



PLANNING PERFORMANCE FRAMEWORK ANNUAL REPORT 2012 - 2013

MIDLOTHIAN COUNCIL

September 2013

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Note on Content: as this PPF for 2012/13 builds upon the previously submitted and published PPF for 2011/12 it does not repeat the content of that document but serves to add to it with updated and new information on progress during 2012/13.

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Introduction

Midlothian is one of Scotland's smaller local authority areas, extending to some 355 square kilometres and with a population of about 84,000. It lies directly to the south of Edinburgh stretching from the City boundary southwards to a rural upland hinterland which bounds the Scottish Borders. The settlement pattern is one of a concentrated range of small towns in the northern part of the area of which Dalkeith is the main centre, with Penicuik lying towards the south-west of the district. The economy of Midlothian has changed markedly over the past twenty years, with traditional industries such as deep coal mining and carpet manufacturing being replaced by a wider range of new businesses. The key sectors of life sciences and animal biosciences have developed rapidly to become major parts of the Midlothian economy and world leading centres of excellence.

Following the Scottish local government elections in May 2012 Midlothian Council is run by a coalition of the Scottish National Party and an Independent. The Council has a Planning Committee on which all 18 Members sit: and a Local Review Body comprising 9 Members. The Council's corporate management structure comprises, under the overall authority of the Chief Executive, three Directorates. From 01/08/13 the Planning Service lies wholly within the new Directorate of Education, Communities and Economy. Under the Head of Planning and Development, the service comprises the functions of development management, planning policy and environment, building standards, economic development, estates, and property strategy.

**PLANNING PERFORMANCE FRAMEWORK
MIDLOTHIAN COUNCIL ANNUAL REPORT 2012-2013**



DEVELOPMENT PLANNING

1. National Headline Indicators (NHIs)

Key outcomes	2012-2013
Development Planning: <ul style="list-style-type: none"> • age of local development plan (Midlothian Local Plan) (full years) • development plan scheme: on track? (Y/N) 	<p>4 years</p> <p>Y *¹</p>
Effective Land Supply and Delivery of Outputs <ul style="list-style-type: none"> • effective housing land: years supply • effective housing land supply • housing approvals • effective employment land supply • employment land take-up • effective commercial floor space supply • commercial floor space delivered 	<p>5 years</p> <p>4,359 units *²</p> <p>526 units *³</p> <p>172 ha (121 ha if 'safeguarded' land is excluded) *⁴</p> <p>3.2 ha*⁵</p> <p>53,337 m²*⁶</p> <p>9,624 m²*⁷</p>

*¹ Development Plan Scheme for Midlothian No. 5 (DPSM5), published in March 2013, included a timetable which aimed to publish the Midlothian Local Development Plan Main Issues Report (MIR), Monitoring Statement and Environmental Report in April 2013, with consultation May - August 2013. The MIR was approved for consultation on 19 March 2013 (and made publicly available immediately), followed by consultation 1 May – 31 August 2013. Whilst the DPSM was therefore technically on track, the timetable as presented in DPSM5 had slipped from that given in DPSM4, when it had been hoped to publish the MIR for consultation in September - November 2012. As reported in the performance report for 2011-12, this did not prove possible for a number of reasons, as follows:

a) the submission to Scottish Ministers of the Proposed Strategic Development Plan for Edinburgh and South East Scotland (SESplan) in August 2012 for approval introduced uncertainty and risk as regards the basis for consultation on the MIR with Scottish Government suggesting informally that it may be advisable to await confirmation of the SESplan requirements before proceeding with this key consultation stage. The Examination into the SESplan Proposed Plan generated a number of 'further information requests' which indicated a significant concern on the part of the Reporters as regards the adequacy of the SESplan housing land requirements. The Report of the Examination was published on 12 April 2013, one month after the Midlothian Local Development Plan MIR was approved for consultation;

b) the timetable for confirming and consulting on the MIR had to take cognisance of the outcome of the Local Government elections in May 2012 which involved significant Elected

Member training and briefing sessions; and

c) some of the development planning staff resource was utilised to implement a new online development planning portal for Midlothian, to deliver significant efficiencies in the plan-making process and a much improved customer experience, so that the MIR would be available online, with supporting documentation, alongside an interactive proposals map for the current Midlothian Local Plan.

