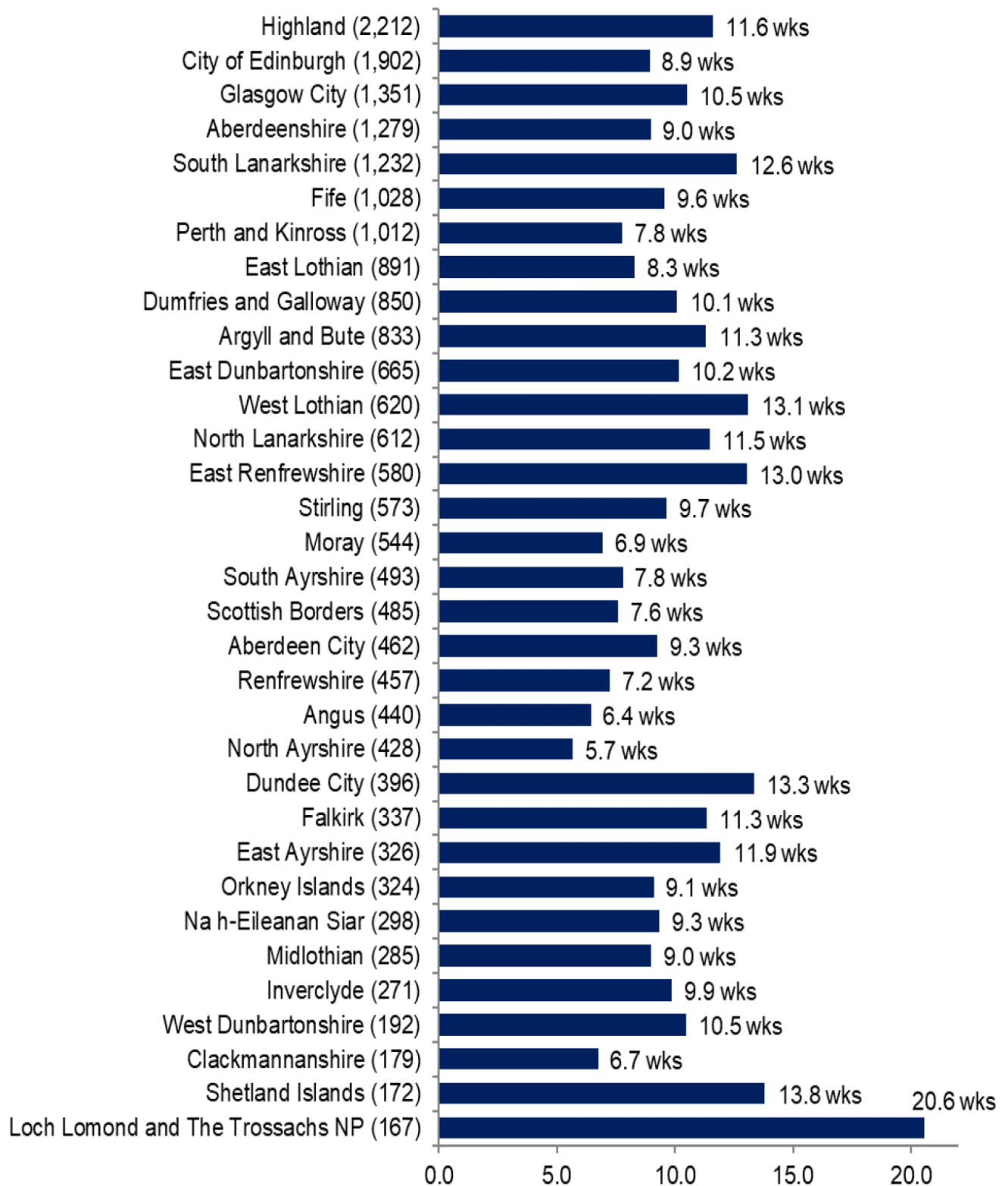
- 3.4 The main reason that there is a difference between the number of applications registered and determined is that a number of applications are withdrawn prior to them being determined. Also there will be some applications that won't be determined within the same financial year and some applications where the applicant and Council will agree as a form of processing agreement to extend the target determination date beyond the original target date, some of which will require a Section 75 Agreement.
- 3.5 For the purposes of planning applications, developments are put into one of three categories: local, major or national. The different types allow councils to treat developments in a way which is suited to their size, complexity and the issues they are likely to raise. Local developments include changes to individual houses and, for example, smaller developments for new housing and retail. Most applications for planning permission are for local developments. Major developments include developments of 50 or more homes, certain waste, water, transport and energy-related developments, and larger retail developments. National developments are mainly large public works (for example, the replacement Forth crossing) and are identified in National Planning Framework 3. East Lothian Council did not determine any national developments in the last financial year. Of the 903 planning applications determined, 891 were local developments and 12 were major developments.
- 3.6 The period within which the Planning Authority must give notice to an applicant of their decision is—
- (a) in the case of an application for planning permission for development within the category of national developments or major developments, four months after the validation date; and
 - (b) in any other case, two months after the validation date.

Where it is not possible to determine the application within the target determination date, it is open to the applicant and Planning Authority to agree a new target determination date as a form of processing agreement.

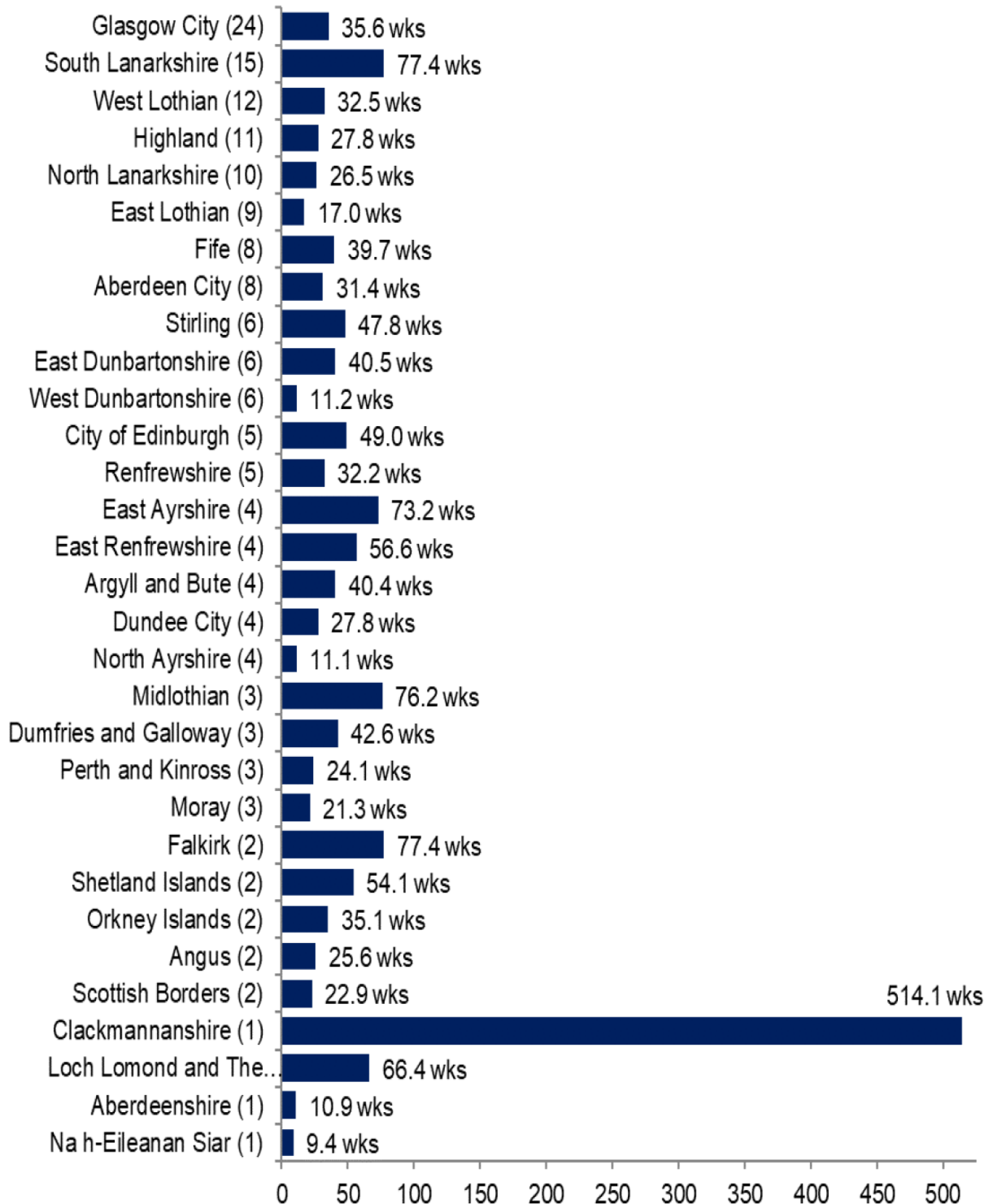
- 3.7 In the last financial year, two of the 12 major planning applications were determined within their four month target date. Three major applications were determined outwith their four month target date, with the 3 applications being determined on average 6.7 days after their target date. A processing agreement was entered into in respect of the other 7 major applications, and all 7 were determined within the extended target determination date agreed with the applicant. The average time for the determination of the 5 major planning applications without a processing agreement was 17 weeks.

- 3.8 During the last financial year, 87.3% of local development applications were determined within their target two month period. Of these, 93.3% of householder development types were determined within two months, whilst 75.8% of local, non-householder developments were determined within their target two month period. The average time for the processing of local planning applications was 8.3 weeks, with householder developments taking an average of 7.0 weeks to determine and local non-householder developments taking an average of 10.8 weeks to determine. Applications with processing agreements are not included in the calculation of average decision times.
- 3.9 As the Scottish Government note, from mid-March 2020 planning application processing was impacted by the move to home working, restrictions on travel and site access, reduced availability of agents and consultees, and staffing and resourcing issues due to the impact of the COVID-19 pandemic. Whilst there has been a slight decrease in our average decision making times for major developments (17 weeks compared to 13.8 weeks) and local non-householder developments (10.8 weeks compared to 10.3 weeks), our performance in the determination of householder developments has again being strong, with our average decision making time of 7.0 weeks being an improvement from last year (7.2 weeks).
- 3.10 Our speed of determination compares favourably when considered with other Planning Authorities. Our averages for both local householder developments (7.0 weeks compared to 8.1 weeks) and local non-householder developments (10.8 weeks compared to 12.4 weeks) is slightly better than the national average. Our average speed of determination for major developments is significantly better than the national average (17 weeks compared to an average of 41.3 weeks).
- 3.11 The average decision time by each Planning Authority for local developments and major developments are shown in the following charts (the number in brackets gives the total number of local development decisions not subject to processing agreements by planning authority).

Local Developments:



Major Developments:



3.12 The Scottish Government use a RAG (red amber green) reporting system to indicate how well each Planning Service is performing. A RAG rating is awarded in respect of 15 different performance markers. Two of those

markers were not relevant to East Lothian Council during 2020-2021, as our Local Development Plan was not at pre-Main Issues Report stage.

