

Planning Performance Framework

annual report 2012 - 2013

Planning Services



Planning Services

West Lothian Council

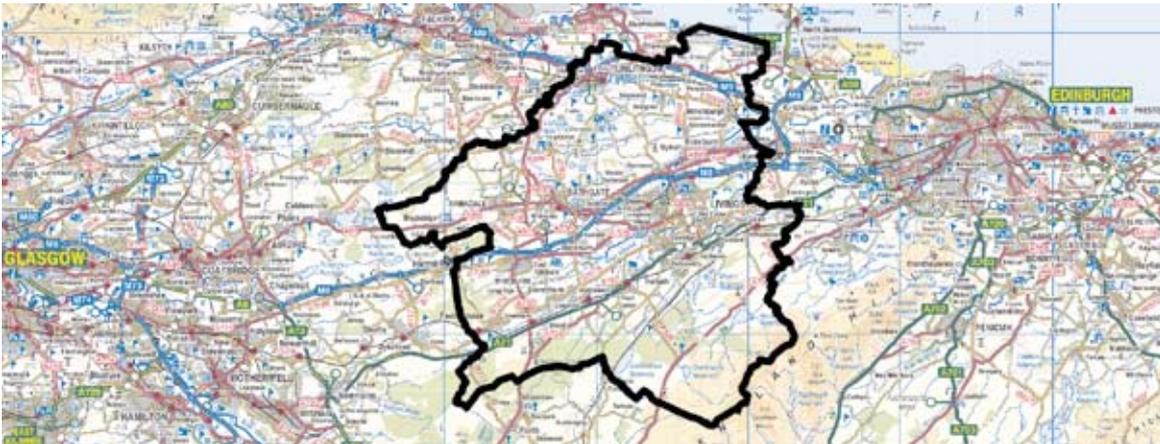
PLANNING PERFORMANCE FRAMEWORK 2012 - 2013

TABLE OF CONTENTS

West Lothian: the year in profile 2012 -2013	4
Planning Services	6
National Headline Indicators	7
Official statistics	10
Defining and measuring a high quality planning service	14
1. <i>Open for Business</i>	14
2. <i>High quality development on the ground</i>	16
3. <i>Certainty</i>	18
4. <i>Communications, engagement and customer service</i>	19
5. <i>Efficient and effective decision making</i>	20
6. <i>Effective management structures</i>	21
7. <i>Financial management and local governance</i>	22
8. <i>Culture of continuous improvement</i>	23
<i>Annex I Service improvements - Development Planning</i>	25
- <i>Development Management</i>	26
<i>Annex II Workforce and financial information</i>	27
Delivery of our Development Planning Service Improvement Action in 2012-13	29
Delivery of our Development Management Service Improvement Action in 2012-13	30
<i>Annex III (apart) Supporting evidence</i>	



WEST LoTHIAN



The year in profile

Despite the continuing economic uncertainties, in 2012 - 2013 there have been positive developments signalling sustainable economic growth in West Lothian.

The council is particularly eager to facilitate housing recovery and through its second Housing Recovery Action Plan (Production 1) it is seeking to encourage new housing development in a number of ways including flexible negotiations on planning obligations, forward funding of infrastructure projects and the re aligning of school catchment areas. As an indicator of this, in 2012 -13 the council issued planning permission for around 6500 new houses including at Winchburgh, East Calder and Armadale and Heartlands. The closure of the Vion factory at Broxburn in March 2013, with the loss of 1700 jobs was a major setback for economic growth however.



The number of planning applications registered by the council in 2012-13 has been 814, compared with 871 in 2011-2012, attracting fees of £418,133 compared with £457,659. The determination of several complex housing applications has taken an extended period of time and this is reflected in the average timescales in the council's performance statistics. Developer confidence in the market and their unwillingness to advance applications, changes to proposals and the negotiation on heads of terms for complex legal agreements has extended this period. Overall the council's average determination period reflects a small number of lengthy and complex cases and the disposal of some legacy cases.

Some £3,270,041 has been secured by the council as developer contributions to essential infrastructure.

Specifically, at Winchburgh planning permission in principle for around 3450 houses was issued in April 2012 and there are now 40 constructed or under occupation in this Core Development Area (CDA) site. Planning permission in principle for 2300 houses was been issued at Calderwood and Nethershiel Farm, East Calder in March 2013. In the Armadale CDA consent was issued for 400 houses on a 23ha brownfield site. Further, 76 house completions have been seen at Southdale, Armadale, another of the council's CDA's.

At Heartlands, the former Polkemmet Colliery site, the new motorway interchange was opened on 11 September 2013 and the first of the 2000 houses are now constructed. Planning applications for commercial and industrial developments at the nearby Cowhill Business Park are approved.

In all the number of house completions in this period is 511 compared with 301 in the previous 12 months.

Other significant work streams included the processing of a major application for 600 houses and retail and commercial developments at Burghmuir, Linlithgow during the year. The application attracted over 1000 objections and was withdrawn shortly after the officer's report recommending refusal was to be subject to determination procedures.

Planning permissions have been issued to allow the redevelopment of the former Freeport site in West Calder.



A conjoined inquiry into two windfarm developments was held in June and July 2013 and the council has received 18 applications for turbines as well as two pre application consultation notices and 21 applications for a screening opinion. The council's supplementary planning guidance on wind energy is currently subject to consultation. A further major work stream has been the need to regularise a significant breach of planning control at an opencast coal site near Breich in the context of sustained objection from an adjacent resident.

Planning Services

In West Lothian the council's statutory planning function is delivered primarily through its Planning and Economic Development Service. However, the council is a 'two-tier' authority and, as such, it works in partnership with strategic planning partners through SESplan, the strategic planning authority for Edinburgh and the South East of Scotland.

The recently appointed Head of Planning and Economic Development has overall responsibility for the delivery of the planning service. A restructuring of Planning Services will commence later in 2013. In this context there is to be increasing emphasis on maximising the links between planning and economic development, with a dedicated officer to handle incoming investment cases. Although the Development Planning and Development Management teams are separate units, the focus of the service is on outcomes which increasingly requires 'cross service' approaches to planning issues. Project teams, with other council services, are established as required to progress key planning proposals and projects.