*² Draft figure for Housing Land Audit (HLA) 2013 (situation as at 31 March 2013), awaiting confirmation by housebuilders and agreement with Homes for Scotland (anticipated around November 2013). Comparative figure for 31 March 2012, as agreed with Homes for Scotland, was 3,902 units.

*³ Housing units remaining on sites with planning permission total around 3,000 units, of which 526 units were granted permission during 2012-13. This is considerably lower than the equivalent figure in 2011-12, but this is not significant as the annual figures can be influenced by the timing of a planning consent for a single large site. There is scope for some double-counting as parts of larger housing sites are re-submitted with amended detail, etc. Sites which are at 'minded to consent' stage but await a Section 75 agreement (e.g. Shawfair) have not been included. As context, the total established land supply is 10,720 units and, in addition, there will be allocations arising through the Midlothian Local Development Plan which will amount to at least a further 2,550 units. Completions achieved in 2012-13 amount to 546 units.

*⁴ Figure comprises 42.5ha immediately available land plus 78.4ha with minor constraints plus 50.7ha safeguarded land (life science sites/ The Bush). 36.9ha of employment land with major constraints has been excluded. The categories/ descriptions are as agreed through SESplan, i.e.

a) immediately available - land judged to have no significant constraints and considered to be effective;

b) minor constraints - land with some constraint(s) but could be made available within a 5-year period and considered to be effective;

c) safeguarded - normally subject to constraint(s) which may or may not be removed within a 5-year period: includes land identified in development plans for specialist uses or company expansion purposes such as life sciences; and

d) major constraints - land with constraint(s) of a significant nature which would not be available within a 5-year period and not considered to be effective..

**⁵ It is encouraging that the Council can record a positive take-up figure this year and this reflects our previous comments that the zero take-up in 2011/12 belied local economic activity. The figure this year is just below the average take-up rate of 3.4Ha and is an encouraging development on the previous year's performance. Equally encouraging is the fact that between 1 April 2013 and now a further 5.72Ha of land is currently under construction and will form part of the 2013/14 return. The development of this site together with a number of other consents and projects (including the Zero Waste Management facility at Millerhill – 27Ha), which will hopefully start this year or the early part of 2014, will increase 2013/14 take-up rate significantly. Equally the completion of the Edgefield relief road (started this year) will release a further 6.5 Ha of economic development land next to the Edinburgh City Bypass and Straiton Retail Park as well as providing much improved access to the existing industrial estate. In addition 11Ha of land has been developed for economic use during the reporting period but not on sites within the established land supply. A significant element of this (7.8Ha) relates to the redevelopment of Hillend Snowsport Centre which is a major leisure/visitor attraction managed by the Council.

*⁶ Includes offices, retail sales and retail warehouse/ industrial space (trade counters), other sales and ancillary space.

*⁷ Source is the Co-Star website and database which has replaced the Scottish Property Network; this may be less accurate than the figures supplied for 2011-12 as it is no longer possible to identify those who are searching for property in Midlothian.

	2011-12	2012-13
Development Management		
Project Planning		
<ul style="list-style-type: none"> percentage of applications subject to pre-application advice number of major applications subject to processing agreement or other project plan percentage planned timescales met 	<p>8.11%</p> <p>0^{*8}</p> <p>N/A^{*8}</p>	<p>7%</p> <p>0</p> <p>N/A</p>
Decision-making		
<ul style="list-style-type: none"> application approval rate delegation rate 	<p>92%</p> <p>92.6%</p>	<p>90%</p> <p>95%</p>
Decision-making timescales		
Average number of weeks to decision:		
<ul style="list-style-type: none"> major developments local developments (non-householder) householder developments 	<p>71</p> <p>18</p> <p>9</p>	<p>42.8</p> <p>21.5</p> <p>7.5</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>28</p> <p>154/150</p>	<p>7</p>
<p>Overall performance with regard the time periods for determining planning applications has steadily improved when compared to previous years. This is a result of improved performance management, the introduction of new processes and procedures and the restructuring of the Development Management service. The introduction of a formal pre application advice service in 2010 has helped to improve the management of this service and the advice given.</p> <p>Since the establishment of the Local Review Body in 2009 the number of '<i>notices of reviews</i>' submitted has steadily increased and is projected to increase further over the coming years.</p> <p>With regard to enforcement it is the priority to continue negotiating resolution to breaches of planning control, rather than serving formal notices unless as a final resort.</p>		