- 3.13 As there has been a slight decrease in our average decision making times for major applications and local non-householder applications, an amber marking has been allocated in respect of our speed of decision making. The Scottish Government has however allocated us green markings in respect of the 12 other performance indicators we have been marked on. This represents our best planning performance since the PPF process was introduced in 2013.
- 3.14 There are however challenges to retaining our strong performance. The 49 new and unfunded additional duties placed on planning authorities by the Planning (Scotland) Act 2019 has placed added strain on the resources of the Planning Service. This has been compounded by difficulties in retaining planning officers and in attracting new staff. Planning Service staff continue to look at innovative ways of streamlining our procedures and in operating more effectively.

4 POLICY IMPLICATIONS

- 4.1 None.

5 INTEGRATED IMPACT ASSESSMENT

- 5.1 The subject of this report does not affect the wellbeing of the community or have a significant impact on equality, the environment or economy.

6 RESOURCE IMPLICATIONS

- 6.1 Financial - not applicable.
- 6.2 Personnel - not applicable.
- 6.3 Other - none.

7 BACKGROUND PAPERS


- 7.1 PPRC Report 07 October 2020 – Review of Performance of the Planning Service: [Agendas, reports and minutes | East Lothian Council](#)

Appendices

Appendix 1: East Lothian Planning Performance Framework 2020 – 2021

Appendix 2: Planning Performance Framework - 2020-21 - RAG Assessment -
East Lothian Council

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DATE	24 May 2022



planning

**PERFORMANCE
FRAMEWORK**

2020 | 21

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**SERVICE
PRIORITIES**

Introduction

Our Priorities as a Planning Service

East Lothian Council is pleased to present its Planning Performance Framework report for 2020 to 2021. This PPF sets out how East Lothian Council as a planning authority is achieving a high-quality planning service.

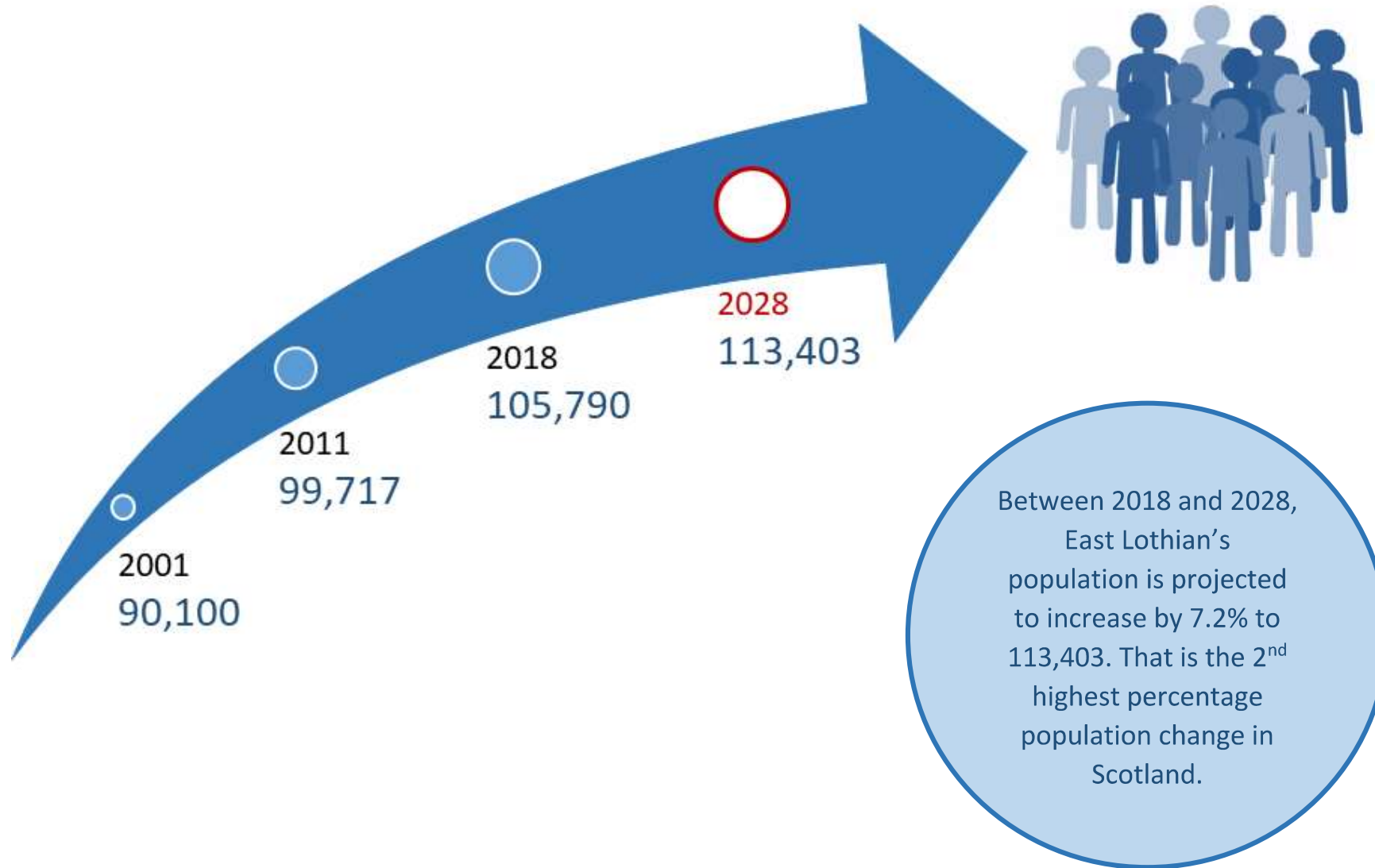
We are one of the fastest growing areas in Scotland and this is reflected in the provision of record numbers of homes in East Lothian. Over the last five years we achieved a sustained and significant rise in housing completions. Alongside that there has been increased provision of infrastructure that is required to achieve balanced and sustainable communities.



By mid-2028, East Lothian’s population is forecast to grow by 7.2 percent - the second fastest growth in Scotland. This population growth is driven by net migration of 9,130 people projected to move in to the Council area.

East Lothian has a varied and attractive landscape character and is rich in cultural heritage with a significant number of listed buildings, conservation areas, scheduled and unscheduled archaeology, designed landscapes and historic battlefields. The Council seeks to protect these key heritage assets whilst balancing the need to meet the demand for new homes, business and infrastructure.

As recommended by the Scottish Government this PPF has undergone a peer review process with Stirling Council, our partner authority. East Lothian Council wishes to thank Stirling Council for their help in this process.



Performance against Key Markers

Marker	12-13	13-14	14-15	15-16	16-17	17-18	18-19	19-20
1 Decision making timescales	Red	Amber	Green	Amber	Amber	Amber	Green	Green
2 Processing agreements	Red	Green	Green	Green	Green	Green	Green	Green
3 Early collaboration	Amber	Amber	Green	Green	Green	Green	Green	Green
4 Legal agreements	Amber	Green	Green	Green	Amber	Red	Green	Green
5 Enforcement charter	Green	Red	Green	Green	Green	Green	Green	Green
6 Continuous improvement	Red	Red	Amber	Amber	Amber	Amber	Amber	Green
7 Local development plan	Green	Red	Red	Red	Red	Red	Green	Green
8 Development plan scheme	Red	Red	Red	Amber	Amber	Amber	Green	Green
9 Elected members engaged early (pre-MIR)	Amber	Red	Amber	N/A	N/A	N/A	N/A	N/A
10 Stakeholders engaged early (pre-MIR)	Amber	Red	Amber	N/A	N/A	N/A	N/A	N/A
11 Regular and proportionate advice to support applications	Red	Amber	Amber	Green	Green	Green	Green	Green
12 Corporate working across services	Red	Amber	Amber	Amber	Green	Green	Green	Green
13 Sharing good practice, skills and knowledge	Amber	Amber	Green	Amber	Green	Green	Green	Green
14 Stalled sites/legacy cases	Amber	Red	Red	Green	Amber	Red	Red	Red
15 Developer contributions	Red	Amber	Amber	Amber	Amber	Green	Green	Green

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

	Red	Amber	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
2018-19	1	1	11
2019-20	1	0	12

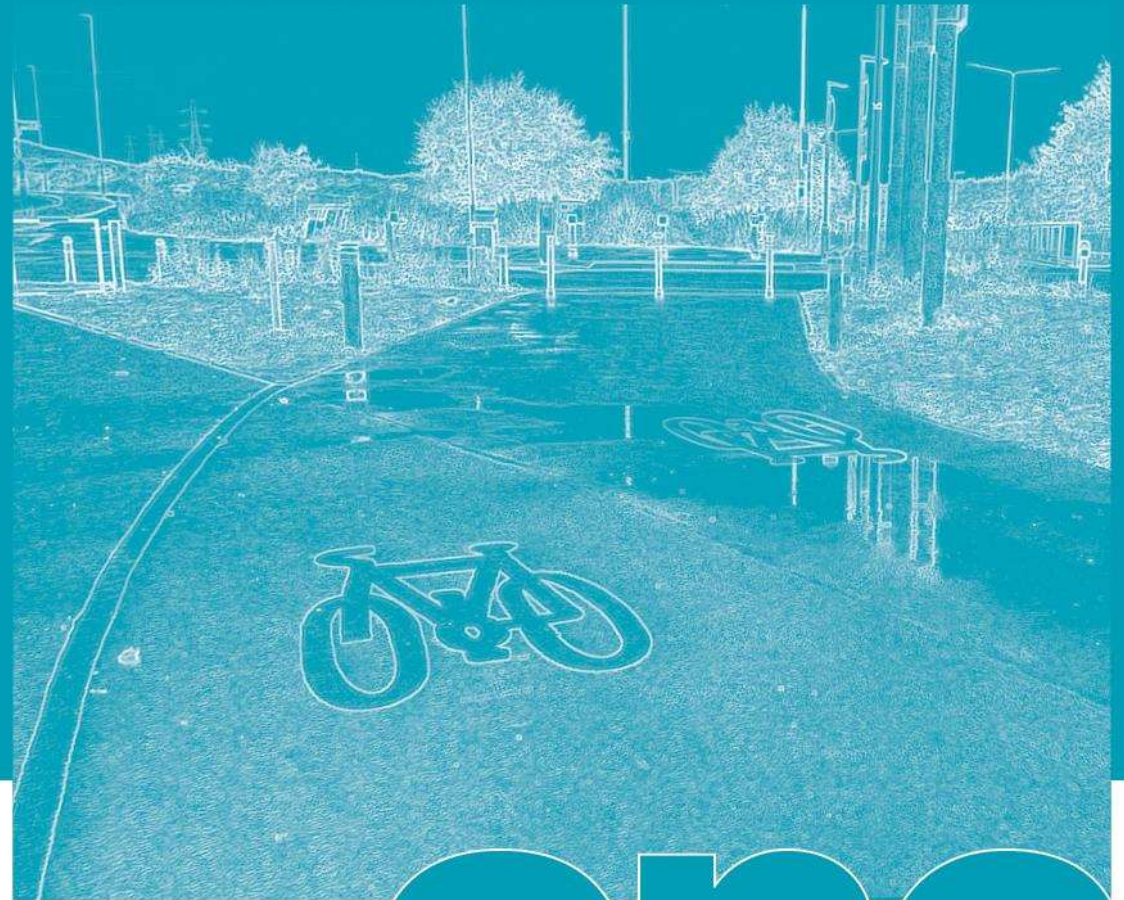
Decision Making Timescales (weeks)

	12-13	13-14	14-15	15-16	16-17	17-18	18-19	19-20	2019-20 Scottish Average
Major Development	20.7	43.5	31.5	38.3	32.6	60.9	47.1	13.8	33.5
Local (Non-Householder) Development	22.2	22.8	13.9	11.4	15.3	14.2	10.5	10.3	10.9
Householder Development	8.3	7.7	7.5	7.6	8.4	8.0	7.6	7.2	7.3

Scottish Government Feedback

2019/20 East Lothian Council’s ninth Planning Performance Framework Report, covering the period April 2019 to March 2020, was submitted to Scottish Ministers in July 2020. In December 2020, the Scottish Government provided feedback on the report based around the 15 performance markers agreed by the High-Level Group on Planning Performance. Red, Amber or Green ratings were awarded based on the evidence provided, giving an indication of performance and the priority areas for improvement action.

