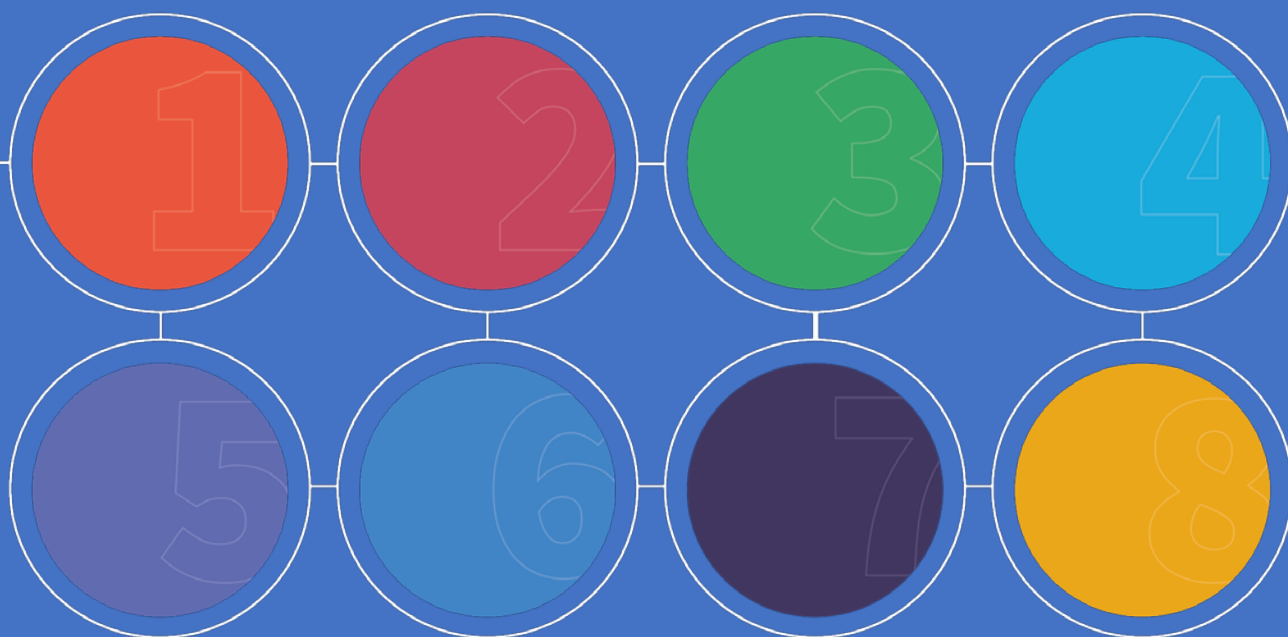


Planning  
Performance  
Framework

12



Annual Report 2022/23

transforming  
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West Lothian  
Council

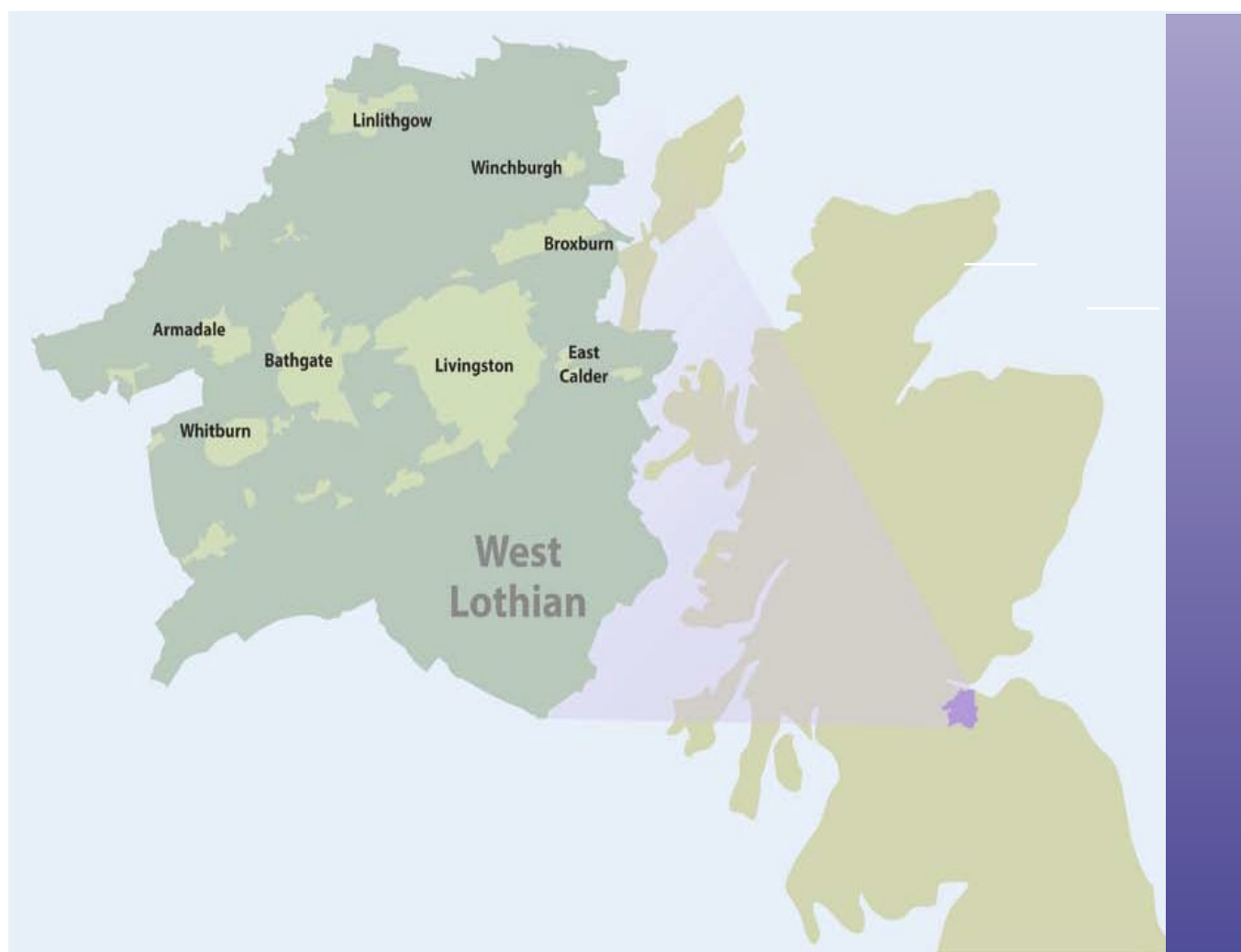
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## Foreword

### Welcome to West Lothian Council's twelfth Planning Performance Framework Report.

The council's Planning Service strives to provide an excellent service to local residents and investors in West Lothian. This year there have again been the dual challenges of the increasing financial pressure on the council and the evolving working practices brought about as a result of the pandemic. The central focus over this past year has been to utilise the full benefits of technology to provide a service which is interactive, customer focused and agile while responding to the needs of our customers throughout the period as staff embarked on a hybrid working pilot.



The council's twelfth Planning Performance Framework (PPF) reflects on the progress and performance of the service over the financial year 2022/23. It responds to the issues identified in PPF11 and the performance markers report from the Scottish Government and looks ahead to the potential for improvement over the

## **Planning Performance Framework 2022/23**

next year and addressing the inevitable challenges from the introduction of National Planning Framework 4 and the cessation of the Strategic Development Plan and its associated guidance.



## Planning Performance Framework 2022/23

### Performance Marker Report.

Marker	2013/ 2014	2014/ 2015	2015/ 2016	2016/ 2017	2017/ 2018	2018/ 2019	2019/ 2020	2020/ 2021	2021/ 2022
1 Decision making									
2 Processing Agreements									
3 Early Collaboration									
4 Legal agreements									
5 Enforcement Charter									
6 Continuous Improvement									
7 Local Development Plan									
8 Development Plan Scheme									
9 Elected Member Engaged Early (pre -MIR)		N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
10 Cross Sector Stakeholders Engaged Early (pre-MIR)		N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
11 Regular and Proportionate Policy Advice									
12 Corporate Working Across Services									
13 Sharing Good Practice, Skills and Knowledge									
14 Stalled Sites / Legacy Cases									
15 Developer Contributions									

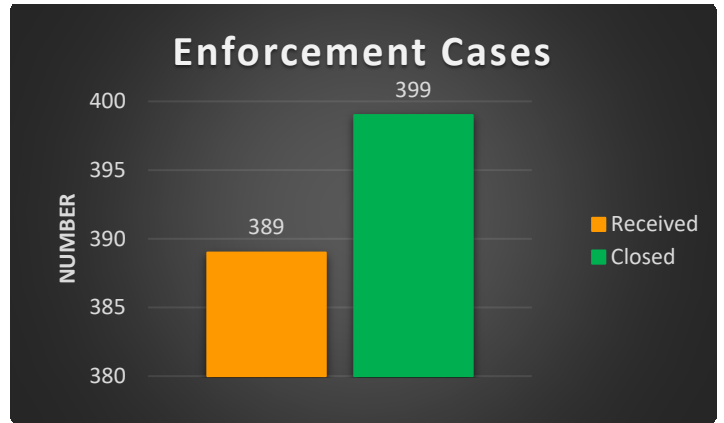
In 2021/22, West Lothian Council’s Planning Service received 10 green markers, 3 amber markers and 1 red marker based on Scottish Governments RAG ratings. This shows steady continuous improvement since 2017/18 when the ratings were 4 green markers, 3 amber markers and 6 red markers.

