

***PLANNING PERFORMANCE
FRAMEWORK
2016/17***

Section 1 Time table for PPF 6 (2017)

Draft PPF Guidance Published	28th February 2017
Peer Review Partners Notified	28 th February 2017
PPF Workshops	
Dundee	1 st March 2017
Edinburgh	9 th March 2017
Glasgow	16 th March 2017
Final PPF Guidance Published	31 st March 2017
Scottish Government Statistics to be submitted from ¹	31 st March 2017
PPF 6 Submission Date	28 th July 2017
Peer Review Partners to provide feedback	30 th September 2017
Peer Review Meetings Held by benchmarking groups	1 st – 31 st October 2017
Scottish Government Feedback	TBC

¹ The Scottish Government aim to process statistics information as quickly as possible, it is recommended to submit returns as early to assist with this.

PLANNING PERFORMANCE FRAMEWORK ANNUAL REPORT 2016-2017



PLANNING PERFORMANCE FRAMEWORK

Part 1: Defining and measuring a high-quality planning service

Quality of outcomes

The Council's Local Plan and proposed LDP design policies, adopted *Design Standards for New Housing Developments* ([Design Standards](#)) and development frameworks/design guidelines for individual sites complement national policy and guidance on masterplanning, site layouts and street design. Together these 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. Developer response to this is mixed and a lot of Service time is taken up repeating the same principles at application and pre-application stages. Developers are particularly reluctant to move away from the basic model of standard house types with integral garages and frontage parking which continue the dominance of vehicles in the streetscene. The Council would welcome further government initiatives to support the principles of Designing Streets and the Place-making agenda through dialogue with the housebuilders to ensure these are given the same emphasis as delivery of housing numbers.

New build housing is progressing in all the main settlements of East Lothian reflecting these design principles.



A development of 44 units at Wallyford, bringing street frontages to the east gateway of the settlement. The site is located close to the Park and Choose site for bus and rail access and a short walk from local shops and the primary school. It provides a mix of smaller market houses and affordable housing in this sustainable location. Boundary treatments around public areas and open space of the development are walls rather than fences to create a better feel. Parking is contained within the site.



New development at the southwest of Haddington with frontage to the southwest gateway to the town, set back from the road with shared space to the front, parking to the side and rear, linking stone walls and active gable elevations to the street corners. The development is complemented by retained tree belts.



Houses at the northern side of Haddington, grouped around a series of green spaces with views south across the town to the Lammermuirs giving a strong sense of place, shared surfaces, open space and side/rear parking will allow for pedestrian friendly development within walkable distance of the town centre.



New Housing at North Berwick's western gateway, reflecting Designing Streets Principles and detailed with red sandstone reflecting local built heritage.



Mixed use development at the southeast of North Berwick, delivering retirement flats and office/light industrial units on a derelict industrial site. Sandstone walls and detailing relate the new flattened building to its surroundings. Modern, flexible workspaces sit to the rear, with parking contained within the development.



Re-worked 1960s house addressing the seafront at Musselburgh, taking a flat roofed house behind a historic wall and giving a contemporary presence to the street and coast. Winner of a Saltire award and nominated on the RIBA longlist for House of the Year (A449 Architects).

Quality of service and engagement

The Council has continued to work to a key service objective in assisting housebuilders to deliver new housing by working constructively on the phasing of Section 75 agreement requirements to assist with cash flow, giving the best chance for the earliest possible delivery. This includes support for amendments to Section 75 agreements where needed and justified. Agreements are phased where possible to allow housing completions in advance of contribution payments rather than requiring up-front payment.

Developers have a clear, upfront insight into requirements for affordable housing contributions, assessed in terms of the Council's adopted affordable housing policy, which has a 25% requirement for developments of 5 or more unit and a cascade for provision from on-site to off-site to commuted sum. As an established practice this helps to streamline the Section 75 process and is clearly understood by Members and developers, though in some instances there remains a degree of resistance to on-site provision of social rent housing which can affect the timescale of negotiations. The Council is positive in embracing different tenures such as mid-market rent, shared ownership and low cost ownership. However, it is critical to ensure that delivery of these does not compromise delivery and integration of social rent homes as the biggest area of need. In some instances developer assessment of low cost ownership does not meet affordability criteria.

Other requirements for developer contributions e.g. for education, transportation, open space/play provision have in the past been assessed on a case by case basis, the most straightforward way of ensuring they meet the terms of Circular 3/2012. A significant piece of work for the Council has been to ensure that the Proposed LDP is accompanied by a Developer Contributions Framework (DCF) which assesses infrastructure requirements on a site and cumulative basis and gives a clear upfront picture of requirements and maintains accordance with the circular. The DCF is currently in draft so therefore it cannot be given significant weight in decision making, however, the evidence base which it forms can be used in this way as it is the Council's up to date assessment of impacts of development and required mitigation. Where an application for a site proposed to be allocated in the LDP differs in numbers or phasing from the LDP proposals, the Council will then assess whether this is significant and if a case specific assessment is then required. A similar approach is taken for windfall sites.

