

# *Planning Performance Framework*

*annual report 2013 - 2014*

*West Lothian Council Planning Services*



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**West Lothian  
Council**



## Planning Services

### West Lothian Council

## Planning Performance Framework 2013 - 2014

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## **WEST LOTHIAN PLANNING SERVICES: Planning Performance Framework**

### **1.1 Planning in West Lothian: the national context**

The format of this year's PPF will focus specifically on the Scottish Government's *'Feedback Report'* and the *'Performance Markers Report'*. The steps taken by the council in 2013-2014 to address priority areas for improvement are summarised in section 1.3 and referenced and evidenced throughout the report; the alignment of the council to comments made in the *'Feedback Report'* are described in the commentary to each individual heading in section 2 of the PPF.

Within its diverse 432sq.km West Lothian has an estimated population of 176,140. Ranging from wilder land in the Pentland Hills to the coastal area of great landscape value on the Firth of Forth, planning for the area embraces Livingston New Town, former mining settlements, conservation areas and emerging towns in the core development areas. West Lothian validated 755 planning etc. applications in 2013-2014, an increase of 27 from the previous year.

In a Scottish context in 2013 -2014:

- (i) West Lothian has the third highest proportion of major applications;
- (ii) West Lothian is the third-equal best performing authority in the speed of determination of householder planning applications;
- (iii) West Lothian has the fourth highest proportion of local planning applications subject to legal agreements;
- (iv) West Lothian it is the best performing council out of the five councils with the highest proportion of local applications with legal agreements, in terms of time taken to determine such applications;
- (v) West Lothian had the sixth highest number of legal agreements for all categories of applications;
- (vi) West Lothian has the eighth highest number of major planning applications;

Against this background, and as set out in the report, the Planning Service of the council has made significant steps to improve its performance. Specifically, in 2013-2014 West Lothian Council has shown improvements in the time taken to determine the following categories of applications:

- (i) Local business and industry applications reduced from 8.6 weeks to 8.4 weeks;
- (ii) Local, non-householder, applications reduced from 22.7 weeks to 13.5 weeks;
- (iii) All local applications reduced from 15.6 weeks to 9.9 weeks;
- (iv) Local housing applications reduced from 48.3 weeks to 21.8 weeks;
- (v) Major housing applications reduced from 232.9 weeks to 111.1 weeks; and
- (vi) Legal agreements reduced from 98.6 weeks to 52.2 weeks;

West Lothian Council is above the Scottish average in the determination of the following key types of applications: local business and industry; local housing; local non-householder; all local applications; local AMC's; and applications subject to a legal agreement;

In terms of enforcement, West Lothian resolved the second highest number of planning breaches in Scotland in 2013-2014.

Fees received by West Lothian Council have seen an increase of 41.% from £450,685 in 2012-2013, to £638,305 in 2013 -2014. Some £2.1m has been secured by the council through planning obligations entered into in 2013-2014 for essential infrastructure.



## 1.2 2013-2014: the year in profile

During 2013-2014 there have been several clear indicators of a re-emergent pattern of sustainable economic growth in West Lothian. In the previous financial year the council granted planning permission in principle for the largest number of new houses in Scotland. One year on, the three core development areas (CDA's) have each seen the approval of detailed proposals and development is taking place on the ground with new housing being built, completed and occupied.

At the time of writing, in 2013-2014 at Calderwood, where planning permission in principle was granted in 2013, development is under way; at Winchburgh, granted planning permission in 2013, some 51 houses are built, the first phase of the new bypass is continuing and there are now six house building companies active on site. Armadale CDA has seen further development and since the 2013 outline permission was granted 72 houses have been constructed, and planning permissions have been granted for a car sales area and a public house complex.

At Heartlands there are 25 houses constructed on the former Polkemmet colliery site and the new motorway junction has been open since September 2013. This represents the culmination of many years of close working between the council, Transport Scotland and the developer and is perhaps the most significant achievement towards the regeneration of the economy of West Lothian. Enabling works for a large industrial facility are now well advanced and some 200 jobs will be created there when the premises open in 2015.

A further indication of the upsurge of developer interest for housing in West Lothian is the number of planning applications submitted and currently being determined for major housing developments. Infrastructure capacity and planning policies, as well as the extent of housing land supply in West Lothian, mean that several of these applications cannot be supported by the council at this time. Consequently significant staff resources have been expended in defending the council's position.

The former Vion site in Broxburn has been vacated and made available for economic redevelopment and is subject to a PAC for a mixed use development. The council successfully defended its objection to a very large scale windfarm in the Pentland Hills Area of Great Landscape Value, and is developing its policy for onshore wind in line with the recently published SPP.



### 1.3 The Performance Markers Report

The following is a summary of the council's response to the performance markers report.

#### *Performance Marker 1*

Statistics set out in section 1.2 and Part 5 'Official Statistics' illustrate the continuous reduction in average timescales for all development categories.

#### *Performance Marker 2*

Expressions of interest from developers to enter into processing agreements have been limited, reflecting their uptake across Scotland, despite the willingness and offers from the council to participate. However the council has introduced new means of co-coordinating and tracking all applications which is termed a 'Project Plan' and which aids the improvement of service delivery. An example of this is set out in appendix a.