The three non-green markers are all interlinked and have a direct impact upon each other. Through a concerted effort to reduce older legacy cases, many of which had complex Section 75 legal agreement associated with them resulted in the overall legacy case number not changing significantly as newer cases became legacy cases in the interim. In addition, these older cases raised the overall average decision-making timescales.

# Planning Performance Framework 2022/23

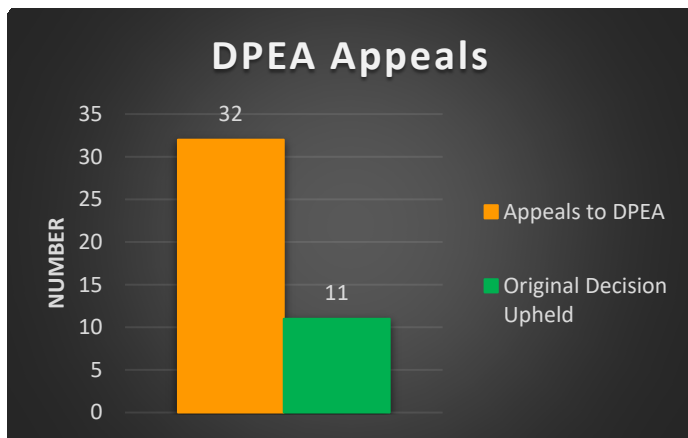
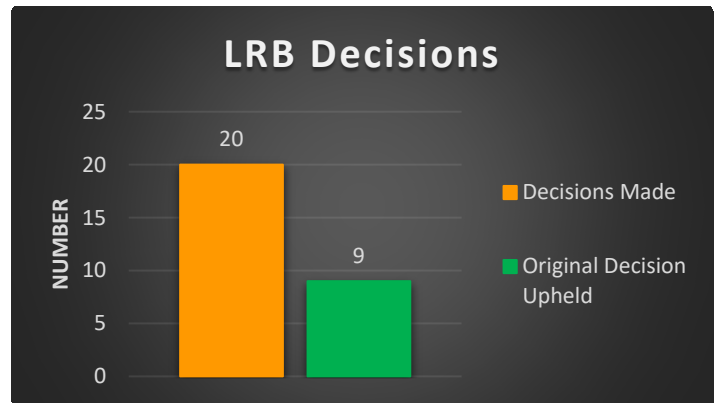
## 2022/2023 Overview

The enforcement team dealt with 389 new enforcement enquiries and closed 399 enquiries during the year.



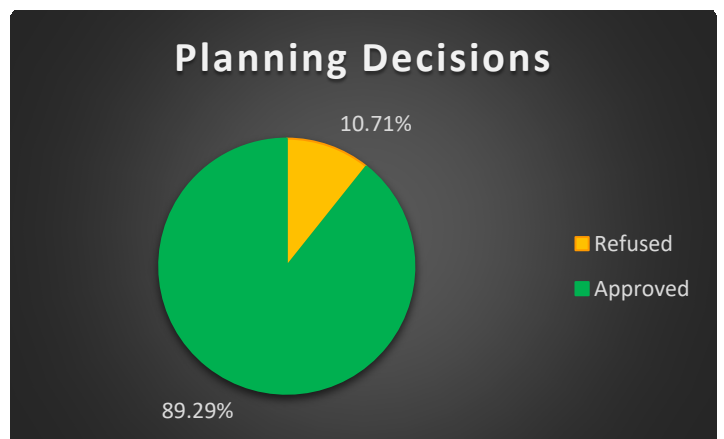
Adopted no Statutory Guidance Documents, with a further 3 being worked on with 1 of these awaiting Scottish Government sign off. Adopted 2 Planning Guidance Documents with a further 2 drafted and awaiting Council Executive Approval

There were 20 Local Review Body (LRB) submissions determined of which 9 were refused, that is the original refusal decision was upheld.



There were 32 appeals to Scottish Ministers (DPEA) of which 11 were upheld in favour of the original decision.

Determined 840 planning or other applications with an 89.29% approval rate.



### Part 1: Qualitative Narrative and Case Studies

The council's twelfth Planning Performance Framework (PPF) reflects on the progress and performance of the service over the financial year 2022/23. It responds to the issues identified in PPF11 and the performance markers report from the Scottish Government and looks ahead to the potential for improvement over the next year and addressing the inevitable challenges from the introduction of National Planning Framework 4 and the cessation of the Strategic Development Plan and its associated guidance.

West Lothian Council's Planning Service has successfully risen to these challenges and has focused on maintaining service levels within development management to help support the development industry and economic recovery. Our focus has been refining adapted processes and procedures to allow good decisions to be made in a timely manner, demonstrating a commitment to both the quality of outcomes and the quality of service and engagement, while ensuring appropriate governance arrangements remain in place.

In particular, the service has continued to respond positively to the shift to a hybrid working pilot and has utilised the full benefits of technology to provide a service which is interactive, customer focused, agile and while responding to the needs of our customers, has not had a detrimental impact on performance. The flexible working practices piloted for a year are now being reviewed to consider their longer-term implementation and effectiveness.

A key challenge for the Development Management team this year has been, not only to maintain the usual high level of service for applicants and customers, but also to contend with nine major housing appeals. These appeals are for housing development on sites which were determined to be significantly contrary to the development plan. Officers have had to rise to the challenge of this particularly high caseload of appeals, against the background of changes in working practices following the pandemic and a number of emerging legislative changes. Some of the appeals have required Hearings and all have required significant work in preparing and defending the council's position against development in the countryside and presenting the council's case in respect of the effective housing land supply position in West Lothian.

This work has been set against out of date documents, such as SPP; the legal challenges to SPP 2020 and the Scottish Government emerging guidance on the climate and nature crises and the adoption of NPF4 in February 2023. Further work has had to be undertaken since the adoption of NPF4, to ensure decisions are being taken in accordance with NPF4 but also taking into account the recent changes to PD rights and amended Use Classes Order, in addition to the amendments to the Fee Regulations from April 2022. The

## Planning Performance Framework 2022/23

introduction of these new procedures and policies has had a significant impact on the workstreams for the Development Management team, but officers have risen to the challenges and are now working towards driving forward development which accords with NPF4 and is part of a plan led system.

### 1.1 Quality of Outcomes

The delivery of high-quality development on the ground contributes to meeting the needs of communities by providing a high quality of life for residents and creating and maintaining an environment that encourages investment. This in turn contributes to the objectives of the Council's overall strategy, including improving the physical environment and creating sustainable and inclusive communities.

In particular, the service has continued to respond positively to the shift to pilot hybrid working arrangements and has utilised the full benefits of technology to provide a service which is interactive, customer focused, agile and while responding to the needs of our customers has not had a detrimental impact on performance.

#### Local Development Plan

The council formally adopted the West Lothian Local Development Plan (LDP) on 4 September 2018.

The Local Development Plan sets out a local interpretation of the requirements of national and strategic policy at that time. In particular, it conforms to the approved Strategic Development Plan (SDP 1) which has been prepared by the strategic planning authority (SESplan) and was approved (with modifications) by Scottish Ministers on the 27 June 2013. Supplementary guidance to identify the individual housing requirements for Local Development Plan areas was also prepared by SESplan and was similarly approved by Scottish Ministers and formally adopted as part of the development plan by all SESplan authorities on 28 October 2014.

It is however the case that the adoption of National Planning Framework 4 (NPF4) on 13 February 2023 has rendered the Strategic Development Plan redundant and it no longer forms part of the 'development plan'. This includes its associated Housing Land Supplementary Guidance.

## Planning Performance Framework 2022/23

The LDP comprises a written statement and a proposals map. The written statement provides the general policy context against which planning applications for new development proposals will be assessed. This is supported by the proposals map which shows the range of development opportunities and constraints within the area.

The West Lothian Local Development Plan (LDP) sets out the spatial land use planning policy and development framework for West Lothian over a ten-year period and is a vital component in ensuring economic growth and business support, meeting confirmed housing need in all tenures and ensuring the protection / enhancement of built and natural heritage resources, all within an overarching aim of securing environmental sustainability.

The LDP is supported by an Action Programme which provides an update on progress with policies and proposals in the LDP and sets out how the council proposes to deliver each of the plan's policies and proposals. It identifies the appropriate parties that are required to carry out the action(s); and it provides an indicative timescale for completing these actions.

### Local Development Plan Scheme

Having successfully secured the adoption of the first West Lothian Local Development Plan in 2018 consideration is now turning to the successor plan, LDP 2.

The Planning etc. (Scotland) Act 2006 requires planning authorities to publish an annual Development Plan Scheme (DPS). The DPS sets out the programme for preparing, reviewing and consulting on the next Local Development Plan and explains what is involved at each of the key stages. It creates an awareness of the LDP preparation process and how and when people can engage with the process.

The council's strategy for preparing the next LDP requires however to be informed by The Planning (Scotland) Act 2019 which was enacted in July 2019 and which makes substantive changes to the Town & Country Planning (Scotland) Act 1997.

The most significantly relevant changes include:

- removing the requirement to prepare Strategic Development plans;
- making the National Planning Framework (NPF) part of the Development Plan;

## Planning Performance Framework 2022/23

- introducing Regional Spatial Strategies (RSS) to provide long term spatial development frameworks at regional level;
- introducing potential for local communities to prepare new ‘Local Place Plans’

In view of the foregoing the council decided that it would prepare LDP 2 wholly in the context of the new legislative framework introduced by The Planning (Scotland) 2019 Act, thus minimising the risk of having to make substantive revisions at a later date in order to align with other emerging legislation, NPF4 in particular, which had at that time yet to be ratified by the Scottish Parliament.