In addition to the statutory planning functions, Planning Services has responsibility for the council's building standards, education planning, contaminated land, access and core path responsibilities. There are currently seven planning officers employed in the council's Development Planning team, and ten planning officers in the Development Management team. In addition Planning Services has access to a shared administrative support service.

The current structure of Planning Services in the context of the council:



National Headline Indicators (NHIs)

Key outcomes		2012-2013
Development Planning		
<ul style="list-style-type: none"> age of local/strategic development plan: <ul style="list-style-type: none"> The <i>West Lothian Local Plan</i> was adopted by West Lothian Council on 13 January 2009 and it is 4 years and 7 months old. 	4 years 7 months	
<ul style="list-style-type: none"> development plan scheme: on track? (Y/N) 	See comments in section 3, certainty	
Effective Land Supply and Delivery of Outputs		
<ul style="list-style-type: none"> effective housing land: 5-year supply (Y/N) 	No / 3,849	
<ul style="list-style-type: none"> effective housing land supply 	14,220 units	
<ul style="list-style-type: none"> housing approvals 	6,500	
<p>Commentary of Housing Figures:</p> <ul style="list-style-type: none"> These figures are taken from the draft <i>Housing Audit Draft 2013</i> which exclude 2013-2014 figures. The approvals figure accounts for only audited sites with 5 or more units recorded in the housing and audit. 		
<ul style="list-style-type: none"> effective employment land supply 	119.27 ha	
<ul style="list-style-type: none"> employment land take-up 	11.59 ha	
<ul style="list-style-type: none"> effective commercial floor space supply 	81,832 sqm	
<ul style="list-style-type: none"> commercial floor space delivered 	13,296 sqm	
<p>Commentary on Employment Land Figures</p> <p>The employment land supply for West Lothian, as confirmed in the Employment Technical Note for the Strategic Development Plan (SESplan), is 613.55 hectares, of which 119.27 hectares is effective i.e. land judged to have no significant constraints; 157.11 hectares is non-effective i.e. land with identified development constraints; and 337.17 hectares is safeguarded for potential expansion or particular uses. Of these land allocations, 474.3 hectares is allocated for classes 4 (business), 5 (general industrial) and 6 (storage and distribution) uses and 170.5 hectares is allocated for 'specialist' uses.</p> <p>In taking forward the employment land requirements set out in the SESplan Proposed Plan (SDP) and Economy Technical Note, the West Lothian Local Development Plan will be required to support the allocation of 123 hectares of strategic employment land. At March 2010, the total employment land supply of West Lothian was 613.55 hectares of which 88 hectares is strategic. This leaves a shortfall of 35 hectares if the Proposed SDP requirement is to be met.</p>		

Key outcomes		2012-2013
Development Management		
Project Planning		
■ percentage of applications subject to pre-application advice		see <i>Open for Business</i>
■ number of major applications subject to processing agreement or other project plan		2
■ percentage planned timescales met		no.
Decision-making		
■ application approval rate		695 (85%)
■ delegation rate		754 (92%)
Decision-making timescales		
Average number of weeks to decision:		
■ major developments		124.8
■ local developments (non-householder)		22.7
■ householder developments		7.7
Enforcement		
■ time since enforcement charter published / reviewed (full years) Requirement: review every 2 years		draft revised Charter now subject to consultation is Production 2 and included in the Schedule of Evidence
■ number of breaches identified / resolved		111 / 44



Decision-making timescales

Decision-making timescales				
Category	Total number of decisions	Proportion of decisions	Average timescale (weeks 2012/13)	Average timescale (weeks 2011/12)
Major developments	16		124.8	71.2
All local developments	584		15.6	10.4
Local developments (non-householder)	3.8		22.7	12.9
■ Local: less than 2 months	185	60.1 (%)	7	6.9
■ Local: more than 2 months	123	39.9 (%)	46.4	27.3
Householder developments	276		7.7	7.8
■ Local: less than 2 months	235	85.1 (%)	6.1	7.0
■ Local: more than 2 months	41	14.9 (%)	17.1	13.3
Housing developments				
Major	7		232.9	57.8
Local housing developments	76		48.3	27.2
■ Local: less than 2 months	28	36.8 (%)	7.3	7.1
■ Local: more than 2 months	48	63.2 (%)	72.3	43.6
Business and industry				
Major	2		15.6	146.4
Local business and industry	44		8.6	9.2
■ Local: less than 2 months	33	75.0 (%)	7.2	6.6
■ Local: more than 2 months	11	25.0 (%)	12.9	19.6
EIA developments	3		243	----
Other consents*	128		9.72	11.6
Planning/legal agreements**	26		98.6	51.9
Local reviews	12		6.7	13.2

Decision making: local reviews and appeals				
	Total number of decisions		Original decision upheld (%)	
	2012/13	2011/12	2012/13	2012/13
Local reviews	12	7	50%	100%
Appeals to Scottish Ministers	22	0	40.9%	-

Enforcement activity		
	Number	
	2012/13	2011/12
Cases taken Up	88	177
Notices Served	26	25
Reports to Procurator Fiscal	0	0
Prosecutions	0	0

Official Statistics

Overall commentary

An analysis of the council's 'Official Statistics' on performance reveals a combination of trends when seen on a year on year basis. The reporting of 'average' timescales will, by definition, reflect the impact of lengthy decision making periods and there are many reasons why elongated periods do occur. Reasons can include changes to the contents of a planning application as submitted by the applicant, the time taken to agree heads of terms for a planning obligation and the actual negotiation to completion of that agreement.

The council has a range of detailed requirements for developer contributions set out in Supplementary Planning Guidance, required for both major and local planning applications (Production 4). As set out in the annual overview at the beginning of this report, in the period consent has been issued for around 6500 houses.

Contributory factors to the current statistics must be seen in the context of the fact that in the period 2012-2013 the council received £3,270,041 in developer contributions through negotiations on planning obligations.

