

planning

PERFORMANCE FRAMEWORK

2022 | 23



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**SERVICE
PRIORITIES**

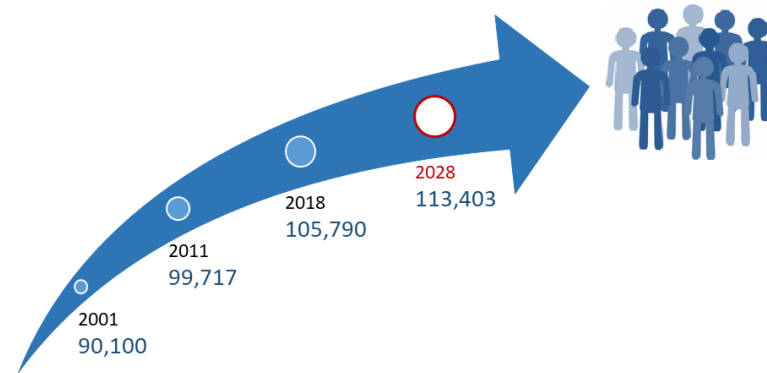
Introduction

Our Priorities as a Planning Service

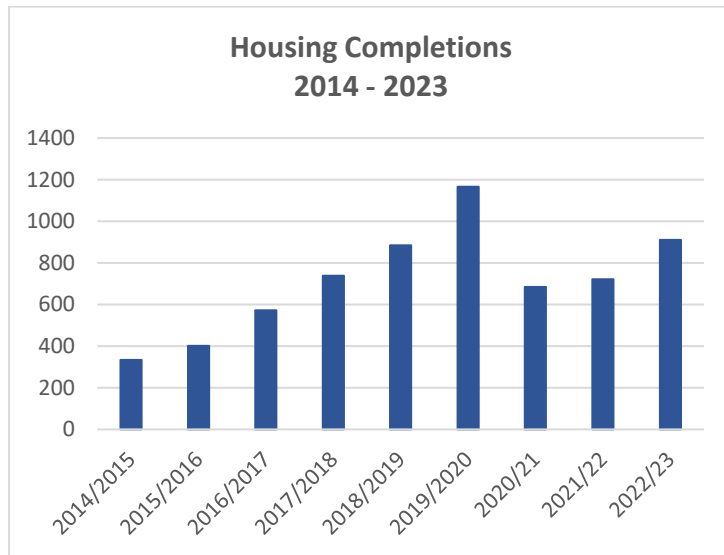
East Lothian Council is pleased to present its Planning Performance Framework (PPF) report for 2022 to 2023. The PPF captures key elements of a high-performing planning service, and offers a balanced measurement of the overall quality of each planning service, through a mix of qualitative and quantitative performance measures. This PPF sets out how East Lothian Council as a planning authority is achieving a high-quality planning service.

East Lothian has a varied and attractive landscape character comprising countryside and coast with a central agricultural plain framed by the backdrop of the Lammermuir Hills. These features combine to create an environment of considerable interest and quality. East Lothian is rich in cultural heritage with a significant number of scheduled monuments, listed buildings, conservation areas, designed landscapes, battlefields and archaeological sites. The Council seeks to protect these key heritage assets whilst balancing the need to meet the demand for new homes, business and infrastructure.

Between 2001 and 2021, the population of East Lothian has increased by 19,400 (21.5% increase). This is the highest percentage change out of the 32 council areas in Scotland. Over the same period, Scotland's population rose by 7.7% (source [NRS](#)).



We remain one of the fastest growing areas in Scotland and this is reflected in the provision of record numbers of homes in East Lothian. Indeed, according to new figures from National Records of Scotland, between 2018 and 2028 the population of East Lothian is projected to increase from 105,790 to 113,403, an increase of 7.2%. This compares to the projected 1.8% increase for Scotland as a whole (source [East Lothian Council Area Profile \(nrscotland.gov.uk\)](#))



Population increases has contributed towards increased workloads for the Planning Service. This has been compounded by the new and unfunded duties imposed on us by the Planning (Scotland) 2019 Act and National Planning Framework 4. The Planning Service supports full cost recovery that would allow for proper resourcing of the planning system.

Alongside the sustained and significant rise in housing completions there has been an increased provision of infrastructure that is required to achieve balanced and sustainable communities.

Another key priority this year was rebalancing our Planning Service so that climate change and nature recovery are given more emphasis in our plans and decision making. Having the Council's Sustainability and Climate Change Officer within the Planning Service has helped with this process. This is very timely in the context of NPF4.

As recommended by the Scottish Government East Lothian Council contacted our PPF partner authority, Fife Council, to undergo a peer review process. We provided written feedback to Fife Council on their draft Framework. Unfortunately, due to time constraints, Fife Council were not able to provide us with feedback prior to our submission of the document. East Lothian Council would still wish to thank Fife Council for their involvement in this process.

**EAST LOTHIAN COUNCIL
Performance against Key Markers**

Marker		13-14	14-15	15-16	16-17	17-18	18-19	19-20	20-21	21-22
1	Decision making timescales	Amber	Green	Amber	Amber	Amber	Green	Green	Amber	Green
2	Processing agreements	Green	Green	Green	Green	Green	Green	Green	Green	Green
3	Early collaboration	Amber	Green	Green	Green	Amber	Green	Green	Green	Green
4	Legal agreements	Amber	Green	Green	Amber	Red	Green	Green	Green	Green
5	Enforcement charter	Red	Green	Green	Green	Green	Green	Green	Green	Green
6	Continuous improvement	Amber	Amber	Green	Green	Amber	Green	Green	Green	Green
7	Local development plan	Red	Red	Red	Red	Red	Green	Green	Green	Green
8	Development plan scheme	Red	Red	Amber	Amber	Amber	Green	Green	Green	Green
9 & 10	LDP Early Engagement	Red	Red	N/A	N/A	N/A	N/A	N/A	N/A	Green
11	Regular and proportionate advice to support applications	Amber	Amber	Green	Green	Green	Green	Green	Green	Green
12	Corporate working across services	Amber	Amber	Amber	Green	Green	Green	Green	Green	Green
13	Sharing good practice, skills and knowledge	Amber	Green	Amber	Green	Green	Green	Green	Green	Green
14	Stalled sites/legacy cases	Red	Red	Green	Amber	Red	Red	Red	Green	Green
15	Developer contributions	Amber	Amber	Amber	Amber	Green	Green	Green	Green	Green

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

	Red	Amber	Green
2013-14	7	7	1
2014-15	4	5	6
2015-16	1	6	6
2016-17	1	5	7
2017-18	3	4	6
2018-19	1	1	11
2019-20	1	0	12
2020-21	0	1	13
2021-22	0	0	14

Decision Making Timescales (weeks)