The table *Performance against Key Markers* illustrates that, for 2019-2020, the Scottish Government rated us green against 12 Performance Markers out of 13 that were applicable during the monitoring year. This represents an improvement over the previous year.



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QUALITATIVE NARRATIVE & CASE STUDIES

1: Qualitative Narrative & Case Studies

In September 2018, The Council's Local Development Plan (LDP) was adopted, following this the Developer Contributions Framework Supplementary Guidance and the Town Centre Strategies Supplementary Guidance were also adopted. Within the last 18 months the Planning Service completed all non-statutory guidance identified in the 2018 LDP. This includes the Design Standards for New Housing Developments SPG and Development Briefs SPG which provide guidelines for individual sites and complement national policy and guidance on masterplanning, site layouts and street design. Together these and other SPGs provide developers with clear expectations and guidance for place making and design quality, particularly around the relationship of buildings to spaces, reducing vehicle dominance and promoting active travel opportunities.

The LDP has an ambitious programme for growth and many of the allocated sites are now being implemented and this brings a number of opportunities and challenges for the Planning Service. Our Framework contains case studies on how we have heavily influenced the design process for two of our major sites. A key objective of the Council is to ensure that new developments help deliver sustainable modes of travel to existing and new residents. One of our key studies sets out how this has been achieved in Musselburgh.

The case studies included in Part 1 of our Planning Performance Framework seek to document the qualitative story of the past year's performance and demonstrate how the Local Development Plan and its supplementary guidance have been implemented to deliver high quality development and place making.

CASE STUDIES

QUALITY OF SERVICE & ENGAGEMENT

CASE STUDY 1 – Local Development Plan - the implementation of Proposal T3 for a Segregated Active Travel Corridor (SATC)

Location and Dates: Musselburgh, Craighall (Site MH1) 2018-2021

Elements of a High Quality Planning Service this study relates to:

- Quality of outcomes
- Quality of service and engagement
- Governance

Key Markers:

- Cross-sector stakeholders, including industry, agencies and Scottish Government
- Corporate working across services to improve outputs and services for customer benefit

Key Areas of Work:

- Active Travel
- Interdisciplinary Working

Stakeholders Involved:

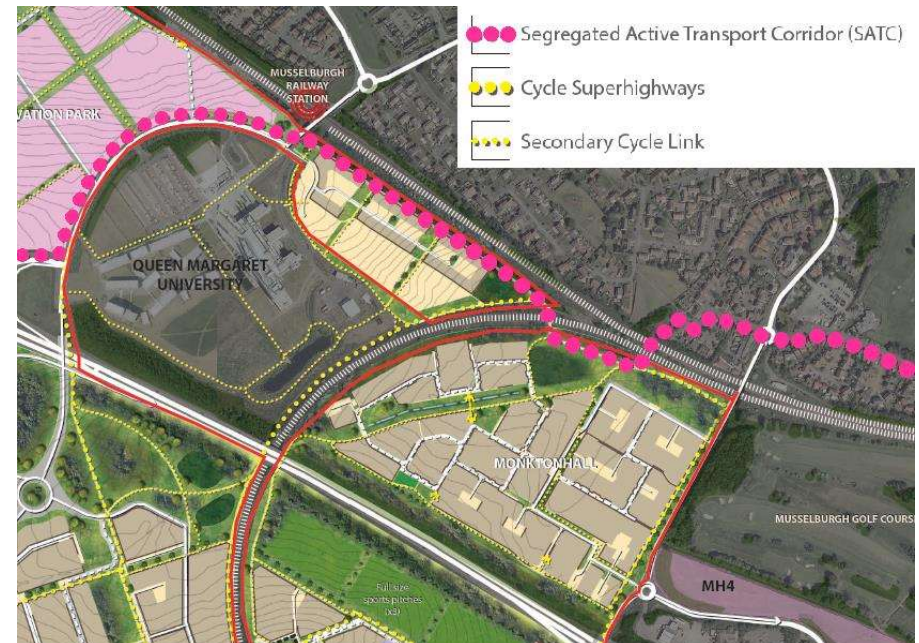
- General Public
- Key Agencies



Overview:

Following the adoption of the Local Development Plan in September 2018, the Planning Service has continued to work collaboratively across the Council with developers, Key Agencies and the wider public in order to implement the LDP’s policies and proposals. Both the LDP and the Local Transport Strategy (LTS) promote an enhanced active travel network that is integrated as part of the Green Network and with public transport options. As part of this approach, Proposal T3 of the LDP promotes a Segregated Active Travel Corridor (SATC) for East Lothian which aims to encourage a priority route for pedestrians and cyclists to provide a realistic alternative to the private car, including for longer journeys. The route will generally follow the A199 corridor (former A1) and will link the western boundary of East Lothian with Edinburgh through to Dunbar. Planning contributions are being secured from all housing and employment sites within a 1.2km buffer to the SATC. The section of the route from Wallyford to Edinburgh will deviate from the road and continue westwards to the East Lothian Council boundary by closely following the main East Coast rail line route. This route will provide a safer, better connected active travel route through East Lothian, and will link to other cycling and walking routes within the settlements that it passes that lead to key destinations, including town centres, transport interchanges and workplaces.

The LDP allocated land at Craighall on the outskirts of Musselburgh for a mixed use development including 1,500 homes, around 41 ha of employment land, a new local centre, a new primary school and community uses as well as infrastructure and associated works. This site is one of the most accessible in East Lothian, is well served by public transport and lies close to south east Edinburgh and Midlothian. This strategic land allocation offered significant opportunities to provide new and improved connections, including for active travel, through the site and in the wider geographical area. Both Musselburgh and Craighall are located approximately 4-6 miles from the centre of Edinburgh and therefore within easy cycling distance for commuters.



Goals

The Council's goal was to ensure that the Craighall site (MH1 site) maximises its potential for superb walking and cycling connectivity within and beyond its red line boundary. It was important that any identified pedestrian and cycle routes around and within the site would help to deliver a permeable high quality active transport network that would incorporate part of the East Lothian Segregated Active Travel Corridor and as much as possible be part of the wider green network. Our aim was to make the best use of the existing road and rail underpasses in order to provide safe and attractive routes connecting the areas of the site with Musselburgh to the north. Our goal was to work in co-operation with developers and our key partners such as Queen Margaret University and Network Rail in order to utilise any synergistic opportunities ensuing from the ongoing Musselburgh Active Toun (MAT) project, which is the local active travel network being developed within Musselburgh, and the development of the Craighall site.

Outcomes:

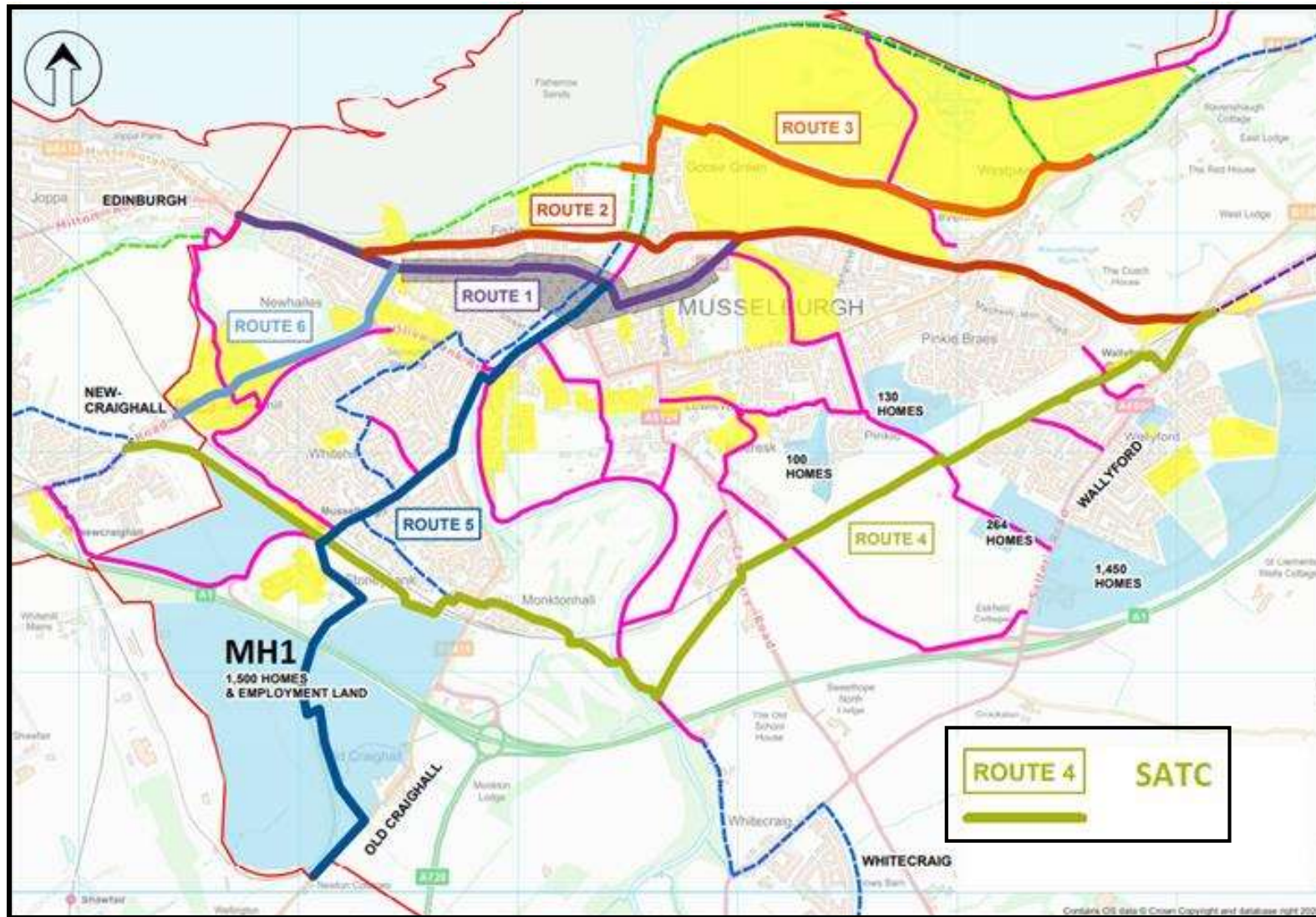
The Planning Service and Road Services applied for funding from the Sustrans' Places for Everyone programme to begin to plan for the impact of an expanding Musselburgh on its transport network. The funding received was used to engage consultants AECOM who developed The Musselburgh Active Travel Network Masterplan promoting a network of paths and routes to encourage more people to walk, cycle and travel sustainably in and around Musselburgh. The Masterplan proposed a network of nine active travel routes, and the

Council is currently taking three of these forward to Concept Design stage. While meeting many other objectives, the provision of sustainable infrastructure to encourage walking and cycling and reduce car trips, is also a key component of the Council's response to the recently declared climate emergency. Public consultation on two full routes (Route 2 – A199 Edinburgh Road to Wallyford Toll Roundabout and Route 5 – Old Craighall to Musselburgh town centre) and the western section of Route 1 (Milton Road East junction to New Street) began in July 2021.