The council is anxious to dispose of legacy cases and many applications have been in abeyance for several years. There is no statutory mechanism to automatically withdraw these cases and whilst some have been withdrawn by the applicant and do not count towards the statutory performance indicators, others have been determined by refusing permission. These cases, whether classified as major or local, will have skewed the overall timescales to the detriment of the published council figures.

As a percentage of all planning applications processed, major applications by far make up the smallest portion of types of applications determined. Thus a single application taking an extended time to determine can have a disproportionate impact on the overall average timescales. To highlight this, looking at the average number of weeks for major industrial developments, in 2011/12 the average timescale was 146 weeks. In 2012/13, this has reduced to 16 weeks. The higher figure from last year can be traced primarily back to an application for a maturation warehouse which took a considerable time to conclude a legal agreement.

A summary commentary of each of the trends is set out below. A more detailed analysis of specific cases that have led to an increase in average timescales is set out in Production 3 of this report.

Production 3(i) examines those applications that have taken in excess of 100 weeks to determine and sets out the specific reasons for this delay

Production 3(ii) is a schedule of all the legacy cases that were determined in 2012 - 13 and were greater than one year old.

Production 3(iii) sets out all those applications that were subject to delays due to the applicants failure to finalise a s75.



Specific commentary

Major developments

West Lothian received the fifth highest number of major applications in Scotland and the second highest major housing applications after Glasgow. The complex workload associated with major housing developments in particular generates very lengthy financial, legal, infrastructure and planning issues, in turn causing extended determination periods for these applications. There has been an increase in the time period taken to determine 16 major applications and this is explained in detail in Production 3. In summary this time period is attributable to s75 negotiations, the failure of the developer to conclude outstanding requirements; the complexity of a brown field site; the link between matters specified in a MSC application; complexities of landownership, design changes and the refusal of long term legacy cases.

All local developments

There has been an increase in the time period to determine all local applications as set out in Production 3. Again, the conclusion of s75 agreements for developer contributions is the principle factor for this, with older legacy cases being reported, some of which have not advanced for five to six years. While such s75 delays are in part due to a reluctance of developers to pay contributions, occupancy requirements and specific individual factors have also affected this.

Local developments (non householder)

The overall increase in average timescales from 12.9 to 22.7 weeks again is largely attributable to s75 cases and the determination of long-term legacy cases.

Local: less than two months

Figures here show a very modest increase in time and account for the majority of local application determinations. Typically these will be straight forward applications without the requirement for legal obligations.

Local: more than two months

In the period 50 council interest applications required to be referred to Development Management Committee and made up 51% all DMC cases. Agenda timetabling and the associated delay will contribute to a longer period of time for otherwise straightforward applications. Similarly, legacy cases and section 75 applications impact on average timescales.



Housing developments

Major

There were seven major housing applications determined in this period. The time period for determination ranged from 85 weeks to 343 weeks with an average timescale of 233 weeks, an increase from 58 weeks last year. Production 3 sets out the background to this lengthier processing time.

There are many reasons that can cause a delay in the determination of the major planning application. Whilst this appears to be a significant increase in the time period for determining this type of planning application, it should be noted that the small number of major housing applications and the complexity of each case necessitating an extended period of time significantly skews these results.

For example, planning application 1012/P/05 for development of the Winchburgh Core Development Area was validated on 20 September 2005 but was not issued until 17 April 2012. This single major application for a 352ha residential and mixed use development, includes a new town centre, schools, a motorway junction and railway station and took some 343 weeks to conclude. This is due to the complexity of the legal agreement that was required to ensure developer contributions and infrastructure improvements for such a large and complex development. The timescale to conclude this application on its own therefore has a significant impact on the overall timescales to conclude major planning applications.

Production 5 is a press release made by the Winchburgh developer.

Local housing developments

Again there has been an increase in the amount of time taken to determine local housing developments. The council's thresholds for developer contributions mean that even planning applications for single houses must be subject to developer contributions and this by definition requires a legal agreement to be factored in to the determination period.

Whilst there is a significant increase in the time period for determining this type of planning application, it should be noted that a small number of applications taking an extended period of time skews these results.

Local: less than two months

Such applications will tend to be the more straightforward cases and there has only been a very modest increase in the amount of time taken

Local: more than two months

The year on year increase here will again be attributable to the complexity of cases and the need for developer contributions and the rise in the number of local applications taking over two months is offset by a reduction in the number of such applications taking under two months.

Business and industry

Major

There has been a significant improvement in the time periods for handling major business and industry cases.

Local business and industry

There has been a modest improvement in the time periods for handling local business and industry cases.

Local: less than two months

The majority of the local business and industry cases were determined in under two months and within the statutory two month determination period.

Local: more than two months

There has been a reduction in the number of local business and industry cases taking more than two months to determine.

Other consents

There has been an improvement in the average timescale for the determination of other consents.

Planning/legal agreements

There has been an increase in the timescale taken to finalise planning or legal agreements.

Local reviews

The time taken to carry out local reviews has shown a marked improvement year on year despite there being a substantial increase in the number of cases subject to a local review.

Appeals

Of the 22 cases that were subject to an appeal to Scottish Ministers, 12 of these related to separate enforcement notice appeals on a single site in East Whitburn. While the notices were upheld in part, the effect of the reporter's decision was to support the case of the council and require the removal of the unauthorised development. Apart from the East Whitburn case, three of the appeals against a refusal of planning permission were allowed; each of these were cases where planning permission was refused contrary to officer recommendation. The other four appeals against the refusal of planning permission were refused in line with planning officer's recommendation, and the reporters dismissed the appeals. In other words, of all appeals determined, the outcome of every case is in line with officer's recommendation.

There have been no planning cases reported to the Ombudsman in the year 2012-2013.



Defining and measuring a high quality planning service

1 Open for Business

2012-2013 Headlines

- Performance figures demonstrate an overall improvement to the times taken to determine business and industry cases.
- New business development has included a car sales complex at Armadale; consent for the regeneration of the retail complex at Freeport; completion of the motorway interchange at Heartlands; extensions to the Progress Rail facility at South Queensferry; discussions on incoming investment at Heartlands; and commencement of opencast mining operations at Breich.
- The closure of the Vion food processing plant in Broxburn is a major loss of employment.