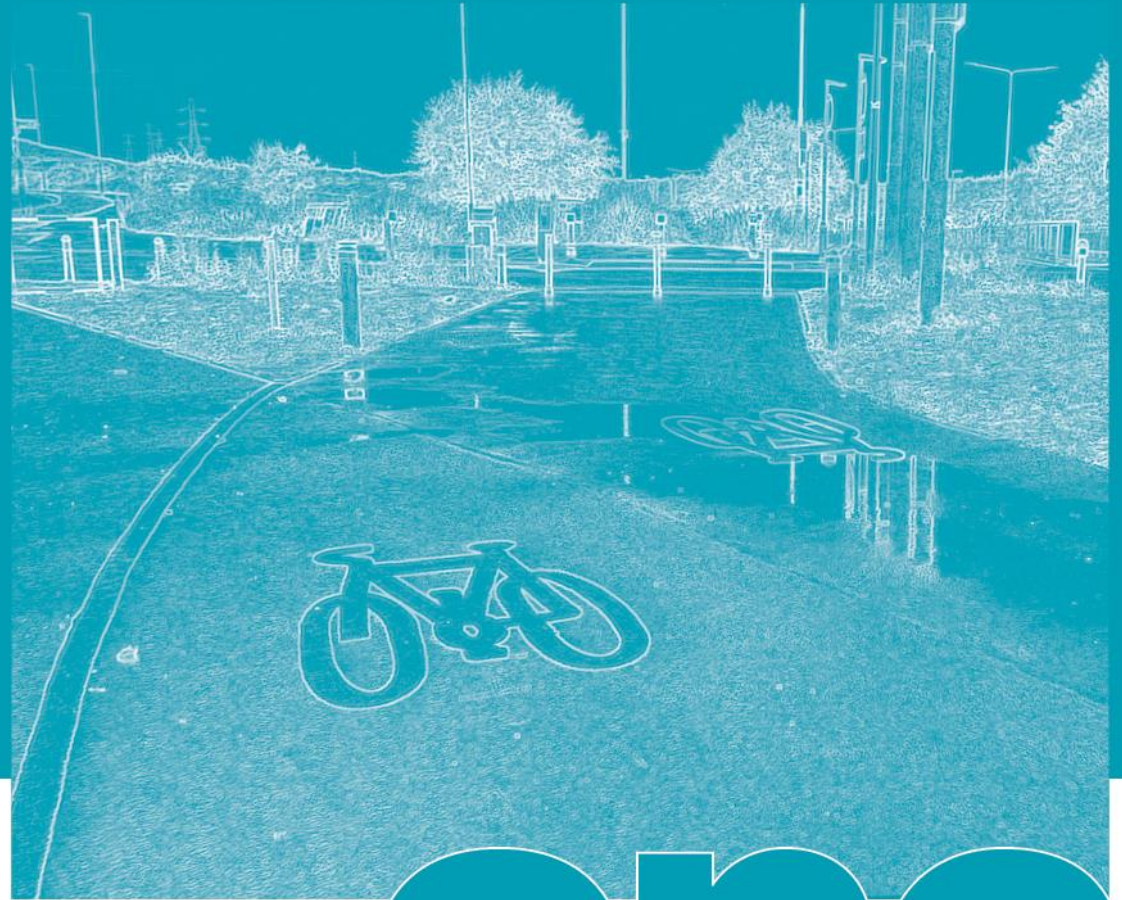
	13-14	14-15	15-16	16-17	17-18	18-19	19-20	20-21	21-22	2021-22 Scottish Average
Major Development	43.5	31.5	38.3	32.6	60.9	47.1	13.8	17.0	10.4	44.6
Local (Non-Householder) Development	22.8	13.9	11.4	15.3	14.2	10.5	10.3	10.8	9.4	13.5
Householder Development	7.7	7.5	7.6	8.4	8.0	7.6	7.2	7.0	7.6	8.7

Scottish Government Feedback

East Lothian Council’s tenth Planning Performance Framework Report, covering the period April 2021 to March 2022, was submitted to Scottish Ministers in September 2022. In December 2022, the Scottish Government provided feedback on the report based around the 15 performance markers agreed by the High-Level Group on Planning Performance. Red, Amber or Green ratings were awarded based on the evidence provided, giving an indication of performance and the priority areas for improvement action.

The table *Performance against Key Markers* illustrates that, for 2021-2022, the Scottish Government rated us green against 13 Performance Markers out of 13 that were applicable during the monitoring year.

Compared to the previous monitoring period the Planning Service was rated green rather than amber for its decision making timescales. This represents an improvement over the previous year, and the best rating of our 11 PPF’s that have been assessed.



one

**QUALITATIVE NARRATIVE
& CASE STUDIES**

1: Qualitative Narrative & Case Studies

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

The case studies throughout this PPF cover a number of aspects of the planning function and help to validate many of the key markers. They highlight a snapshot of the wide range of activities and projects which our Planning Service have delivered within the last monitoring period.



CASE STUDIES

QUALITY OF OUTCOMES

CASE STUDY 1 – Longniddry Farm (Longniddry South)

Location and Dates: Longniddry, 2016 – 2023

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

- Quality of outcomes – planning policies and guidance are delivering high quality development on the ground;
- Quality of service and engagement – good working relationships with applicant and their agent and architects;
- Governance – strong collaboration between local authority services.

Key Performance Markers:

- 2. Project Management
- 3. Good working relationships with applicant and their agent and architects on Planning Applications.

Key Areas of Work:

- Design
- Housing Supply
- Affordable Housing

Stakeholders Involved:

- Authority Planning and Other Staff
- The applicants and their agent/architects



Overview:

Following extensive community and stakeholder engagement, in 2016 Wemyss & March Estates & Socially Conscious Capital submitted an application for planning permission in principle for residential development with associated greenspace, access and engineering works on a site at Longniddry Farm to the south side of the railway line at Longniddry. A masterplan drawing and a Design Statement were included with that application and these documents set out design outcomes to deliver a “high-quality, well-connected place that is diverse, attractive and accessible”. In addition, and with input from a masterplanning, design, advocacy and research company, the landowners provided their own design guide for developers. Subsequently, four application for the approval of matters specified in conditions were submitted by Cruden Homes (East) Ltd, Places for People and Zero C for the detailed design of the residential housing development to deliver a total of 450 residential properties. Due to the detailed negotiations and amendments required, it was not possible to determine these applications within statutory timescales. However, processing agreements were entered into and all of the applications were granted within the agreed timescales.

At all stages Planning Officers worked collaboratively with consultees and the developers to achieve positive discussions and outcomes, in order to influence the form and layout of the proposed development. Separate planning applications have also been approved for the conversion, alteration and extension of the existing Longniddry Farm

Steading buildings to form employment space, community facilities and holiday letting accommodation.



Phase 1 of the approved scheme has been successfully implemented and in 2023 was the winner of the Homes for Scotland Awards for Development of the year Large (100+ units) category - [Homes for Scotland Awards - Homes for Scotland](#)

Goal:

The Longniddry South site is an allocated site of the adopted East Lothian Local Development Plan 2018 being allocated for mixed use

development of circa 450 homes plus associated employment development, a small local centre, community facilities and infrastructure, and a development brief for the site. The buildings of Longniddry Farm Steading are late 18th Century with mid 19th Century additions and are Category 'B' listed buildings, and thus a well-considered and sensitive approach to the site's historic heritage and the setting of the listed steading buildings was required, as well as ensuring the delivery of a varied density housing development with a range and mix of different forms of housing that incorporated the water course running through the site and a row of existing mature trees as well as appropriate areas of open space, all to achieve a high-quality, well-connected place that is diverse, attractive and accessible.



Through negotiations with planning officers the buildings on the northwest part of the site were relocated further to the east in order to accommodate the retention of the row of mature trees.



A Design Brief was prepared by the Planning Service at an early stage in the process, to influence the design process and ensure a high quality development. This was further supplemented by a design guide for developers, which was prepared by the applicant following feedback from the Planning Service. This input and commitment to high-quality design from the landowner was welcomed by the Planning Service.

Outcomes:

In design terms the new proposals developed in this collaborative process were considered successful by both the development companies and the Planning Authority. There were a number of considerations through the application, including the impacts on the heritage assets and their settings, flood risk and retention of trees, as well as ensuring the development of a high-quality, well connected housing development. The Planning Service worked closely with all stakeholders to ensure determination timescales were met without compromising the quality of the project.

The housing development at Longniddry Farm is on-going. Phase 1 of the project is close to completion. The majority of the housing development for Phase 2 at Longniddry Farm has been approved.

Although the housing development is not yet completed, it has succeeded in achieving an attractive, high-quality extension to the settlement of Longniddry and a new approach into the village from the south. The development will provide high quality environment for new residents, and the conversion of the adjacent steading will offer a range of services within walking distance. Longniddry South housing development was recognised by the jury panel of Homes for Scotland Awards for Development of the year Large (100+ units) category - [Homes for Scotland Awards - Homes for Scotland](#)

Key officer for the Planning Service of East Lothian Council:

Keith Dingwall

Stephanie McQueen



Quotes

“As a former member of the Planning Committee and also one of the local councillors for Longniddry, I have taken a very keen interest in the Longniddry South development. I am delighted with how an award winning new neighbourhood is in the process of being created with good access to the amenities of the existing village, including the train station. Feedback from new residents has been very positive to date”.