Since 2019 a number of planning applications have been approved for the Craighall site and currently Persimmon Homes is developing its most easterly parts at Monktonhall. This work is progressing fast with some homes completed and occupied by first residents. The Planning Service seeks to ensure that active travel routes are in place as early as possible to encourage new residents to make sustainable travel choices as soon as possible.

Also, in 2019 a project manager post was created within the Development Directorate to ensure that the full mixed use Craighall site can be delivered on time and with a maximum positive impact from the Council services, key partners and stakeholders. As a major development part funded by City Deal this is a complex development with potentially competing demands on each of the partners of this project (ELC, Scottish Government, UK Government, Queen Margaret University and Persimmon Homes). These competing demands need to be reconciled to deliver the

employment opportunities and economic growth required by City Deal alongside the delivery of 1200 new homes, as well as excellent active travel routes.



As a result of this coordinating role of the project manager and close working practice between the Planning and Roads Services the first part of the SATC connecting QMU with Musselburgh station has recently been completed and sets the standard for the rest of the route. This work ties in with ongoing cycling infrastructure development work at Musselburgh station and the Brunton in central Musselburgh where a sustainable and active transport hub with an e-bike sharing scheme is being established by SESTRAN with the support of East Lothian Council. It is expected that another part of the SATC that is within the Persimmon Homes site will be fully completed by Spring 2022. These pieces of cycling infrastructure within the Craighall site will be linked through the existing rail underpasses to a wider active transport network in Musselburgh being developed through the MAT project. It is important to highlight that the Council is working very closely with Network Rail

to ensure that these newly created active travel routes within Craighall are being expanded into Musselburgh without any delay. The SATC route will be connected to the proposed MAT route network, but it will also connect with, Prestonpans, Wallyford and Tranent so will provide better infrastructure for cycling between towns.

Name of key officer:

For the Planning Service of East Lothian Council: Paul Zochowski, Daryth Irving

For the Roads Services of East Lothian: Peter Forsyth, Iain Reid

Project Manager Development (Craighall): Catherine Molloy

Sustrans Project Officer: Daniel Prince





Quotes

“The creation of an active travel corridor across East Lothian will be a significant boost to encourage more people to walk, wheel or cycle across the local authority area. We are very pleased to be part of the creation of this corridor through supporting Musselburgh Active Town and a section of the SATC which runs parallel to the railway line eastwards from Musselburgh railway station.”

Daniel Prince, Sustrans Project Officer

“East Lothian Council planning officers have proactively collaborated with Persimmon Homes and other key stakeholders in the local area to ensure that the SATC which runs through our residential development at Craighall (MH1) was complete in advance of our first housing occupation. Early delivery of the active travel infrastructure in this location will provide both our future residents and the wider population of Musselburgh with a genuine opportunity to opt for more sustainable methods of travel.”

Neil Parry, Managing Director Persimmon Homes East Scotland Ltd

GOVERNANCE

CASE STUDY 2 - East Lothian Planning Service Response to COVID-19

Location and Dates: From March 2020 to present

Elements of a High Quality Planning Service this study relates to:

- Quality of service and engagement – positive actions to support sustainable economic growth and initiatives to work consistently with stakeholders and deliver a positive customer experience;
- Governance – how structures and processes are proportionate, effective and fit for purpose

Key Performance Markers:

- 12. Corporate working across services to improve outputs and services for customer benefit;
- 13. Sharing good practice, skills and knowledge between authorities

Key Areas of Work:

- Process improvement • Development Management Processes

Stakeholders Involved:

- Authority Planning and Other Staff
- Planning Committee



Overview

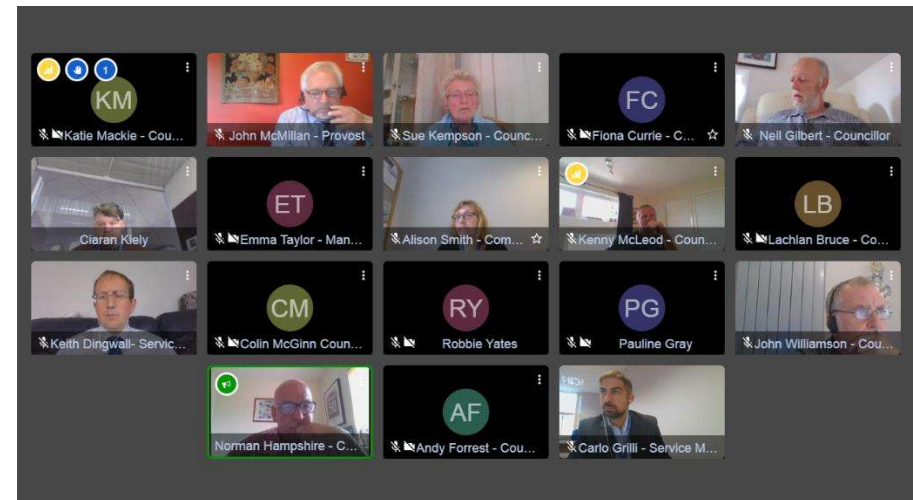
The COVID-19 pandemic has turned life upside down for everyone and continues to be the biggest challenge for the Planning Service in East Lothian. The last year has also brought into sharp focus the vital role of planning to the future recovery of our communities and society.

A key priority for us is continuing to ensure the safety of all of our staff and customers. Throughout the year staff have continued to work from home unless it is essential to be in the office. This has minimised the risk of transmission within the workplace. Again to reduce risk, our face to face duty officer service has stopped. We do however still offer a free duty service where customers can email us their enquiries.

Establishing strong lines of communication between staff, ensuring their wellbeing and keeping morale up have been major priorities this year. There has been a degree of trial and error in working out what works best for our staff. For example, a staff quiz and a weekly 'coffee and chat' were introduced, but these didn't prove popular and staff agreed that they should not continue. More successfully, a Planning Update Group was formed, with a representative from each team. This forum provides the Service Manager for Planning and all attendees the opportunity to discuss matters of interest and to reach agreement on Service level issues. The Service Manager attends regular Senior Manager and Service level manager meetings, and the notes for these are sent to all staff in a monthly update email, ensuring that information continues to be cascaded. The update email also updates staff on other relevant issues, such as changes of legislation and Council wide issues. Each team continues to have weekly meetings, and some teams also make use of other

social media, such as WhatsApp to stay in touch. It is hoped that communication will be further improved with the introduction of the Microsoft Teams, which has been brought to replace Skype for Business.

Planning Committee is still held virtually, and has continued as scheduled on a monthly basis. A new online platform, Connect Remote, has been introduced so that members of the public can view proceedings either on a live stream or on demand. This online platform also allows applicants, objectors and community councils the opportunity to present their cases. Meetings of the Local Review Body have also moved onto an online platform, thus again allowing members of the public either to view proceedings on a live stream or on demand.



In line with the Chief Planner's guidance, the Planning Service have sought to take a positive and pragmatic approach towards unauthorised, but yet acceptable temporary developments through choosing not to take enforcement action. In a range of

circumstances that have helped businesses and services to diversify and continue to operate within our communities during the pandemic. Examples of this have included beer gardens, pavement cafes, and allowing holiday parks to operate year round in breach of a planning condition. With Haddington Farmers' Market we allowed them to extend the area of the market beyond the red line boundary to enable social distancing. A further example of the relaxed approach we have taken was in some of our housing sites, where we have agreed to a temporary increase in hours of construction work. There has however been a limited number of occasions where temporary developments have been undertaken without planning permissions and these have been found to be unacceptable. In such cases the Planning Service have taken enforcement action to regularise the unacceptable development.

We also worked closely with NHS health colleagues and senior management in advising them how proposed testing and vaccination centres could be operated as permitted development and therefore without the need for planning permission.

Goals

Throughout, we have sought to ensure our planning system was able to adapt to the circumstances, to continue to operate effectively and efficiently and to play its part in the national effort both in living and working through the pandemic and in supporting recovery. The hard work of all staff and the innovative, pragmatic, practical and flexible approaches we have taken has helped to ensure that business has continued as near to normal as possible.

Our staff are our greatest asset, and therefore a key objective was to ensure they remained safe, connected and motivated, and had

everything they need in order to be able to do their work whilst working from home. Whilst we had a stable workforce between 2020-2021, due to a staff promotion and due to one of our technicians leaving, a goal in the coming year will be ensuring new staff can be inducted and trained whilst working remotely.



Latterly, a key goal of the Planning Service has been to relax planning control, through choosing not to take enforcement action, in a range of circumstances that could help businesses and services to diversify and continue to operate within our communities during the pandemic. This has not been without challenge, with local

residents sometimes challenging this approach where they did not support the temporary developments. There has also been two occasions where the Planning Service could not support local businesses as the temporary developments they were proposing were unacceptable in planning terms.

As the year progressed, another objective was to ensure that we had speedy and effective engagement with health colleagues to ensure that temporary public health facilities could be delivered as efficiently as possible.



Outcomes

All staff have remained safe and there has been no work related cases of Covid. Strict controls remain both in the management of the work space and in the provision of PPE. On this latter point a technician has been in charge of monitoring a PPE supplies and ensuring that new stock is ordered when necessary. Planning performance in the determination of planning applications during the first quarter of 2021/22 continues to be strong, with speed of determination exceeding the Council's targets. Planning enforcement has also continued to deal with enforcement complaints in accordance with the standards set out in our Planning Enforcement Charter. Planning policy have been able to continue their work with minimal delay, ensuring that a response was made to the NPF4 Minimum Housing Land requirement consultation whilst ensuring that we remain on target with our timescales for both the Regional Strategies and our preparatory work for LDP2. Feedback has been positive, with various stakeholders appreciating the procedures we have taken to ensure that critical activities continue to be undertaken and the supportive approach we have sought to take to aid societal and economic recovery, both in terms of local businesses and services and in the provision of testing and vaccination centres within East Lothian.

Name of key officer for the Planning Service of East Lothian Council: Keith Dingwall

Quotes

“Haddington Farmers’ Market, like so many other local businesses, was forced to close due to the pandemic. We were however keen to hold our monthly market once we were allowed to. A key part of that was early and effective communication with the Council’s Planning Service and other agencies. To ensure social distancing, it was essential that our market was expanded beyond the red line boundary that was set out in our planning permission. We were grateful that the Planning Service took a positive and supportive approach in not taking enforcement action against this temporary breach of planning control. This allowed the Market to reopen in a safe and controlled manner”.



Val Shields, Chairwoman- Haddington Farmers’ Market

“I’ve been very pleased with how our Planning Service has continued to overcome the various challenges thrown up by the pandemic. The professionalism of our staff has ensured that all of our critical activities continue to be undertaken and with performance above the national average. At the same time staff have taken a positive approach towards aiding societal and economic recovery.”

Councillor Norman Hampshire, Convenor of East Lothian Council Planning Committee

QUALITY OF OUTCOMES

CASE STUDY 3 - Letham Mains – A new 20 minute neighbourhood

Location and Dates: Land at Letham Mains, on the west side of Haddington, East Lothian from 2008 to present

Elements of a High Quality Planning Service this study relates to:

- Quality of outcomes – pre-application work, planning policies and guidance are delivering high quality development on the ground with positive social outcomes;
- Quality of service and engagement – early pre-application discussions and good working relationships with applicant and their architects;
- Governance – strong collaboration between local authority services and national agencies.