Planning Services has continued its flexible and open door approach to assisting stakeholders in the financial year 2012-2013. As part of the council's service every party making a planning application can meet either within the council's offices or, if so requested, on site, with either a duty officer or a potential case officer at a mutually convenient time.

The council is anxious to continue fostering professional working relationships with local architects and staff remain adaptable to meeting reasonable requests for meetings.

This adaptable approach is especially important in discussing complex planning applications and proposals for economic development that are seen as priority cases. A bespoke team of officers from internal departments forms a contact group for applicants. Drawing from environmental health, education planning, building standards, transportation and economic property, this approach allows applicants early access to key professional personnel. Proposals such as the seven turbine wind farm at Pearie Law, ongoing implementation of the Armadale and Winchburgh core development areas, a new car sales complex at Armadale, and waste management proposals at Levenseat are examples where this contact group approach worked successfully in 2012-2013. This approach offers all the benefits of formal processing agreements that are, in any event, now being introduced for major developments.

Joint working with economic development staff aids the streaming of handling inward investment applications.

The council through its Customer Services Excellence award continues to display evidence of 'Open for Business'. (Production 6)

In line with the Scottish Government's policy of encouraging processing agreements WLC has worked to introduce their own template. Two members of the planning team attended a training session provided by the Scottish Government and the City of Edinburgh Council. This helped to explain the benefits of the agreements and the way on which they could work in practice.

The staff who attended then worked together to draft a template specific to WLC, based on the Scottish Government and CEC templates. This draft was then circulated around other development management staff for comments, which were then incorporated. It was thought important to have a template agreement with the corporate identity which showed the council was committed to the process. (Production 7)

It is the council's intention to ask applicants to enter into such an agreement for all major planning applications. Processing agreements have been used already for an outline housing development in Whitburn (0295/P/13). This application is still current but using the agreement was very useful in ensuring that expectations, in terms of developer contributions and timescales, were set out at an early stage. The meetings and telephone contact was tailored to the complexity of the site. In addition to providing a clear timeframe for the developer this also helped the planning officer manage the project. (Production 8)



Applicants who sign a processing agreement are also committing to produce specific information, agreed at the outset, which is necessary to determine the application. Key services internal to the council, such as Transportation, Education and Environmental Health and external agencies, such as SEPA and Historic Scotland, have to 'buy in' to the processing agreement in order that agreed timescales for reporting the application to committee are met.

A recent survey of applicants and agents who submitted key applications for business use, carried out by the Development Management Service, generated the responses as set out in Production 9 and confirms a satisfactory response from applicants.

Access to planning officers is available at all times during normal office hours and no formal appointment is necessary, and direct dial phone numbers and emails, and a DM duty number are always available. The DM team operates a duty system, whereby a planning officer is always available during working hours to answer calls on the duty number and see callers to the office. In addition, there is a generic email address which is advertised on the council's website and is checked twice daily. The survey results suggest that these arrangements are working well, but as a consequence of the responses to question 4, regarding the information on the council's website, the information provided there and the ease of finding it are being assessed, with a view to improving both.

Pre-application discussions are a frequent and daily function of Development Management and range from informal discussions with householders to structured meetings about complex applications such as renewable projects, CDA developments and listed buildings work.



2 *High quality development on the ground*

2012-2013 Headlines

- Refurbishment of the fire damaged category 'B' Star and Garter Hotel in Linlithgow complete;
- Refurbishment of the category 'B' Howden House and a steading at Hopetoun Estate is complete;
- Construction of the new Breich primary school is complete;
- New residential development guide published.

During 2012 -2013 three major listed buildings were refurbished. Two of these buildings were on the Buildings at Risk Register.

The Star and Garter Hotel is located at the eastern end of the High Street in the Linlithgow Palace and High Street conservation area. The building was destroyed by fire in October 2010. During the restoration programme, which was undertaken using traditional materials, planning services staff and Historic Scotland worked closely with the developer. The prominent location within the town enhances one of the principal entrances to the historic core of the Linlithgow. Complimenting the Burgh Halls, the refurbished Star and Garter is a prime example of high quality development on the ground.

Howden House in Livingston, a category B listed building, was granted permission for conversion from an office to housing and abandoned in 2003. Whilst development commenced, works ceased after the then developer died. The building lay vacant until late 2011 when, following intervention by the council the property was sold. The new owner completed the development and the refurbished building now forms a landmark in the centre of the new town. (Production 10)

Hopetoun Estate required a new office and took the decision to restore an estate building in close proximity to the main house. The building, listed category A, dates from the same time as the main house and has an important roof structure. Working closely with the estate, Historic Scotland and Scottish Natural Heritage, the building was completed in spring of 2013. The majority of the roof structure was retained and enhanced provision was made for bat roosting.

Elsewhere, in Linlithgow conservation area, a programme is underway to address inappropriate shop fronts and advertising. This is backed up by supplementary planning guidance on shop fronts and advertisements within the historic core of the town. The aim of these two measures is to improve the appearance of the conservation area.

The council has committed to delivering a further 1000 new build council houses for rent by 2017. Development Planning has played a key role in helping to identify appropriate development sites and has been instrumental in preparing bespoke planning guidelines for those sites which make up the programme. The guidelines are intended to support the development of the site and to identify key design, environmental and infrastructural requirements.

In help sustain West Lothian's housing market status, there needs to be a concerted effort to drive up standards, embrace best practice and ensure that all new residential development is of the highest quality, based on sound urban design principles.

A new *Residential Development Guide* (Production 11) was approved by the council in 2013. It places significantly more emphasis on ensuring that new housing is not designed in complete isolation of its surroundings and it reflects the Scottish Government's policy statements '*Designing Places*' and '*Designing Streets*' which, together, encourage a change in emphasis away from housing layouts dictated by the geometry of roads and which are more related to 'place making' and the character of an area. Supplementary Planning Guidance (SPG), specifically related to medium to large scale residential developments, was also revised to ensure a consistent application of local plan policy. (Production 12)



3 Certainty

2012-2013 Headlines

- Further assessment of potential sites for inclusion in the *Main Issues Report* for the local development plan;
- Supplementary planning guidance on on-shore wind has been subject to consultation;
- Review of landscape designations underway.
- The council takes a proactive approach to screening for EIA, especially in relation to on shore wind proposals.