*⁸ Formal processing agreements have not, to date, been used, the timetabling and processing being communicated more informally to applicants. This is currently under review. The pressure from applicants has not been for formal processing agreements but rather for improvement on the time taken to conclude Section 75 legal planning agreements. Accordingly, this is reflected in Part 4 below.

PLANNING PERFORMANCE FRAMEWORK

2. Defining and measuring the quality of the Midlothian Planning Service

Note: as noted above on the Contents page the first Midlothian PPF submission (for 2011/12) included a comprehensive statement in Section 2, much of which remains relevant. For brevity, that is not repeated here, but only further developments/activity in 2012/13.

<p><i>Open for business</i></p>	<p>Through 2012-13, the importance of an up-to-date development plan to provide certainty and predictability for developers and investors continued to be a key priority, with a focus on fully engaging in the process of achieving an approved Strategic Development Plan, SESplan, whilst also progressing the Midlothian Local Development Plan (MLDP) Main Issues Report as quickly as possible. The MLDP Project Board is driving the plan preparation to a tight timescale based upon a Project Definition Document and a detailed project plan on a stage by stage basis. It receives regular risk management and budget monitoring reports; the identified risks relating to the findings of the SESplan Examination (and subsequent approval with modifications by Scottish Ministers) have escalated. Although these could have had significant impact on the delivery timescales for the MLDP MIR, the decision was taken to press ahead with the MIR to meet Member aspirations to support the sustainable economic growth priority. This decision took account of the generosity of the housing land supply in Midlothian, as confirmed in the representation made by Homes for Scotland to the SESplan Proposed Plan, and the MIR was approved for consultation in March 2013 in order to minimise delays.</p> <p>Regular progress reports on the SESplan Examination and implications for the MLDP were provided for Elected Members. Member engagement in formulating the MLDP development strategy to be consulted on through the Main Issues Report (MIR) (both preferred and alternative sites) and key policy changes, commenced prior to the Local Government elections in May 2012, and resumed in October 2012. These involved a total of six workshops and drop-in sessions, focused on specific issues as required.</p> <p>During the MIR consultation, which will be covered in the performance report for 2013-14, the opportunity was grasped to promote the role of the development plan as a means of stimulating economic growth and business opportunities, through presentations and feedback at conferences held for housebuilders, landowners, farmers, industrialists and academics in the context of the Midlothian Economic Recovery Plan.</p> <p>As noted there, work on the Local Development Plan ran concurrently with preparation of the Midlothian Economic Recovery Plan. At a more detailed level the Council prepared the Bush Area Masterplan in conjunction with partners to set as a means of promoting further employment development in that key location.</p> <p>The Council's Building Standards service was externally assessed, and subsequently awarded 'Customer Excellence' in 2013.</p>
<p><i>High quality development on the ground</i></p>	<p>As part of the work programme for the MLDP Main Issues Report, a placemaking workshop facilitated by Architecture + Design Scotland and Scottish Natural Heritage as part of their Sustainable</p>