Other than the Interim Housing Guidance, further work on supplementary guidance other than the draft DCF and draft Design Briefs for sites has been in abeyance due to the requirements of the LDP process, with further progress to be made going forward.

Requirements for supporting information for applications are clearly set out in development frameworks and Local Plan policies. Where a developer is of the view that some part of the information normally required should not be in their case then a pragmatic approach is taken. Internal and external consultation at pre-application stage often assists with this process of consideration, particularly for smaller proposals. This is done on a case by case basis and examples are not recorded; it is case specific and often relates to consultee responses. For example, where policy or Historic Environment Scotland guidance requires a window survey for replacement window applications, however, this can be onerous for a householder and often the condition of the windows can be established by site visit rather than insisting on a report. Another example is where Transport planners are involved early in the pre-application process to advise on what type of Transport study is proportionate to the proposal. Other pre-application processes are referred to previously in this document and remain an important and effective part of the process

Whilst the general trend for improvements in headline performance indicators for application determinations has been affected to a degree by the pace of change in the service, as referred to earlier, the continued restructuring of the Planning service has allowed for better focus on major, complex and business applications and the transition to electronic only working will bring improvements going forward as the headline indicators for the first quarter of 2017/18 demonstrate. The increase in planning fees implemented in June of this year also provide an opportunity for the Service to address both performance and the growth agenda of the Proposed LDP and agreement has already been reached with the Council Management Team and Finance Service to factor this in to resources.

High approval rates reflect constructive pre-application discussions informed by development frameworks and briefs and consultation comments. 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.

The Service's involvement as a pilot for new ways of working in the Council has already brought about a significantly improved office environment and IT resources with large screen presentation resource, meeting spaces and quiet working rooms to facilitate workstream requirements.

Where resources allow, internal consultees including Roads, Education, Environmental Health, Landscape, Countryside and Legal services are involved in pre-application discussions as appropriate to the case. Where applicants have not brought proposals for pre-application discussions or submit applications with only partial consideration of the advice given so there is often a need to negotiate improvements at the application stage and the approval rates also reflect a willingness to work with applicants to secure better developments whilst avoiding the duplication of work for both parties that a refusal can bring, though it is acknowledged that this qualitative approach can at times impact on performance figures.

The headline indicators show high rates for delegated decisions and high approval rates for applications. Seven of the 33 cases at Committee went against officer recommendation (2015/16 6 of 38, 2014/15 3 of 22, 2013-14 3 of 31). With only a relatively small number of officer recommendations overturned, all of these figures demonstrate the benefits of constructive pre and post application discussions and give developers confidence in the outcomes of the planning process

The Council's criteria based interim guidance on non-allocated housing proposals has been updated. This allows officers to give constructive advice in relation to the appropriate location and scale for these, as a constructive tool to guide development as the LDP takes shape. The main issue with agents is how the standard of their work affects the Service workload.

The Service draws on the advice of a team of Transport Planners who are consulted on proposals and who 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.

The biggest issue over certainty remains the submission of invalid applications, which is hugely resource intensive to resolve. The total of applications received was 1056 of which 834 were invalid (79%). Of these 253 were due to no fee being paid or an incorrect fee so the invalid rate in terms of insufficient or incorrect applications is 55%

Of 1070 applications 782 were invalid (73%; 2015-16 73%, 2014-15 64.2%, 2013-14, 69%, 2012-13, 65%). Of these 126 were due to fee not received with online application or an incorrect fee so in terms of the content of submissions the percentage was 65%. The national E-planning website now has a link to council online payment facilities, which should from this year on reduce the number invalid in respect of fees. As with previous years it remains disappointing that applicants continue to make poor quality submissions, despite this matter being discussed by the Service Manager and Team Manager Planning Delivery with directors, managers and agents of applicants of all scales. In discussions with a housebuilder and agent, for example it was clarified that an additional submission made in response to the application being invalid had included additional units which took the application over the number of units granted by the relevant planning permission in principle.

- incorrect fees– agents often misunderstand the type of application they are making and the fee regulations;
- insufficient drawings/statements – e.g. not all elevations being shown where the application included alterations to each elevation of the building;
- incorrect drawings– e.g. elevations/floorplans/roofplans not matching up with each other;
- incorrectly scaled/annotated drawings – e.g. scale bars and measurements not matching up, site line boundaries being incorrectly drawn.