The council is continuing with the preparation of the *West Lothian Local Development Plan*. Its completion is dependent on the final approval of the *South East Scotland Strategic Development Plan (SESplan)* and the associated supplementary guidance on housing land supply. Production 13 contains the requisite evidence on the production of the West Lothian Development Plan, including the specified performance matters.

Development Plan Scheme 5a has been reported to the council and the *Main Issues Report* is scheduled to be published in the late Autumn of 2013. Formal responses to matters raised in the MIR will be published in the summer of 2014. The proposed plan is scheduled to be published in the Autumn of 2014 and the consequential examination of objections will take place within 12 months of the draft plan being published.

Preparation of the new LDP has necessitated the establishment of an extensive consultation including a matrix with internal and external service partners for the sharing and exchange of data and information. A new database, 'SPaDE', has been created to efficiently record and manage the consultation process which is such an important element of the local plan process.

With this timescale, the earliest date for adoption of the LDP would be in mid 2015. This will not comply with the new requirement to review Local Development Plans every five years as set out in the Development Plan Regulations and Circular 1/2009 Development Planning. However, the council has had to closely follow the progress of the SDP which has not met originally anticipated timescales. Development of the LDP to any significant degree, without the certainty of progress of the SDP, could put the LDP at risk.

The council recognises the importance of pre application discussions and has adopted a universal approach to this service. Development Management staff will regularly partake in this aspect of development management work on a daily basis and will follow up the outcome of discussion to the enquirer by e mail. A more structured approach is taken with complex cases including applications under s36 of the Electricity Act 1989. Production 14 is a synopsis of selected pre-application discussions.

Development management staff is now instructed to be proportionate in the need for supporting information.

At Levenseat near Fauldhouse, in determining a revised application for a thermal waste treatment plant, the council accepted amendments to an earlier EIS rate than require a entirely new document. This is particularly the case with applications for on shore wind and although there is a statutory requirement for EIA the council will consistently screen out the need for EIA on proposals for turbines under 100m tall. As a rule the council will negatively screen applications or single turbines. These actions will culminate on a more straightforward application for renewable energy development. Production 15 is evidence of the council giving negative screening options for onshore wind proposals and the need for EIA.

Where noise is identified as a material planning consideration, early engagement with the council's environmental health officer will point to applicants the extent of noise information required with an application at the outset.

4 *Communications, engagement and customer service*

2012-2013 Headlines

- Social media used to engage customers in development plan preparation
- Continuing quarterly community council training
- Establishment of community liaison committee for a major opencast coal application
- Continuing community liaison group at core development area sites
- A 78% increase in on line submissions.

Preparation of the new LDP has necessitated the adoption of an extensive and varied communications and consultation programme, beginning with a press release in late 2010. This was followed up with a number of general and targeted initiatives to engage with consultees, stakeholders and the public at large and included traditional consultation methods (press notices, written and e-mail communications and public briefings) as well as making use of new social media (Facebook, Twitter etc) to try and reach new audiences. This process has been continuous and ongoing.

The council has continued to attach importance to training for stakeholders and a further programme of quarterly training for community councils took place in 2012-2013. These evening sessions presented by the development management manager consistently attracted around 12 representatives of community councils and addressed matters such as decision making, environmental impact assessment, material planning considerations and enforcement. A further series of quarterly sessions is scheduled for 2013-2014.

The commencement of opencast coal mining at Rusha Farm by Breich has attracted considerable local community interest and a series of quarterly community liaison meetings has taken place. Held between the developer, local residents and representatives of the council, such meetings regularly attract around 15-20 persons. The meetings afford a positive means of discussing on-going issues between the developer, the council and the community. (Production 16)

Similarly, community liaison committees have met at the Armadale and Winchburgh Core Development Areas and at Heartlands.

The council is currently re-designing its planning portal to make it more user-friendly and attractive.

The council is anxious to encourage the electronic submission of planning applications and advises applicants of this facility. There has been a 78% increase in the number of applications submitted on line between April 2012 and March 2013 compared with the previous year. Access to this facility is available through the council's website.

The council's planning service has been accredited with customer service excellence during 2012 - 13 (Production 6) and is the first planning authority in Britain to achieve this status for the whole service. It also holds an individual chartermark.





5 Efficiency and effective decision making

2012-2013 Headlines

- Continuing progress on the Local Development Plan;
- Changes to the scheme of delegation;
- Improvements to the validation of planning applications.

The LDP is a major undertaking and will continue to be the most significant element of Development Planning's workload for at least the next 18 months. Its governance is being project managed by a designated senior officer and a bespoke work plan has been established which is regularly updated and circulated. Work packages are also frequently prepared and issued to members of the team which clearly set out the task in hand, advise on the processes to be followed, and confirm the expected timetable for completion.

A clear reporting structure for the LDP has been established. A formal steering group convenes on a fortnightly basis. A minute of the meeting is produced, together with 'highlights' and an 'exceptions' report which give added prominence to key milestones and critical issues. A series of less formal 'catch up' meetings are also organised at regular intervals as means of informing and supporting team members.

The council continues to keep under review its scheme of delegation. Legislative changes to the process of determining council interest applications will result in lesser items being referred to committee and this will speed the decision making process.

A review was carried out between March and April of the process of recording and registering of planning applications, with a view to making the system more efficient.

Before the review was carried out, the central Administrative Team would record and receipt the new applications and pass to the Technical Officer in Development Management for assessing, plotting, registering and carrying out of neighbour notification. After the review, it was agreed that the Technical Officer would record the new application. This would enable the Technical Officer to record and assess the new applications immediately, enabling the return of applications that are permitted development, together with cheques, therefore saving time and money on refunds. (Production 17)

The revised system has now been in operation for four months and has resulted in savings of time with the initial processing of applications, which in turn is resulting in an improved service to applicants.