Councillor Lachlan Bruce

Councillor for Preston/ Seton/ Gosford

“From the earliest stages, Planning Officers and colleagues from other services have been supportive of the Estate’s aim to establish a new walkable neighbourhood that contributes positively to the village as a whole. This approach has necessitated a departure from many standard, car-oriented development practices to instead draw from the special qualities of the site and the distinctive urban and architectural patterns of East Lothian to create a people-centred place.

Officers have risen to the various challenges, for instance in the parcelling of concurrent, coordinated planning applications within the overall masterplan, and the integration of a category B listed farm complex to become a mixed-use hub. From the urban form of perimeter blocks and characterful streets, through to the detail of non-standard house-types, surface materials and fixtures, Officers have worked in a spirit of cooperation to help realise an attractive and sustainable exemplar.”

Ed Taylor

Director, Taylor Architecture and Urbanism

GOVERNANCE

CASE STUDY 2 - Crematorium at Land at Old Craighall, Musselburgh

Location and Dates – Old Craighall from September 2020 - Pre-application advice given in September 2020, submission of PAN in November 2020, submission of planning application in May 2021, planning permission granted by Planning Committee in October 2021, Judicial Review successful outcome in October 2022.

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

- Quality of outcomes –pre-application work, planning policies and guidance have ensured a high quality sympathetic development;
- Quality of service and engagement –early pre-application discussions and good working relationships with applicant and their agent;
- Governance –strong collaboration between local authority services;
- Culture of continuous improvement – lessons learnt from the successful Judicial Review of the Council’s decision have improved report writing.

Key Performance Markers:

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

Key Areas of Work:

- Collaborative Working
- Placemaking

Stakeholders Involved:

- Authority Planning and Other Staff
- The applicants, Crematoria Management Ltd (Westerleigh Group) and their agent, Holder Planning

Overview

The site is located to the north of the village of Old Craighall, close to the south-western edge of East Lothian.

In 2020, the Council received a proposal for development of the site to accommodate a crematorium building, car parking and memorial gardens. The crematorium building responds to the characteristics of the site by being a modestly sized single storey building, which houses a 112-seat chapel, waiting room, accessible toilets, administration office, crematory, covered walkway and floral tribute area.

A report on the application was presented to Planning Committee in October 2021, and it was decided that planning permission be granted. In December 2021 a Judicial Review of that decision was lodged in the Court of Session. The Council successfully defended the decision of the Planning Committee in the outcome of the Judicial Review, as in October 2022 the petition was dismissed.

The Council’s Planning Service have used the experience of the Judicial Review to the benefit of staff and the Service, by holding a CPD event with the Kings Counsel on the pitfalls of planning reports, and a new report template is currently being devised.



Goals

Through a pre-application process and the processing of the subsequent application the goal of planning officers was to establish whether the proposal was acceptable in principle, and if so, to negotiate the best quality development on that site. Planning, Landscape and Roads Officers of the Council worked collaboratively with the applicant and their agent to ensure the design, height and positioning of the new crematorium building met the needs of the applicant whilst responding to the site context and constraints.

The next goal was to ensure that the Judicial Review petition was dismissed and that the integrity of the Planning Committee decision was upheld.

The final objective was to review this case and identify any lessons to be learned, change procedures where necessary, and to share these lessons with staff through continued professional learning.

Outcomes

The principle of the proposed development was found to be acceptable. Thereafter planning officers engaged with the applicant through the application process to secure the best possible development.

The overall design and positioning of the crematorium building on the site has been thoroughly considered to respond to the site constraints and produce a building that fits within the site and assimilates itself to the surrounding context. The compact and low-profile building design ensures minimal impact on the surrounding area whilst the landscape design creates an attractive vista at this entrance to Old Craighall. Enhanced landscaping further helps to assimilate the building into its locality and to reflect the surrounding countryside.

Following the approval of the development by the Councils Planning Committee, a Judicial Review of that decision was lodged in the Court of Session. Upon notification of this challenge, and noting the priority nature of this work, the Planning Service immediately set up a working group consisting of senior planning and legal officers. Following an initial review of the documentation the working group

appointed external legal representation, including Queen's Counsel (QC). Between then and July 2022, when the case was heard at the Court of Session pleadings and evidence was exchanged between the parties. Whilst this was a long and resource intensive process, the working group at all times were efficient and helped the external lawyers to prepare our defence. The outcome was that the petition was dismissed and that the Planning Committee decision was successfully defended. Full legal costs were awarded against the petitioner.

Fortunately it was a first judicial review for the Planning Service in many years and as such no planning officer had any experience of this type of challenge. The CPD event that was subsequently led by our QC was attended by all planning officers and went through the most common pitfalls of the planning process and the most common legal challenges.

Whilst this case was successful the judicial review case did highlight some areas of our development management process that would benefit from being reviewed. Whilst this review is still underway, some improvement has already been made. A new planning report template is in the process of being adopted by the Planning Service and this should further reduce the risk of challenge.



Name of key officer

For the Planning Service of East Lothian Council: Daryth Irving

Quotes

“Overall, we found the service offered by East Lothian Council planning service in relation to our planning application to be excellent. Despite the limited information initially provided by ourselves as applicant, the initial pre-application response was comprehensive and clearly set out the issues that needed to be addressed. It provided great assistance in guiding the design of the site layout and building form and ensuring the planning application was supported by appropriate surveys and reports.

Throughout the formal application period, the case officer engaged with us on issues raised through the consultation process, the need for further information/reports and agreement of appropriate draft planning conditions. Following the grant of planning consent, the decision was subject to Judicial Review Proceedings, in which the Council robustly and successfully defended its decision making process, professionally and diligently.”

**Ian McArdle,
Chief Property Officer, Westerleigh Group.**

QUALITY OF OUTCOMES

CASE STUDY 3 – the Watchman Hotel, Gullane

Location and Dates: 2019-2022

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

- Quality of outcomes – pre-application work, planning policies and guidance are delivering high quality development on the ground with positive social outcomes;
- Quality of service and engagement – early pre-application discussions with applicant and their agent;

Key Performance Markers:

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

Key Areas of Work:

- Conservation
- Design

Stakeholders Involved:

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



Source: [HOME | The Watchman Hotel | Hotel, Bar & Restaurant | East Links Road, Gullane, UK](#)

Overview:

In December 2019 a planning application (Ref 19/01325/P) for erection of a replacement hotel at the site of the Mallard Hotel on East Links Road in the Gullane Conservation Area was submitted to East Lothian Council. The proposed replacement building would have a contemporary and modern appearance with extensive glazed areas to the front to take advantage of the open views. Whilst the proposed building was not designed to reflect the past architecture, it was of a very similar height to neighbouring properties. Objections to this proposal were received from local residents and from the Gullane Area Community Council.

The proposed new hotel.



Source: [The Mallard Hotel by Carson & Partners \(architecture.com\)](https://www.architecture.com)

The proposal was subject to a pre-application discussion and the applicant's agent was advised that this would not be supported. During the course of the application the agent was again advised the proposal would

not be supported and that the officers would be moving towards its refusal. The planning application and the associated conservation area consent were then withdrawn by the applicant.

In January 2021, a planning application for the re-development of the Watchman Hotel (the former Mallard Hotel) was submitted to the Council. The proposal included a number of alterations to the existing building e.g. the formation of new openings on the front and side elevations. The application was granted permission within the agreed timescales.

Goals:

Our main goal was to ensure that the proposal preserves or enhances the special architectural or historic character or the appearance this sensitive part of the Gullane Conservation Area.

For any demolition of an unlisted building in a conservation area the officers need to be satisfied that the proposal complies with Policy CH3 of the adopted LDP.