As previously reported the Service has carried out a significant amount of work in previous years to publish (including website publishing) clearly stated and easily available guidance notes for submission of applications. These reflect legislative requirements that an application be sufficient to describe the development. The Duty Planner 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. There is a continued perception that Councils are over demanding but taking the legislative requirement that the application be sufficient to describe the development, which has to be to the point that it can be determined and potentially enforced, submissions often fall short of this for reasons as described above. The Service Manager and other senior planners have discussed these issues with a number of practitioners and agents in person and by phone and further workshops with agents will take place. [online guidance notes](#)

As referred to earlier the Proposed LDP has been subject to a substantive engagement process with the public, Members, Council services, developers, consultees and other stakeholders and up to date information on the development plan and its supporting documentation is provided on line. The LDP's Statement of Conformity with the Participation Statement has been approved as the first part of the Examination of the proposed LDP. A database of interested parties facilitates distribution of updates. The Proposed LDP is central to the Council's objectives in terms of economic growth, regeneration, affordable housing provision and the process has resulted in alignment of the plan with Corporate, Community and financial planning.

Additionally the year has seen charettes held for Tranent and North Berwick Town Centres and charrette style workshops as part of community engagement over the future of the former power station site at Cockenzie, each of which has drawn positive feedback from the public in terms of their understanding of the issues involved, what design solutions are available, what funding mechanisms might be sought and what the practicalities of resolution are. This has been a positive experience for the Council as well as for the public and other stakeholders.

Positive Responses

Positive comments on the quality of the service have been few and far between in the last year, disappointingly. Traders in Haddington responded positively to the outcome of enforcement action over unauthorised and inappropriate signage at a prominently sited hot food takeaway, with new approved signage installed, complementary to the historic building housing the takeaway.

The Council's Feedback team report only 8 complaints received in the period in relation to planning, though a further analysis of these shows that one is in fact in respect of building standards and another related to Roads Services/Scottish Gas Networks. One is in relation to the approval of an application to which the complainant objected. Of the others only two related to

service/staff issues and only one of these was upheld.

The Service has maintained its duty planner service, albeit with reduced hours, so as to allow all stakeholders in the planning process the opportunity to discuss either process or proposals face to face or by phone. The change in availability has meant more focused duty sessions for planners rather than a reduction in the level of enquiries and no complaints have been received. Whilst a revamp of the Council's website should promote greater channel shift for enquiries, the duty planner service will be maintained but further reviewed in the light of progress with web based services and the extent of continued customer demand. Given the existing availability of information on the website already and of email addresses for planning enquiries, there is a likelihood of continued demand for a face to face service from prospective applicants or people concerned about an application which may affect them. As well as these channels for pre-application advice, clear and comprehensive guidance notes for applicants are provided in web or 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.

Public and Amenity bodies:

Representations can be submitted by online portal, email and letter. All representations received in time are referred to in the report on the application; if there is objection the report goes on a weekly list to Councillors, with access to copies of objections and representations. If an application is called-in from the list to Planning Committee anyone who has submitted a representation can attend Committee and present their case and this opportunity is also available when major applications are considered. Case reports are publicly available once the application is determined or when published on the weekly list or Committee agenda. Reports give an assessment of the proposal and the reasons for the decision. This allows all interested parties the opportunity to have their views heard and considered appropriately by Councillors.

Governance

East Lothian's Planning Service operates within the Development Division of the Council's Partnerships and Services for Communities Department, reporting directly to the Head of Development.

Implementation of a service review has given a stronger focus through Team Managers as lead officers on development management and development planning, giving the Service Manager greater opportunity to review and improve service culture, performance management and application and development plan delivery in addition to the other functions within the service (Landscape and Tree Protection, Corporate Address Gazetteer, Archaeology). This is backed by enhanced responsibilities for MRTPI qualified officers to give a strong, formal structure of responsibility and delegation. Planners are moving to a generic description which will allow movement between the traditional Development Management/Development Planning workflows as workload and staffing requirements allows. This provides a strong developmental aspect for planners as well as a flexible and robust structure for managing planning functions.

Enhanced resources have been allocated to planning interests through the appointment of a Planning Obligations Officer based in Finance but with objectives to improve the internal administration and accountability of the developer contributions process and to further enhance the information and negotiation process of this part of the service. The corporate support for use of increased fee income for performance and capacity improvements to serve the growth agenda, the LDP Examination and the improved early delivery of housing sites reflects the central, corporate role for planning in the Council's business and in helping other services make provision

for predicted housing and employment growth.

The Service Manager uses monthly financial monitoring statements to track current income and expenditure against budget. Regular meetings are held with a Management Accountant to ensure any issues with budgets are highlighted early. Financial performance 2016-17 showed underspends as a result of savings exercises and additional fee income due to a greater number of major applications. Higher budgeted fee income for this year is again being re-invested as previously described.