#### *Performance Marker 3*

The council has recorded that 34% of the planning etc. applications received in 2013-2014 have been subject to pre-application discussions. This is a significant increase over the 2012-2013 figures. The council strives to be proportionate regarding the amount of information requested and continues to limit such requests. Appendix (b) is a schedule of negatively screened EIA 'Screening Requests' and illustrates this.

#### *Performance Marker 4*

In line with a service improvement commitment the council has seen a significant reduction in the time taken to finalise legal agreements; it is reducing a backlog of stalled negotiations and has introduced templates to ease the burden of drafting of legal agreements. Appendix (c) is a schedule of outstanding legal agreements which shows the reduction since 2012 -2013.

#### *Performance Marker 5*

The council's *Enforcement Charter* has been reviewed; following stakeholder consultation it was approved by the Council Executive on 16th September 2014 for publication and distribution. (appendix d)

#### *Performance Marker 6*

As set out in section 1.2 and Part 5 'Official Statistics' the council has made a significant improvement in relation to PPF national headline indicators and is continuing to achieve the improvement commitments that were identified in the earlier PPF. The steps taken to implement service commitments identified in the previous PPF are set out in Part 4 of this PPF.

#### *Performance Marker 7*

The council has now published its major issues report (appendix e) relative to the *West Lothian Local Development Plan* with a view to the replacement development plan being adopted in 2016.

#### *Performance Marker 8*

The local development plan is on course for adoption in 2016; *Development Plan Scheme No 6*, March 2014 (appendix f) programmes the outstanding activities required to prepare the development plan; the slippage in the timing of the adoption of the LDP is due in the main to SESplan and its adoption, a matter outwith the control of the council.

#### *Performance Marker 9*

The MIR has been subject to extensive discussions with local members. The draft for consultation and public engagement was approved by the council's elected members as shown in appendix e.

#### *Performance Marker 10*

Extensive discussions have taken place between the council and key agencies in the preparation of the MIR and their involvement is continuous.

#### *Performance Marker 11*

The council strives to be proportionate the amount of information requested and continues to limit such requests. Work is in hand to prepare guidance on developer contributions.

#### *Performance Marker 12*

Case Studies are set out in the Annex to this PPF to continue to show corporate working across the council's services. The council will shortly be recruiting a planner dedicated to development management and economic development proposals to coordinate the dual role of its Planning and Economic Development Service.

#### *Performance Marker 13*

The council now regularly participates in meetings within its benchmarking family (appendix g). The council's development management manager was seconded to East Ayrshire Council to assist in the investigation of the problem encountered with opencast coal mining. The council works closely with adjoining councils in matters relating to onshore wind and the Forth Replacement Crossing as well as its SESplan partners.

#### *Performance Marker 14*

Further progress has been made in disposing of legacy cases as set out in appendix i.

#### *Performance Marker 15*

The council publicises the requisite developer contributions in a clear and concise manner on its website.

#### **1.4 Planning Services: service delivery**

The overall structure of planning services is currently subject to a restructuring review and will depart from that described in PPF2, which is retained in the meantime pending the implementation of the review. In the context of necessary budget reductions the Planning Service in West Lothian must achieve some £172,000 of savings. The council's objective is to ensure that efficiency targets identified for the service can be delivered, while retaining front-line statutory services, and the provision of service delivery which meets or exceeds customer expectations and aspirations.

Across the council the modernisation of services is focused on 'channel shifting' customer contact from face to face to other routes which are principally web based. This has already allowed the discontinuation of duty officer provision across the three main service teams in Planning Services – Building Standards, Development Management and Development Planning.

Budget development work leading to the setting of the council's five year budget strategy identified that a significant amount of staff time was being allocated to providing a duty service in three of the service units. This is a level of service which is in excess of that provided by many other local authorities. Much of the advice offered through this service could be obtained on a self-help basis or through the employment of professional advice.

The budget strategy identified that discontinuation of some services would achieve the equivalent of a 1FTE equivalent reduction in staffing levels in each of these service teams in development planning and development management.

In Development Management the duty service has been discontinued and face to face advice only offered to those with a demonstrable need at the pre-application stage. Advice will continue to be provided at the post application stage but a more structured engagement process, which will minimise the impact on staff time, will be implemented. In development planning, in addition to discontinuing a duty service, non-statutory written advice will also be discontinued. This will include the preparation of development briefs for particular sites.

Discontinuing these services alone will not achieve the saving required and other functions need to be reviewed in light of legislative changes, and operational requirements, to achieve the required saving of £172,000.

In Planning Services in 2013-2014 there has been a reduction in one full time post, a vacant post has been filled and two modern apprentice posts created.

In development planning there remains a vacancy for the Development Planning Manager.

In September 2013 Planning Services was relocated to Lomond House, Livingston to allow refurbishment of County Buildings to a partnership centre. Physical problems with County Buildings mean that the Service's return is not currently programmed and Planning Services will be relocating to West Lothian Civic Centre in November 2014.

Extensive efforts have been afforded to the team to minimise the inconvenience to key stakeholders in the interim period.