	<p>Placemaking Programme, was held on 25 June 2012. This involved representatives across the range of Council services and the NHS, including those not usually involved in development planning work, coming together to challenge assumptions and traditional ways of thinking about 'place' and identity. As such, there was a trade-off of priorities and the approach was similar to that used in the charrette model. Whilst the workshop focused on potential scenarios for the future growth of one of Midlothian's main communities, Bonnyrigg, it was used to formulate an approach that could be applied across a range of settlements within a development corridor (reflecting Midlothian's Strategic Development Areas). Accessibility through sustainable travel modes and the promotion of community cohesion emerged as key priorities in the placemaking agenda. A separate community planning workshop focusing on health issues for the MLDP was held.</p> <p>The Draft Midlothian Open Space Strategy and Action Plan was approved for consultation in November 2012 including open space standards for new development as recommended in Government guidance; consultation followed in February-March 2013 and the Open Space Strategy has subsequently been approved (May 2013).</p> <p>The Dalkeith Townscape Heritage Initiative and Conservation Area Regeneration Scheme (CARS) experienced its fourth out of five years; and has been an acclaimed success by Scottish Government and Historic Scotland. A new CARS scheme for Gorebridge commenced in April 2013 following a successful bid to Historic Scotland in 2012.</p>
<p><i>Certainty</i></p>	<p>Although slightly delayed by the progress of the Strategic Development Plan (SESplan) which means the Proposed Midlothian Local Development Plan will not be published until Spring 2014, the Council together with those seeking to develop in Midlothian, still benefits from a comprehensive and relevant adopted local plan (December 2008).</p> <p>Supplementary planning guidance on affordable housing and on developer contributions was adopted in March 2012 following extensive consultation including a Members' seminar with Homes for Scotland, and a follow-up meeting at officer level aimed at ensuring that the new guidance was proportionate and flexible to take account of the prevailing market conditions. The revision of this guidance involved a detailed costing exercise relating to obligations.</p> <p>With a view to learning from good practice elsewhere in terms of innovative approaches to the delivery of housing and related infrastructure, officers engaged in the West Lothian Housing Recovery Conference 2 in November 2012, following by a visit to Midlothian of representatives from West Lothian Council, comprising planning, legal, education and property/asset management services, to share and compare experience.</p>
<p><i>Communications, engagement and customer service</i></p>	<p>Improvements to the quality of the development planning service to make it more inclusive and improve customer experience have focused primarily on the launch of a new online development planning portal. The interactive online development plan package, hosted by Objective and Lovell Johns, provides web access and a back office</p>

system to create, publish and consult on the development plan. This will promote efficiencies in handling representations. A hands-on demonstration of the new portal was provided to community councils in conjunction with introductory workshops at the start of the MIR consultation; these workshops are aimed at building the capacity for engagement within the community councils.

An interactive development plan map for the adopted Midlothian Local Plan 2008 is now available as part of the online service improvement. Accessing this tool is of benefit to internal as well as external customers, allowing other council services to produce mapped output and engage more directly with development planning.

In an effort to improve the linkages between the development plan and the related Strategic Environmental Assessment (SEA), the main SEA findings were included in the MIR on a topic basis; through the subsequent MIR consultation, this helped to raise awareness of the environmental topics and focus on the key SEA findings (reducing the danger of consultation fatigue), as now recommended in the new SEA Guidance (August 2013). Furthermore, the SEA baseline environmental data were included in MLDP Monitoring Statement to ensure proper integration and promote an understanding of links between the documents.

In addition to the online facility, the MIR consultation which followed was focused on making the planning system more inclusive by running drop-in events extending over afternoons and evenings in each town and the main villages to improve accessibility for communities and other stakeholders.

During 2012-13 period. Preparatory work was carried out to allow the Council to implement neighbour notification for the MLDP at the MIR stage rather than waiting until the Proposed Plan stage as statutorily required. The purpose is to ensure that those with a concern about neighbouring development are afforded a genuine opportunity to influence the shape of the MLDP development strategy, and also to allow a 'dry-run' for this new system to identify potential improvements. A further benefit was seen as providing publicity for, and stimulating the level of engagement in, the MIR consultation process. This preparatory work was built around the existing neighbour notification systems in place for planning applications.

Efficient and effective decision-making

In addition to the content of the previous PPF for 2011/12, which remains relevant, regular briefings with the Council's Cabinet Spokesperson for Planning and Housing allow for informal feedback to prospective applicants and inward investors.

Effective management structures

In addition to the information included in the PPF for 2011/12 the Council's Chief Executive has further developed a Strategic Leadership Group comprising the senior management (Directors and Heads of Service) which meets on average fortnightly and provides a cross-cutting forum to discuss key strategic matters.

The Council in 2012/13 has also developed and commenced implementation of its Leadership Pathway Programme for managers and supervisors at all levels of the organisation.