An SPG on the validation of planning applications has now been adopted.



6 *Effective management structures*

The management of the council's planning service has been subject to changes following the internal transfer of the previous Head of Planning and Economic Development. In August 2013 a replacement head of service, Craig McCorriston was appointed following some nine months of holding that post in an acting capacity. A restructuring of Planning Services will begin in the Autumn of 2013, concurrent with the temporary decant of the Planning Services to Livingston for a six month period during the refurbishment of County Buildings in Linlithgow.

Development Planning convenes team meetings on a monthly basis. Attendance by all staff is mandatory and it is chaired by the Development Planning Manager. There is a clear and deliberate structure to the Agenda and this specifically allows for each team member to provide a brief work update and for the Development Planning Manager to report the discussions of the Management Group and 'cascade' any relevant information or instruction. Other standing items include updates on the progress of the new strategic and local development plans, new legislation and policy updates, current development plan implementation, customer service initiatives, training, and health and safety issue. Meetings are minuted and circulated to DP and DM staff for their information.

The Development Management team meet weekly and performance is a standing item. The Head of Service attends monthly to discuss performance.

Both team meetings allow for the cascade of information from the council's corporate management team.

There are long established working and personal relationships with colleagues from other service areas of the council, particularly, Development Management, Education Planning, Economic Development and Property Management, Housing, Transportation and Legal Services. Interaction takes place on an almost daily basis, mainly due to shared interest in some areas of work, and these services are also represented on some key Project Boards.



7 *Financial management and local governance*

The financial settlements which local government has received over the course of the last few years have been extremely challenging and Development Planning and Development Management has not been exempt from the consequences. Budgets have been capped and finances are having to be managed. Securing funding for projects cannot be taken for granted, with each requiring to be argued and justified and a convincing business case put forward for the consideration of Executive Officers. A landscape character assessment, a traffic modelling exercise and an environmental audit are typical examples of the projects which have had to be considered in relation to a prepared business case. Further actions to drive down costs and stay within budget are planned.

The council was required to fund £21,000 to cover legal costs in three wind farm inquiries at Harrows Law, Harburnhead and Peerie Law

Fees from planning applications stand out £417,133 a drop of some £40,000 from the previous year. However section 75 agreements have resulted in contributions of £3.3m towards essential infrastructure.

8 Culture of continuous improvement

2012-2013 Headlines

- Continuing use of the West Lothian Assessment Model
- Implementation of the Planning and Economic Development Management Plan
- The enforcement of planning control and links with Police Scotland

West Lothian Council has corporately put the delivery of excellent services at the heart of all its activity. The 'Improvement Strategy' underpins the council's approach to continuous improvement to raise the quality of service provision. It aims to deliver high-performing services that meet customers' needs and also recognises the challenge services face to balance customer-focused improvements with value for money, using quality and performance tools to drive positive change in services over the currency of the strategy.

Initially, each service sets their own improvement agenda, so long as there is compliance with the corporate requirements for quality and performance. In year one of their improvement cycle each service completed a facilitated self assessment using the West Lothian Assessment Model (WLAM) and attended the WLAM Review Panel. The panel considered the output from the assessment process and identified the appropriate cycle the service was to adopt. Development Planning (together with Development Management) is part of Planning & Economic Development Services and was assigned Cycle B status. This implied that it was a high performing service with a robust performance management structure and a 'light touch' approach based on self assessment was agreed with scrutiny limited to performance monitoring using COVALENT, the Council's performance management system. It ensures that all performance indicators, actions and risks are developed to a consistent standard and up-to-date information about them is accessible.

The *Planning & Economic Development Management Plan* (2013-2014) contains a Calendar of Improvement and Efficiency Activity for Planning Services as a whole, but this can be disaggregated. The purpose of the management plan is to outline the specific activities and actions that the service intends to carry out through the year. It sets out activities and related performance measures.

Confidence in the planning system can be questioned by stakeholders if the council is unable to effectively enforce planning control. The council is currently in the process of adopting a revised Enforcement Charter which outlines the level of service which is to be expected and explains in detail the planning enforcement process (Production 2). A new online planning enforcement complaints form has been introduced which enables members of the public to make the council aware of potential breaches easily and with sufficient information to allow for an investigation into the alleged breach to take place. A significant number of enforcement complaints are now being received electronically.

A new administrative support process has also been introduced whereby new enforcement complaints are logged and scanned in to the council's electronic filing system. This has the joint benefit of improving the logging of cases, and storing information electronically rather than in paper files. The improved processes have enabled the planning authority to operate a more efficient filing and tracking system with improved timescales for action, with benefits for accountability and transparency.



A further significant improvement in the investigating of serious breaches of planning control has been the establishment of an improved working relationship with Police Scotland, the new national police force. This began earlier this year, when the investigation of two serious planning breaches in West Lothian resulted in joint site visits between the police and the enforcement service. In one instance, where a landowner was refusing to adhere to the terms of a Temporary Stop Notice the police assisted in ensuring compliance. Regular meetings between the council's enforcement service and Police Scotland are scheduled in order to ensure that other such cases, where joint working could be advantageous to both parties, are identified. The council endeavours to seek opportunities to improve relations with external regulatory bodies, such as SEPA and Historic Scotland, in order to bring about an improved, joined up service which is more effective in resolving planning and environmental breaches.

Other key priorities which the enforcement service have outlined for action include a significant reduction in unauthorised roadside advertisements, unacceptable shop front signage in Conservation Areas and the improvement of the streetscape of town centres through serving Amenity Notices on the owners of dilapidated and neglected buildings. To this end, the enforcement service is working with the council's Empty Houses Officer, a new post, to identify instances where a joint approach to a vacant property which is causing problems locally can be useful. The enforcement service also attended the first meeting of a working group with access to funding to improve town centres throughout West Lothian, to help to identify properties which could, potentially, be improved by the use of this fund. The enforcement service, with its knowledge of problem properties which have a detrimental impact on local communities, can make an important contribution to that work.

The council is keen to promote corroborative working and simultaneously anxious to promote the redevelopment of the former Bangour Village Hospital site, a category 'A' listed buildings.