### Part 1: National Headline Indicators

| Key outcomes   | 2013-2014                   | 2012-2013                   |
|--|-----------------------------|-----------------------------|
| <b>Development Planning</b>  |                             |                             |
| Age of local/strategic development plan(s) (full years):<br><i>requirement: less than five years</i> | five years and eight months | four years and seven months |
| Development plan scheme: on track? (Y/N)   | Yes                         |                             |
| <b>Effective Land Supply and Delivery of Outputs</b>   |                             |                             |
| Effective housing land: years supply   | 13,378 units                | 13,566 units                |
| Effective housing land supply  | 4,791 units                 | 3,625 units                 |
| Housing approvals  | 1,233 units                 | 6,500 units                 |
| Effective employment land supply   | 119.27 ha                   | 119.27 ha                   |
| Employment land take-up  | 11.5 ha                     | 11.59 ha                    |
| <b>Development Management</b>  |                             |                             |
| <b>Project Planning</b>  |                             |                             |
| Percentage of applications subject to pre-application advice   | 34%                         | -                           |
| Number of major applications subject to processing agreement or other project plan                   | 2                           | 2                           |
| Percentage planned timescales met  | 0%                          | 0%                          |
| <b>Decision-making</b>   |                             |                             |
| Application approval rate  | 90.6%                       | 89.6%                       |
| Delegation rate  | 89.5%                       | 92%                         |
| <b>Decision-making timescales</b>  |                             |                             |
| Average number of weeks to decision:   |                             |                             |
| Major developments   | 102                         | 124.8                       |
| Local developments (non-householder)   | 13.5                        | 22.7                        |
| householder developments   | 6                           | 7.7                         |

| Key outcomes  | 2013-2014   | 2012-2013 |
|---|-------------|-----------|
| Enforcement   |             |           |
| Time since enforcement charter published/ reviewed (months): <i>requirement: review every two years</i> | three years | two years |
| Number of breaches identified / resolved  | 269/270     | 11/44     |

*In line with Performance Marker 1 the council has seen a significant improvement in all categories of decision making timescales, showing the average number of weeks to determine applications has reduced and, in addition, there has been an increase in the approval rate, following a focused effort by the development management team.*

*The number of processing agreements remains low, reflecting the experience across Scotland, despite the council's willingness to adopt this approach if so requested by a developer. This is subject to further commentary in this report.*

*Pre-application advice has been offered to 34% of applicants, although the withdrawal of this service, because of necessary budget savings, and its replacement with an emphasis on channel shift and web based information takes place unless of a justifiable need. This will be monitored during 2014-2015.*

*Although the adopted local plan is now more than five years old, the new local development plan is progressing well and on target in relation to the most recent Development Plan Scheme.*

*There has been a significant increase in enforcement activity due to a new and easier way to report cases, and additional staff resources.*

*The council is required to publish annually a Development Plan Scheme document (DPS) that sets out the programme for completing the LDP. The most recent, DPS6, was approved by the Council Executive on 4 March 2014. The Main Issues Report was considered by the Council Executive on 19 June 2014. At that meeting it was agreed that the Main Issues Report would move forward to public consultation. Consultation commenced in August 2014 and will run for a period of eight weeks.*

DPS6 identifies the following timescale for the remaining processes: (i) Publish formal responses to Main Issues Report (late autumn/winter 2014); (ii) Publication of proposed plan including Environmental Report and Action Programme (spring 2015); (iii) Submission of proposed plan to Scottish Ministers for Examination (autumn 2015); (iv) Examination of outstanding objections (within 12 months of plan being published).

With this timescale, the earliest date for adoption of the LDP would be in 2016. This will not comply with the statutory requirement to review *Local Development Plan*. 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.



## **Part 2: Defining and measuring a high quality planning service**

### ***Open for Business***

The development management service has continued to provide a high quality and accessible service to developers, working with other services and stakeholders to provide advice and efficient processing of applications. Staff recognise the importance of working within the timeframes that are critical to developers, rather than just focussing on statutory timescales.

On large-scale projects, such as the CDAs, regular progress and liaison meetings are held to ensure that communication is ongoing and to allow the developer to identify their priorities. This includes where appropriate dissemination of information on developer contributions. These meetings also involve other council services, such as Transportation, to ensure a comprehensive response from the council. The attached case studies (i) Southdale, Armadale; (ii) Wester Inch, and (iii) Winchburgh each provide examples of this.

It is recognised that the council has a large number of developer contribution policies, which may be difficult for developers to accept. When possible, contribution rates such as public art have been reduced. Proposals to amend education contributions to a sliding scale based on room numbers were not implemented following consultation with developers. However, exemptions were introduced for properties with less than two habitable rooms.

Details of all developer contributions are available on the council's website.

Furthermore, staff works hard with developers on projects of all scales to ensure a flexible approach to the provision of developer contributions which helps the viability of developments without compromising on council policy.

An example of this type of work is shown in case study (i) on Southdale, Armadale s75a.

Looking specifically at business and industry applications, the percentage of local applications determined within two months has increased by 9% over the previous year and on average each of those applications was dealt with in 8.4 weeks, four weeks faster than the Scottish average and the ninth best ranking in Scotland.

The average time for determining major business and industry applications is high, however it should be noted that there was only one application in this case which was complex and delayed because of technical and legal issues.



The council has agreed to recruit a dedicated Economic Development Planner to work within Development Management. An update on the work carried out by this post will be provided in the next report.

In addition, staff in Planning Services already work closely with officers in Economic Development and with the council's Town Centre Managers' team to encourage and support economic and physical development opportunities.