The most recent [Development Plan Scheme](#) No.15 (DPS No.15) was published in March 2023 and has been submitted to Scottish Ministers for information. It intimates that LDP 2 will replace the current West Lothian Local Development Plan (LDP 1) and it sets out a new provisional timetable for doing this.

Q1 - 2023 Q4 - 2024	<b>Early engagement</b>
Q1 - 2024	<b>Council approval of the Evidence Report and submission to Scottish Ministers</b>
Q2 - 2024	<b>Gatecheck of Evidence Report</b>
Q3 - 2024	<b>Call for Ideas</b>
Q2 - 2025	<b>Approval and publication of the Proposed Plan</b>
Q2 - 2025	<b>Proposed Plan Consultation period</b>
Q4 - 2025	<b>Submission of Proposed Plan and Modification Report (if necessary)</b>
Q4 - 2025 Q1 - 2026	<b>Examination of Proposed Plan</b>
Q2 - 2026	<b>Anticipated Adoption of LDP 2</b>

It is a requirement that the LDP must be compliant with the National Planning Framework 4 (which was adopted in February 2023) and should have regard to the Regional Spatial Strategy for the plan area.

## Planning Performance Framework 2022/23

However [The Town and Country Planning \(Development Planning\) \(Scotland\) Regulations 2023](#), which sets of the procedures for the preparation of local development plans, only came into force on 19 May 2023 together with new [Local Development Planning Guidance](#) setting out the Scottish Ministers' expectations of new style LDPs.

Other legislation and guidance which will impact on the new development plan preparation process is still awaited and this continues to make it difficult to reliably programme LDP 2. In these circumstances some modest slippage in the timetable cannot be ruled out and may therefore be subject to further adjustments.

### Case Study 1 – Major Infrastructure Delivery at Winchburgh

<b>Case Study Title</b>
Delivery of major infrastructure at Winchburgh
<b>Location and Dates</b>
Winchburgh, 2022 - 2023
<b>Element of a High-Quality Planning Service this study relates to:</b>
<ul style="list-style-type: none"> <li>• Quality of Outcomes</li> <li>• Quality of Service and engagement</li> </ul>
<b>Key Markers:</b>
3, 12 and 15
<b>Key Areas of Work:</b>
<ul style="list-style-type: none"> <li>• Project Management</li> <li>• Masterplanning</li> </ul>
<b>Stakeholders Involved:</b>
<ul style="list-style-type: none"> <li>• Authority Planning Staff</li> <li>• Local Developers</li> </ul>
<b>Overview:</b>
<p>The success of the settlement expansion at Winchburgh has not only relied on the development of new housing but has also been predicated on the delivery of several key elements of infrastructure.</p> <p>Not only did this infrastructure, such schools, roads, a motorway junction, canal basin and restoration of a former landfill site, need to be delivered to a high standard, but each element had to be delivered to a pre-determined target to allow the continued delivery of the housing.</p>



## Planning Performance Framework 2022/23

<b>Goals:</b>
To deliver the key elements of infrastructure to a high standard and in accordance with the triggers set out in the original planning permission in principle for the settlement expansion and the associated Section 75 planning obligation.
<b>Outcomes:</b>
<p>The positive outcomes include the completion of three new school buildings and a community sports block, two of the schools and the sports block having been opened in August 2022 with the third school ready to open in August 2023.</p> <p>In terms of road infrastructure, the key northern distributor road is well underway and a key achievement early in 2023 was the opening of the M9 motorway junction, which significantly improves access to this key strategic development area.</p> <p>The canal marina has been completed and berths installed and handed over to Scottish Canals and agreement has been reached for the installation of road and pedestrian bridges over the canal.</p> <p>Together these elements have been critical to successful placemaking for and within Winchburgh.</p>
<b>Name of Key Officer</b>
Wendy McCorriston, Development Management Manager

The planning permission in principle for the Winchburgh settlement expansion and the associated Section 75 were carefully drafted to ensure that key infrastructure was delivered throughout the development and at the earliest possible date that each element would be necessary for the success of the expanding community.

The triggers in the planning permission and obligation all relate to the occupation of residential units. The triggers set requirements for delivery of a wide range of infrastructure and services, ranging from play park facilities, neighbourhood retail areas and public art to the key elements such as schools and the M9 motorway junction.

These triggers were originally derived following extensive consultation and collaboration with consultees such as Transport Scotland, Scottish Canals and internal Open Space, Roads and Flood Management officers, but also in negotiation with the main developer, Winchburgh Development's Limited. It was particularly

## Planning Performance Framework 2022/23

important to achieve the buy in from the developer about the timing of the delivery of the infrastructure as much of this would depend on the cash flow forecasts from the developer.

The key elements, such as the school delivery, were also predicated on an understanding of the likely increases in school rolls from the council's school roll forecasts that were set out by the council's Education Planning officer. As a result, the first schools had to be under construction before the occupation of the 551<sup>st</sup> housing unit. Winchburgh Academy and Holy Family School were successfully completed on time and the first pupils started in August 2022.



The schools were delivered in partnership with the developer. The developer team were responsible for platforming and servicing of the site. These requirements formed part of the Section 75 agreement. Thereafter the council's contractor was able to take over the site to successfully complete the school buildings, parking and associated pitches. The associated sports and wellbeing hub building was opened to pupils in August 2022 and subsequently opened to the community and sports groups at the end of 2022. This is now a central community asset which saw the largest inaugural Park Run in Scotland, when 601 runners and joggers took part in the first Auldathie Park Run in January 2023. The final school, Sinclair Academy, is due to open to pupils in August 2023.



## Planning Performance Framework 2022/23

The opening of the M9 motorway junction is another key milestone in the development of Winchburgh. The trigger of 1,000 residential occupations for the opening was determined through the original Traffic Assessment and subsequent Local Roads Assessment updates. The Winchburgh developers were able to deliver the junction before that trigger and this has also facilitated the servicing and availability of a new Employment Estate just south of the motorway junction, adding yet more facilities for the town.





## Planning Performance Framework 2022/23

The development of a new canal basin/marina was an integral part of the leisure facilities for the expanding town centre which were detailed as part of the initial master plan vision. To ensure that this facility was delivered on site timeously, as part of the development of the wider town centre, and did not remain only a vision on a plan, the planning conditions were worded to ensure that an application for the marina was received before the occupation of the 500<sup>th</sup> residential unit and that it was completed as part of the first phase of the town centre by the 1,501<sup>st</sup> unit. The development has just exceeded 900 units and both of those triggers have been successfully met, adding to the vitality and vibrancy of the expanding settlement.



Case Study 2 – Layout and Placemaking Improvements at Former Abattoir Site

<b>Case Study Title:</b>
Layout and Placemaking Improvements at the Former Abattoir Housing Site
<b>Location and Dates:</b>
Former Abattoir Site, Whitburn Road, Bathgate. 2022-2023
<b>Elements of a High-Quality Planning Service this study relates to (please select all that apply):</b>
<ul style="list-style-type: none"> <li>• Quality of outcomes</li> <li>• Quality of service and engagement</li> </ul>
<b>Key Markers (please select all that apply):</b>
1, 3, 12
<b>Key Areas of Work</b>
<ul style="list-style-type: none"> <li>• Design</li> <li>• Placemaking</li> </ul>
<b>Stakeholders Involved</b>
<ul style="list-style-type: none"> <li>• Local Developers</li> <li>• Authority Planning Staff</li> </ul>
<b>Overview:</b>
A re-submitted planning application resulted in the approval of a detailed application with input from Planning Services, Environmental Health and Roads resulting in a good design and placemaking outcome.
<b>Goals:</b>
To help kick start development on the site, ensure an appropriate design to the development and to feed into the council's housing supply targets.
<b>Outcomes:</b>
Redevelopment of a key brownfield site in Bathgate that is part of the council's development strategy.
<b>Name of Key Officer</b>
Matthew Watson, Planning Officer

## Planning Performance Framework 2022/23

The site at the former abattoir on Whitburn Road, Bathgate is an allocated housing site in the West Lothian Local Development Plan.

Planning permission in principle for a residential development covering this site was granted in January 2022. An application for an approval matters specified in conditions for 156 houses and 12 flats was subsequently submitted in February 2022.

The layout for this application had serious problems with it not being Designing Streets compliant, a poor relationship with an area of ancient woodland adjacent the site and the proposal incorporating a 4-metre-high noise barrier along the site frontage, which is in a prominent location on an arterial road into Bathgate. Despite discussions with the developer and their agent, a resolution under the application was not possible, and the application was refused on design grounds.

Pre-application discussions with the applicant and their agent subsequently took place with input from the council's Environmental Health and Roads and Transportation teams. The applicant's acoustic consultants revised their noise assessment to model the impact of houses fronting onto the road and potential mitigation. This approach was agreed with the council's Environmental Health team. Input on the layout was provided by Planning and Roads officers.

An application was then re-submitted in August 2022. This included houses fronting towards Whitburn Road without a noise barrier and a better relationship between the development and the ancient woodland at the west of the site.

Further discussions and revisions to the proposal were required as not all feedback regarding the road layout had been incorporated into the revised layout. The development layout was further revised due to a continuation at committee before finally being granted by committee.

The result was approval of housing on an important brownfield site that is allocated for housing development, as well as a substantially improved layout that responded to its context and the character of the surrounding area.