Key Performance Markers:

- 2. Project Management
- 3. Early Collaboration with Applicants and Consultees on Planning Applications

Key Areas of Work:

- Masterplanning
- Design

Stakeholders Involved:

- Authority Planning and Other Staff
- The applicants and their architect



Overview

The site at Letham Mains consists of some 43 hectares of agricultural land located on the western edge of Haddington. It is allocated for a mixed use development of some 750 houses, social and community facilities, a primary school and associated infrastructure and forms a key part of the ambitious programme for growth set out in our Local Development Plan.

The Planning Service were keen to take a proactive approach to the design and layout of the development, and an important component of this was the [Letham Mains Development Framework](#), which was published in 2011 and which helped to influence the masterplan.

Following extensive project management and pre-application discussions, three applications for planning permission were submitted around 2014. One was submitted in respect of the primary school whilst the other two sought planning permission for housing, social facilities and associated infrastructure. All three applications were accompanied by, and were consistent with, the masterplan for the overall site.

Extensive discussions were held during the application process and this helped to further improve the form and layout of the development. This ensured a permeable and attractive layout for future residents with easy access to open space, the primary school and social facilities. Planning permission was subsequently granted and development of the allocated site is well underway with a number of residential units occupied.

Goals

The main objective of the Planning Service was to secure a complete, compact and connected neighbourhood, where people can meet their everyday needs within a short walk or cycle. The primary school had to be at the heart of the community and designed with good footpath links to encourage sustainable travel choices. Enhanced pedestrian routes eastwards, toward the town centre of Haddington, was also a key goal in both linking the new neighbourhood to the existing urban fabric of Haddington as well as encouraging new residents to use the wide range of shops and other facilities available within the town centre.



To serve new residents and the wider neighbourhood, a sports pitch was a key requirement of the Development Framework. That, together with a linear walk and other informal open spaces, was important in ensuring that sufficient amenity space was provided.



Outcomes

Whilst the new development at Letham Mains has not yet been completed, it is already an attractive environment for new residents who will be able to meet their everyday needs within their neighbourhood.

The new primary school was developed at an early stage of the development, and sits at the heart of the new neighbourhood. With its clearly defined safe routes, early indications are that the vast majority of new pupils are happy to walk, cycle or scooter to school.

Key officer for the Planning Service of East Lothian Council: Keith Dingwall

In time, a new civic square with commercial outlets will be developed adjacent to the new school, making this area the heart of Letham Mains.

A new, wider footway was formed to the east of the site, and this gives new residents a safe and convenient way of accessing the Town Centre. A new retail development being built to the north of Letham Mains, is within easy walking distance of new residents and further strengthens the concept of a twenty minute neighbourhood.

Whilst the masterplanning of the site is crucial, careful attention has also been paid to the design of the development. Early and meaningful discussions between the Planning Service with the applicants and their architects have helped to ensure that it is a distinctive development but one which has due regard to the urban fabric and architectural traditions of Haddington.

Robust planning conditions have helped to ensure the retention of mature trees and the protection of the Scheduled Monument within the site and these assets provide distinctiveness and enhance the attractiveness of the new neighbourhood.

The neighbourhood is still under construction, with houses and associated infrastructure on the southern part of the site to be built. The sports pitch and civic square with commercial outlets that are still to be built and will further enhance the quality of life for new residents.

Quotes

“As a member of the Planning Committee and also one of the local councillors for Haddington, I have taken a very keen interest in the Letham Mains development. I am delighted with how a vibrant new neighbourhood has been created with the new primary school at the heart of it. Feedback from new residents has been very positive to date”.

Councillor John McMillan, East Lothian Council



QUALITY OF OUTCOMES

CASE STUDY 4 - Former Fire Service Training School, Gullane

Location and Dates: Main Street, Gullane from 2015 (submission of PAN and planning permission in principle application), 2017 submission of AMM application to 2020 /21 completion of site

Elements of a High Quality Planning Service this study relates to:

- Quality of outcomes –pre-application work, planning policies and guidance have delivered a high quality sympathetic development ensuring the retention and redevelopment of Henderson House, which is of architectural merit;
- Quality of service and engagement –early pre-application discussions and good working relationships with applicant and their architects;
- Governance –strong collaboration between local authority services.

Key Performance Markers:

- 3. Early collaboration with applicants and consultees on planning applications: availability and promotion of pre-application discussions for all prospective applications; clear and proportionate request for supporting information.
- 12. Corporate working across services to improve outputs and services for customer benefit

Key Areas of Work:

- Collaborative Working
- Conservation and Design

Stakeholders Involved:

- Authority Planning and Other Staff
- The applicants, Cala and their architects, JTP



Overview

The development is located on the site of the former Scottish Fire Service Training School (SFSTS) on the south side of Main Street, Gullane. The principal building on the site is a substantial four-storey building of traditional form and design that is of architectural merit, known as Henderson House. The establishment of the Scottish Fire and Rescue Service in April 2013 resulted in a national restructuring, and the former SFSTS ceased operation in March 2015 as part of that restructuring. Therefore, the Scottish Fire and Rescue Service sought to redevelop the site to enable a capital receipt from the sale of it.

Following the grant of planning permission in principle for a residential development of the site, which ensured the retention and redevelopment of Henderson House, early collaborative and positive discussions between Cala, their architects JTP, Council planning, landscaping and roads officers helped shape the form and layout of the development. This included generous open space provision with substantial landscaping and a permeable layout with links to the surrounding road and pedestrian network.



Goals

Planning, Landscape and Roads Officers of the Council worked collaboratively with Cala and the project architects JTP to ensure the development comprised a mix of detached, semi-detached and terraced houses as well as flats. It was also the goal to ensure that the height, size, scale, and architectural design of all the new buildings would satisfactorily integrate into their surroundings in this predominantly residential area on the east side of Gullane. To achieve this the architectural details of new buildings and external materials were to take inspiration from Henderson House and the

surrounding area without attempting an exact match in colour, texture or application, but to interpret the architectural form into a more contemporary design that could sit comfortably in this prominent location.



Outcomes

Design discussions have achieved reduced building heights to ensure Henderson House remains the focal building on the site, a strong street frontage with Main Street and ensured that all the homes on the site are bespoke house types specifically designed by Cala for East Lothian called the East Lothian Range, none are from the Cala standard range of house types

The development has achieved a high quality and attractive new residential neighbourhood, securing a new use for the former fire training school site. New buildings incorporate broken eaves lines, a

simple materials palette and generous window openings that help tie together the architectural style of Henderson House to the clean contemporary detailing within the main body of the development. The conversion and refurbishment of Henderson House has been undertaken sympathetically and sensitively, and together with the new surrounding buildings provides for a cohesive and harmonious development, successfully integrating the new more contemporarily designed buildings into the site whilst reflecting the traditional architectural vernacular of this part of East Lothian.

In addition, the SuDS area has been designed to ensure it acts as an attractive landscape feature and high quality green space, rather than being seen as just an engineering requirement of surface water management. The development is well connected to cycle and pedestrian routes and bus routes, and includes sufficient levels of parking provision as well as substantial landscaped grounds, which have preserved the important trees within the site. The Planning Service worked closely with all stakeholders to ensure the quality of the project was not compromised, and that close working relationship continued through the dealing with planning conditions as the project progressed through different phases of construction to its conclusion.

Also secured was the provision of additional capacity at Gullane Pre-School, Gullane Primary School and North Berwick High School, on site affordable housing (31 units) and a financial contribution for the enhancement of the play area at Recreation Park, Muirfield Terrace, Gullane.

Key officer for the Planning Service of East Lothian Council: Daryth Irving



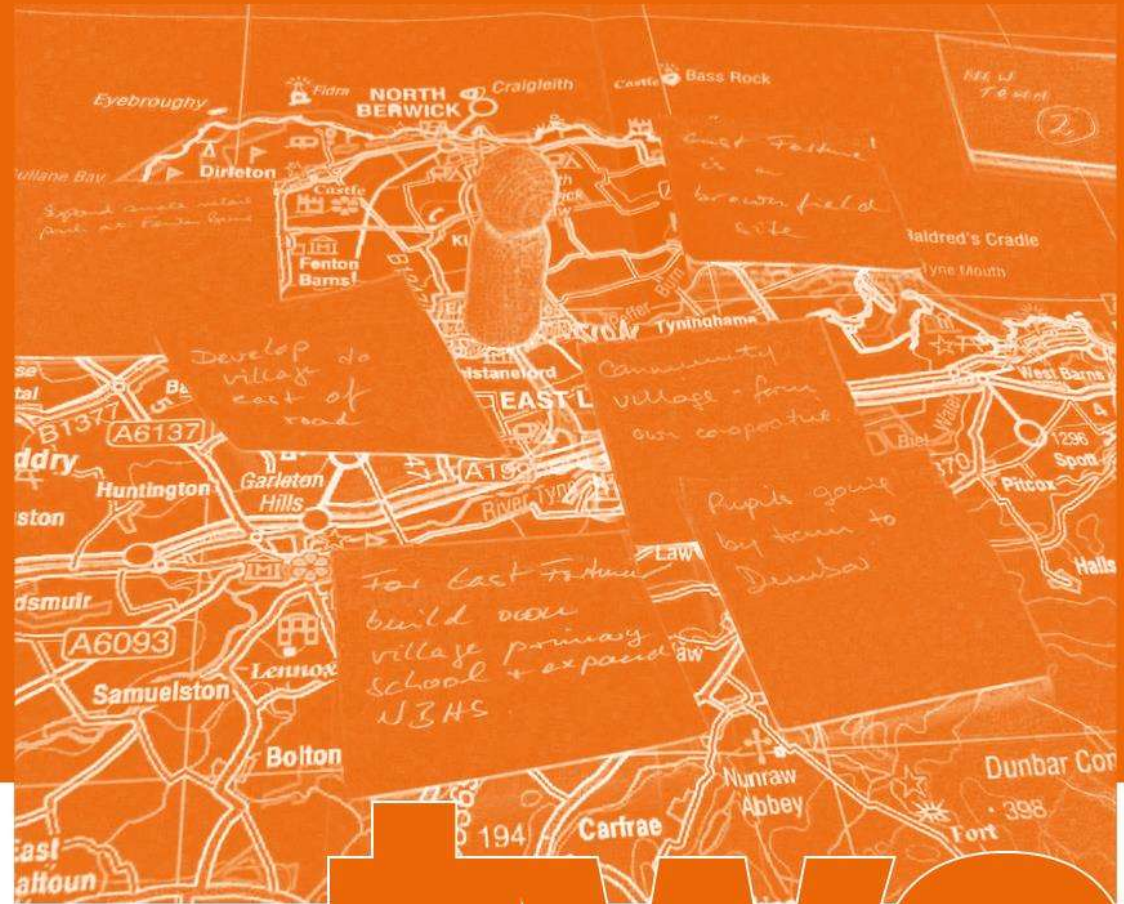
Quotes

“From the project outset, there was an extensive period of design development and consultation work with the planning officers, which saw them positively reviewing the emerging designs. Subsequently, suggested amendments were readily offered by the planners that helped inform and develop the proposals further. This collaborative process has helped to shape Marine Rise as a distinctive new neighbourhood for Gullane – one that positively interacts with the surrounding residential areas.”