The redevelopment of the vacant and cleared Vion site in Broxburn is a priority for the council while working concurrently with developers and investors to find an alternative location for the food processing industry in east central Scotland.

Work commenced on an extensive pipeline manufacturing facility at Heartlands making use of the new Junction 4A, opened in September 2013. This will bring around 200 new jobs to western West Lothian.

The council has worked extensively to balance the needs of opencast coal mining with the concerns of extensive objections at Rusha, by Breich.

Following the housing recovery conference, the Action Plan identified fifty actions the council aimed to take forward to facilitate an accelerated rate of house building in West Lothian. (Appendix j)

There are several examples of the council having brought forward its own land for new housing development, of addressing education constraints by completing catchment area reviews, identifying physical improvements and providing appropriate guidance for developers and making progress with the new development plan, key in helping increase housing supply.

Other commitments which have been delivered on include changes to contributions (specifically the removal of developer contributions towards a travel plan co-ordinator and an exemption from public art contributions for affordable housing projects).

The Local Infrastructure Fund (LIF) has also been drawn on to help pump prime development sites, the planned construction of a new distributor road at Drumshoreland being a case in point. (appendix k) When completed, this strategic project will significantly assist in realising the development of close to 1,000 new homes.

The Action Plan identifies a number of other undertakings by the council of a more general nature including speeding up the planning process and communicating regularly and effectively with the development industry, matters which are very much regarded as ongoing commitments and which will continue to be advanced.

### **High quality development on the ground**

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

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. (appendix m)

In 2013-2014 the council has seen a number of large scale developments commence on site, including several housing developments in the CDAs. These have been made possible by the council's 'open for business' approach but also reflect our commitment to securing high quality development. The case studies at annex 2 & 3 illustrate this)

Last year's report highlighted the new *Residential Development Guide*, which has been extensively implemented in 2013-2014. There are several cases in the last 12 months of residential layouts being improved through negotiation with developers, both at pre-application stage and during the processing of applications, often within the two month statutory timescale. The accompanying case studies on Wester Inch, Bathgate (case study ii) and Winchburgh CDA (case study iii) for further details.

During the last financial year, a local design award was launched by the development management team and is publicised on the council's website. The award has not yet been made and an update will be provided in next year's report. It is intended to raise the profile of design as a consideration in the planning process and to recognise developments which embrace high quality design.

The council is committed to building 1000 houses and regular liaison is set up between Development Management and Housing colleagues to ensure that the design of these new schemes reflects best practice in terms of residential design.

Post-decision, the monitoring of conditions and alleged breaches of planning control has been improved by bringing in additional staff resources and by a new simplified process for reporting breaches in planning control.

Pro-active monitoring and enforcement undoubtedly contributes to a better quality environment and more effective regulation. The council continues to work closely with Police Scotland and SEPA in the investigation of complex enforcement cases particularly involving unauthorised waste disposal. Five Sisters, West Calder; Kirknewton; Couston Quarry; and Woodend, Armadale are examples of this. (Case study iv)

To improve the quality of the West Lothian environment the council is implementing a sustained approach to unauthorised roadside advertising and poor quality urban realm spaces across West Lothian (case study v illustrates this programme).

Progress meetings and liaison committees have also proved useful in ensuring high quality development on the ground, for example allowing discussions over compliance with conditions and agreeing finishing materials and landscaping proposals which can make a significant difference to the quality of a finished development.

Quality of development on the ground is exemplified in the council's new primary school at Breich that opened in August 2013 and at the council's own housing projects at Alderstone Road, Livingston and Dixon Terrace, Whitburn. Additionally, the community 'Green Room' in Kirknewton (case study vi) and the emerging McCarthy and Stone development in Linlithgow all exemplify the council's commitment to high quality development on the ground.



The council has continued to work closely with NHS Lothian to promote the redevelopment of the Bangour Village Hospital without compromising its architectural and historic value.

In its programme of bi-monthly community council training, design has played a key role in order that local representatives can be more focussed on their responses to key planning applications.

The council has committed to delivering 1,000 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 tasked with preparing bespoke planning guidelines for those sites. The guidelines are intended to support the development of the site and to identify key design, environmental and infrastructural requirements.

One of the most significant statistics in the draft *Housing Land Audit 2014* is the growing size of the public sector contribution. In 2013/14 West Lothian Council alone successfully delivered almost 40% of all completions, a graphic demonstration of the council's Phase 2 new council house building initiative starting to come to fruition.

135 new homes have been constructed on two sites in Livingston. The largest was a 90 unit development at Oldwood Place, Eliburn comprising 42 houses and 48 flats. A smaller development of 13 houses and 32 flats was completed on previously vacant land at Alderstone Road, close to Almondvale Stadium. The balance of council completions is accounted for by a development of 116 properties (64 houses and 52 flats) at Dixon Terrace Whitburn. This represents a second and third phase of development at this location and augments an earlier phase of 49 units.

## Certainty

The council has continued to progress the preparation of a new *Local Development Plan* (LDP) during 2013 and has reached a significant milestone with the conclusion and publication of the *Main Issues Report* in August 2014. (Appendix f)

The council continues to be proportionate and reasonable in requests for information. The council has published an SPG on processing and determining planning applications, which is available on the website. The number of planning applications which were made invalid has reduced from 46% in 2012/13 to 37% in 2013/14, which can be partly attributed to the SPG and clearer advice to applicants.