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 a weekly Scheme of Delegation List. This allows Councillors to call in applications to Planning Committee where they have concerns. Some 196 applications (18.5% of applications received) were decided this way rather than going to Committee (2015-16 17%, 2014-15 16%). With a delegated decision rate at 94.0% and a trend towards greater scope for delegated decisions the service is performing effectively whilst allowing for cases of significant public interest to be taken to Committee. This will be tested this year as with a new Council and many new Councillors the political dynamic and experience levels are different, which might lead to more call-ins to Committee.

We maintain a time limit of 6 months for conclusion of legal agreements on minded to grant applications, adopted in 2010. If not concluded in the required timescale then the application stands to be refused; this has occurred in only one case. Where others have taken longer than 6 months this reflects an approach based on reasonableness if the applicant has been working consistently to resolve any remaining issues.

After further corporate negotiations Committee Services now schedules Committee meetings at the end of June and early in August to significantly reduce the traditional 3 month recess gap between meetings in early June and early September. This is a significant change to the way the Council operates and underpins the open for business approach of the Service by offering a much improved service to applicants for major and controversial applications.

For the year only 19 legacy application cases have been withdrawn (17) or determined. This reflects the difficulties in resourcing the determination of these cases where agents/applicants are unwilling to withdraw them or they are retrospective applications which will raise enforcement issues. Additional resources will be dedicated to this in the coming year, justified by increased fee income.

Culture of continuous improvement

In the past few years service review and service focus has been on improving performance for major and complex applications and whilst this is still very much the case last years figures demonstrate a need to re-focus on householder and other local applications. The response to a dip in performance on these in early 2017 has been to achieve 100% of householder applications determined within 2 months in 2 of the first months of quarter 1 of 2017-18 (93% in the other month) and for non-householder applications 82%.

East Lothian Council uses the *How Good is Our Council* (HGIOC) performance management system to assess its services annually through a critical analysis of performance to encourage continuous improvement. The service is committed to developing staff and improving skills through the

Council's Performance Review and Development process, with annual assessment, though the impact of office moves and new ways of working implementation have delayed this process in the year under review. This helps to identify and justify staff training and development need. Training budget cuts have reduced the opportunities for staff to attend some available development courses and conferences. All information from the Improvement Service and other agencies is circulated to encourage all staff to participate where budgets allow.

The service continues to participate in the relevant HoPS benchmarking group, is a consistent contributor to the HoPS development management sub-committee and uses the Knowledge Hub and email networking for issues and information exchange. All of these are useful tools for good practice and interpretation of planning law, circulars and policy.

The Council is committed to collaborative working to improve its own skill base and that of others and seek the best input to projects. Within the Council this is reflected strongly in the dovetailing of the Proposed Local Development Plan and the Council's capital plan and Single Outcome Agreement with significant cross service work feeding into the plan in terms of infrastructure requirements to support growth and new housing, costings and funding of these including developer contributions. In the year there have been few opportunities to pursue collaborative work with other stakeholders though significant work has been carried out with partners in terms of the Tranent CARS scheme, the charrettes previously mentioned, the Haddington Town Centre Project and with landowners to progress the possibility of a Greater Blindwells development, as set out in the Proposed Local Development Plan.

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Part 2 Supporting evidence

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

- How Good is Our Council?: self assessment of Planning, 2016
- East Lothian Customer Care Charter
- East Lothian Customer Care Standards
- East Lothian Feedback Policy
- East Lothian Council Web Site: Planning Pages
- Planning: Service Plan 2016/17
- East Lothian Council Plan
- Single Outcome Agreement
- East Lothian Local Plan 2008
- Development Plan Scheme No 8, April 2016
- Design Standards for New Housing Areas, ELC, 2008
- Interim Guidance: Housing Land (updated)
- East Lothian Supplementary Landscape Capacity Study for Smaller Wind Turbines, 2011
- Development Frameworks for Blindwells New Settlement, Wallyford Settlement Expansion, Pinkie Mains (Musselburgh), Mains Farm/Gilsland (North Berwick), Letham Mains (Haddington), Hallhill South West (Dunbar)
- East Lothian Housing Land Audit 2016/17 (draft)
- East Lothian Council Affordable Housing Policy
- Scheme of Delegation
- Scheme of Delegation List and Committee Expedited List Procedures
- Published Scottish Government Performance Figures
- East Lothian Council Planning Performance Figures
- Notes for Guidance for Submission of Applications

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Part 3 Service Improvements 2015-16

In the coming year we will:

- *Adopt the Local Development Plan and finalise relevant Supplementary Guidance – Service Manager and Team Manager Policy and Strategy responsibility*
- *Commence work programme for LDP2 – Service Manager and Team Manager Policy and Strategy responsibility*
- *Finalise and implement service review 2 to further embed structure and process improvements to address performance priorities on major, business and householder applications – Service Manager responsibility*
- *Complete progress to 100% default electronic handling of planning and related applications - Service Manager, Team Manager Planning Delivery, Management Systems and Administration Officer and Unified Business Support responsibility*
- *Undertake further workshops with Agents engaged in the submission of planning applications and other statutory consents – Team Manager Planning Delivery, Planning Technician, Management Systems and Administration Officer and Unified Business Support responsibility*
- *Set performance targets for registration and updating invalid applications in conjunction with appointment to outstanding technician vacancy – Service Manager, Team Manager Planning Delivery, Planning Technician, Management Systems and Administration Officer and Unified Business Support responsibility*
- *Remove remaining legacy applications by withdrawal or determination, facilitated by part us of resource from additional planning fees – Service Manager and Planning Delivery Team Manager responsibility*

Delivery of our service improvement actions in 2016-17:

Committed improvements and actions	Complete?
<ul style="list-style-type: none"> • Finalise implementation of service review phase one whilst completing phase two and programming implementation to further embed cultural and performance priorities • <i>Team Managers recruited and in place. All relevant MRTPI planners switched to new contracts. All Planning service staff collocated in new ways of working office. Service Review 2 awaiting staff consultation and HR/Finance/Union review outcomes</i> 	Partial
<ul style="list-style-type: none"> • Monitor and refine IDOX workflow practices to maximise efficiency gains of electronic working • <i>Workflow procedure notes reviewed and process rolled out to all householder, listed building consent, conservation area consent, advertisement applications and to non-complex local applications</i> 	Yes
<ul style="list-style-type: none"> • Undertake further workshops with Agents engaged in the submission of planning applications and other statutory consents • <i>Will form an objective for new Team Managers to pursue engagement</i> 	Workshops not scheduled but frequent one to one meetings and

	<i>discussions held</i>
<ul style="list-style-type: none"> • <i>Set performance targets for registration and updating invalid applications</i> • <i>Structure of line management for technicians requires corporate clearance of service review 2 to come into effect, timescales for this reflect workflow changes in relation to electronic working and corporate changes due to Universal Business Service review of administrative staff.</i> 	<i>No, ongoing</i>
<ul style="list-style-type: none"> • <i>Remove all legacy applications by withdrawal or determination</i> • <i>Continued progress on this with 19 applications withdrawn/determined</i> 	<i>Partial</i>

Part 4 National Headline Indicators (NHIs)

Key outcomes	2016-2017	2015-2016
<p>Development Planning:</p> <ul style="list-style-type: none"> age of local/strategic development plan(s) (years and months) at end of reporting period <i>Requirement: less than 5 years</i> Will the local/strategic development plan(s) be replaced by their 5th anniversary according to the current development plan scheme? (Y/N) Has the expected date of submission of the plan to Scottish Ministers in the development plan scheme changed over the past year? (Y-earlier/Y-later/N) Were development plan scheme engagement/consultation commitments met during the year? (Y/N) 	<p>9y</p> <p>LDPn/SDPy</p> <p>y – later</p> <p>y</p>	<p>8y</p> <p>n</p> <p>y-later</p> <p>y</p>
<p>Effective Land Supply and Delivery of Outputs*</p> <ul style="list-style-type: none"> Established housing land supply 5-year effective housing land supply 5-year housing supply target 5-year effective housing land supply (<i>to one decimal place</i>) Housing approvals Housing completions over the last 5 years Marketable employment land supply Employment land take-up during reporting year <p><small>* housing land supply figures include Proposed LDP sites and based on draft 2017 Housing Land Audit</small></p>	<p>13357 units 6693 units 5771 units 5.8 years</p> <p>800 units 1886 units</p> <p>3.7 ha 0.8 ha</p>	<p>3307 units 6250 units 4967units 3.3 years</p> <p>945 units 1735 units</p> <p>4.5 ha 0.5 ha</p>
<p>Development Management</p> <p>Project Planning</p> <ul style="list-style-type: none"> percentage of applications subject to pre-application advice percentage and number of major applications subject to processing agreement <p>Decision-making</p> <ul style="list-style-type: none"> application approval rate delegation rate <p>Validation</p> <ul style="list-style-type: none"> percentage of applications valid upon receipt 	<p>71.7%</p> <p>0</p> <p>0</p> <p>96.7%</p> <p>94.0%</p>	<p>62.7</p> <p>0</p> <p>0</p> <p>96.9</p> <p>93.5</p>
<p>Decision-making timescales</p> <p>Average number of weeks to decision:</p> <ul style="list-style-type: none"> major developments local developments (non-householder) 	<p>32.6 10.4 8.4</p>	<p>38.3 9.0 7.6</p>