Donald Sayers, Associate at JTP

“Given our activity in Gullane, a smooth and satisfactory planning journey at the former fire training college site was of great importance to us. The site included the refurbishment of Henderson House, a landmark building in Gullane along with a diverse new-build element on its prominent grounds. Effective design across both aspects was central to the application. This was successfully achieved through close collaboration with the planning department from the outset, enabling us to ultimately return the principal building to past glory through an award-winning refurbishment. Through further consultation, the layout and design of the wider development reflected the location within the village, while the development debuted CALA's bespoke East Lothian Range, with materials and finishes chosen to reflect the surrounding area.”

Ross Carruthers, Architectural Manager with CALA Homes (East)



two

SUPPORTING EVIDENCE

2: Supporting Evidence

- [Housing Land Audit 2019](#)
- [Development Plan information](#)
- [East Lothian Council Web Site: Planning Pages](#)
- [Planning Enforcement Charter 2020](#)
- [Council Internal Audit Report 2020](#)
- [ELC Planning Committee meetings](#)
- [ELC Full Council meetings](#)
- [Development Plan Scheme 11](#)
- [East Lothian Council Plan](#)
- [Update and Progress Report on the 2017-2027 East Lothian Plan](#)
- [Local Outcome Improvement Plan](#)
- [East Lothian Customer Service Charter](#)
- [East Lothian Feedback Team](#)
- [LTS Active Travel Improvement Plan](#)
- [Musselburgh Active Town](#)

Case Study Elements	Issue Covered	Case Study Elements	Issue Covered
Design	Case study 3, 4	Interdisciplinary Working	Case study 1, 3, 4
Conservation	Case study 3, 4	Collaborative Working	Case study 1, 2
Regeneration		Community Engagement	Case study 1
Environment	Case study 1, 3, 4	Placemaking	Case study 1, 3, 4
Greenspace	Case study 3, 4	Charrettes	
Town Centres	Case study 2	Place Standard	
Masterplanning	Case study 1, 3	Performance Monitoring	Case study 2
LDP & Supplementary Guidance	Case study 1	Process Improvement	Case study 2
Housing Supply	Case study 3, 4	Project Management	Case study 1, 2, 3, 4
Affordable Housing		Skills Sharing	
Economic Development	Case study 2	Staff Training	
Enforcement	Case study 2	Online Systems	Case study 2
Development Management Processes	Case study 1, 3, 4	Transport	Case study 1
Planning Applications	Case study 1, 3, 4	Active Travel	Case study 1
		Other: please note	





three

SERVICE IMPROVEMENTS

Part 3: Service Improvements

In the coming year we will:

- continue discussions with communities and elected members on next stages in LDP2 process within the context of the planning review including NPF4
- continue to seek the views of stakeholders on what they see are the issues in their area in order to prepare the Evidence Report. This engagement and information gathering will have a particular focus on the usually harder to reach groups such as the elderly, disabled people, young people and gypsy travellers
- organise a training session for Community Councillors to cover issues relevant to the planning applications' process
- continue to engage with developers and planning agents through individual meetings and a planning newsletter to update on planning policy and development management matters
- investigate the way of becoming an early adopter of the Scottish Government's Digital Strategy for Planning
- attend the Association of East Lothian Community Councils to provide to discuss relevant planning matters
- continue to reduce the number of legacy planning applications
- review and publish our Planning Enforcement Charter
- continue to review working practices adopted during Covid pandemic to increase the Planning Service resilience, improve efficiency and effectiveness

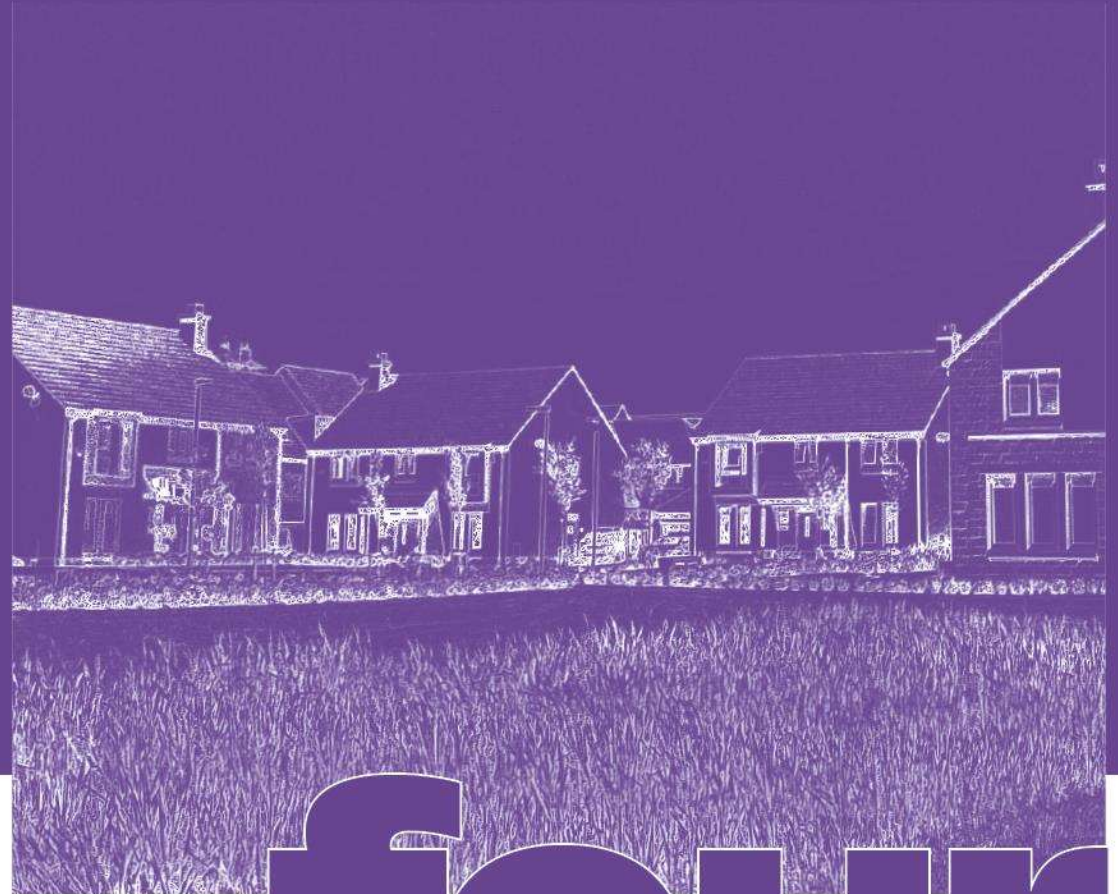
Delivery of our service improvement actions in 2019-20:

Committed and outstanding improvements and actions	Complete?
<ul style="list-style-type: none"> continue discussions with communities and elected members on next stages in LDP2 process within the context of the planning review including NPF4 and an indicative Regional Spatial Strategy (iRSS) 	<p>Yes – discussions with elected Members on the LDP2 and over the draft NPF4 are ongoing. ELC response to the iRSS was approved by elected members in October of 2020.</p>
<ul style="list-style-type: none"> start the preparation of the Evidence Report to set out the context within which the draft LDP2 will be framed 	<p>Yes – internal briefings and data gathering for the Evidence Report started.</p>
<ul style="list-style-type: none"> seek the views of stakeholders on what they see are the issues in their area in order to prepare the Evidence Report. This engagement and information gathering will have a particular focus on the usually harder to reach groups such as the elderly, disabled people, young people and gypsy travellers 	<p>Yes – The planning policy team leader attended a Youth Parliament and the Association of East Lothian Community Councils meeting to raise an awareness of the LDP2 and of the recent planning reform.</p>
<ul style="list-style-type: none"> continue to reduce the number of legacy planning applications 	<p>Yes – over the last monitoring period we achieved a significant reduction in the number of legacy planning applications (207 cases cleared and 87 cases remaining)</p>
<ul style="list-style-type: none"> review working practices adopted during the Covid-19 pandemic to increase the Planning Service resilience, improve efficiency and effectiveness 	<p>Yes – the working practices adopted during the Covid-19 pandemic are generally reviewed every fortnight at the Planning Update Group meeting</p>
<ul style="list-style-type: none"> establish an annual forum for developers and planning agents to discuss existing planning issues, to review practice and to identify any measures that need to be taken to improve the Planning Service in East Lothian 	<p>Partly – due to the Covid pandemic it was not possible to organise an annual forum meeting. However, planning newsletter was issued in 2020 to everyone who is on the planning mailing list, including developers and planning agents.</p> <p>Individual meetings with developers are still possible on request.</p>
<ul style="list-style-type: none"> prepare and adopt a new procedure note for our tree preservation order process 	<p>Partly met – a new procedure note has been prepared, but not completed or adopted, and requires further discussions with legal colleagues.</p>

No.	Performance Marker	Evidence
1	Decision-making: continuous reduction of average timescales for all development categories [Q1 - Q4]	The statistics are set out in Part 5 of the PPF. These statistics demonstrate a reduction in average timescales for householder development and overall strong average timescales, which are all significantly better than the Scottish average.
2	Processing agreements: <ul style="list-style-type: none"> • offer to all prospective applicants for major development planning applications; and • availability publicised on website 	Processing agreements are consistently offered for major and complex applications through both the Council’s website (Planning Processing Agreements Planning Processing Agreements East Lothian Council) and pre-application discussions, however, there remains a limited 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	Early collaboration with applicants and consultees <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 	We provide a pre-application advice service which is promoted through staff engaging with prospective applicants. Before the Covid pandemic our Service operated a duty officer system twice a week. Whilst we have stopped this service, we still provide free advice by responding to telephone and written enquires. Any information we seek is clear and proportionate to their needs. The Planning Service has established an on-going collaborative working arrangements with internal consultees and key agencies.
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)	No need to provide statistics.
5	Enforcement charter updated / re-published within last 2 years	Our updated Enforcement Charter was approved in March 2020.