- (i) the building to be demolished is incapable of reasonably beneficial use by virtue of its location, physical form or state of disrepair;
- (ii) the structural condition of the building is such that it cannot be adapted to accommodate alterations or extensions without material loss to its character; or
- (iii) the building does not positively contribute to the character or appearance of the conservation area and its removal or replacement would not adversely affect the character of the conservation area or it would facilitate positive townscape benefits.

Proposals for redevelopment or intermediate treatment must preserve or enhance the character or appearance of the conservation area. Demolition will not be allowed to proceed until acceptable alternative treatment of the site has been approved and a contract for the replacement development or for an alternative means of treating the cleared site has been agreed.

In the case of an emergency, proposal for redevelopment or intermediate treatment may not be required.

The Watchman Hotel (recently redeveloped)



Source: [HOME | The Watchman Hotel | Hotel, Bar & Restaurant | East Links Road, Gullane, UK](#)

Outcomes:

On balance, it was the officers view that the existing building, by virtue of being a part of East Links Road that formed an extension to Gullane in the late 19th and early 20th century, is still clearly recognisable as a building of that period and, particularly in its most prominent view, still contributes positively to the streetscape of this part of the Conservation Area.

In particular planning officers were concerned that the form of the gabled, mansard style roof was of a much bulkier form than neighbouring roofs which are either gabled with a ridged roof or of a hipped, mansard style thereby reducing the overall dominance of their roofs. Some of the design features, in particular the large glazed openings on the frontage of the proposed building, especially those at roof level, and the materials proposed to be used such as 'PPC finished aluminium framing' would not be in keeping or complementary to the character and appearance of this

part of the Gullane Conservation Area and as such the building proposed would not be an appropriate replacement for the existing Mallard Hotel.

During the course of the application for the replacement of the Mallard Hotel the officers advised that a revised application that could retain much of the building's character would be a more acceptable alternative, particularly if the layout of the building could be revised to provide additional bedroom accommodation.

The planning application submitted in 2021 proposed a number of alterations to the existing building, but at the same time addressed the previously raised concerns ie retained the existing building whilst achieving modernisation of its external and internal envelop that helped ensure the functioning of the building as a hotel. Through that application planning officers negotiated improvements to the front boundary treatment that further reduced the impact of the development on the Conservation Area.

The second application was recommended for approval and granted permission by the Planning Committee within the agreed timescale.

Key officer for the Planning Service of East Lothian Council:

Linda Ritchie

James Allan

Paul Zochowski

Quotes

“Tourism is a fundamental plank of the East Lothian economy. We do however know that many people choose to visit East Lothian because of our attractive towns and villages, and we therefore need to be careful in our approach to new development. The hotel building contributes positively to the character of Gullane, and I was therefore pleased that our planning officers took a strong position in resisting proposals to demolish the building. They played a vital role not only in saving the building but in ensuring that it was upgraded in a sensitive manner that enhances the Conservation Area. The completed development has resulted in job creation and a boost to the local economy”.

Councillor John McMillan

Provost and the Cabinet Spokesperson for Environment, Economic Development and Tourism

“Gullane is the largest village in our community council area. We are proud of the Conservation Area, and are keen to ensure that new development does not detract from it. It was for this reason that we objected to the proposal to demolish the former Mallard hotel building. Our concerns were also shared by a number of local residents. We were pleased that the Planning Service supported our view on this matter, and were consistent in opposing the proposed demolition. The upgrading of the hotel building that have since been undertaken, and which were negotiated by planning officers, have improved this part of the village. Feedback from local residents has been positive, and the new hotel has extended the tourism offer in Gullane”.

Malcolm Duck

Chairman of Gullane Area Community Council

QUALITY OF SERVICE AND ENGAGEMENT

CASE STUDY 4 – Carbon Literacy Training

Location and Dates: 2021-2022

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

- Quality of outcomes
- Culture of continuous improvement

Key Performance Markers:

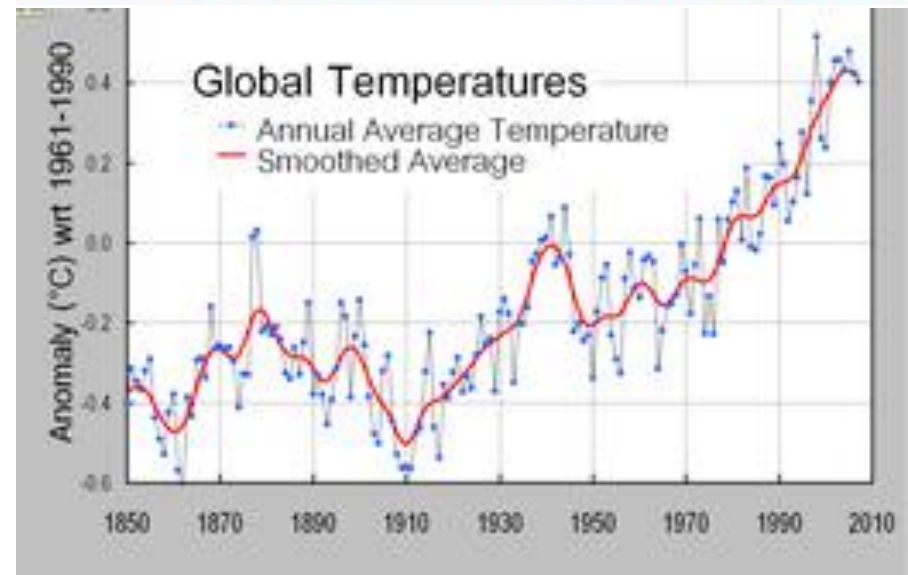
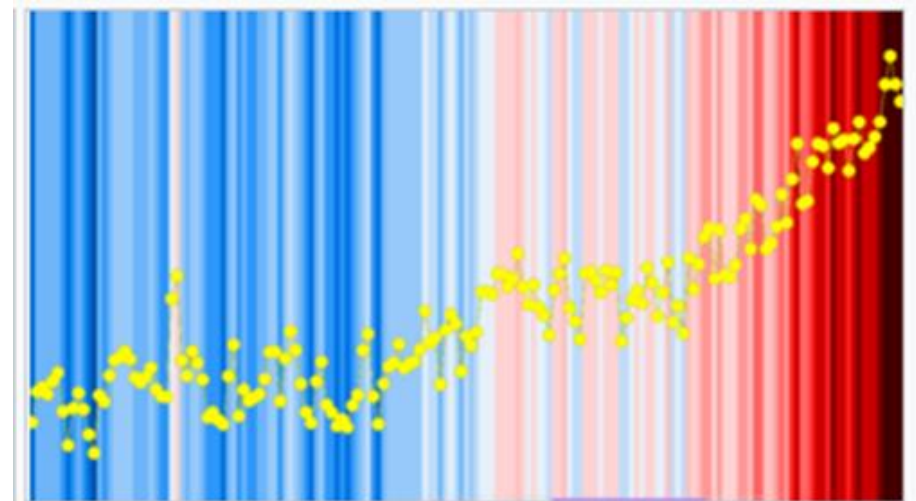
- 12. Corporate working across services
- 13. Sharing good practice, skills and knowledge

Key Areas of Work:

- Skills Sharing
- Staff Training

Stakeholders Involved:

- Authority Planning Staff
- Authority Other Staff



Overview:

East Lothian Council declared a climate emergency in 2019, urging all Council Services to become net zero as soon as reasonably practicable or in any case by 2045.



In 2021, a post of Sustainability and Climate Change Officer moved into the Planning Service in order to strengthen the contribution the Service makes to reduce carbon emissions and respond to the climate emergency. The adopted NPF4 recognises that climate change and nature recovery are the primary guiding principles for all our plans and decisions.

As a local authority, East Lothian Council has statutory climate change duties. The Climate Change Act (2009) states that public bodies *must* in exercising their functions:

- contribute to the delivery of Scotland’s national net zero targets (mitigation, i.e. reducing greenhouse gas emissions)
- help deliver Scotland’s climate change adaptation programme (adaptation, i.e. building resilience to the impacts of a changing climate)
- act sustainably (sustainable development as a core value)

Statistics from the Carbon Literacy Project on the training being delivered globally.