## Initial Layout



## Final Layout



### Major developments delivered on the ground during 2022/23

During 2022/23 the following major developments have been delivered on the ground, establishing West Lothian as a key location and destination for sustainable economic growth within the central belt: -

- Completion of construction works and opening of the M9 motorway junction at Winchburgh.
- Commencement of construction of the East-West core distributor road at Winchburgh, including the road bridge across the railway north of Station Road.
- Completion and opening of the Sports and Wellbeing Hub building at the Winchburgh schools complex.
- Completion of construction of the Sinclair Academy Denominational Secondary School at Winchburgh and hand over to the council for opening in August 2023.
- Completion of the first phase of the maturation warehouse extensions for Glen Turner Distilleries at Bathgate.
- Completion and opening of Aldi supermarket in Broxburn.
- Completion of turbine construction at Longhill Burn Windfarm, Breich.
- Commencement of development on the council's flagship Additional Support Needs (ASN) primary school, Beatlie PS, in Livingston.
- Commencement of the first phase of the housing development at the former Bangour Hospital site at Dechmont, Livingston for the delivery of over 990 new and refurbished homes at the historic hospital site.
- Commencement of construction by Cala on 60 houses at Deanburn Road, Linlithgow.
- Completion of the development of 130 houses by Bellway at Houston Road, Livingston.
- Completion of almost 100 houses and flats by Bellway at Gregory Road, Livingston.
- Completion of 252 houses in the Calderwood Core Development Area (CDA) and 164 in the Winchburgh CDA.
- Commencement on the construction of a 49.9MW battery energy storage facility at Drumshoreland Road, Pumpherston.



### 1.2 Quality of Service and Engagement:

The Planning Service offers to meet early in the design process with developers through [pre-application discussions](#) to front load the application process and, in some cases, this has helped with a more streamlined process and better quality of outcomes.

The legislative changes brought in by the Town and Country Planning (Fees for Applications) (Scotland) Regulations 2022 which includes the ability to charge fees for Pre-application enquiries, brought in a formal chargeable service from April 2022 which generated 54 pre-application enquires. This [pre-application discussions](#) service will run alongside a separate free of charge call back duty service for general planning enquiries provided by the Planning Service.

Advice provided by both of these services also includes details of on any [developer contributions](#) that may be payable along with what information should be submitted with the application to ensure that it is dealt with as speedily as possible.

This year has seen a minor decrease in the submission of applications for a [Certificate of Lawfulness](#) for proposed development to 95 in 2022/23 from last year's 117 in total but this, nevertheless, illustrates the continuation of a high demand for this service. These applications are now being submitted by regular agents as a means of obtaining a formal decision notice for their client's proposals, ranging from garage conversions and extensions to changes of use. Agents have recognised the value of this process for all parties which in turn has streamlined the general enquiry service and reduced the number of emails seeking opinions on minor proposals.

[Developer contributions](#) are identified through the Local Development Plan (LDP) policies INF 1 (Infrastructure Provision and Developer Obligations) and CDA 1 (Development in the Previously Identified Core Development Areas). These policies advise that the council will seek contributions ([developer contributions](#)) that are in accordance with Scottish Government Circular 3/2012 'Planning Obligations and Good Neighbour Agreements', as interpreted by emerging case law and amended by subsequent

## Planning Performance Framework 2022/23

amendments and legislation, to mitigate the development's individual or cumulative impacts upon infrastructure, including cross-boundary impacts.

The Service continues to promote the use of [processing agreements](#), which are published on the [How is a planning application processed](#) page of the website. These [processing agreements](#) encourage a closer working relationship between the council and the applicant. In 2022/23 there were 50 applications subject to processing agreements, an increase from the 13 applications in 2021/22.

The Service continues to seek to provide new services to the community. A potential service under consideration at the moment is the provision of a 'certificate of completion' for planning applications, which would provide applicants with a formal notice confirming that either individual or all conditions attached to a planning consent have been discharged.

Through our Economic Development & Regeneration Service, Planning officers, in association with our colleagues in Building Standards, engage with potential and existing inward investors in helping to identify and expand both potential and existing sites. These customer engagements are especially beneficial to SME's who may not have the ready experience or financial resources available as do some larger organisations. Even with this early engagement Planning Services allow the SME's additional time to adjust their proposals as required to meet the constraints of the LDP. It is felt that it is more beneficial to the local economy to work with these organisations longer and gain the necessary approval rather than determine the application early to improve the average time taken to determine a SME application.

### Case Study 3 – Partnership Working to Deliver Affordable Housing

<b>Case Study Title:</b>
Partnership Working to Deliver Affordable Housing
<b>Location and Dates:</b>
Mossend, West Calder 2019 - 2023
<b>Elements of a High-Quality Planning Service this study relates to (please select all that apply):</b>
<ul style="list-style-type: none"> <li>• Quality of outcomes</li> <li>• Quality of service and engagement</li> </ul>
<b>Key Markers (please select all that apply):</b>
6, 12
<b>Key Areas of Work</b>
<ul style="list-style-type: none"> <li>• Affordable Housing</li> <li>• Interdisciplinary Working</li> </ul>
<b>Stakeholders Involved</b>
<ul style="list-style-type: none"> <li>• Authority Planning Staff</li> <li>• Authority Other Staff</li> </ul>
<b>Overview:</b>
Delivering affordable homes is critical in the provision of successful places in order to create balanced communities. The land for the affordable housing at Mossend had been identified and secured through previous grants of permission and associated S75 agreements.
<b>Goals:</b>
To deliver affordable homes to a high standard and in accordance with the requirements of the related permissions and S75 agreements granted to the Mossend developer.
<b>Outcomes:</b>
<p>The end result is the successful delivery from the developer to the council of 69 properties with associated roads, parking and landscaping. The homes are all occupied on a social rent basis to help meet the acute need for this tenure.</p> <p>This project demonstrated a good example of interdisciplinary working between council officers and the developer to secure the delivery of the affordable provision.</p>

<b>Name of key officer</b>
Tony Irving, Principal Planning Officer

Officers from Planning and Housing worked closely with the developer to agree the form of affordable delivery. It was agreed the council would be the affordable partner to deliver 69 social rent properties and would enter into a turn key delivery contract with the developer.

Pre-application discussions were held with Planning and Housing officers and the developer to achieve a suitable design that took regard of wider development within this part of the Core Development Area.

A planning application followed and this was successfully processed and construction commenced shortly after this approval in February 2021. The homes were fully occupied by the start of 2023.

### Layout for the 69 Homes



Handover of the first phase of the housing to the council in early 2022.



Case Study 4 – Developer Engagement at Hens Nest Road

<b>Case Study Title:</b>
Developer Engagement at Hens Nest Road
<b>Location and Dates:</b>
East Whitburn, January to March 2023
<b>Elements of a High-Quality Planning Service this study relates to:</b>
<ul style="list-style-type: none"> <li>• Quality of outcomes</li> <li>• Quality of service and engagement</li> <li>• Governance</li> <li>• Culture of continuous improvement</li> </ul>
<b>Key Markers:</b>
12, 14
<b>Key Areas of Work:</b>
<ul style="list-style-type: none"> <li>• Collaborative Working</li> <li>• Environment</li> </ul>
<b>Stakeholders Involved:</b>
<ul style="list-style-type: none"> <li>• Local Developers</li> <li>• Key Agencies</li> <li>• Authority Planning Staff</li> </ul>
<b>Overview:</b>
<p>The case study relates to a large-scale housing development within the designated Countryside Belt at Hens Nest Road in East Whitburn.</p> <p>For this housing development, despite a history of refusals at the site and the final consent being granted on appeal, officers were able to use negotiations skills and engage positively with the developer and its architects to achieve design improvements prior to the implementation of the development on site.</p>
<b>Goals:</b>
The case study aimed to contribute to the wider goals and outcomes of Designing Streets, NPF 4 and Roads Construction Consent.



## Planning Performance Framework 2022/23

To also work collaboratively with roads engineers and the developer to achieve positive benefits not only to the development layout but for the surrounding environment as a whole.
<b>Outcomes:</b>
<ul style="list-style-type: none"><li>• A good example of collaborative working and negotiation was demonstrated, which was particularly pleasing as the changes to the development details were made post appeal decision.</li><li>• Improvements to the links into the existing and proposed green networks.</li><li>• Improvements to the road layout design.</li></ul>
<b>Name of key officer</b>
Mahlon Fautua, Senior Planning Officer

There has been a history of resistance from the Planning Authority to progressing housing development on this land firstly in terms of non-allocation in the LDP and then refusal of Planning Permission in Principle (LIVE/0411/P/17) in April 2018.

Planning Permission (0219/FUL/20) was refused for the erection of 104 houses but granted at Appeal in April 2022. Certain aspects of the detailed street design were not acceptable and was a part of the reason for refusal by the Planning Authority.

The developer willingly made amendments to address officer concerns and entered into negotiations to make several changes to the detailed design even though decision was made against officer recommendation.