6	<p>Continuous improvement:</p> <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 	<p>Bullet point 1 - Nothing required for.</p> <p>The service improvements we identified in our previous PPF have largely been achieved. Of the seven identified, we have completed six and whilst it has not been possible to hold an annual developers forum, we have kept communications with them going in the form of individual meetings and through a planning newsletter.</p>
7	<p>Local development plan less than 5 years since adoption</p>	<p>Yes, LDP adopted in September 2018</p>
8	<p>Development plan scheme – next LDP:</p> <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 	<p>Our DPS11 sets out a broad timescale for the LDP2. It is projected that LDP2 will be adopted by 2023 ie within 5 years of the current LDP adoption.</p> <p>Project plan for LDP2 work is in place.</p>
9	<p>Elected members engaged early (pre-MIR) in development plan preparation – <i>if plan has been at pre-MIR stage during reporting year</i></p>	<p>MIR stage is not applicable. However, Elected Members have already been engaged early in the preparation of the LDP2. This engagement has consisted of a briefing on the LDP2 timescales and outline of the new planning system.</p>
10	<p>Cross sector stakeholders* engaged early (pre-MIR) in development plan preparation – <i>if plan has been at pre-MIR stage during reporting year</i> *including industry, agencies and Scottish Government</p>	<p>MIR stage is not applicable. However, stakeholders have already been engaged early in the preparation of the LDP2. This engagement consisted of meeting with Key Stakeholders - the planning policy team leader attended a Youth Parliament and the Association of East Lothian Community Councils meeting to raise an awareness of the LDP2 and of the recent planning reform. Also, a planning newsletter was issued in 2020 to everyone who is on the planning mailing list, including developers and planning agents. This amongst other things outlined our initial work on the LDP2 and explained the plan preparation process under the new planning regime.</p>
11	<p>Regular and proportionate policy advice produced on information required to support applications.</p>	<p>All SGs and SPGs listed in the current LDP have now been finalised and adopted.</p>
12	<p>Corporate working across services to improve outputs and services for customer benefit (for example: protocols; joined-up services; single contact arrangements; joint pre-application advice)</p>	<p>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. Internal consultees including Roads, Education, Environmental Health, Landscape, Countryside and Legal services are available for fortnightly pre-application slots with developers. The team of Transport Planners who are consulted on proposals are also responsible for the Roads</p>

		Construction Consents for the same proposals so as to ensure that RCCs and planning applications are subject to consistent processes and are twin tracked.
13	Sharing good practice, skills and knowledge between authorities	<p>We continue our regular engagement through HOPS (including Development Planning and Development Management sub-committees), COSLA, Conservation Officers Group, SESPlan Working Group and with relevant stakeholders including Key Agencies to improve service delivery and share good practice, skills and knowledge (eg our participation in KAG LDP (Environmental Evidence)).</p> <p>Additionally, officers have attended a wide range of CPD events over the year and staff are encouraged to disseminate that knowledge to their colleagues.</p>
14	Stalled sites / legacy cases: conclusion or withdrawal of old planning applications and reducing number of live applications more than one year old	Out of 294 legacy cases identified in during the current PPF monitoring period we have cleared 207 cases.
15	<p>Developer contributions: clear and proportionate expectations</p> <ul style="list-style-type: none"> • set out in development plan (and/or emerging plan); and • in pre-application discussions 	<p>Our LDP, supported by the Developer Contributions Framework SG sets out expectations for developer contributions.</p> <p>Pre-application discussions address developer contributions and are part of a protocol for application processing. The role of the Planning Obligations Officer is critical in that respect. It helps to reduce negotiation periods and agree/register Section 75 agreements within shorter timescales.</p>



four

NATIONAL HEADLINE INDICATORS

4: National Headline Indicators (NHI)

A: NHI Key outcomes - Development Planning:

Development Planning	2020-21	2019-20
Local and Strategic Development Planning:		
Age of local/strategic development plan(s) at end of reporting period <i>Requirement: less than 5 years</i>	LDP – 2 years and 10 months	LDP - 22 months SDP - 7yr 2months
Will the local/strategic development plan(s) be replaced by their 5 th anniversary according to the current development plan scheme? SDP to be resolved following Ministerial rejection and legislative change to strategic planning and through NPF4	LDP – yes SDP - no	LDP -yes SDP - no, see note
Has the expected date of submission of the plan to Scottish Ministers in the development plan scheme changed over the past year?	Y	Y
Were development plan scheme engagement/consultation commitments met during the year?	Y	Y
Effective Land Supply and Delivery of Outputs	Draft 2020 HLA	Agreed 2019 HLA
Established housing land supply	10,717 units	11,765 units
5-year effective housing land supply programming	6,287 units	6,644 units
5-year effective land supply total capacity	12,874 units	13,435 units
5-year housing supply target	4,720 units	5,308
5-year effective housing land supply (to one decimal place)	5.49 years	6.61 years
Housing approvals	962	1,559
Housing completions over the last 5 years	3,770	2,984 units
Marketable employment land supply	81.1 ha of which 10.3 ha are immediately available	81.1 ha of which 10.3 ha are immediately available
Employment land take-up during reporting year	0 ha	0 ha

Context and Commentary – Development Planning

The East Lothian Local Development Plan was adopted by the Council in September 2018. The Planning Service is fully engaged in the implementation of the current LDP. The draft 2020 Housing Land Audit will be consulted with HfS later in 2021. However, it should be noted that the previous reporting year saw a record number of housing completions of 1,172, with the total housing completions over the last 5 years being 3,770 demonstrating the level of delivery enabled by the housing land supply set out in the LDP. A recent appeal decision from the DPEA (PPA-210-2085) confirms that there is not a current shortfall in the housing land supply of East Lothian.

The LDP [Action Programme](#) was updated after a targeted consultation with Key Agencies and submitted to the Scottish Government in 2020. The Action Programme provides a detailed account of the actions that will be required to deliver the LDP, as well as those responsible for those actions and the timescales within which the actions should be delivered.

The Planning Manager has been the acting SESplan manager for the last year and a half. In this role he was responsible for the writing of the Interim Regional Spatial Strategy (iRSS) for Edinburgh and the South East Scotland City Region.. This document was prepared through engagement with the other six SESplan local authorities and also with input from key agencies such as NatureScot, SEPA and Scottish Water. Subsequent to the agreement of the iRSS by the six authorities this role has involved further joint working with the other authorities to respond to Scottish Government consultations on the iRSS.

In October 2020, a report was presented to East Lothian Council on the iRSS. It outlined the purpose of the Strategy, summarised its content, highlighted that it had already been approved by the SESplan Joint Committee, and recommended it for final approval by Council. The iRSS received Council's approval.

The Development Plan Scheme no11 sets out the next stages for the LDP and its associated guidance. The DPS was updated in 2020 and any future update will be done in the context of the draft National Planning Framework timescales.



B: NHI Key outcomes – Development Management

Development Management:	2020-21	2019-20
Project Planning		
Percentage and number of applications subject to pre-application advice	36% (415)	47% (358)
Percentage and number of major applications subject to processing agreement	25% (3)	16.6% (2)
Decision Making		
Application approval rate	96%	96.0%
Delegation rate	97.7%	96.7%
Validation	29.62%	38%
Decision-making Timescales		
Major Developments	17 weeks	13.8 weeks
Local developments (non-householder)	10.8 weeks	10.3 weeks
Householder developments	7 weeks	7.2 weeks
Legacy Cases		
Number cleared during reporting period	207	74
Number remaining	87	194

Context and Commentary – Development Management

Whilst the percentage of applications subject to pre-application discussions has reduced this can be at least partly attributed to the pandemic, as we were unable to operate our duty officer system and many customers are less willing to engage. The Council continues to offer a free pre-application service, recognising the importance of this part of the planning process.

We are pleased that we still have such a high rate of delegated decision making, again showing the confidence of our Members in the planning decisions we take.

Whilst the figures are generally positive, the worsening validation rates are a cause for concern. We note that this seems to be a problem with other local authorities, and it is for this reason that East Lothian is attending a validation workshop with the Improvement Service where ways of improving validation rates can be suggested and good practice can be shared.

As the Scottish Government note, from mid-March 2020 planning application processing was impacted by the move to home working, restrictions on travel and site access, reduced availability of agents and consultees, and staffing and resourcing issues due to the impact of the COVID-19 Pandemic. Whilst there has been a slight decrease in our average decision making times for major developments (17 weeks compared to 13.8 weeks) and local non-householder developments (10.8 weeks compared to 10.3 weeks), we are pleased that these figures are well above the national average for 2020-21 (17 weeks compared to a national average of 41.3 weeks for major developments and 10.8 weeks compared to a national average of 12.4 weeks for local non-householder developments). Our performance in the determination of householder

developments has again being strong, with our average decision making time of 7.0 weeks being an improvement from last year (7.2 weeks) and well above the national average (8.1 weeks).





Perhaps our biggest improvement in development management last year is a significant reduction in the number of legacy applications. This was noted in our last Planning Performance Framework as being an area that we need needed to target as a service improvement. In the last year we have cleared 207 legacy applications, compared to 74 during the previous year. This leaves the Council with 87 legacy applications, down from 194 the previous year.

C: Enforcement activity

	2020-21	2019-20
Time since <u>enforcement charter</u> published / reviewed		Published in 31 March 2020
Complaints lodged and investigated	401	325
Breaches identified – no further action taken	300	260
Cases closed	269	216
Notices served	76	65
Direct Action	0	0
Reports to Procurator Fiscal	0	0
Prosecutions	0	0

Context and Commentary – Enforcement

Within this PPF's monitoring period there was a significant increase in the number of complaints lodged and investigated as well as identified breaches that required no further action. Also, when compared to the previous year there was an increased number of resolved and closed cases reflecting increased activity levels. The increase in enforcement activity is not surprising given the uplift in construction activity across East Lothian. It does however increase pressure on our enforcement service and this will be monitored carefully to establish if further resource is required.





five

OFFICIAL STATISTICS

PART 5: Scottish Government Official Statistics

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

Timescales	2020-21	2019-20
Overall		
Major developments	12 (17 weeks)	12 (13.8 weeks)
Local developments (non-householder)	306 (10.8 weeks)	292 (10.3 weeks)
<ul style="list-style-type: none"> Local: less than 2 months Local: more than 2 months 	232 (75.8%) 74 (24.2%)	212 (72.6%) 80 (27.4%)
Householder developments	585 (7 weeks)	457 (7.2 weeks)
<ul style="list-style-type: none"> Local: less than 2 months Local: more than 2 months 	546 (93.3%) 39 (6.7%)	433 (94.7%) 24 (5.3%)
Housing Developments		
Major	6 (7 weeks)	5 (17.5 weeks)
Local housing developments	64 (14.2 weeks)	50 (13.2 weeks)
<ul style="list-style-type: none"> Local: less than 2 months Local: more than 2 months 	39 (60.9%) 25 (39.1%)	28 (56.0%) 22 (44.0%)
Business and Industry		
Major	0	0
Local business and industry developments	11 (12 weeks)	24 (10.7 weeks)
<ul style="list-style-type: none"> Local: less than 2 months Local: more than 2 months 	10 (90.9%) 1 (9.1%)	16 (66.7%) 8 (33.3%)
EIA Developments	0	0
Other Consents		
<ul style="list-style-type: none"> As listed in the guidance (right) 	243 (7.8 weeks)	219 (7.6 weeks)
Planning/legal agreements		
<ul style="list-style-type: none"> Major: average time Local: average time 	3 (35.4 weeks) 5 (6.7 weeks)	4 (18.9 weeks) 3 (4.1 weeks)

B: Decision-making: local reviews and appeals

	Total number of decisions	Original decision upheld			
		2019-20		2020-21	
Type	No.	No.	%	No.	%
Local reviews	13 (2020-21) 16 (2019-20)	14	87.5%	6	46.2%
Appeals to Scottish Ministers	5 (2020-21) 7 (2019-20)	4	57.1%	3	60.0%