	<p>At principal/senior planning officer level across both planning policy and development management functions, there was participation in the first cohort of the <i>Leading for Outcomes Programme</i> (Improvement Service) in February-June 2012, alongside officers from councils across SE Scotland and the Scottish Government, including related services e.g. transportation and building standards.</p>
<p><i>Financial management and local governance</i></p>	<p>From 2012/13 there has been a greater emphasis placed on the role of development planning within the context of wider community planning. In recognition of the need to meet economic, social <u>and</u> environmental commitments and priorities, a merger of two groups <i>Maximising Business Opportunities</i> and <i>Conserving and Improving Midlothian's Environment</i> has been taken forward to create a new Sustainable Growth thematic group.</p>
<p><i>Culture of continuous improvement</i></p>	<p>In addition to the information supplied for the PPF 2011/12, which remains relevant, the Council's Competency Framework programme has been further developed to place more emphasis on the personal development element of the programme, whilst still maintaining an assessment function.</p>

3. Supporting evidence

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

Midlothian Local Plan Main Issues Report

http://www.midlothian.gov.uk/downloads/file/3417/main_issues_report

Bush Masterplan:

http://www.midlothian.gov.uk/downloads/file/3203/bush_estate_masterplan

Midlothian Local Plan 2008:

http://www.midlothian.gov.uk/downloads/198/planning_policy

Shawfair Masterplan and Design Guide:

<https://planning-applications.midlothian.gov.uk/OnlinePlanning/simpleSearchResults.do;jsessionid=60E367C1C295AB7EED27A865F1863BAF?action=firstPage>

Development Plan Scheme No 5:

http://www.midlothian.gov.uk/downloads/198/planning_policy

Supplementary Planning Guidance on Affordable Housing:

http://www.midlothian.gov.uk/downloads/198/planning_policy

Supplementary Planning Guidance on Developer Contributions:

http://www.midlothian.gov.uk/downloads/198/planning_policy

Midlothian Economic Development Framework:

http://www.midlothian.gov.uk/downloads/1/business_and_trade

Animal Biosciences Sector Action Plan:

http://www.midlothian.gov.uk/downloads/1/business_and_trade

Building Standards Customer Charter:

http://www.midlothian.gov.uk/downloads/file/1145/building_standards_customer_charter

Scheme of Delegation for the Determination of Planning Applications:

<http://www2.midlothian.gov.uk/meetingsdetails.aspx?t=Midlothian%20Council&d=26/05/2009>

Approved Procedures for the Local Review Body:

http://www.midlothian.gov.uk/meetings/meeting/128/local_review_body

4. Service Improvements: 2012-13 and 2013-14

In the coming year (2013-14) the service will focus on the following:

- Maximise those aspects of planning and development activities to further the Council's three primary aims of promoting economic development/support for businesses, positive destinations for school/college leavers and young adults, and early years' development.
- Undertake comprehensive user surveys of the newly implemented on-line planning development portal.
- Undertake customer satisfaction surveys and assessment of the development management service.
- Further reduce 'legacy' planning application cases, primarily through review of outstanding incomplete Section 75 negotiations.
- Reduction target of 10% in the time taken to handle major planning applications.

The record of delivery of service improvement commitments for 2012-13 is as follows:

Commitment	Progress
Re-establish the local forum of architects and agents, and other regular users of the development management service	This was attempted but received little interest: subsequently agreed to combine this with the regular forum of the customers of the Building Standards Service.
Further develop direct customer feedback surveys for users of the development management and building standards service	Currently embedded within the Building Standard Service: revised target of 2013-14 for the Development Management Service
Review and streamline procedures for the preparation and conclusion of Section 75 legal planning agreements	Some procedural changes effected in 2012-13 but work ongoing to improve performance on Section 75's
Introduce a 'charrette' approach as part of the stakeholder engagement in the preparation of the Midlothian Local Development Plan	Successful event with A & DS in June 2012 – for further development once sites in the new LDP are finalised.
Conclude the legal planning agreement and issue planning consent(s) to enable development at the Shawfair Development Area to commence	Major progress in 2012-13 on this substantial and complex legal planning agreement: due for conclusion and issuing of planning permission in 2013-14