The council continues to be reasonable in response to EIA screening and scoping requests. While not diminishing the importance of environmental sensitivities, many screening requests were negatively screened last year, the majority of which were for wind turbines. (Appendix b)

Last year's PPF recognised that the percentage of applications which were subject to pre-application advice was low and that more needed to be done to promote this service. Analysis of applications during 2013/14 shows that 34% of applications were subject to pre-application advice, which is a significant improvement. However, the council has taken the decision that a pre-application advice service cannot be resourced from April 2014 and as such this service is not being actively promoted. The council recognises the value that this service provides and will monitor the impact of the decision and consult with service users with a view to reviewing this decision in the future.

A standard template for processing agreements was introduced last year and two applications which were determined in the 2013-2014 were subject to a processing agreement. It is recognised that this figure is still low. Nevertheless, if so requested by a developer the council would be committed to entering into a processing agreement; thus far the uptake has been slow by applicants.

Despite the low uptake by applicants the council's project plan approach (appendix a) contributes to improved performance. To simplify the process and to reduce staff time, the new plan is available for all planning applications. It will set out the key dates for the processing of each application and is currently being trialled for all major applications, including approval of matters specified in conditions where those applications relate to major developments. The use of project plans will be monitored and reported on in next year's report.

New draft Supplementary Planning Guidance (SPG) on developer contributions, to support the development plan strategy and to specifically address matters of education infrastructure provision, has recently been issued for public consultation. Four separate SPGs have been prepared, all relating to necessary infrastructure requirements in the catchment areas of primary schools.

The provision of a multi-use games area at Broxburn Primary School is addressed in the first SPG. These works would enable the capacity of the existing school to be increased by 47 places and would support the development of up to 149 new houses within the catchment area in the short to medium term. A longer term proposition to construct a new non-denominational primary school has also been identified. Developer contributions have been provisionally costed at £6,009 per home.

The second SPG considers an extension to St Nicholas Primary School (Broxburn) to provide a further 75 places and potentially allows for 800 new houses to come forward. The expected contribution rate is £2,442 per unit.

The remaining SPGs relate to Pumpherstons & Uphall Station Primary School and St Pauls' Primary School, East Calder. In both cases, significant extensions are required but would then be able to support a proportionately larger numbers of new houses. The developer contributions are £3,873 for houses built in the school catchment area of Pumpherstons & Uphall Station Primary School and £1,419 for St Paul's.

The council's scheme of delegation allows members to call in certain planning applications and the decision on each is made by the committee. In 2013-2014 7 out of 63 committee decisions (11%) were made contrary to officer recommendation compared with 8 out of 89 (9%) in 2012-2013.



### ***Communications, engagement and customer service***

The council continues to make use of a variety of methods for consulting with service users and the wider community, both in relation to Development Management and Development Plans.

Preparation of the new LDP has necessitated the adoption of an extensive and varied communications and consultation programme.

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).

Additionally the council has made use of new social media (Facebook, Twitter etc.) to try and reach new audiences. This process has been continuous and is ongoing.

Community Liaison Groups continue to provide a useful tool for engaging with the public, particularly in relation to contentious applications. Such groups take place at each of the CDA's, at Heartlands and Rusha opencast mine. Further examples or the range of issues addressed are seen in appendix n.

Planning Services has also been regularly represented at community council meetings and other public meetings throughout the year at Fauldhouse, Whitburn, Linlithgow, Bathgate, Broxburn, Pumpherston and Armadale. Regular attendance at these meetings is welcomed by communities and is a useful two way process.

Community Council training has taken place on a two-monthly basis during 2013-14 and is attended by over 60% of the community councils in the area.

The service carries out an annual customer survey and as a result of the feedback provided has drawn up a customer service action plan. The Development Management team has also held a user group forum to engage with regular agents and applicants.

One of the areas of criticism was that it is difficult for people to contact the service by telephone. As a result of this, the decision was taken to transfer general calls to the customer advice centre, so that calls are handled and responded to in line with the council service standards. Training and support has been provided to the staff handling the calls and the impact on customers will be monitored and reported in next year's report.

In tandem the council has updated its planning website to give stakeholders easier access to key information.

The council operates a corporate complaints procedure. In 2013-2014 twenty-five complaints about the planning service were received, compared to 16 in the previous year. Three of these complaints were upheld.

The Ombudsman has been contacted on three occasions over complaints against West Lothian Council in 2013-2014, but none have been upheld. Planning Services have received 136 requests under Freedom of Information legislation compared with 138 in 2012-2013; 84.56% were within the council's 20 working days service level agreement.

### ***Efficient and effective decision-making***

In line with *Performance Marker 1* the council has demonstrated an improvement across the performance indicators.

The average number of weeks to process applications has reduced in all categories, but most significantly on local non-householder applications where it has reduced from 22.7 weeks to 13.5 weeks.

When looking at local housing applications the most significant decrease in number of weeks has been in relation to those which exceeded the two month target, reducing from an average of 72 weeks to 38 weeks, confirming that the project management of applications outwith their statutory timeframe has improved.

Furthermore 53% of local housing applications were determined within two months, an improvement from 36.8% the previous year.