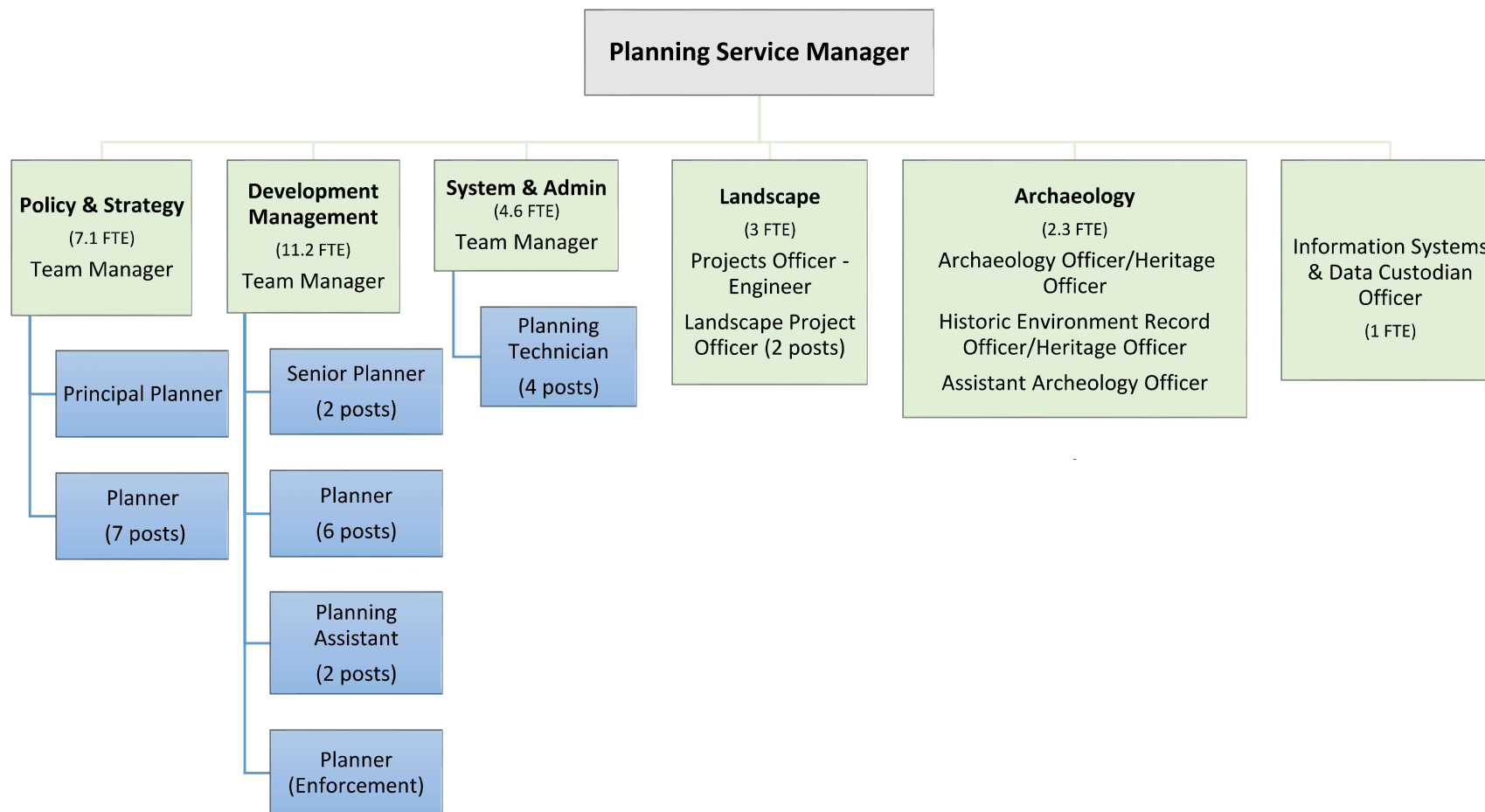


six

WORKFORCE INFORMATION

6: Workforce Information

Workforce information should be a snapshot of the authorities planning staff in position on the 31st of March 2021. The information requested in this section is an integral part of providing the context for the information in parts 1-5. The template below allows the information to be recorded in a consistent format, additional guidance on what to include is within the template itself.



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

RTPI Qualified Staff	Headcount	FTE
Development Management	11	10.2
Development Planning	8	7.1
Enforcement	1	1
Specialists	0	0
Other (including staff not RTPI eligible) (Includes planning technicians, information systems, landscape and archaeology staff)	11	8.6

Staff Age Profile	Headcount
Under 30	4
30-39	8
40-49	11
50 and over	9

In addition to planning responsibilities (Development Management - Planning Delivery, Development Planning -Strategy and Policy), the Service delivers the Council’s statutory responsibilities for Landscape and Tree Protection, Corporate Address Gazetteer and Archaeology/Heritage Management under the Service Manager, Planning role. There are two Team Managers with responsibility for the two major business streams of the service, Planning Delivery and Strategy and Policy, delegating 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 report directly to the Service Manager.



seven

PLANNING COMMITTEE INFORMATION

7: Planning Committee Information

Committee & Site Visits	Number per year
Full council meetings	8 (LDP, SG/SPG and SESplan decisions, ratification of report on called in application)
Planning committees	8
Area committees	n/a
Committee site visits	26
Local Review Body	7
LRB site visits	13
Audit & Governance Committee	0
Policy & Performance Review Committee	0



To make a comment, suggestion or complaint about a council service,
download a feedback form online at www.eastlothian.gov.uk
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EAST LOTHIAN COUNCIL PLANNING PERFORMANCE FRAMEWORK 2020-2021



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Monica Patterson
East Lothian Council

29 November 2021

Dear Monica Patterson

I am pleased to enclose feedback on your authority's tenth Planning Performance Framework (PPF) Report, for the period April 2020 to March 2021.

This is the first time I have written to you individually in my capacity as Planning Minister since my appointment earlier this year. I am very grateful for the support and welcome I have received and look forward to working with you.

This year has continued to present challenges for people working within planning, in the development sector and across Scotland's communities. We know people are doing the best they can to engage and operate, sometimes in ways and circumstances that may not be ideal, and with many still predominantly working from home. I appreciate that many of you will have had to make difficult choices in what work is prioritised, in much the same way the Government and Planning and Architecture Division has had to. However, we should all be very proud of how planning has responded to the coronavirus pandemic, adjusting as necessary to keep going and supporting recovery. I want to take this opportunity to thank you and your staff for all the work that has been done during the pandemic and to support our ongoing recovery.

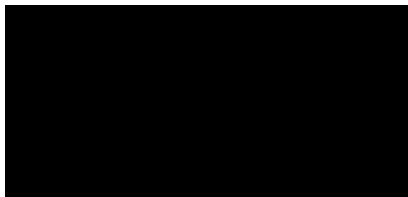
When my predecessor wrote to you last year he indicated that the pandemic had required a rethink about the timing and prioritisation of our planning work programme. A number of our workstreams were paused or delayed as a result, including the review of the planning performance and fee regimes, which had been the subject of a detailed consultation that concluded in early 2020. However, in October 2021 we published a revised planning implementation programme (<https://www.gov.scot/publications/transforming-planning-practice-updated-planning->

[reform-implementation-programme/](#)). You will note that we have now recommenced our planning performance and fees review, which reflects the importance Scottish Government attaches to this work. We are currently finalising proposals and intend to lay regulations before the end of the year to introduce increased fees, providing a boost to planning authorities' resources. We also intend to commence the recruitment of the National Planning Improvement Coordinator early in 2022.

Turning to the 2020-21 PPF reporting year, although, as expected, there have been some small changes overall in the markings awarded, the figures indicate that performance has remained relatively stable. This is a testament to the hard work and flexibility of authorities during these very difficult times and I believe that overall good progress continues to be made by Scotland's planning authorities.

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.

Yours faithfully



Tom Arthur

Minister for Public Finance, Planning and Community Wealth

CC: Douglas Proudfoot

Keith Dingwall

Michaela Sullivan

PERFORMANCE MARKERS REPORT 2020-21

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 17.0 weeks are slower than the previous year but faster than the Scottish average of 41.3 weeks. RAG = Amber</p> <p>Local (Non-Householder) Applications Your timescales of 10.8 weeks are slower than the previous year but faster than the Scottish average of 12.4 weeks. RAG = Amber</p> <p>Householder Applications Your timescales of 7.0 weeks are faster than the previous year and are faster than the Scottish average of 8.1 weeks. 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>PPF report indicates that processing agreements are offered for major or otherwise complex applications via the Council's website and pre-application discussions. Uptake increased from 16.6% to 25%. 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 	Green	<p>You provide a pre-application advice service which is promoted through staff engaging with prospective applicants with advice provided free of charge. Free advice available in respect of telephone and written enquiries. RAG = Green</p> <p>The report sets out how your information requests are proportionate to application. Planning service has established collaborative working arrangements with internal consultees and agencies. Case study 4 provides strong practical example of early collaboration. RAG = Green</p> <p>Overall RAG = Green</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)	Green	Your average timescales for determining applications with legal agreements, while slower than last year, are substantially faster than the Scottish average. A further 4 applications were determined using a processing agreement with all of them being determined within the agreed timescale.
5	Enforcement charter updated / re-published within last 2 years	Green	Your enforcement charter was published in March 2020
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 	Green	Your LDP and enforcement charter are up-to-date. Although your decision making timescales, with and without legal agreements, are slightly slower than last year, performance is consistently ahead of the Scottish average. Substantial progress has been made in clearing legacy cases. RAG = Green You have completed 5 out of 7 of your improvement commitments with the remaining two partly complete. Nine service improvements for the coming year are set out RAG = Green Overall RAG = Green
7	Local development plan less than 5 years since adoption	Green	Your development plan was adopted in September 2018
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 	Green	LDP2 adoption anticipated in 2023 RAG = Green Latest DPS sets out a broad timetable for replacing current LDP, with a project plan indicating adoption by 2023. RAG = Green Overall RAG = Green
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	Although MIR not applicable, PPF report indicates that elected members are already being engaged in respect of the preparation of LDP2.
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	Although MIR not applicable, PPF report indicates that early stakeholder engagement has taken place.
11	Regular and proportionate policy advice produced on information required to support applications.	Green	All statutory and non-statutory supplementary guidance referred to in the current LDP has been finalised and adopted.
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 advice)	Green	Your pre-application meetings provide a good example of cross-service working within the Council, with coordination between planning, roads, education, environmental health, landscape, countryside and legal services. Practical examples of this approach are provided by case studies 1, 2 and 4.
13	Sharing good practice, skills and knowledge between authorities	Green	You continue to participate in HOPS committees COSLA, Conservation Officers Group, SESPlan Working Group and with relevant stakeholders including key agencies to improve service delivery and share good practice, skills and knowledge

14	Stalled sites / legacy cases: conclusion or withdrawal of old planning applications and reducing number of live applications more than one year old	Green	You have cleared 207 cases during the reporting year, with 87 remaining to be determined. This represents a significant increase in the number of cleared cases, and a significant reduction in the number remaining.
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 and supplementary guidance set out expectations for developer contributions. RAG = Green Pre-application discussions consider developer contributions and are part of the protocol for application processing. A planning obligations officer also helps ensure that negotiations on proposed contributions do not delay determination of the application. RAG = Green Overall RAG = Green

EAST LOTHIAN COUNCIL
Performance against Key Markers

Marker		13-14	14-15	15-16	16-17	17-18	18-19	19-20	20-21
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	N/A	N/A	N/A
10	Stakeholders engaged early (pre-MIR)			N/A	N/A	N/A	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)

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
2018-19	1	1	11
2019-20	1	0	12
2020-21	0	1	12

Decision Making Timescales (weeks)

	13-14	14-15	15-16	16-17	17-18	18-19	19-20	20-21	2020-21 Scottish Average
Major Development	43.5	31.5	38.3	32.6	60.9	47.1	13.8	17.0	41.3
Local (Non-Householder) Development	22.8	13.9	11.4	15.3	14.2	10.5	10.3	10.8	12.4
Householder Development	7.7	7.5	7.6	8.4	8.0	7.6	7.2	7.0	8.1