<ul style="list-style-type: none"> householder developments 		
Legacy Cases <ul style="list-style-type: none"> Number cleared during reporting period Number remaining 	<p style="text-align: center;">19</p> <p style="text-align: center;">181</p>	<p style="text-align: center;">241</p> <p style="text-align: center;">200</p>
Enforcement <ul style="list-style-type: none"> time since enforcement charter published / reviewed (months) <i>Requirement: review every 2 years</i> number of breaches identified / resolved 	<p style="text-align: center;">15 months since review/14 months since published</p> <p style="text-align: center;">213/196</p>	<p style="text-align: center;">3 months since review/2 months since published</p> <p style="text-align: center;">210/120</p>
<i>Contextual statement – see section D</i>		

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Part 5: Official Statistics

A: Decision-making timescales based on all applications timescales

Category	Total number of decisions 2016-2017	Average timescale (weeks)	
		2016-2017	2015-2016
Major developments	9	32.6	38.3 (8 cases)
Local developments (non-householder)	267	14.1	11.4 (299)
<ul style="list-style-type: none"> Local: less than 2 months Local: more than 2 months 	66.3%	7.7	7.5 (70.6%)
	33.7%	26.7	21.0 (29.4%)
Householder developments	486	7.6	7.6 (486)
<ul style="list-style-type: none"> Local: less than 2 months Local: more than 2 months 	91.4%	7.3	7.4 (94.4%)
	8.6%	21.7	10.9 (5.6%)
Housing developments			
Major	5	50.1	28.1 (6)
Local housing developments	58	23.0	18.8 (60)
<ul style="list-style-type: none"> Local: less than 2 months Local: more than 2 months 	36.2%	8.1	7.8 (51.7%)
	63.8%	31.4	30.5 (48.3%)
Business and industry			
Major	0	-	0
Local business and industry	24	10.4	10.4 (24)
<ul style="list-style-type: none"> Local: less than 2 months Local: more than 2 months 	57.1%	7.9	7.4 (79.2%)
	42.9%	18.4	21.1 (20.8%)
EIA developments	1	39.6	1/30.9
Other consents*	190	8.8	9.5 (205)
Planning/legal agreements**	16	38.6	11/37.2
<ul style="list-style-type: none"> Major average time Local average time 	6	43.9	2/32.0
	9	34.9	9/38.3
Local reviews	13	9.3	12 (10.0)

* Consents and certificates: Listed buildings and Conservation area consents, Control of Advertisement consents, Hazardous Substances consents, Established Use Certificates, certificates of lawfulness of existing use or development, notification on overhead electricity lines, notifications and directions under GPDO Parts 6 & 8 relating to agricultural and forestry development and applications for prior approval by Coal Authority or licensed operator under classes 60 & 62 of the GPDO.

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

B: Decision-making: local reviews and appeals

Type	Total number of decisions	Original decision upheld			
		2016-2017 No.	2016-2017 %	2015-2016 No.	2015-2016 %
Local reviews	13	8	61.5	12	50.0
Appeals to Scottish Ministers	7	3	47.9	10	25.0

C: Enforcement activity

	2016-2017	2015-2016
Cases taken up	213	210
Breaches identified	70	72
Cases resolved	196	120
Notices served***	15	14
Reports to Procurator Fiscal	0	0
Prosecutions	0	0

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

D: Context

Policy and Strategy - Development Planning and Housing Delivery

Development Plan Scheme 9 (May 2017) set out the progress of the East Lothian Local Development Plan (ELLDP) in relation to the approval of SESplan and its Supplementary Guidance on housing which had implications for the timescale of LDPs. The DPS is backed up by review and by rolling work programmes.

The Proposed Local Development Plan was considered by the Council on 6 September 2016 after significant engagement with the public, Members and across Council services, through pre-MIR, MIR and draft Proposed LDP stages. Members approved the Proposed LDP for representation. After the requisite period of representation we had received some 440 representations, some 150 of which related to sites in one particular settlement. In comparison with other proposed plans in the SESplan area this is a relatively low level of representation, demonstrating the effectiveness of the engagement with the public and other stakeholders. Council approved the Schedule 4 documents in response to the representations with no modifications to the proposed plan. The Proposed Plan was submitted for examination on 4 May 2017 after engagement with the DPEA on the submission documents and is currently progressing through the second stage of Examination [Proposed LDP](#). The DPEA welcomed the submission as an exemplary one and to date have appointed 4 Reporters to work on what the Council hopes is a short examination period.

The comprehensive engagement and governance arrangements for the Main Issues Report and proposed LDP encompassed monthly meetings of a cross-service officer LDP group and a parallel officer/Councillor group, further informed by a two-weekly senior officer/Administration meeting. The LDP process continues to be managed through project workflow plans with timings and responsibilities, including cross service work for further information requests for the Examination.