With regard to major applications, the average number of weeks to a decision remains high at 102.1, although this is a reduction of over 22 weeks from the previous year. However, if the figures are amended to only include applications which have been submitted since Aug 2009 (11 applications instead of 16) the average number of weeks drops to 44.7. This statistic tells us two things.

Firstly that there were still a number of legacy cases in the system which have now been determined. In line with *Performance Marker 14* the number of legacy cases still to be determined has been reduced but still requires attention and the Development Management team continues to work on concluding such cases.

Secondly, post 2009 applications are being determined, on average, much quicker which indicates more efficient decision making procedures.

The council's approval rate has increased from 89.6% to 90%.

The percentage of decisions upheld by the Local Review Body has increased from 50% to 75%. However, the percentage of decisions upheld on appeal has dropped from 40% to 26%. This figure is disappointing and needs further analysis to look for trends or areas for improvement.

The rate of delegation has fallen from 92% to 89%. Whilst this is only a small reduction it is recognised that our scheme of delegation could be improved. At present the council operates a delegated list system, which can result in delays to the processing of an application. This needs to be reviewed and the scheme of delegation should be updated, in consultation with local members and customers.

The council has been carrying out benchmarking with other local authorities in its benchmarking group, comparing a range of performance markers. The appeal success rate and the scheme of delegation are areas where further benchmarking will be useful.

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 workplan 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.

### ***Effective management structures***

The management structure of the Planning Services is currently under review in order to achieve £172,000 of budget savings.

The Planning Services Manager's post has been vacant for 20 months and while this has created some backlogs in service development activities it is considered that these issues can be addressed by reviewing roles and responsibilities in the two tiers below the level of that post. This will allow a flatter management structure to be implemented, at the same time as refocusing the role of service managers and their immediate reports.

Similarly the Development Planning Manager's post was vacated in December 2013 and is currently filled on an 'acting up' basis pending the wider management review.

Development Management has a regular weekly team meeting to discuss internal management tissues, agenda setting, cases and professional development. Development Planning re-invigorated its programme of monthly team meetings.

A number of individual officers and small groups of officers within Planning Services report direct to the Planning Services Manager rather than through a service manager. The proposed structure redirects these reports through one of three service managers in Planning Services. In particular, the Education Planning team and the environment grouping which covers the individual functions of environmental planning, access, contaminated land and climate change/carbon management, together with the existing development planning team will report to a single service manager. The group will be led by a new post to be called the Development Planning and Environment Manager.

Some of the managerial and co-ordination roles previously performed by the Planning Services Manager will be undertaken by the three service managers in Planning Services under the revised structure. This will place additional duties on service managers, but additional support can be provided through increased delegation to the direct reports for each service manager.

It is proposed that the three service managers in the planning services group are standardised at Band L. Bandings will, however, only be confirmed following approval of the structure and the grading of the posts. The Planning Services grouping would effectively cease to exist but the three service managers (covering Building Standards, Development Management and Development Planning) in the former grouping would be part of the P&ED Management Team.

Revision of management structures will achieve a saving equivalent to 1FTE, although the full employee costs of the post will be offset by re-grading of other posts.

### ***Financial management and local governance***

Like last year the financial settlements that local government has received continue to be very challenging and Planning Services has not been exempt from the consequences. Budgets have been capped and finances are having to be managed.

Nevertheless planning application fees have increased by around 41% from £450,685 in 2012-2013, to £638,305 in 2013 -2014.

The costings of Planning Services are set out in Part 5 and appendix o.



### ***Culture of continuous improvement***

West Lothian Council has long held a culture of continuous improvement, striving for excellent in customer service and encouraging staff to be involved in finding new and efficient ways to provide the service. This is evidence in Chartermark, Investors in People and the council's own West Lothian Assessment Model. (appendix p)

West Lothian Council has corporately put the delivery of excellent services at the heart of all its endeavours and 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 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 and Development Management 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) (appendix q) 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.

In Planning Services staff are encouraged to bring forward ideas for service improvements throughout the year and matters are often brought to the weekly team meetings. Officers are involved in discussing and writing the Customer Service action plan in response to the annual customer survey. Officers have also been involved in responding to the feedback from last year's Planning Performance Framework and in compiling together this year's report.

In the last 12 months staff from development management have been involved in benchmarking with other local authorities, particularly with other authorities Group 3, in our benchmarking family, as set up by HOPS and the Improvement Service. This has largely focussed on key performance indicators and staff ratios, in light of the feedback from last year's report. As set out above, further benchmarking will be carried out in relation to appeal decisions and the scheme of delegation.

As an example of sharing good practice, skills and knowledge a major undertaking in 2013-2014 was the secondment of the council's development management manager to East Ayrshire Council. Appointed to participate in an independent investigation into the problems faced due to the collapse of two opencast coal mining companies, skilled expertise was imparted by the council on a voluntary basis.

The council's development management manager continues to chair the Development Management sub committee of Heads of Planning Scotland and shares knowledge in particular with other councils on mining and renewable energy matters. This also allows an update to colleagues on key emerging issues.

Other members of development management have been closely involved with Fife and the City of Edinburgh Council over the Forth Replacement Crossing; with Pentland Hills Regional Park, South Lanarkshire and North Lanarkshire on cross-border interest relating to windfarms;

Development Planning staff play a key role in SESplan.