Goals:

In response to the third bullet point above, the Sustainability and Climate Change Officer started delivering Carbon Literacy Training in 2023 to mainstream sustainable development as a core value across all services. The training is based on the Leadership & Management Toolkit from the Carbon Literacy Trust ([Toolkits - The Carbon Literacy Project](#)) and has been

tweaked to fit the context of East Lothian. It is eight hours long and is followed by an assessment where participants are asked to

- 1) explain what is needed to become a net zero society,
- 2) pledge an individual action and assess its impact on reducing CO2e emissions, and
- 3) pledge a collective group action and assess its impact on reducing CO2e emissions.

By delivering the training, staff learn how to communicate more confidently and make well-informed decisions on climate change mitigation and adaptation.

Outcomes:

To date nearly 70 staff members have been trained in Carbon Literacy, of which 18 are in Planning, including the Service Manager. The aim is to train all staff members in the Planning Service as it - in addition to supporting sustainable development as a core value – helps with implementation of the National Planning Framework 4 and its climate-related policies locally. Having a wide range of planners trained in carbon literacy creates a common language and ensures that the service is using all its levers of influence to tackle the climate.

Planning staff who have completed their training have better tools, knowledge and inspiration to help tackle the climate emergency. To achieve climate literacy accreditation staff will pledge to take action to tackle climate change in their professional and private sphere of influence, and to help reduce carbon emissions. Planning officers who have undergone the training are more confident in discussing this matter and negotiating improvements.

Quotes

“It is encouraging to see the actions taken by East Lothian Council’s Planning Service to drive action on climate change. The decision to relocate the Sustainability and Climate Change Officer to within the Planning Service has increased focus on tackling the climate crisis and has meant that the Council has been better prepared to require developers to take actions to reduce carbon emissions and provide more sustainable infrastructure, such as EV charging, in advance of the publication of NPF4. This forward thinking has helped to embed and enhance climate change capacity within the Planning Service, which will be critical in enabling the Council to deliver on the aims and objectives of NPF4.”

George Tarvit,

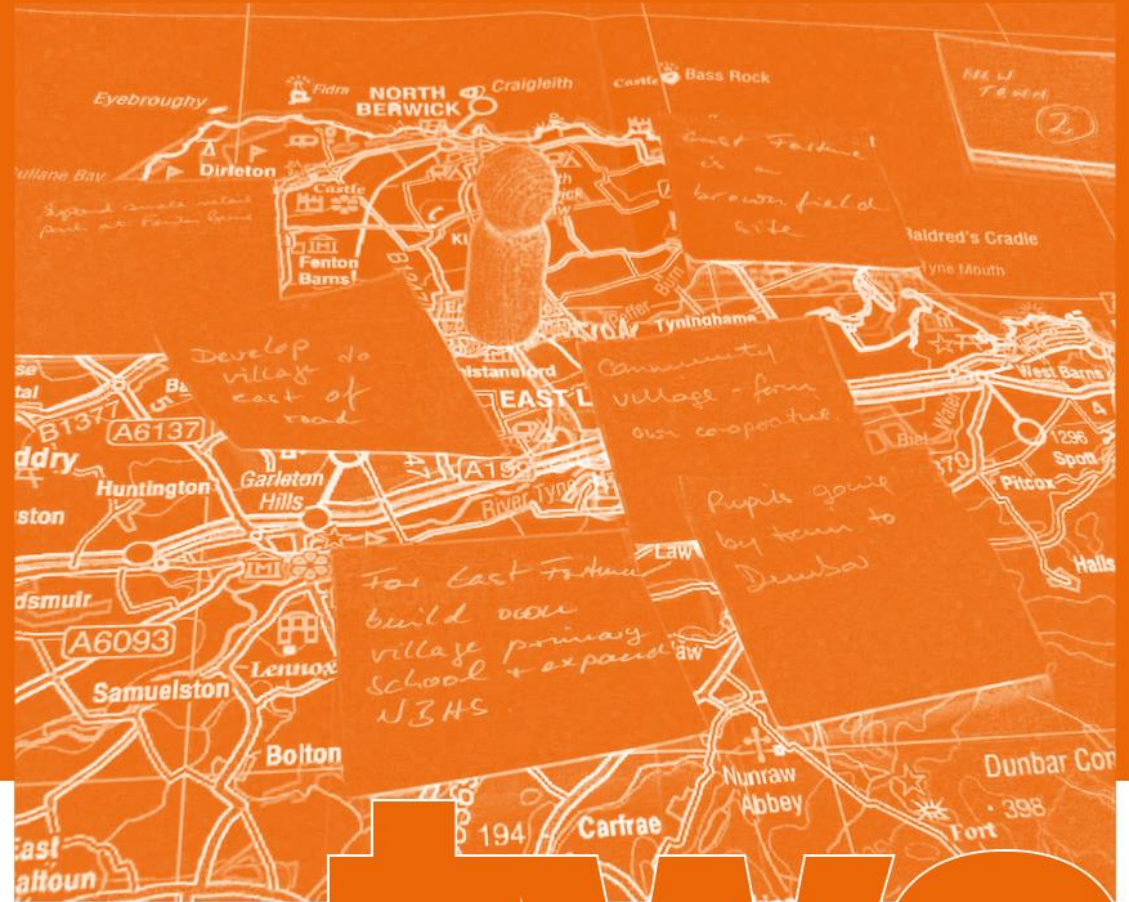
Director, Sustainable Scotland Network

“The Carbon Literacy training was very informative. It definitely helps to raise an awareness and urgency of tackling the causes and effects of climate change. The event also help to build confidence that as individuals we can be more empowered and take actions that would minimise the effects of climate change.”

Ian Lennox

Team Manager, Asset and Regulatory,

Road Services, East Lothian Council



two

SUPPORTING EVIDENCE

2: Supporting Evidence

- [LDP2 and Local Place Plans Information](#)
- [Housing Land Audit 2022](#)
- [Development Plan information](#)
- [East Lothian Council Web Site: Planning Pages](#)
- [Planning Enforcement Charter 2022](#)
- [Council Policy and Performance Committee](#)
- [ELC Planning Committee meetings](#)
- [ELC Full Council meetings](#)
- [Development Plan Scheme 14](#)
- [East Lothian Council Plan 2022-2027](#)
- [The East Lothian Plan 2017-2027](#)
- [Local Outcome Improvement Plan](#)
- [East Lothian Customer Service Charter 2022-2023](#)
- [East Lothian Feedback Team](#)
- [LTS Active Travel Improvement Plan 2018-24](#)
- [Electric East Lothian](#)

Reference list of topics covered in the case studies presented in Part 1.

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



three

SERVICE IMPROVEMENTS

Part 3: Service Improvements

In the coming year we will:

- continue discussions with communities and elected members on next stages in LDP2 process within the context of the planning review including NPF4
- continue to seek the views of stakeholders on what they see are the issues in their area in order to prepare the Evidence Report. This engagement and information gathering will have a particular focus on the usually harder to reach groups such as the elderly, disabled people, young people and gypsy travellers
- continue to research the matter of short-term lets, with a view to report the matter to Council to get a decision whether or not there should be a short-term let control area(s)
- continue to engage with developers and planning agents through individual meetings and a planning newsletter to
 - update on planning policy and development management matters
- review and if necessary amend our discretionary charging system for pre-application enquires and decide whether or not introduce discretionary charges
- adopt the HOPS national validation standards once they have been reviewed and updated
- attend the Association of East Lothian Community Councils to provide to discuss relevant planning matters
- continue to reduce the number of legacy planning applications
- review and re-publish our Enforcement Charter

Delivery of our service improvement actions in 2021/22:

Committed and outstanding improvements and actions	Complete?
<ul style="list-style-type: none"> <i>continue discussions with communities and elected members on next stages in LDP2 process within the context of the planning review including NPF4</i> 	<p><i>Yes – The Planning Service continues to discuss the review of the current LDP in a number of meetings with elected members and with Community Councils at the Association of Community Council meetings.</i></p>
<ul style="list-style-type: none"> <i>continue to seek the views of stakeholders on what they see are the issues in their area in order to prepare the Evidence Report. This engagement and information gathering will have a particular focus on the usually harder to reach groups such as the elderly, disabled people, young people and gypsy travellers</i> 	<p><i>Yes - The East Lothian Local Development Plan 2018 review has been undertaken and the preparation of an early engagement on the Evidence Report has been progressing as planned (at the time of the submission of this PPF the consultation on the Evidence Report is ongoing). The work on the Play Sufficiency Assessment continues and the Assessment is being prepared by Play Scotland. The PSA will inform our Evidence Report and its preparation involves an extensive engagement with a wide range of groups, including children and disabled people.</i></p> <p><i>The Policy and Projects team organised a workshop with a group of officers from different services on the provision of infrastructure and implementation of the current LDP. Information gathered will be used in our community engagement on the Evidence Report.</i></p> <p><i>The Council’s Development Plan Scheme was updated in 2022.</i></p> <p><i>The Planning Service provides updates on the Local Development Plan review on its Planning & Building Standards pages here.</i></p>
<ul style="list-style-type: none"> <i>research the matter of short-term lets, with a view to report the matter to Council to get a decision whether or not there should be a short-term let control area(s)</i> 	<p><i>Yes – planning officers have done background work on the issue of short term lets and have reviewed various on-line platforms to seek to establish the numbers and locations of short term lets in East Lothian. Officer and local Councillors also met on site with an amenity group in North Berwick so they could illustrate some of the associated issues. It has been agreed that reporting of this matter to the Council will be delayed until the deadline of</i></p>

	<i>submission of license applications has passed. This will enable officers to inform Members on the number and location of licenses that have been applied for.</i>
<ul style="list-style-type: none"> <i>continue to engage with developers and planning agents through individual meetings and a planning newsletter to update on planning policy and development management matters</i> 	<i>Yes – Planning Service staff meet regularly with developers and planning agents and update them on planning policy and development management matters. A planning policy newsletter was issued in September 2022 to stakeholders. The Service Manager and other senior officers also meet developers and planning agents regularly in respect of the major development sites.</i>
<ul style="list-style-type: none"> <i>review how we deal with pre-application enquires and decide whether or not introduce discretionary charges</i> 	<i>Yes – a working group was formed with people from different teams, and developers and planning agents were consulted on initial proposals. Finalised proposals were approved by Cabinet in March 2023 and our discretionary charging scheme is now in operation (more information is available at Discretionary planning charges - pre application Discretionary planning charges - pre application East Lothian Council)</i>
<ul style="list-style-type: none"> <i>review our application validation processes and decide whether or not to adopt the HOPS national validation standards</i> 	<i>Yes – agreed to adopt HOPS standards but not until they are reviewed (email Trevor on any updates). The Planning Service have offered to participate in this review process.</i>
<ul style="list-style-type: none"> <i>attend the Association of East Lothian Community Councils to provide to discuss relevant planning matters</i> 	<i>Yes – the Service Manager for Planning attended the Association meeting and discussed relevant planning matters with attendees.</i>
<ul style="list-style-type: none"> <i>continue to reduce the number of legacy planning applications</i> 	<i>Yes - over the last monitoring period we achieved a significant reduction in the number of legacy planning applications (247 cases cleared).</i>
<ul style="list-style-type: none"> <i>continue to review working practices adopted during Covid pandemic to increase the Planning Service resilience, improve efficiency and effectiveness</i> 	<i>Yes - our Planning Update Group was formed, which is chaired by the Service Manager and consists of a representative from each team, meets on a fortnightly basis. Amongst other things, this group reviews working practices and when necessary makes changes to increase the Planning</i>

	<i>Service resilience, improve efficiency and effectiveness. One example of this has been how to manage a combination of hybrid working.</i>
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No.	Performance Marker	Evidence
1	Decision-making: continuous reduction of average timescales for all development categories [Q1 - Q4]	The statistics are set out in Part 5 of the PPF. These statistics demonstrate a reduction in average timescales for both major and local non-householder developments and overall strong average timescales, which are all significantly better than the Scottish average.
2	Project management: offer of processing agreements (or other agreed project plan) made to prospective applicants in advance of all major applications and availability publicised on planning authority website	Processing agreements are consistently offered for major and complex applications through both the Council’s website (Planning Processing Agreements Planning Processing Agreements East Lothian Council) and pre-application discussions, however, there remains a limited uptake of this opportunity, with developers being content to work with the Council in terms of application project management and, where required, agreed extensions of time. Project management approaches help to monitor progress and to ensure that major planning applications are determined within agreed timescales including simple project planning, keeping a spreadsheet for consultation responses, and, where necessary, meeting on a regular basis with applicants and agents.
3	Early collaboration with applicants and consultees <ul style="list-style-type: none"> • availability and promotion of pre-application discussions for all prospective applications; and • clear and proportionate requests for supporting information 	For the reporting period of April 2022 to March 2023 we provided a pre-application advice service which was promoted through staff engaging with prospective applicants. Free advice was given to both telephone and written enquires. In accordance with new legislation from April 2023 the Council have introduced a new pre-application process involving discretionary charges. Any information we seek is clear and proportionate to their needs. The Planning Service has established an on-going collaborative working arrangements with internal consultees and key agencies.

4	<p>Legal agreements: conclude (or reconsider) applications after resolving to grant permission reducing number of live applications more than 6 months after resolution to grant (from last reporting period)</p>	<p>The Planning Authority had no live applications with more than 6 months after resolution to grant. This overall good performance is partially due to our pre-application discussions that address developer contributions and the role of the Planning Obligations Officer who is a key contact for developers in understanding the implications of their development in the context of the Developer Contributions Framework. This helps to minimise the number of live applications more than 6 months after resolution to grant.</p>
5	<p>Enforcement charter updated / re-published within last 2 years</p>	<p>Our updated Enforcement Charter was approved in March 2022.</p>

6	<p>Continuous improvement:</p> <ul style="list-style-type: none"> • progress ambitious and relevant service improvement commitments identified through PPF report 	<p>The nine service improvements we identified in our previous PPF have all been achieved.</p>
7	<p>Local development plan less than 5 years since adoption</p>	<p>Yes, LDP adopted in September 2018</p>
8	<p>Development plan scheme – next LDP:</p> <ul style="list-style-type: none"> • on course for adoption within 5 years of current plan(s) adoption; and • project planned and expected to be delivered to planned timescale 	<p>Our DPS no14 sets out a broad timescale for the LDP2. It is projected that LDP2 will be adopted by early 2026 which is not within 5 years of current plan adoption. NPF4 has been adopted and its policies will be used in the preparation of our next LDP.</p> <p>The preparation of an early engagement on the Evidence Report has been progressing as planned (at the time of the submission of this PPF the consultation on the Evidence Report is ongoing).The Evidence Report will be submitted to Full Council in early 2024 b following which it will be subject to an independent Examination, called a Gatecheck.</p> <p>Project plan for LDP2 work is in place.</p>
9	<p>Stakeholders including Elected Members, industry, agencies, the public and Scottish Government are engaged appropriately through all key stages of development plan preparation</p>	<p>Elected Members continue to be engaged in the preparation of the LDP2. This engagement has consisted of two briefings which were held in February 2023 and focused on the housing supply targets, a newly approved NPF4, LDP2 timescales and the forthcoming engagement on the Evidence Report.</p> <p>Industry has been kept updated by our Planning newsletter, published in September 2022, and will be consulted at the relevant stages of the LDP preparation.</p> <p>Key agencies have been engaged throughout the early stages of the preparation of our Evidence Report.</p> <p>A planning newsletter was issued in September 2022 to everyone who is on the planning mailing list, including developers and planning agents. This amongst other things outlined our work on the LDP2 and explained the plan preparation process under the new planning regime.</p>
10	<p>No longer applicable – gap kept for data continuity</p>	