ANNEX I

Service improvements 2013 - 2014

Continuous improvement is central to the council's service delivery approach. The council has achieved corporate Charter Mark and is progressing towards corporate accreditation towards Customer Service Excellence (the replacement for Charter Mark). In addition the council is accredited against Investors in People, has achieved a five star gold standard against the European Federation of Quality Management and continues to prepare for the Best Value Audit process.

Planning Services as a whole holds an individual Charter Mark for the service and has already progressed to accreditation under Customer Service Excellence – the first planning authority in Britain to achieve this standard for the whole service.

In the coming year, Planning Services will:

- continue to focus on supporting business and creating jobs to support economic growth;
- continue to assist developers progress key development projects;
- publish the main issues report of the local development plan;
- continuing to seek flexible and creative ways to facilitate implementation of the adopted *West Lothian Local Plan*, including through use of the Local Infrastructure Fund;
- maintain and strive to improve the service throughout a period of temporary office relocation whilst County Buildings is being converted into a partnership centre and a more efficient working environment; and
- prepare supplementary planning guidance to clarify the level of developer contributions required.

Development Planning's key objectives, as defined in the Planning & Economic Development Management Plan (2013-2014) are:

- to maintain and implement an up to date development plan, provide a statutory framework for development and to implement plan policies and proposals;
- to prepare planning briefs;
- to prepare, monitor and review supplementary planning guidance (SPG) including the promotion of Tree Preservation Orders and preparation of development briefs;
- to protect and enhance the environment. To make West Lothian a more sustainable environment for working, living and leisure;
- to reduce the council's carbon footprint and to work with others to manage carbon reductions across West Lothian;
- to implement and review the core paths plan including project based improvement works and dispute resolution;
- to protect and enhance the environment through implementation of contaminated land studies
- to ensure sufficiency of places to meet statutory requirements and to secure Best Value and education service.

Development Management's key objectives for 2013-2014 are:

- to continue to dispose of legacy cases of all applications lodged prior to the introduction of planning reform in August 2009;
- to continue to bring to a conclusion outstanding cases by refusing planning applications where there has been inactivity on behalf of the developer for a period in excess of six months in concluding planning obligations;
- to introduce a system of monitoring section 75 agreements trigger levels;
- to improve overall presentation of the audit trail of section 75 payments from date of receipt to date of expenditure;
- to continue public liason committees for major developments including opencast coal mining and core development areas;
- to continue training for community councils and elected representatives;
- inaugurate a 'Planning for Business Forum' in association with Economic Development, with bi-annual meetings commencing February 2014;
- to implement the West Lothian Design Competition for local and major approvals.

ANNEX II

Workforce and financial information

Appendix 2 is an integral part of the Annual Performance Assessment. It is designed to be a snapshot of staffing at 31 March 2013.

As at 31 March 2013

Please note - The figures do not have to be exact - we are looking for a snapshot of each authority

Head of Planning Service (1)	Tier?								
	1	2	3	4					
	Managers (2)		Main Grade Posts		Technician Posts		Office support/ Clerical		
	No. Posts	Vacant	No. Posts	Vacant	No. Posts	Vacant	No. Posts	Vacant	Totals
Development Management	1	0	8	1	1	0	1	0	12
Development Planning	1	0	8	1	2	0	0	0	12
Enforcement Staff	0	0	1	0	0	0	0	0	1
Cross Service/ Other Planning	0	0	0	0	0	0	0	0	0

Staffing profile	Number
Under 30	2
30-39	6
40-49	11
50 and Over	6

Committees and site visits (3)	No. per year
Full Council committees	3
Planning Committees	11
Area Committees (where relevant)	N/A
Committee site visits	49
LRB (4)	9
LRB site visits	6

Budgets	Budget	Costs	Income (7)
Planning Service		Direct (5)	Indirect (6)
Development Management			
Development Planning			
Enforcement			

Notes on Completion:

- 1 In relation to service structure, 1st tier post holders are Chief Executives, 2nd tier are Directors, 3rd tier are Heads of service and 4th tier are managers.
- 2 Managers are those people who are responsible for the operational management of a team/division. They are not necessarily line managers.
- 3 References to committees also include National Park Boards. Number of site visits are those cases where were visits carried out by committees/boards
- 4 This related to the number of meetings of the LRB, application numbers going to LRB are reported elsewhere.
- 5 Direct staff costs covers gross pay, including overtime, national insurance and the superannuation contribution. The appropriate proportion of the direct cost of any staff member within the planing authority concerned 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, Adminstration; Typing) Exclude staff costs spending less than 30% of their time on planning.
- 6 Indirect costs include all other costs attributable to determining planning applications. Examples (not exhaustive) are:
 - Accommodation
 - Computing Costs
 - Stationery
 - Office machinery/Equipment
 - Telephone charges
 - Print
 - Advertising
 - T&S
 - Committees
 - Elected Members' expenses
 - The relevant apportionment of Support Service costs
- 7 Income - include planning fees for applications and deemed applications. (exclude income from property and planning searches)