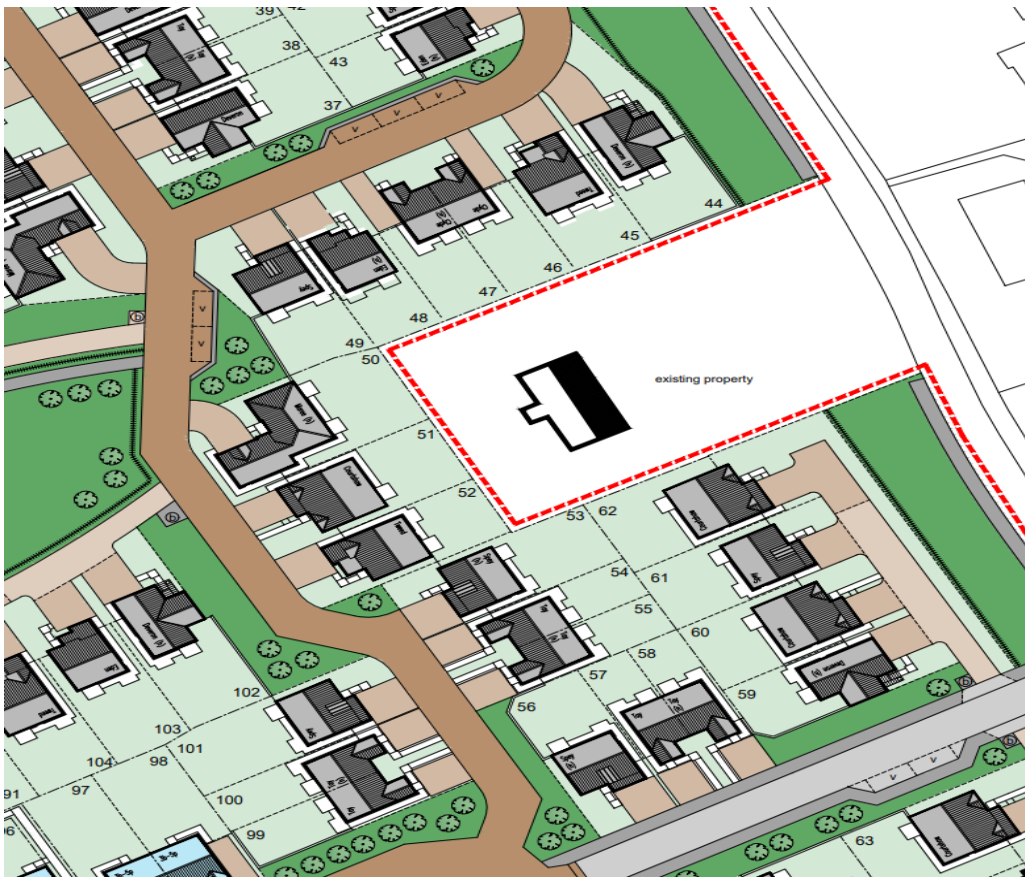
An example of this was to include a 'shared surface' road layout predominantly throughout the development following engagement with the developer and as requested by officers. This also included re-arranging visitor parking spaces to avoid being too close in proximity to front gardens.

The developer also made changes on the interface between the proposed housing and countryside belt. These included improvements to landscaping and also connecting the development into the existing green path network.





## Street Surface and Layout following negotiations



### 1.3 Governance:

#### Decision Making

Our governance is underpinned by the Development Management Committee who meet every four weeks and West Lothian Planning Committee meetings who meet 10 times a year as required. From August 2022 these meetings have been held in a hybrid format which allows people to attend either in person or remotely.

The delegation scheme has been reviewed and reported to the Council's Development & Transport Policy Development and Scrutiny Panel (PDSP) and has also been approved by the Council Executive. Subsequent to this the delegation scheme was forwarded on to Scottish Government and was approved by Scottish Ministers in April 2021

In terms of decision making 89.29% of applications (750 out of 840) were approved. With 95.47% (802 out of 840) being determined under delegated powers by the Appointed Officer. The Major and Strategic decisions are made by the West Lothian Planning Committee in line with Scottish Government Policy although this may change going forward in line with the new Act. The Local Review Board meets every four weeks if required and over the year 20 cases were presented to the board of which 45% of decisions (9 out of 20) made by the Council being upheld.

#### Staffing

The interim review of the Development Management section which had been carried out in late 2020 was further reviewed due to maternity leave and workload in the Enforcement section with 2 additional FTE posts being filled on a 1-year fixed term basis and an existing fixed term contract for a Development Management Technician being made permanent.

See complete staffing structure in Part 6.

All customer enquiries are now handled by telephone or email only and are logged through our customer relations management software. A planning officer, on a rotational basis, is responsible for all calls for that day and these are responded to over a short time period in the afternoon.

### Discretionary Charging

As mentioned in the quality of service and engagement section, the Planning Service offers to meet early in the design process with developers through [pre-application discussions](#) to front load the application process and, in some cases, this has helped with a more streamlined process and better quality of outcomes.

The legislative changes brought in by the Town and Country Planning (Fees for Applications) (Scotland) Regulations 2022 which includes the ability to charge fees for Pre-application enquiries, brought in a formal chargeable service from April 2022 which generated 54 pre-application enquires. This [pre-application discussions](#) service will run alongside a separate free of charge call back duty service for general planning enquiries provided by the Planning Service.

Advice provided by both of these services also includes details of on any [developer contributions](#) that may be payable along with what information should be submitted with the application to ensure that it is dealt with as speedily as possible.

### Average Performance

During 2022/23 the development management team were a member of staff down for the majority of the year due to staff turnover and the time taken to advertise, appoint and start staff in post.

The number of:

- major decisions decreased from 18 to 15 this year, a 16.67% decrease with the average timescale decreasing from 114.1 weeks to 46.8 weeks, a 58.98% decrease. The decrease related in large part to the number of long-term legacy applications which were determined in the previous year and the concerted effort to minimise the number of legacy cases going forward.
- local development (non-householder) decisions decreased from 367 to 263 this year, a 28.34% decrease, with the average timescale decreasing from 15.2 weeks to 14.2 weeks, a 6.58% decrease.
- householder development decisions decreased from 387 to 337 this year, a 12.92% decrease, with the average timescale decreasing from 8 weeks to 7.3 weeks, an 8.75% decrease.

The decreases in average time noted above can in large part be attributed to the average time taken to get legal agreements agreed reducing from 219.4 weeks to 43.3 weeks which was the result to the number of

long-term legacy applications which were determined in the previous year and the concerted effort to minimise the number of legacy cases going forward.

### **Shared Service**

The shared service whereby East Lothian Council's Contaminated Land Officer would check and comment on all submissions to West Lothian Council under both Planning Applications and Building Warrant submissions came to an end at the end of 2019/20 due to reallocating resources in light of the pandemic. It had been hoped that this service could be restarted as this shared service has proven beneficial to both services and discussions were carried out with both East Lothian and Falkirk Councils on this subject which did not come to fruition. In the interim the service has been outsourced to an external consultant although shared service provisions are to be discussed again this year with other local authorities.

Building Standards staff continue to provide a shared service with planning enforcement and are their eyes on the ground for the initial assessment of planning enquiries. This shared service allows planning enforcement to priorities their workload with enforcement staff concentrating on clear planning breaches of planning legislation.

### Case Study 5 – Review of Invalid Planning Applications

<b>Case Study Title:</b>
Review of reasons behind invalid applications
<b>Location and Dates:</b>
West Lothian, April 2022- March 2023
<b>Elements of a High-Quality Planning Service this study relates to (please select all that apply):</b>
<ul style="list-style-type: none"> <li>• Governance</li> <li>• Culture of continuous improvement</li> </ul>
<b>Key Markers (please select all that apply):</b>
1, 6
<b>Key Areas of Work</b>
<ul style="list-style-type: none"> <li>• Performance monitoring</li> <li>• Process Improvement</li> </ul>
<b>Stakeholders Involved</b>
<ul style="list-style-type: none"> <li>• Authority Planning Staff</li> <li>• Other (Applicants /Agents)</li> </ul>
<b>Overview:</b>
<p>The Town and Country Planning (Development Management Procedure) (Scotland) Regulations (DMR) 2013 Part 3 Procedures on applications for planning permission, sets out the form and content of an application for planning permission.</p> <p>The statutory requirements are relatively minimal in order to validate a planning application yet around 70% of applications received are not competent for some reason. Utilising information submitted in respect of the 6 monthly Scottish Government performance returns, an assessment has been made of the reasons why applications are invalid upon receipt.</p>

## Planning Performance Framework 2022/23

<b>Goals:</b>
<ul style="list-style-type: none"><li>• To identify the reasons applications submitted are invalid on receipt.</li><li>• To identify potential mechanisms for ensuring the percentage of invalid applications can be reduced.</li><li>• Thereafter, to review the effectiveness of the mechanisms that have been implemented.</li></ul>
<b>Outcomes:</b>
<p>The outcome has been that a number of key reasons behind applications being invalid on submission have been identified. The main one of these is a missing or incorrect fee. The reason for this is primarily due to the time taken to match an application which comes through the eplanning to a fee which comes to the planning authority. Incorrect fees including, more recently, the 25% additional fee for retrospective applications also results in a number of invalid applications.</p> <p>A number of strategies for notifying and informing applicants and agents of how to avoid invalid applications have been put in place and monitoring of these measures will take place during 2023/24.</p>
<b>Name of Key Officer</b>
Steven McLaren, Planning Officer

In accordance with the DMR, an application must contain a written description of the development to which it relates and include either the postal address of the land or a description of the location of the land if there is no postal address. The name and address of the applicant and agent (if used) is required and the application must include a plan 'sufficient to identify the land to which it relates' and how this relates to the locality and neighbouring land.

There is also a requirement for the application to contain 'such other plans and drawings as necessary to describe the development to which it relates'. The application must include a plan which identifies other land within the applicant's ownership, be accompanied by any fee required in the fee regulations and be provided with a land ownership certificate.