5. HIGH LEVEL GROUP ON PLANNING PERFORMANCE

PERFORMANCE MARKERS

DRIVING IMPROVED PERFORMANCE

Performance Marker	Measure	Source/Evidence	Policy Support	PPF
Decision making: authorities demonstrating continuous evidence of reducing average timescales for all development types	Evidence of continuous improvement	Statistics and National Headline Indicators	Official Statistics and PPF reports	NHIs
Project management: offer of processing agreements (or other agreed project plan) made to prospective applicants in advance of all major applications <u>and</u> availability publicised on planning authority website	Processing agreement (PA) procedures approved by Committee in February 2013. PA's offered to applicants submitting major applications, however to date there has been no take up.	N/A	Modernising the Planning System (Audit Scotland); SG website/template	NHI's Certainty
Early collaboration with applicants and consultees on planning applications; <ul style="list-style-type: none"> • availability and promotion of pre-application discussions for all prospective applications • clear and proportionate requests for supporting information • 	In 2010 the Council introduced a formal pre application advice service. This service is accessed via the Council's website	There have been 478 formal pre application enquiries recorded in the Council's back office database, since the introduction of the pre application service. There were 154 pre application enquiries in 2012/13.	White paper, Delivering Planning Reform; Planning Reform Next Steps	NHI's Open for Business Certainty
Legal agreements: conclude (or reconsider) applications within 6 months of 'resolving to grant'* <i>*this will require production of supporting guidance, following wider</i>	Reducing number of live applications more than 6 months after resolution to grant (from same time last year)	The Council currently does not reconsider applications which it has 'resolved to grant' and are subject to developer contribution negotiations.	Official statistics; PPF reports; evidence of delays to major developments	Certainty; Efficient and Effective Decision Making

<i>stakeholder input</i>				
Enforcement charter updated/re-published	Within 2 years	PPF report	Planning Act (s158A)	NHI's
Continuous improvement: <ul style="list-style-type: none"> Show progress/ improvement in relation to PPF NHIs Progress ambitious and relevant service improvement commitments identified through PPF report 	Progress on all commitments	As for NHI section	Delivering Planning Reform; PPF Report	Culture of Continuous Improvement Service; Improvement Plan

PROMOTING THE PLAN-LED SYSTEM

Performance Marker	Measure	Source/Evidence	Policy Support	PPF
LDP (or LP) less than 5 years since adoption	Y – 4 years	Midlothian Local Plan was adopted in December 2008, so is four years' old (as measured in full years).	Planning Act (s16); SPP	NHIs; Certainty; High Quality Development on the Ground
Development plan scheme demonstrates next LDP: <ul style="list-style-type: none"> On course for adoption within 5-year cycle Project planned and expected to be delivered to planned timescale 	N Y	The Development Plan Scheme for Midlothian No. 5 (DPSM5) (March 2013), included a timetable which aimed to publish the Midlothian Local Development Plan Main Issues Report (MIR), Monitoring Statement and Environmental Report in April 2013, with consultation in May - August 2013. The MIR was approved for consultation on 19 March 2013 (and made publicly available immediately), followed by consultation 1 May – 31 August 2013. The timetable indicates that adoption of the Midlothian Local Development Plan (MLDP) is expected in early 2015, when the Midlothian Local Plan 2008 will be six years old. The MLDP Project Definition Document is used to guide and inform the stages of the plan making process, and is accompanied by a detailed project plan on a stage by stage basis. The MLDP	Planning Act (s16); SPP	NHIs; Certainty; High Quality Development on the Ground