Delivery of our Development Planning Service Improvement Action in 2012-13

Committed improvements and actions	Completed?
<p>During 2012/13, Development Planning continued to implement the provisions of the West Lothian Local Plan.</p>	<p>This was, and still is, an ongoing and continuous process with no definitive end date.</p> <p>Implementation of the local plan was closely tied to the availability of education capacity and this required ongoing negotiation with developers and infrastructure funders. This included examination of alternative funding mechanisms and school catchment area reviews.</p> <p>Notable success during the year was further progress with implementing the core development area and strategic housing sites. Progress continues to be made at Armadale and housebuilding commenced at Winchburgh. After a lengthy delay, house building also started at Heartlands in Whitburn and a new motorway junction which will support development of the housing site and the economic development land at Cowhill is almost complete.</p> <p>The key workload was, however, mainly allied to the preparation of a new Local Development Plan (LDP).</p> <p>A substantial amount of work was undertaken during the year, but the timetable for the preparation of the LDP slipped by about 6 months, primarily as a consequence of delays and issues arising from the preparation and approval of the Strategic Development Plan (SDP). A new Development Plan Scheme (5a) has been produced which envisages adoption of the LDP by mid 2015 at the earliest.</p>
<p>Rationalise policy coverage and written justification in the review of the West Lothian Local Plan.</p>	<p>A critical assessment of the adopted WLLP has been concluded with a view to rationalising policies and written justifications in the new LDP.</p>
<p>Rationalise policy coverage and written justification in the preparation of the Strategic Development Plan for the South East of Scotland.</p>	<p>The council had an input into the drafting of the policies and written justifications in the new SDP.</p>
<p>Work with national agencies to agree model planning policy.</p>	<p>No substantive progress has been made on this issue.</p>
<p>Progressing the preparation of the Strategic Development Plan (SDP) for South East Scotland was also an important key workstream during the year.</p>	<p>While the SDP was approved by Scottish Ministers in June 2013, further work has had to be undertaken in response to a specific requirement to prepare supplementary guidance on the issue of housing land supply. This will also have direct consequences for the new LDP.</p>
<p>Preparation of planning briefs.</p>	<p>A detailed programme of planning briefs/guidelines has been drawn up and is being systematically worked through in consultation with Property Management colleagues. Priority is being afforded to sites which have been identified as part of the council's 1000 new homes initiative.</p>
<p>Preparation of supplementary planning guidance such as the council's affordable housing policy;</p>	<p>Supplementary planning guidance continues to be produced as required. Particular emphasis has been placed on the subject of developer contributions towards education infrastructure as this was deemed to make a significant impact on helping to deliver the <i>West Lothian Local Plan</i>.</p>

Delivery of our Development Management Improvement Action in 2012-13

Committed improvements and action	Completed?
Open for Business	
Introduce a monitoring process for pre-application discussions and providing pro forma responses	A pro forma has been prepared to record discussions on prospective developments.
Carrying out a review of effectiveness of the supplementary planning guidance on processing planning applications	SPG, Submitting and Processing a Planning Application was approved in 2012, is available on the council's web site and sets out the service level which can be expected from West Lothian Council.
Consider expanding the applicants and agents customer focus group into a Development Management user forum	An applicants and agents group will be convened in November 2013.
Improve customer satisfaction particularly in respect of contact speed of returning telephone calls	Initial customer survey carried out and to be repeated in 2013/14, taking into consideration the results from the 2012/13 survey.
Implement actions in the Housing Recovery Action Plan and organise a follow up housing recovery conference.	Following the housing recovery conference held on 28 November 2011, a 62 point action plan was prepared covering Communication, Developer Contributions, Affordable Housing, Advance Funding of Infrastructure, Infrastructure Projects, Catchment Reviews, Speeding up the Planning Process, Increasing Housing Land Supply, Council Owned Land, Lobbying Scottish Government and Government Agencies and Housing Mix & Choice. Given the large number of actions, this is an ongoing process which will be kept under review. Housing Recovery Conference 2 was held in November 2012.
High quality development on the ground	
Set up a West Lothian design competition for local design awards and consider the introduction of a design panel	The design award scheme has been implemented for 2013 - 2014.
Introduce design awareness into community council training	This is integral to the series of community council training sessions.
Promote better engagement with Architecture and Design Scotland	Discussions due to take place
Improve the skill base of the service in relation to the built heritage	Historic environment officer forms part of Development Management team and is available for consultation and the dissemination of information to colleagues through team meetings and one to one discussion.
Liaise with other council services with respect to more proactive direct action on dis-amenity	Partnership working is in place with Operational Services

<i>Certainty</i>	
Introduce processing agreements for major applications	Two processing agreements have currently been used. This is ongoing and more processing agreements will be entered into over time.
Carry out a review of standard conditions	Ongoing
Introduce revised supplementary planning guidance on education contributions	Ongoing
Keep all SPG under review to ensure that it remains competent and effective	Ongoing
<i>Communications, engagement and customer service</i>	
Formally adopt a concordat with the business community on the provision of planning advice and the processing of planning applications	First meeting of 'Planning for Business in West Lothian' scheduled for February 2014
Roll out a 'surgery' approach to the provision of advice to the business community in conjunction with other regulatory services of the council	To be reviewed as part of the restructuring of Planning and Economic Development
Continue to provide planning training for community councils as new issues and procedures arise	Ongoing quarterly meetings
Provide planning training for members of West Lothian Race Community Forum	Outstanding
<i>Effective and effective decision making</i>	
Engage with any review of the council's scheme of delegation	A report was approved in October 2013 amending the scheme of delegation to allow council interest applications to be determined under powers delegated to the Planning Services Manager. This takes effect when confirmed by Scottish Government
Monitor the need for specific changes to the scheme of delegation resulting from legislative change	Ongoing
<i>Financial management and local governance</i>	
Continue to explore options for shared service delivery	Ongoing; the Development Management Manager has been seconded to East Ayrshire Council to assist in an independent investigation into the problems caused by the collapse of the opencast coal industry
Continue to identify opportunities for cost reduction in service delivery	Ongoing

<i>Culture of continuous improvement</i>	
Continue to provide planning training for members as new issues and procedures arise	Ongoing
Continue to provide planning training for other council officers as new issues and procedures arise	Ongoing
Implement a series of rapid improvement exercises to identify any inefficiencies in planning processes	Implemented in spring 2013 to aid the validation of planning applications
Review the council's Enforcement Charter	A report was taken to the Development and Transport Policy Development and Scrutiny Panel on 22 August 2013 in respect of the revised Enforcement Charter.
Carry out an annual customer survey and prepare an action plan from the results	Ongoing
Carry out an annual staff survey and prepare an action plan from the results	Ongoing
Carry out an annual review of the service's Customer Engagement Strategy	Ongoing
Carry out an annual review of of the service's Customer Focus Strategy and Customer Care Guidelines	Ongoing
Implement a revised complaints procedure as part of a corporate review of complaints handling	Ongoing
Prepare a service improvement plan including an update on the actions in the 2011 plan	Ongoing
Carry out an annual review of performance targets	Ongoing



West Lothian
Council

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