Whilst this relates to the submission of a planning application, broadly similar requirements are set out for planning permission in principle and MSC application. Listed building, advertisement consents, certificate of lawfulness etc. whilst covered by separate legislation still require sufficient details to identify the development.

## Planning Performance Framework 2022/23

There is a limited suite of requirements to allow an application to be validated upon receipt. An assessment the 6 monthly performance returns to the Scottish Government includes applications received and validated. An extract of the 1<sup>st</sup> and 2<sup>nd</sup> half 2022/23 figures are provided below for information.

Overall for the financial year 2022/23, in respect of the tables below, 1,146 applications were received with only 348 valid upon receipt. This equates to around 70% of applications received having information missing or of a quality where additional information is needed before they can be validated.

<b>T4 Applications received and validated</b>			
<b>Data in this template should be for applications received or validated between 01/04/2022 to 30/09/2022</b>			
<b>This should include all applications that were received or validated whether decisions were issued or not</b>			
	<b>Number of Applications Received</b>	<b>Number of Applications that were Valid on Receipt</b>	<b>Total Number of Applications Validated</b>
	01/04/2022 to 30/09/2022	01/04/2022 to 30/09/2022	01/04/2022 to 30/09/2022
Householder Applications (HA)	176	68	164
Planning Permission (PA)	167	34	150
Listed Building Consent (LBC)	29	17	17
Conservation Area Consent (CAC)	0	0	0
Advertisement Consent (ADV)	34	5	29
Tree Works (TW)	23	13	22
Prior Notification (PN)	8	2	4
Certificate of Lawfulness – Existing Use (CLEU)	2	0	2
Certificate of Lawfulness – Proposed Use (CLPU)	59	23	72
Any other Application types <sup>1</sup>	94	3	79
<b>Total number of applications</b>	<b>592</b>	<b>165</b>	<b>539</b>

1. please include any other application types received except Appeals, Notice of Review (NoR), and Post Submission Additional Documents (PSAD) forms.

<b>T4 Applications received and validated</b>			
<b>Data in this template should be for applications received or validated between 01/10/2022 to 31/03/2023</b>			
<b>This should include all applications that were received or validated whether decisions were issued or not</b>			
	<b>Number of Applications Received</b>	<b>Number of Applications that were Valid on Receipt</b>	<b>Total Number of Applications Validated</b>
	01/10/2022 to 31/03/2023	01/10/2022 to 31/03/2023	01/10/2022 to 31/03/2023
Householder Applications (HA)	157	57	146
Planning Permission (PA)	195	52	161
Listed Building Consent (LBC)	24	20	25
Conservation Area Consent (CAC)	0	0	0
Advertisement Consent (ADV)	29	9	24
Tree Works (TW)	21	12	19
Prior Notification (PN)	5	2	5
Certificate of Lawfulness – Existing Use (CLEU)	3	2	2
Certificate of Lawfulness – Proposed Use (CLPU)	35	9	35
Any other Application types <sup>1</sup>	85	20	28
<b>Total number of applications</b>	<b>554</b>	<b>183</b>	<b>445</b>

1. please include any other application types received except Appeals, Notice of Review (NoR), and Post Submission Additional Documents (PSAD) forms.

There are broad reasons why an application may be invalid on receipt.

- Firstly, applications are submitted without a fee, either because the applicant is unsure what fee to pay and confirmation is provided when an invalid letter is issued or because an applicant has paid a fee to the council but it is not cross referenced on the eplanning application submission and reconciliation of the fee and the application is required before the application can be validated.

## Planning Performance Framework 2022/23

- The fee may be wrong, either incorrectly calculated by the applicant/agent or by the ePlanning fee calculator.
  - (i) The 25% surcharge for retrospective applications is not added via ePlanning and those submitting a retrospective application may be unaware of the surcharge, therefore, the fee will be wrong.
  - (ii) Broadly speaking, the revised April 2022 fee scale is more complex than the previous version and in particular with a significant change to the Change of Use fees and this appears to have resulted in a greater number of inaccurate fees submitted.
- Other reasons for applications being invalid on receipt include incomplete forms eg. no land ownership certificate provided or some other error such as a missing site address.
- Poor quality drawings where it is unclear what the details of the application relate to or no drawings at all. Lack of a location plan or a location plan where it is not possible to identify the site and the surrounding area, possibly due to an old or out of date map being used.
- Whilst not a statutory requirement, the council has taken the stance that where a development lies within a coal mining high risk area, the application is held until a Coal Mining Risk Assessment Report is submitted. West Lothian Council also takes the view that with application details only being available online, in order to allow neighbours, consultees and other interested parties to fully understand the scale of a development, whether householder, housing or commercial development, an application is held invalid where dimensioned plans are considered essential.

From the assessment of data, it is acknowledged that by far the largest single reason for an application not being validated at the outset is that of fees, either incorrect or not received. The Scottish Government published fee guidance and ePlanning has a fee calculator. The fee calculator does not provide a section for a change of use calculation by floorspace or provide an option for retrospective applications or 25% reduction in conservation areas. It also points applicants to local authorities in order for fees to be checked. Depending on the method of submission and payment, there can be a disconnect between the application submission and fee payment. Until these are reconciled, the application will remain invalid, even if submitted and paid simultaneously.



## Planning Performance Framework 2022/23

Fees are then followed generally by the lack of a location plan, land ownership certificate and dimensioned plans.

In order to facilitate a higher percentage of validations upon initial receipt of an application, it requires the Scottish Government to refresh the fee calculator in line with The Town and Country Planning (Fees for Applications) (Scotland) Regulations 2022. The council has recently been giving collaborative feedback on these matters by attending meetings with the Scottish Government's edevelopment unit.

More recently and going forward into 2023 WLC has volunteered to give detailed feedback to the edevelopment unit on their project *SMART applications apply* which will hopefully also take on board the issues raised regarding the fee calculations and reconciliation.

In addition to this engagement, the council has reviewed its web site and in particular the information on the updated Fee Regulations and the 25% reduction and surcharges, to ensure that these details are clear for customers who are submitting applications.

The council is now undertaking a review and update of the submission and validation requirements set out on its website.

As part of a recent internal assessment process, meetings have been held with regular applicants and agents, who have been reminded of the requirements to provide dimensioned plans, a land ownership certificate and to check the fee at the time of submission of an application.

Monitoring of the success of these interventions will be undertaken during 2023 and 2024 to determine whether there has been a reduction in the number of invalid applications as a result of these measures.

Case Study 6 - Statutory and Non-Statutory Guidance

<b>Case Study Title</b>
Statutory and Non-Statutory Guidance
<b>Location and Dates</b>
Civic Centre Livingston
<b>Element of a High-Quality Planning Service this study relates to:</b>
<ul style="list-style-type: none"> <li>• Quality of service and engagement</li> <li>• Governance</li> </ul>
<b>Key Markers:</b>
11, 12
<b>Key Areas of Work:</b>
<ul style="list-style-type: none"> <li>• Local Development Plan &amp; Supplementary Guidance</li> <li>• Community Engagement</li> </ul>
<b>Stakeholders Involved:</b>
<ul style="list-style-type: none"> <li>• Key Agencies</li> <li>• Authority Planning Staff</li> </ul>
<b>Overview:</b>
A key substantive work stream which the Development Planning team has been engaged in since the adoption of the LDP has been the preparation of new statutory Supplementary Guidance (SG) and non-statutory Planning Guidance (PG).
<b>Goals:</b>
The guidance provides additional detail on specific subject areas within the LDP, explains how planning policies will be implemented and at the same time requires to be compliant with Planning Circular 6/2013: <i>Development Planning</i> and current national planning policies.

## Planning Performance Framework 2022/23

<b>Outcomes:</b>
The guidance will provide certainty for residents, businesses and developers in West Lothian and will support the LDP, in particular with regard to developer contributions which have been approved as meeting the requirements of Planning Circular 3/2012: Planning obligations and good neighbour agreements. Significant progress has been made, particularly over the past twelve months and as can be evidenced from the table below
<b>Name of Key Officer</b>
Steve Lovell, Principal Planning Officer

### Statutory and Non-Statutory Guidance:

**Adopted or commenced new planning guidance supporting the Local Development Plan at 31 March 2023**

Statutory Planning Guidance (SG)	Status
<b>Flooding and Drainage</b>	<b>Adopted</b>  April 2019
<b>Residential Development Guide</b>	<b>Adopted</b>  April 2019
<b>Air Quality</b>	<b>Adopted</b>  April 2019
<b>Planning &amp; Noise</b>	<b>Adopted</b>  February 2019
<b>Development in the Countryside</b>	<b>Adopted</b>  March 2019

## Planning Performance Framework 2022/23

<b>Affordable Housing</b>	<b>Adopted</b>  June 2019
<b>Developer Contributions Towards Public Art</b>	<b>Adopted</b>  January 2020
<b>Minerals (Including Restoration Bonds)</b>	<b>Adopted</b>  February 2020
<b>Developer Obligations for General Infrastructure for Site Delivery</b>	<b>Adopted</b>  September 2020
<b>Planning &amp; Education</b>	<b>Adopted</b>  June 2021
<b>Developer Contributions Towards Cemetery Provision</b>	<b>Adopted</b>  4 August 2021
<b>West Lothian Place-Based Green Network Guidance</b>	SG drafted and consulted on. A new iteration of the SG is being drafted.
<b>Developer Contributions Towards Transport Infrastructure</b>	SG submitted to Scottish Ministers but not yet been approved to adopt
<b>Wind Energy</b>	<b>Adopted</b>  June 2021
<b>Renewables &amp; Low Carbon Energy Development (excluding Wind Energy)</b>	<b>Adopted</b>  June 2021
<b>Contaminated Land</b>	SG drafted and will be consulted on subject to committee approval.