		Project Board receives regular risk management and budget monitoring reports.		
Elected members engaged early (pre-MIR) in development plan preparation	Evidence of activity	Elected Member briefing sessions have been held at various stages in the MLDP process, linked to the key stages in the preparation of the Strategic Development Plan, SESplan, to convey the implications of strategic-level development planning for the MLDP. At the SESplan MIR stage, Member briefings focused on the city region development strategy and the range of potential development sites that could be brought forward for meeting the Midlothian component of the housing and economic land requirements. These events were in October-November 2009. Regular progress reports on SESplan were provided for Cabinet and the next key stage for close engagement related to the responses to the SESplan MIR and their implications for Midlothian; a series of Member briefings were held in April-June 2011. Formal Member engagement in formulating the MLDP MIR development strategy (both preferred and alternative sites) and key policy changes, commenced prior to the Local Government elections in May 2012, and then resumed in October 2012. These involved a total of six workshops and drop-in sessions, focused on specific issues as required.		Certainty; Efficient and Effective Decision-making
Cross-sector stakeholders, including industry, agencies and Scottish Government, engaged early (pre-MIR) in development plan preparation	Evidence of activity	An early 'awareness-raising' series of consultation events were held in May-August 2010 in connection with the MLDP, to coincide with the SESplan Strategic Development Plan MIR consultation. This was to promote an understanding of the complementary roles of the two tiers of development planning, and to provide an avenue to channel responses to the SESplan MIR that were more appropriate to the local level e.g. site-specific responses. These events included a workshop for developers, businesses and statutory bodies (which was also the SESplan MIR workshop for these groups, but hosted by Midlothian Council). Three public drop-in sessions were held as well as a Community Council workshop. In addition to this specific consultation activity, there has been ongoing liaison with the key agencies (plus Forestry Commission Scotland and Architecture + Design		Certainty; Efficient and Effective Decision-making

		Scotland) both individually and jointly, on occasion. Most notably, a placemaking workshop, facilitated by A+DS and Scottish Natural Heritage as part of their Sustainable Placemaking Programme, was held on 25 June 2012; this involved representatives across a range of Council services and the NHS. A separate community planning workshop with a focus on health issues for the MLDP was held.		
Production of regular and proportionate policy advice, for example through SPGs, on (i) information required to support applications and (ii) expected developer contributions	Evidence of activity	Supplementary planning guidance on affordable housing and on developer contributions was adopted in March 2012 following extensive consultation including a Members' seminar with Homes for Scotland, and a follow-up meeting at officer level aimed at ensuring that the new guidance was proportionate and flexible to take account of the prevailing market conditions. The revision of this guidance involved a detailed costing exercise relating to the obligations. The Draft Midlothian Open Space Strategy and Action Plan was approved for consultation in November 2012 including open space standards for new development as recommended in Government guidance; consultation followed in February-March 2013 and the Open Space Strategy has subsequently been approved (May 2013).		Open for Business; Certainty

SIMPLIFYING AND STREAMLINING

Performance Marker	Measure	Source/Evidence	Policy Support	PPF
Corporate working across services to improve outputs and services for customer benefit (e.g. protocols; joined-up services; single contact; joint pre-application advice)	Examples from the year	<p>Improvements to the quality of the development planning service to make it more inclusive and improve customer experience have focused primarily on the launch of a new online development planning portal. The interactive online development plan package, hosted by Objective and Lovell Johns, provides web access and a back office system to create, publish and consult on the development plan. This will promote efficiencies in handling representations. A hands-on demonstration of the new portal was provided to community councils in conjunction with introductory workshops at the start of the MIR consultation.</p> <p>An interactive development plan map for the adopted</p>		Corporate working across services to improve outputs and services for customer benefit (e.g. protocols; joined-up services; single contact; joint pre-

		<p>Midlothian Local Plan 2008 is now available as part of the service improvement. Accessing this tool is of benefit to internal as well as external customers, allowing other council services to produce mapped output and engage more directly with development planning.</p>		application advice)
Sharing good practice, skills and knowledge between authorities	Evidence of activity to pass on and adopt good practice	<p>Participation in first cohort of <i>Leading for Outcomes Programme</i> (Improvement Service) in February-June 2012 at principal/senior planning officer level across both planning policy and development management, with officers from across SE Scotland councils and Scottish Government, including related services e.g. transportation, building standards. Participation also in: Heads of Planning Development Planning Sub-Committee representing the three Lothian Councils; East of Scotland Development Planning Forum; Improvement Service workshop on Development Viability with East Lothian and other councils; and practitioner forums and workshops on SEA, HRA and River Basin Management Planning. Engagement in West Lothian Housing Recovery Conference 2 in November 2012, and follow-up visit to Midlothian of representatives from West Lothian Council, comprising planning, legal, education and property/asset management services, to share and compare good practice.</p> <p>In December 2012, the Planning Policy & Environment Manager acted as a facilitator for a thematic workshop for the SE Scotland Economic Community (SESEC) Operational Group to stimulate discussion on economic priorities for the Strategic Development Plan (SESplan) 2.</p>	Delivering Planning Reform; Planning Reform Next Steps	