11	Production of relevant and up to date policy advice	All SGs and SPGs listed in the current LDP have now been finalised and adopted.
12	Corporate working across services to improve outputs and services for customer benefit (for example: protocols; joined-up services; single contact arrangements; joint pre-application advice)	<p>Both pre-application enquiries and applications are appraised in weekly team meetings to highlight potential issues, assess opportunities for design improvements and give greater consistency on outcomes. Internal consultees including Roads, Education, Environmental Health, Landscape, Countryside and Legal services are available for pre-application meetings with developers. The team of Transport Planners who are consulted on proposals are also responsible for the Roads Construction Consents for the same proposals so as to ensure that RCCs and planning applications are subject to consistent processes and are twin tracked.</p> <p>Officers are members of and contribute to various multidisciplinary groups within the Council, including the Learning Estate Group (Education), the Energy Transformation Board, Climate Change Planning and Monitoring Group.</p>
13	Sharing good practice, skills and knowledge between authorities	<p>We continue our regular engagement through HOPS (including Development Planning and Development Management sub-committees), COSLA, Conservation Officers Group, Edinburgh & South East Scotland City Region Deal group and with relevant stakeholders including Key Agencies to improve service delivery and share good practice, skills and knowledge.</p> <p>Additionally, officers have attended a wide range of CPD events over the year and staff are encouraged to disseminate that knowledge to their colleagues.</p>
14	Stalled sites / legacy cases: conclusion or withdrawal of old planning applications and reducing number of live applications more than one year old	During the current PPF monitoring period we have reduced the number of legacy applications by 247.
15	Developer contributions: clear and proportionate expectations	Our LDP, supported by the Developer Contributions Framework SG sets out expectations for developer contributions.

	<ul style="list-style-type: none">• set out in development plan (and/or emerging plan); and• in pre-application discussions	<p>Pre-application discussions address developer contributions and are part of a protocol for application processing. The role of the Planning Obligations Officer is critical in that respect. It helps to reduce negotiation periods and agree/register Section 75 agreements within shorter timescales.</p>
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**NATIONAL
HEADLINE INDICATORS**

4: National Headline Indicators (NHI)

A: NHI Key outcomes - Development Planning:

Development Planning	2022-23	2021-22
Local and Strategic Development Planning:		
Age of local development plan at end of reporting period <i>Requirement: less than 5 years</i>	LDP – 4 years and 6 months (LDP adoption date 27 September 2018)	LDP – 3 years and 6 months
Will the local plan be replaced by their 5 th anniversary according to the current development plan scheme?	No	LDP – no SDP - no
Has the expected date of submission of the plan to Scottish Ministers in the development plan scheme changed over the past year?	Y	Y
Were development plan scheme engagement/consultation commitments met during the year?	Y	Y
Effective Land Supply and Delivery of Outputs	Draft HLA 2023	Draft HLA 2022
Established housing land supply	8,650	9,526
5-year effective housing land supply programming	5,263	6,005
5-year effective land supply total capacity	8,334	9,270
5-year housing supply target	3,841	4,275
5-year effective housing land supply (to one decimal place)	6.8 years	5.7 years
Housing approvals	856	1,403
Housing completions over the last 5 years	4,368	4,196
Marketable employment land supply	81.1 ha -	81.1 ha of which 3.6 ha are immediately available
Employment land take-up during reporting year	0.7ha	6.7ha

Context and Commentary – Development Planning

In progressing work on a new LDP2 East Lothian Council has required to take into account emerging new central government guidance and regulation. One of the most important has been the publication of NPF 4 in February 2023 which immediately placed new policy requirements for the consideration of planning applications as it became part of the Development Plan with a precedence in situations where there was any policy conflict with the existing adopted LDP1. New LDP guidance and Development Planning Regulations have also been issued and require to be taken into account.

Preparation is ongoing for the first stage of the LDP2 review, planning an extensive consultation event over the summer 2023 period to obtain views from the public, including hard to reach groups, stakeholder organisations and service teams within East Lothian Council on both the quality of place, using the Scottish Government Place Standard tool and website and on potential issues for LDP2 to address. Data collection to inform the Evidence Report is also ongoing. The consultation will also include staffed drop in sessions for the public in each main town. Details are as set out in the [Development Plan Scheme no 14](#).

We started a project of reviewing the council's Open Space Strategy and the preparation of the Play Sufficiency Assessment (PSA). Play Scotland is leading on the preparation of our PSA and this work involves an extensive engagement with children and disabled people.

A planning newsletter was issued in September 2022 to everyone who is on the planning mailing list, including developers and planning agents.



B: NHI Key outcomes – Development Management

Development Management:	2022-23	2021-22
Project Planning		
Percentage and number of applications subject to pre-application advice	32% (315)	33% (375)
Percentage and number of major applications subject to processing agreement	40% (4)	0
Decision Making		
Application approval rate	97.4%	98.2%
Delegation rate	96.9%	98%
Validation	10.61%	20.31%
Decision-making Timescales		
Major Developments	11 weeks	10.4 weeks
Local developments (non-householder)	7.8 weeks	9.4 weeks
Householder developments	7.2 weeks	7.6 weeks
Legacy Cases		
Number cleared during reporting period	247	209
Number remaining	218	198

Context and Commentary – Development Management

The percentage of applications subject to pre-application discussions was very similar to the previous year (32% compared to 33% in 2021/2022). On the 01 April 2023 the Council introduced a discretionary fee system for pre-application discussions. This was developed by planning officers following extensive discussions with consultees and other stakeholders, including positive feedback from developers and planning agents.

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

Whilst the figures are generally positive, we have seen the further worsening of validation rates and this is a cause for concern. It is for this reason that East Lothian will be adopting the HOPS National Validation Standards as a central part of our application validation process, once the updated Standards have been published. We have offered to be part of the Heads of Planning Group updating this guidance. It is also hoped that, in time, the [Scottish Government Smart Applications service](#) for Planning and Building Standards will further reduce the number of invalid planning applications.

Our performance in the determination of planning applications continues to be strong. Our average decision making time of 11 weeks for major developments, whilst being slightly slower than last year (10.4 weeks), is

the quickest average time period amongst the 32 local authorities, and significantly faster than the national average of 39.5 weeks. Our average decision making time of 7.2 weeks for the determination of householder developments is an improvement from last year (7.6 weeks) and is faster than the national average 8.9 weeks). There has also been a significant improvement in our average decision making times for local non-householder developments (7.8 weeks compared to 9.4 weeks in 2021-22). Again our figure is significantly better than the national average (7.8 weeks compared to a national average of 14.4 weeks).

In the last year we have cleared 247 legacy applications, compared to 209 during the previous year. It is encouraging to see such a large number of legacy applications being removed from our system. However, there remains a considerable number of legacy applications still to be dealt with, and this could have a negative impact on our performance figures.

C: Enforcement activity

	2022-23	2021-22
Time since <u>enforcement charter</u> published / reviewed	Published in 31 March 2022 (16 months old)	Published in 31 March 2022
Complaints lodged and investigated	441	358
Breaches identified – no further action taken	225	272
Cases closed	378	346
Notices served	21	25
Direct Action	0	0
Reports to Procurator Fiscal	0	0
Prosecutions	0	0

Context and Commentary – Enforcement Within this PPF’s monitoring period there was an increase in the number of complaints lodged and investigated. This is not surprising given the on-going level of development activity in East Lothian. Whilst it is encouraging that the number of cases closed this year has increased, the pressure on our Enforcement service remains considerable, and this will be monitored carefully to establish if further resource is required.