## Planning Performance Framework 2022/23

Non-Statutory Planning Guidance (PG)	Status
<b>West Lothian Active Travel Plan</b>	<b>Adopted</b>  April 2016
<b>Health Impact Assessment</b>	<b>Adopted</b>  March 2017
<b>Air Quality</b>	<b>Adopted</b>  April 2019
<b>Planning for Nature</b>	<b>Adopted</b>  April 2020
<b>Mobile Snack Bars</b>	<b>Adopted</b>  May 2020
<b>Shop fronts and Advertisements in Broxburn and Uphall, Linlithgow, Kirknewton, Livingston, Mid Calder and Torphichen Conservations Areas</b>	<b>Adopted</b>  May 2020
<b>Controlling Obtrusive Lighting</b>	<b>Adopted</b>  March 2020
<b>House Extension and Alteration Design Guide</b>	<b>Adopted</b>  October 2020
<b>Areas of Built Heritage and Townscape Value – The Shale Miners Rows</b>	<b>Adopted</b>  November 2020
<b>Non-employment Uses within Employment Areas</b>	<b>Adopted</b>  January 2021



## Planning Performance Framework 2022/23

<p><b>Public Realm Design Guides for Armadale, Bathgate, Broxburn &amp; Uphall, Linlithgow and Whitburn</b></p>	<p>Public Consultation was carried out on the public realm designs guides for the 5 traditional town centres in Autumn 2021 after lockdown restrictions were raised. The results were reported to Council Executive in April 2022 where it was agreed that the 5 Design Guides remained relevant, albeit there was a need for some minor updating.</p>
<p><b>Soil Management &amp; After Use of Soils on Development Sites</b></p>	<p><b>Adopted</b>  April 2021</p>
<p><b>The Historic Environment</b></p>	<p><b>Adopted</b>  April 2021</p>
<p><b>Historic Battlefield – Site of Battle of Linlithgow Bridge</b></p>	<p><b>Adopted</b>  January 2023</p>
<p><b>Alterations and replacement of windows in Listed Building and in Conservation Areas</b></p>	<p>PG has been consulted on but has not yet been approved to adopt</p>
<p><b>The Control of Security Screening on Commercial Premises</b></p>	<p>Provisionally drafted</p>

### 1.4 Culture of Continuous Improvement

The Planning Service has continued over the last 12 months to embed a culture of continuous improvement into its delivery of the services, despite the challenging financial climate. [The Management Plan](#) (current online version 2022/23) is updated annually and as a document is a record of proposed service improvements for 2023/24 and really focusses in on those changes that are required by legislation, the introduction of new technology and customer demand. The [Management Plans](#) for previous years can also be found online.

The Employee Annual Development and Review (ADR) programme plays an important part in identifying training opportunities and service improvements through the holding of individual review meetings. Senior Management Team meetings are held:

- monthly to provide an opportunity to ensure staff are well briefed on corporate issues,
- weekly in Development Management to provide an opportunity to:
  - share concerns,
  - identify pressing issues with applications nearing target,
  - prioritise or reallocate workload and
  - identify needs for training and sharing of ideas for best practice.
- Fortnightly in Development Planning to:
  - share concerns,
  - identify pressing issues with projects nearing target,
  - prioritise or reallocate workload and
  - identify needs for training and sharing of ideas for best practice.
- weekly in Building Standards to provide an opportunity to:
  - share concerns,
  - identify pressing issues with applications nearing target,
  - prioritise or reallocate workload and
  - identify needs for training and sharing of ideas for best practice.

In 2022/23 staff from Planning Services attended the following training/CPD events or forums to share/develop good practice:

This year events were a combination of in person meetings and conferences and virtual training through video calls and meetings and good practice forums

### Training/ CPD events and Good Practice Forums

21.06.2022 – 20 Minute Neighbourhood webinar, hosted by TCPA

20.09.2022 – Green Recovery -HOPS/Planning Skills Workshop

20.10.2022 – Neurodiversity and Planning – RTPI online webcast

26.10.2022 – Built Environment -Smarter Transformation -Heatsource Retrofit and Passivhaus in practice seminar

04.11.2022 - Customer Service and Equality and Diversity WLC Annual Refresher training modules

15.12.2022 - User Security Awareness and Health and Safety WLC Annual Refresher training modules

18.01.2023 – A Network for Net Zero Workshop, hosted by Scottish & Southern Electricity Networks

23.01.2023 - WLC online, Wellbeing Workshop

16.02.2023 – GPD(S)O – WLC Inhouse update training

22.02.2023 - Place and Wellbeing: Integrating Public Health and Transport Workshop, hosted by Public Health Scotland

02.03.2023 – Building Resilience - Improvement Service Workshop

15.03.2023 – Grid Improvements workshop, hosted by Scotwind

20.04.2023 – Local Living and 20 Minute Neighbourhoods – Improvement Service Workshop

29.03.2023 – Ecology and Biodiversity training day and site visits – hosted by WLC Biodiversity Officers

30.03.2023 – HOPS Annual Conference and AGM, Largs

Case Study 7 – Supporting Information for Submission with Planning Applications

<b>Case Study Title:</b>
Supporting Information for submission with Planning Applications
<b>Location and Dates:</b>
West Lothian, December 2022- March 2023
<b>Elements of a High-Quality Planning Service this study relates to:</b>
<ul style="list-style-type: none"> <li>• Quality of outcomes</li> <li>• Quality of service and engagement</li> <li>• Governance</li> <li>• Culture of continuous improvement</li> </ul>
<b>Key Markers:</b>
1, 2, 3, 6
<b>Key Areas of Work</b>
<ul style="list-style-type: none"> <li>• Development Management Processes</li> <li>• Planning Applications</li> </ul>
<b>Stakeholders Involved:</b>
<ul style="list-style-type: none"> <li>• Authority Planning Staff</li> <li>• Other (Applicants/Agents)</li> </ul>
<b>Overview:</b>
<p>This project builds on the previous case study about the rate of valid applications (see case study on validation) The service identified that, post validation, missing information that is needed to fully assess</p>

## Planning Performance Framework 2022/23

planning applications is holding up decision making. This is resulting in delays for customers, impacting on performance and leading to complaints. This project looked to identify reasons for this and look at ways of addressing the problem, using customer engagement and benchmarking. The result of the project is a new process for the early identification of reports and statements which will be required to determine an application.

### Goals:

- To identify the common information which is missing from applications
- To reflect on whether our requests are proportionate and reasonable
- To engage with customers to ensure that delays are minimised

### Outcomes:

As part of the validation process a senior/principal officer will now flag any supporting information which, although not required for validation, will be necessary for the full assessment of the application. These can be selected from a list within uniform. The technical support team will then be able to generate a letter to the agent/applicant setting out the need for additional supporting information. This means the request for information is sent right at the start of the assessment process.

### Name of key officer

Gillian Cyphus, Principal Planning Officer

As part of the validation process a senior/principal officer will now flag any supporting information which, although not required for validation, will be necessary for the full assessment of the application. These can be selected from a list within uniform. The technical support team will then be able to generate a letter to the agent/applicant setting out the need for additional supporting information. This means the request for information is sent right at the start of the assessment process.

Case officers were finding that applications were being held up by a lack of supporting information and agents were commenting that applications were taking too long because of requests for additional information. To understand the problem, we first needed to know the type of information which was being requested. Officer looked at their current application lists and we reviewed our performance tracking sheets



which identify reasons for applications going over target. This gave us a good understanding of the nature of the problem. The following were common reasons for applications being delayed

- Contaminated land information
- Marketing information in relation to commercial/industrial land
- Sequential assessments
- Drainage information

From our engagement with customers we were aware that West Lothian Council asks for more information upfront than some other authorities, where matters such as contaminated land are often dealt with by suspensive condition. We carried out benchmarking with other authorities and reviewed our practices to make sure that our requests for information are proportionate and reasonable. Following discussion with our consultees we agreed that, with the exception of some smaller cases where contaminated land issues could be dealt with by condition, our requests for information are appropriate and are in line with development plan policies and supporting guidance.

In addition to this, NPF4 contains a number of policies which require the submission of further information, for example details of how a development will enhance biodiversity. To ensure that these matters are given appropriate consideration and not added as an afterthought, they should be addressed prior to a decision and not dealt with by suspensive condition. We do not believe that asking for less information or adding more suspensive conditions can be the solution.

The solution has to come from having the information provided as early as possible. Key to doing this is making sure that customers are aware of the requirements. To help with that we have prepared a list of supporting information that is likely to be required on different types of application, including the new requirements of NPF4, summarised below.

- Contaminated Land
- Flooding and Drainage
- Levels information
- Noise Assessment
- Preliminary Ecology Assessment

## Planning Performance Framework 2022/23

- Ecology Enhancement
- Tree Survey
- Landscape Plan
- Soil Sustainability Plan
- Low and Zero Carbon Statement
- Health Impact Assessment
- Statement of Community Benefit
- Sequential Assessment
- Marketing Information
- Structural Survey

It also includes links to the relevant policies and guidance so customers can understand the need for the information and see exactly what they are expected to provide. This has been provided to regular agents and is available on our website.