Significantly, the Proposed Plan infrastructure requirements are reflected in the Council's capital plan; cross-service work has meant the plan is a corporate project and the commitments the Council needs to make in respect of infrastructure funding are captured in the Council's financial planning [Council Budget](#). The cross service work identified the full implications of the proposed plan to inform cumulative assessment of impacts, mitigation and therefore the high level infrastructure costs, then apportioned to the Council and developers as appropriate in terms of the circular. This process is captured in the proposed plan and in further detail in draft Supplementary Guidance to give developers a clear and justified evidence base and costs for the proposed of the LDP and therefore give clarity in advance for their investment programmes [draft SG](#). The evidence base captured in this process has informed the assessment of relevant planning applications. All of this process has been an essential part of designing a proposed plan which is deliverable.

Housing completions for the year were 584 (of which 195 were affordable), a significant increase on the 454 and 334 completions of previous years and demonstrates a strong upward trend reflecting the progress the Council has made in approving effective sites and working to ensure that planning obligations for infrastructure requirements are phased to assist delivery, particularly on large allocations where upfront infrastructure costs are high.

To assist with the effective housing land supply Council has taken the position that proposed LDP sites, which reflect the settled view of the council on where development should take place, form part of the housing land supply going forward, resulting in the established housing land supply being some 13357 units compared to the previous 3307 units, representing a 5.8 year housing land supply

In addition the Council's adopted Interim Guidance for Housing Land as updated to reflect progress with the LDP and set out the Council's consideration of the weight to be given to LDP sites as it progresses through the statutory stages remains a constructive tool to manage any shortfall in the housing land supply whilst giving both developers and communities understanding of where development will be supported. The Interim Guidance has been a material consideration in the approval of some 560 homes in 2016-17, an increase over the 440 approved under similar consideration in the previous year.

Completions continue to be delivered from existing strategic and other housing sites, particularly at Halhill Dunbar, (171 of which 71 were affordable), Pinkie Mains Musselburgh (64, 24 affordable), Mains Farm North Berwick (49, 22 affordable) and Gateside Haddington (43). Developers are building on sites with approvals for some 3400 units. At the Wallyford expansion the site infrastructure (distributor road, SUDS etc) has been front funded and housebuilding has commenced. The Council has granted or is minded to grant permissions which support development on sites across East Lothian settlements for some 3600 units and there are applications to be determined over the coming months which could support a further 1000 units. The increase in housing completions is encouraging and there is a range of available and effective opportunities for housebuilders to increase this rate of building.

The significant contribution of affordable housing completions to the total is also highly encouraging and new funding arrangements going forward should allow this to continue.

The effectiveness of the employment land supply remains constrained by a fragile commercial investment market, proportionately high servicing costs compared to returns, a lack of serviced sites and contrast with high residential land values. Residential approvals at Haddington and North Berwick have been used to secure delivery of parts of the sites as serviced employment land on behalf of the Council's Estates and Economic Development services. This delivers some 3 hectares in total which, whilst a small contribution to the supply, will assist with small business establishment and growth. North Berwick Gin has recently developed new premises close to North Berwick after service support for a new site to enable their expansion. Going forward the proposed LDP promotes a more flexible approach to the delivery of employment generating uses beyond the traditional class 4, 5 and 6 allocations and also promotes mixed use on sites to maximise the potential for serviced employment land coming forward with housing development. Pre-application enquiries for employment land site have over the past year been received in respect of retail rather than office/industrial development and whilst such proposals offer employment generating opportunities the Council has to ensure that support for these does not compromise delivery of business/industry developments.

Planning Delivery -Development Management

The Council continues its long-term commitment to providing effective pre-application discussion services for developers, businesses, householders and other applicants whilst balancing this with pressure on resources. We continue to encourage developers and individuals to discuss proposals before submitting an application and the further increase in such discussions in relation to the application numbers is continues to encourage and is clearly related to the increasing approval rate. These factors confirm the value of the service's approach to being open for business.

The year saw the introduction of a regular weekly slot for round table pre-application discussions to facilitate better cross service advice to developers on major applications, particularly housing applications. This has been well received by developers and housebuilders and continues on a fortnightly basis as this is sufficient to service demand. The key benefit of this rolling programme is to ensure maximum availability of staff available to give direct input to discussions on mew major proposals.

As in previous years, processing agreements are offered and discussed for major and complex applications through both the Council's website and pre-application discussions, however, as in previous years developers have not pursued this opportunity.

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.

The slight increase in percentage of delegated decisions reflects previous performance and is on the basis of a slightly lower number of decisions for the year compared to year previous (968 compared to 990; there were also slightly fewer applications 1056 compared to 1070).