### Part 3: Supporting evidence and case studies

#### List of Appendices

- (a) Project Plan and key dates
- (b) List of negative EIA screenings
- (c) Schedule of outstanding legal agreements
- (d) Enforcement Charter 2014
- (e) Development Plan Scheme 6
- (f) Main Issues Report August 2014
- (g) Minutes of Benchmarking Group
- (h) East Ayrshire coal report; extracts
- (i) Inventory of legacy cases
- (j) Housing recovery Conference action plan
- (k) Drumshoreland road project details
- (l) New Residential Design Guide
- (m) SPG on residential areas
- (n) Minutes of Rusha Liaison Committee
- (o) Costings of the planning service
- (p) Chartermark, IIP and WLAM verification
- (q) Planning Services Service Plan

#### List of Case Studies

- (i) Southdale, Armadale
- (ii) Wester Inch, Bathgate
- (iii) Winchburgh
- (iv) The Green Room, Kirknewton
- (v) Outdoor advertising
- (vi) Enforcement in conjunction with Police Scotland

This information is enclosed in the folder accompanying this report.



#### Part 4: Service improvements 2014-15

In the coming year we will:

- Publish and implement the enforcement charter;
- Carry out the restructuring of Development Management and Development Planning;
- Monitor the impacts of transferring calls to the customer service centre and withdrawing from pre-application advice;
- Increase the use of project plans on major and local applications;
- Continue to partake in processing agreements if requested by applicants;
- Review the scheme of delegation for decision making in relation to local and major applications;
- Undertake analysis of appeal decisions where the reporter has allowed the appeal;
- Continue the preparation of the local development plan;
- Give greater scrutiny prior to refusing planning applications;
- Monitor the requirements, trigger points, payment collection and expenditure on planning obligations;
- Review the scheme of delegation and the remit of the development management committee;
- Continue with regular local member and community council planning training;
- Encourage increased staff professional development;
- Reduce the numbers of legacy cases;
- Continue to develop stronger links with other regulatory bodies such as SEPA and Police Scotland
- Review the reporting of enforcement cases with the Procurator Fiscal;
- Review the council's approach to tree preservation orders and tree work applications
- Adopt the best practice of other benchmarking partners.

Delivery of our service improvement actions in 2013-14:

A number of the service improvement actions in previous reports have related to ongoing activities, annual reviews or core areas of business. To allow a more focussed and specific action plan, these activities have been removed. A number of other actions are also replaced by the service improvements identified for the coming year as listed above. Those service improvement actions outlines in 'Culture of Continuous Improvement' in the 2012 -2013 PPF remain ongoing in their entirety

| <b>Committed improvements and actions</b>  | <b>Complete?</b>  |
|--|---|
| <b>Performance improvement</b>   |   |
| <ul style="list-style-type: none"> <li>■ see Part 5 'Official Statistics'</li> <li>■ see 1.1 'Planning in West Lothian; the national context'</li> </ul> | Continuous  |
| <b>Increase the number of pre application discussions</b>  |   |
| <ul style="list-style-type: none"> <li>■ Improve the recording of pre application discussions</li> </ul>   | Continuous, but subject to monitoring in the context of 'channel shift' |
| <b>Increase the uptake of processing agreements</b>  |   |
| <ul style="list-style-type: none"> <li>■ Continue to promote and use Project Plan in the case of default</li> </ul>                                      | Continuous  |
| <b>Establish a design award</b>  |   |
| <ul style="list-style-type: none"> <li>■ Launched in 2014</li> </ul>   | Ongoing   |
| <b>Increase design awareness in community councils and elected members and continue with general planning training</b>                                   |   |
| <ul style="list-style-type: none"> <li>■ Meetings are held every two years</li> </ul>  | Yes   |
| <b>Review standard conditions</b>  |   |
| <ul style="list-style-type: none"> <li>■ Ongoing</li> </ul>  | Partly  |
| <b>Keep all SPG under review</b>   |   |
| <ul style="list-style-type: none"> <li>■ SPG's redrafted</li> </ul>  | Ongoing   |
| <b>Introduce a concordat with the business community</b>   |   |
| <ul style="list-style-type: none"> <li>■ Subject to implementation on the appointment of a new member of staff</li> </ul>                                | Ongoing   |
| <b>Introduce a surgery approach for business advice</b>  |   |
| <ul style="list-style-type: none"> <li>■ Subject to implementation on the appointment of a new member of staff</li> </ul>                                | Ongoing   |
| <b>Provide planning training for West Lothian Race Community Forum</b>   |   |
| <ul style="list-style-type: none"> <li>■ Not commenced</li> </ul>  | Scheduled for 2014-15   |
| <b>Review scheme of delegation</b>   |   |
| <ul style="list-style-type: none"> <li>■ Not commenced</li> </ul>  | Scheduled for 2014-15   |
| <b>Explore shared service delivery</b>   |   |
| <ul style="list-style-type: none"> <li>■ No firm commitments have been made because of practical issues</li> </ul>                                       | No  |