DELIVERING DEVELOPMENT

Performance Marker	Measure	Source/Evidence	Policy Support	PPF
<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 discussion 	<p>Y</p> <p>Examples</p>	<p>The adopted Midlothian Local Plan 2008 contains policies which clearly articulate developer contribution requirements. Soon after adoption, a public statement relating to these policies was approved by the Council which explained the relationship between the essential infrastructure and new housing development, and the expected overall cost and apportionment of contributions, related in scale and kind to individual housing sites. The statement built on the adopted supplementary planning guidance (SPG) at that time, which has since been replaced with new updated SPG on developer contributions. This was adopted in March 2012, following consultation including a Members' seminar with Homes for Scotland, and a follow-up meeting at officer level aimed at ensuring that the new guidance was proportionate and flexible, taking account of opportunities to phase contributions, in response to the prevailing market conditions.</p> <p>The MLDP MIR was approved for consultation in March 2013; this sought views on the transport, education, health and other community infrastructure requirements arising from the development strategy as set out for consultation.</p>		

**PLANNING PERFORMANCE FRAMEWORK
OFFICIAL STATISTICS**

Decision-making timescales

Category	Total number of decisions 2012-2013	Average timescale (weeks)	
		2011-2012	2012-2013
Major developments	11	94.1	42.8
Local developments (non-householder)			
• Local: less than 2 months	94	7.3	6.8
• Local: more than 2 months	86	32.5	37.6
Householder developments			
• Local: less than 2 months	238	7.3	6.7
• Local: more than 2 months	31	16.2	14.0
Housing developments			
Major	4	159	72.5
Local housing developments			
• Local: less than 2 months	29	7.7	6.9
• Local: more than 2 months	26	47.3	63.6
Business and industry			
Major	0	12.3	-
Local business and industry			
• Local: less than 2 months	6	7.0	6.7
• Local: more than 2 months	5	26.1	49.9
EIA developments	N/A (see note)	N/A (see note)	N/A (see note)
Other consents*	82	17.8	11.77
Planning/legal agreements**	19	115.2	81.64
Local reviews	14	8.6	11.73

* 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

Decision-making: local reviews and appeals

Type	Total number of decisions	Original decision upheld			
		2011-2012		2012-2013	
		No.	%	No.	%
Local reviews	20	13	65	14	35.7%
Appeals to Scottish Ministers	4	2	50	8	62.5%

Enforcement activity

	2011-2012	2012-2013
Cases taken up	154	144
Breaches identified	154	144
Cases resolved	150	139
Notices served***	12	12
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.

Context

Although overall performance with regard the time periods for determining planning applications, in particular householder and local developments, has steadily improved when compared to previous years, Midlothian faces challenges when determining major applications, in particular the concluding of legal agreements to secure developer contributions.

Information on EIA developments has not been recorded to date, but is being recorded from 1st April 2012.

Enforcement activity: as noted at Part 1 of this report it is the priority to continue negotiating resolution to breaches of planning control, rather than the serving of formal notice, although this option is still considered.

WORKFORCE AND FINANCIAL INFORMATIONPlanning and Development Service

Section	Staff (No. of)	Approved Budget 2011-12 (to nearest '000)
Building Standards	9	149,000* ¹
Development Management	14	496,000* ²
Economic Development	12	433,000* ³
Estates	6	215,000* ⁴
Planning Policy and Environment	13	672,000* ⁵
Property Strategy	1	189,000
Total	56*⁶	2,154,000

*1 Includes income projection of £324,000

*2 Includes income projection of £336,000

*3 Includes income projection of £113,000

*4 Includes income projection of £31,000

*5 Includes income projection of £20,000

*6 Includes post of Head of Planning and Development