18 applications were called in to Planning Committee in the year as opposed to 19 in 2015-16, continuing a significant reduction from 2013-14's figure of 42.

The improvement in average timescale for major application determinations (32.6 weeks) is encouraging after the increase from 31.5 weeks (2014-15) in to 38.3 weeks (2015-16). It compares favourably with the national average of 37 weeks. Much depends on the timescales for completion of Section 75 agreements, which clearly have a significant impact on determination, rather than 'minded to grant' times. A further initiative within the year has been the creation and appointment of a planning obligations officer to improve practice and performance in all aspects of the Section process. Whilst part of the function of this post is to improve the council's administrative and finance accountability of Section 75 contributions, the role also allows greater scope for negotiation of detailed triggers for agreements at the pre-determination stage and should therefore allow for quicker completion and settlement of section 75 agreements once a 'minded to grant' decision has been reached.

Figures for householder and other local applications are clearly disappointing. That said, whilst they do not represent the continuous improvement that has been a feature of recent years the degree to which those timescales have stretched is indicative of a need to renew efforts rather than a sign of a systemic problem in the service. Whilst the service has been through changes in location, administrative services and new ways of working throughout the year, this should not affect application performance. A specific objective is to analyse the 43 householder applications (nearly 10%) which went out of time, and the 21.7 weeks average time for these. Of these applications, one dated from late 2009 and required to be determined as it was associated with a listed building consent for works carried out. Eight applications were over 100 days in determination timescales which is not acceptable in performance data figures, though in each case the timescale reflected a process of negotiation to seek improvements to the proposal. With all that said the 90%+ householder applications determined within the 2 month period is better than the Scottish average of 87.1% for the year.

For non-householder applications with 50% determined beyond the 2 month period this is significantly lower than the 64% national average though the 10.4 week average timescale is better than the national average of 11 weeks. Again, a specific objective is to understand where the reasons for delay lay and what process improvements can be made to turn this around.

These performance figures also have to be considered in a context of the Service's long term approach to resolving issues cooperatively with applicants and together with the figures for approval rates and pre-application discussions, demonstrates a good balance of decision making timescales, focus on quality of development and certainty for applicants.

The increase in resolution of enforcement cases is encouraging as this is one of the most difficult areas of action in terms of public and developer perceptions of the process. A key consideration going forward will be to increase the experience of enforcement experience across staff so as to minimise risk to the service as there is currently only one dedicated enforcement post.

Part 6: Workforce and Financial Information

The information requested in this section is an integral part of providing the context for the information in parts 1-5. Staffing information should be a snapshot of the position on 31 March. Financial information should relate to the full financial year.

	Tier 1	Tier 2	Tier 3	Tier 4
Head of Planning Service	0	0	0	1

Note: Tier 1= Chief Executive, Tier 2= Directors, Tier 3= Heads of Service, Tier 4= Managers

		DM	DP	Enforcement	Other
Managers	No. Posts	1	1	0	0
	Vacant	0	0	0	0
Main grade posts	No. Posts	8.6	4.8	1	5.5
	Vacant	0	0	1	1
Technician	No. Posts	1.6	1	0	0
	Vacant	0	1	0	0
Office Support/Clerical	No. Posts	0	0	0	0
	Vacant	0	0	0	0
TOTAL		11.2	7.8	2	6.5

Note: Managers are those staff responsible for the operational management of a team/division. They are not necessarily line managers.

Staff Age Profile	Number
Under 30	2
30-39	13
40-49	12
50 and over	3

Committee & Site Visits*	Number per year
Full council meetings	6
Planning committees	11
Area committees (where relevant)	n/a
Committee site visits	33
LRB**	6
LRB site visits	13

Notes:

*References to committees also include National Park Authority Boards. Number of site visits is those cases where visits were carried out by committees/boards.

**this relates to the number of meetings of the LRB. The number of applications going to LRB are reported elsewhere.

	Total Budget	Costs		Income***
		Direct*	Indirect**	
Development management	589000	498000	109000	901500
Development planning	715000	593000	122000	-
Enforcement	In DM figures	-	-	-
Other (archaeology)	82000	82000	-	16000
TOTAL	1386000	1173000	231000	917500

Notes:

* Direct staff costs covers gross pay (including overtime, national insurance and superannuation contribution). The appropriate proportion of the direct cost of any staff member within the planning authority spending 30% or more of their time on planning should be included in costs, irrespective of what department they are allocated to (for example, legal advice, administration, typing). Exclude staff spending less than 30% of their time on planning.

**Indirect costs include all other costs attributable to the planning service. Examples (not exhaustive) include accommodation, IT, stationery, office equipment, telephone charges, printing, advertising, travel & subsistence, apportionment of support service costs.

*** Include fees from planning applications and deemed applications, and recharges for advertising costs etc. Exclude income from property and planning searches.