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OFFICIAL STATISTICS

PART 5: Scottish Government Official Statistics

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

Timescales	2022-23	2021-22
Overall		
Major developments	6 (11 weeks)	8 (10.4 weeks)
Local developments (non-householder)	257 (7.8 weeks)	301 (9.4 weeks)
<ul style="list-style-type: none"> Local: less than 2 months Local: more than 2 months 	231 (89.9%)	224 (74.4%)
	26 (10.1%)	77 (25.6%)
Householder developments	509 (7.2 weeks)	605 (7.6 weeks)
<ul style="list-style-type: none"> Local: less than 2 months Local: more than 2 months 	473 (92.9%)	534 (88.3%)
	36 (7.1%)	71 (11.7%)
Housing Developments		
Major	1 (8.9 weeks)	8 (10.4weeks)
Local housing developments	44 (7.4 weeks)	36 (73.5%)
<ul style="list-style-type: none"> Local: less than 2 months Local: more than 2 months 	38 (86.4%)	
	6 (13.6%)	13 (26.5%)
Business and Industry		
Major	0	0
Local business and industry developments	19 (12.9 weeks)	9.3 weeks
<ul style="list-style-type: none"> Local: less than 2 months Local: more than 2 months 	16 (84.2%)	11 (64.7%)
	3 (15.8%)	6 (35.3%)
EIA Developments	1 (9.4 weeks)	1 (16 weeks)
Other Consents		
<ul style="list-style-type: none"> As listed in the guidance(right) 	181 (7.3 weeks)	218 (7.6 weeks)

Planning/legal agreements <ul style="list-style-type: none"> Major: average time Local: average time 	2 (33.3 weeks)	5.8 weeks
	5 (0.7 weeks)	10.2weeks

B: Decision-making: local reviews and appeals

	Total number of decisions	Original decision upheld			
		2022-23		2021-22	
Type	No.	No.	%	No.	%
Local reviews	8	7	87.5%	6	46.2%
Appeals to Scottish Ministers	1	0	0%	3	60.0%

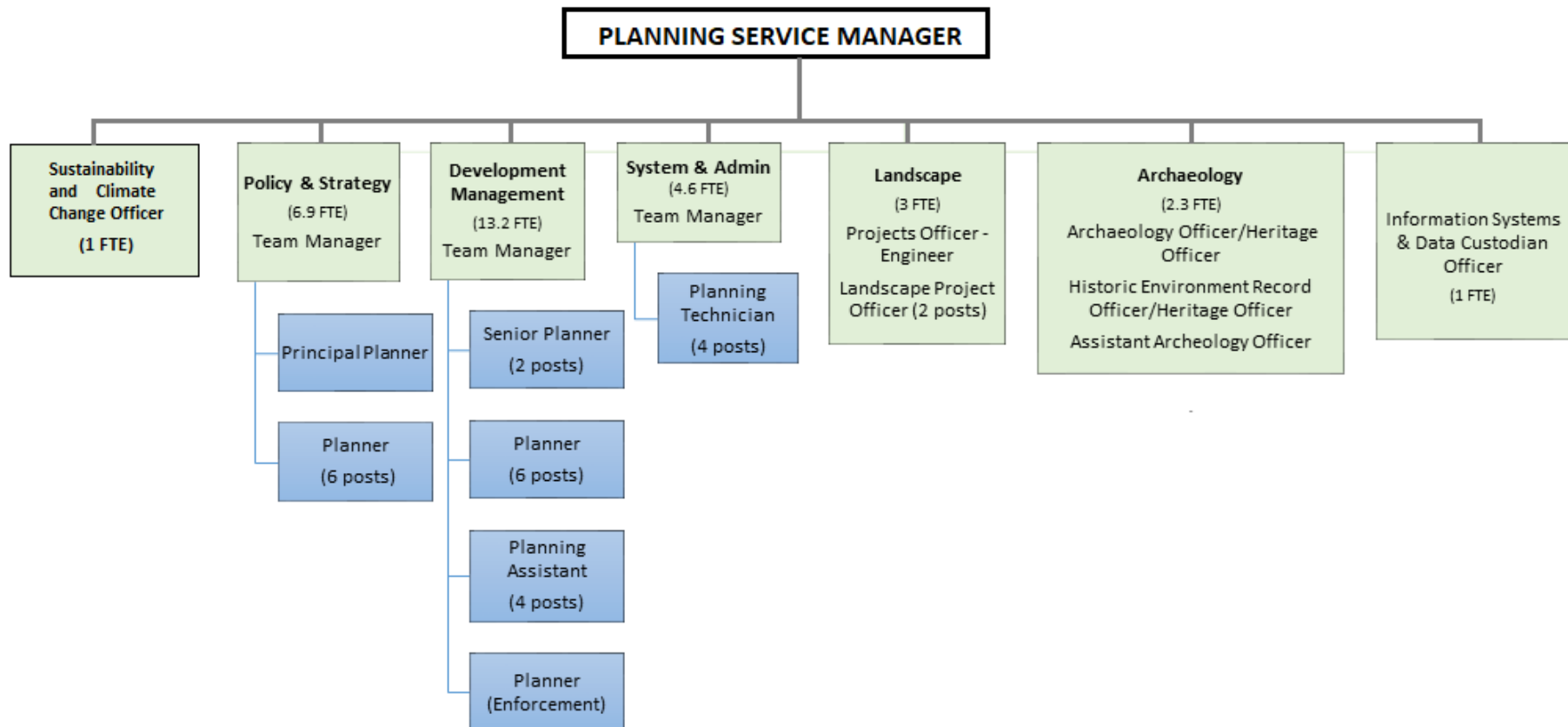


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**WORKFORCE
INFORMATION**

6: Workforce Information

This workforce information provides a snapshot of the authorities planning staff in position on the 31st of March 2023.



	Tier 1 <i>Chief Executive</i>	Tier 2 <i>Director</i>	Tier 3 <i>Head of Service</i>	Tier 4 <i>Manager</i>
Planning Service Manager				1
RTPI Qualified Staff			Headcount	FTE
Development Management			14	13.2
Development Planning			8	6.9
Enforcement			1	1
Specialists			0	0
Other (including staff not RTPI eligible) (Includes planning technicians, information systems, landscape and archaeology staff)			12	9.6

Staff Age Profile	Headcount
Under 30	5
30-39	8
40-49	9
50 and over	13

In addition to planning responsibilities (Development Management - Planning Delivery, Enforcement, Development Planning -Strategy and Policy), the Service delivers the Council’s statutory responsibilities for Landscape and Tree Protection, Corporate Address Gazetteer and Archaeology/Heritage Management under the Service Manager, Planning role. There are two Team Managers with responsibility for the two major business streams of the service, Planning Delivery and Strategy and Policy, delegating responsibility from the Service Manager to allow a clear line of responsibility and reporting for those workstreams. Landscape Officers, the Corporate Address Gazetteer, Archaeology Officers and the Management Systems and Administration Officer all report directly to the Service Manager.

The Development Management Team at their weekly meeting.



Since 2022, a Climate Change and Sustainability Officer has worked within the Planning Service and reports to the Planning Manager. This appointment strengthens the contribution our service makes to reduce carbon emissions and respond to the climate emergency. This will be further strengthened by the appointment of a Local Heat and Energy Efficiency Strategy officer, who is due to start work in the Planning Service in May 2023.

Overall, our workforce has been relatively stable during the past year. One of our planning technicians became a planning officer, and it is good to see this career progression. We have had two

other planning officer vacancies that we have found difficult to fill. We are aware that many other planning authorities in Scotland have had difficulties with recruitment. With our positive attitude towards flexible working and by ensuring staff are able to maintain suitable work-life balance, we hope that East Lothian Planning Service remains an attractive place to work.



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PLANNING COMMITTEE INFORMATION

7: Planning Committee Information

Committee & Site Visits	Number per year
Full council meetings	9 (LDP, SG/SPG and SESplan decisions, ratification of report on called in application)
Planning committees	9
Area committees	n/a
Committee site visits	24
Local Review Body	5
LRB site visits	8
Audit & Governance Committee	-
Policy & Performance Review Committee	-



To make a comment, suggestion or complaint about a council service,
download a feedback form online at www.eastlothian.gov.uk
or pick one up at your local office.

EAST LOTHIAN COUNCIL PLANNING PERFORMANCE FRAMEWORK 2020-2021