## Part 5: Official statistics

### A: Decision-making timescales

| Category                             | Total number of decisions 2013-2014 | Average timescale (weeks) |           |
|--------------------------------------|-------------------------------------|---------------------------|-----------|
|                                      |                                     | 2013-2014                 | 2012-2013 |
| Major developments                   | 16                                  | 102.1                     | 124.8     |
| Local developments (non-householder) | 318                                 | 13.5                      | 22.7      |
| ■ Local: less than two months        | 66%                                 | 7                         | 7         |
| ■ Local: more than two months        | 34%                                 | 26.2                      | 46.4      |
| Householder developments             | 297                                 | 6                         | 7.7       |
| ■ Local: less than two months        | 90%                                 | 4.5                       | 6.1       |
| ■ Local: more than two months        | 10%                                 | 18.8                      | 17.1      |
| Housing developments                 |                                     |                           |           |
| Major                                | 10                                  | 111.1                     | 232.9     |
| Local housing developments           | 89                                  | 21.8                      | 48.3      |
| ■ Local: less than two months        | 53%                                 | 7.3                       | 7.3       |
| ■ Local: more than two months        | 47%                                 | 38.1                      | 72.3      |
| Business and industry                |                                     |                           |           |
| Major                                | 1                                   | 166.7                     | 15.6      |
| Local business and industry          | 45                                  | 8.4                       | 8.6       |
| ■ Local: less than two months        | 84%                                 | 6.5                       | 7.2       |
| ■ Local: more than two months        | 16%                                 | 19.0                      | 12.9      |
| EIA developments                     | 1                                   | 14.3                      | 243       |
| Other consents*                      | 102                                 | 9.1                       | 9.7       |
| Planning/legal agreements**          | 35                                  | 52.2                      | 98.6      |
| Local reviews                        | 16                                  | 8.8                       | 6.7       |

\* 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 & relating to agricultural and forestry development and applications for prior approval by Coal Authority or licensed operator under classes 60 & 62 of the GPDO.

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



**B: Decision-making: local reviews and appeals**

| Type                          | Total number of decisions | Original decision upheld |      |           |      |
|-------------------------------|---------------------------|--------------------------|------|-----------|------|
|                               |                           | 2013-2014                |      | 2012-2013 |      |
|                               |                           | No.                      | %    | No.       | %    |
| Local reviews                 | 16                        | 12                       | 75   | 6         | 50   |
| Appeals to Scottish Ministers | 19                        | 5                        | 26.3 | 9         | 40.9 |

**C: Enforcement activity**

|                              | 2013-2014 | 2012-2013 |
|------------------------------|-----------|-----------|
| Cases taken up               | 269       | 111       |
| Cases resolved               | 270       | 44        |
| Notices served***            | 65        | 26        |
| Reports to Procurator Fiscal | 1         | 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.

## Part 6: Workforce and financial information

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

|                          | Tier 1 | Tier 2 | Tier 3 | Tier 4 |
|--------------------------|--------|--------|--------|--------|
| Head of Planning Service |        |        | ✘      |        |

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

|                         |           | DM        | DP        | Enforcement | Other    |
|-------------------------|-----------|-----------|-----------|-------------|----------|
| Managers                | No. Posts | 1         |           |             |          |
|                         | Vacant    |           | 1         |             |          |
| Main grade posts        | No. Posts | 9         | 6         | 1           | 1        |
|                         | Vacant    |           |           |             |          |
| Technician              | No. Posts | 1         | 3         | 2           |          |
|                         | Vacant    |           |           |             |          |
| Office Support/Clerical | No. Posts | 2         | 2         |             |          |
|                         | Vacant    |           |           |             |          |
| <b>TOTAL</b>            |           | <b>14</b> | <b>12</b> | <b>3</b>    | <b>1</b> |

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

| Staff age profile | Number |
|-------------------|--------|
| Under 30          | 2      |
| 30-39             | 4      |
| 40-49             | 15     |
| 50 and over       | 5      |

| Committee and site visits*        | Number per year |
|-----------------------------------|-----------------|
| Full council (Planning) meetings  | 4               |
| Development Management committees | 10              |
| Area committees (where relevant)  | 0               |
| Committee site visits             | 40              |
| LRB**                             | 10              |
| LRB site visits                   | 10              |

Notes:

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

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

|                        | Total Budget | Costs    |            | Income*** |
|------------------------|--------------|----------|------------|-----------|
|                        |              | Direct*  | Indirect** |           |
| Development Management | -£180,826    | £393,071 | £123,804   | -£783,466 |
| Development Planning   | £1,331,497   | £458,373 | £945,950   | -£50,110  |
| Enforcement            | £21,073      | £8,701   | 0          | 0         |
| Other                  | 0            | 0        | 0          | 0         |
| TOTAL                  | £1,171,744   | £860,145 | £1,069,753 | -£833,576 |

Notes:

- \* *Direct staff costs covers gross pay (including overtime, national insurance and superannuation contribution). The appropriate proportion of the direct cost of any staff member within the planning authority spending 30% of more of their time on planning should be included in costs, irrespective of what department they are allocated to (for example, legal advice, administration, typing). Exclude staff spending less than 30% of their time on planning.*
- \*\* *Indirect costs include all other costs attributable to the planning service. Examples (not exhaustive) include accommodation, IT, stationery, office equipment, telephone charges, printing, advertising, travel & subsistence, apportionment of support service costs.*
- \*\*\* *Include fees from planning applications and deemed applications, and recharges for advertising costs etc. Exclude income from property and planning searches.*