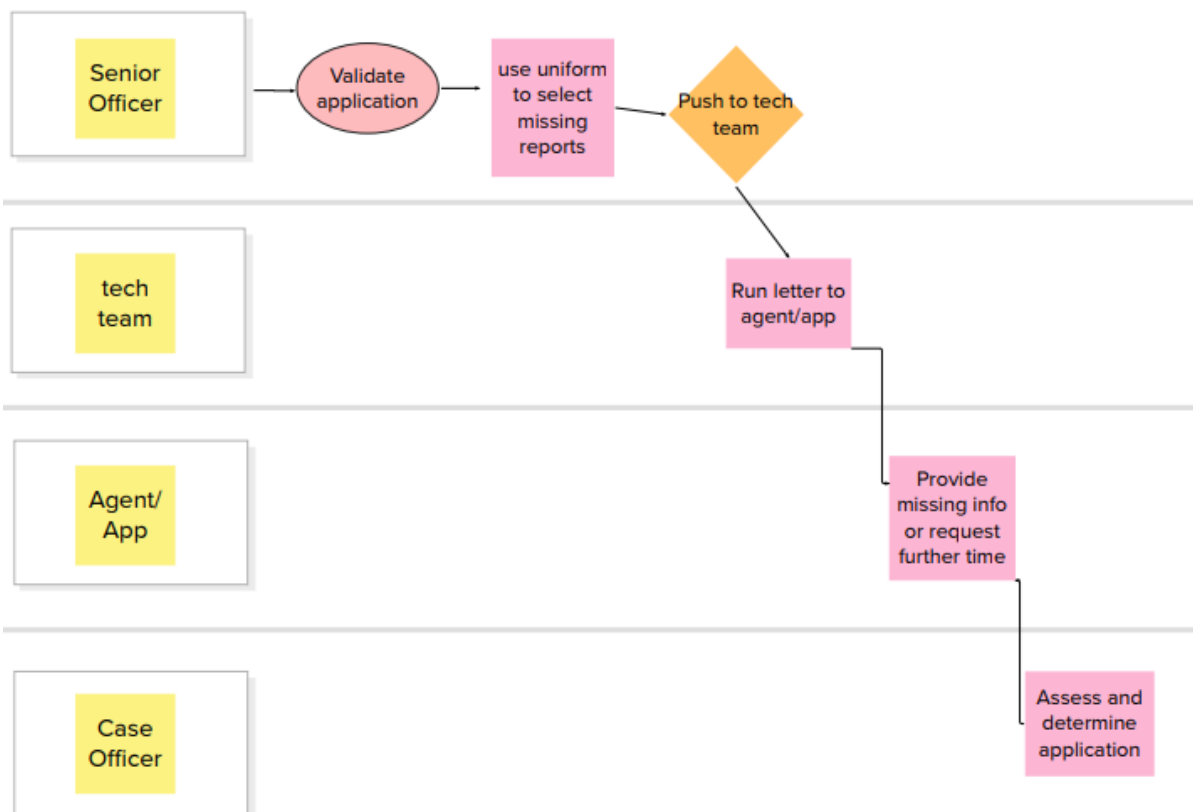
[https://www.westlothian.gov.uk/media/57806/Supporting-Information-Requirements/pdf/Supporting\\_Information\\_Requirements.pdf?m=638258705825630000](https://www.westlothian.gov.uk/media/57806/Supporting-Information-Requirements/pdf/Supporting_Information_Requirements.pdf?m=638258705825630000)

During our customer engagement it became clear that agents were not always aware of the requirements of certain policies or where to find guidance and so this was a very helpful opportunity to explain to agents their part in speeding up the process. The checklist will also be sent to customers as part of the pre-application advice service. It also provides a useful guide to officers when responding to pre-apps or processing applications.

Whilst it would be ideal to have this information provided at validation stage, and hopefully the checklist and the engagement we carried out with customers will help towards that, we recognise that it will not always be possible and we cannot hold applications invalid if they meet the minimum requirements for a valid submission. The project team looked at how we could adapt our processes and use our existing technology to get this information in quicker. Again, we consulted with customers and carried out some benchmarking with other authorities.

## Planning Performance Framework 2022/23

As part of the validation process a senior/principal officer will now flag any supporting information which, although not required for validation, will be necessary for the full assessment of the application. These can be selected from a list within uniform. The technical support team will then be able to generate a letter to the agent/applicant setting out the need for additional supporting information. This means the request for information is sent right at the start of the assessment process.



The letter will set out a timeframe for responding and request that customers contact the case officer if there are any difficulties in providing that information within the timescale. Where necessary the case officer can then agree to an alternative timeframe, a simplified processing agreement. In some instances, for example bat surveys which can only be carried out at certain times of the year, it may be appropriate to stop the clock or to request that an application is withdrawn.

The impact of this new process will now be monitored by looking at performance times and consulting with our customers. Initial feedback on the information checklist has been generally positive.

Case Study 8 – Approved Plans & Condition Monitoring Process Improvements

<b>Case Study Title</b>
Approved Plans & Condition Monitoring Process Improvements
<b>Location and Dates</b>
West Lothian, 2022 - 2023
<b>Element of a High-Quality Planning Service this study relates to:</b>
<ul style="list-style-type: none"> <li>• Governance</li> <li>• Culture of Continuous Improvement</li> </ul>
<b>Key Markers:</b>
5, 6
<b>Key Areas of Work:</b>
<ul style="list-style-type: none"> <li>• Enforcement</li> <li>• Online systems</li> </ul>
<b>Stakeholders Involved:</b>
<ul style="list-style-type: none"> <li>• Authority Planning Staff</li> </ul>
<b>Overview:</b>
<p>As a result of successful negotiations by the Planning Enforcement team, Development Management receives a number of retrospective applications from applicants seeking to regulate their unauthorised development.</p> <p>During the assessment of retrospective applications, it is not unusual for case officers to seek amendments to the development. These amendments will be shown by updating the submitted plans, and not necessarily the development on the ground at the time of the application.</p> <p>Following determination of these applications, the applications disappear from the case officer’s workload report and Enterprise traffic light system. However, the responsibility of ensuring that the amendments to the development are completed in line with the approved plans, stays with the case officer. This relies on officers remembering to schedule compliance checks or to correspond with the applicant without the case management system prompting them to do so. In the past, this has resulted in approved changes not always being implemented, as these are often not followed up due to officers’ high workloads and lack of a prompt from our IT systems.</p>

## Planning Performance Framework 2022/23

<p>On identifying that there appeared to be this flaw in the process, officers began to review how to make use of current IT systems to ensure these matters were followed up in a timely manner and to utilise all available modules within the Uniform case management system to achieve this.</p>
<p><b>Goals:</b></p>
<p>To ensure full compliance with approved plans and conditions attached to the decision notice.</p>
<p><b>Outcomes:</b></p>
<p>Officers will be able to create development monitoring cases from the planning application module from within Uniform.</p> <p>The ability to create these cases will allow officers to move across all conditions attached to the consent and to add extra clauses relating to amendments or timescales for temporary consents etc.</p> <p>Introduction of monitoring cases allows for the creation of relevant Enterprise traffic lights to prompt officers to pre-commencement conditions, outstanding amendments and relevant deadlines.</p> <p>This new process will increase officer's efficiency and provides a more effective service to customers. It also provides a much more pro-active enforcement system, whereby officers are able to identify breaches quickly through active use of the monitoring module to check for compliance.</p>
<p><b>Name of Key Officer</b></p>
<p>Claire Johnston, Compliance Officer</p>

To ensure that the new process and monitoring module is working as expected, the service will begin to introduce the new process for monitoring cases where the development was approved in retrospect with additional amendments required. Once we know this is working effectively for officers, we propose to start using this module for the monitoring of additional matters such as, planning conditions and temporary consent periods. The hope is that eventually we will be able to fully utilise this process and system to actively monitor all approved development.

When a retrospective application is approved with amendments, the officer will use the system to create a monitoring case. The system creates a case within the new module duplicating the reference number and pulls across address, decision, interested parties and any/all planning conditions attached. The conditions pull across into the conditions/clauses tab, officers can then add additional clauses if other matters relating to amendments of deadlines are relevant.



## Planning Performance Framework 2022/23

Next to each condition/clause is drop downs that allow officers to log if & when the condition/clause was discharged.

The screenshot shows the 'Uniform Spatial - LIVE Database' interface. The main window displays a record for a planning application. The 'Conditions/Clauses' tab is active, showing details for a clause. The record includes the following information:

- Scheme Type:** APP - Approvec plans Monitoring
- Reference:** [Redacted]
- Status:** ACTIVE - Monitoring In Progress
- Officer:** LH - Lucy Hoad
- Payment Schedule:** [Empty]
- Agreed Number of Visits:** [Empty]
- Clause:** 1
- Type:** OG - Ongoing
- Status:** AGREED - Clause Content Agreed
- Agreed On:** 14.06.2023
- By:** CLJ - Claire Johnston
- Discharged On:** [Empty]
- Discharged By:** [Empty]
- Subject:** The totem sign at entrance 9m is to be removed and replaced with an totem to height of 7.5m and The large lettering to tower

Each clause/condition also appears on the task tab of the module, this allows officers to log relevant outstanding tasks such as reminders to contact the applicant after a set period of time, or to even set a reminder to schedule a compliance check in a few months' time. By utilising this feature, officers ensure continued correspondence with the applicant until full compliance with the approved plans & conditions can be achieved.

The screenshot shows the 'Task Details' section for a specific clause. The clause text is: "The totem sign at entrance 9m is to be removed and replaced with an totem to height of 7.5m and The large lettering to tower Drive thru is to be removed." The task details are as follows:

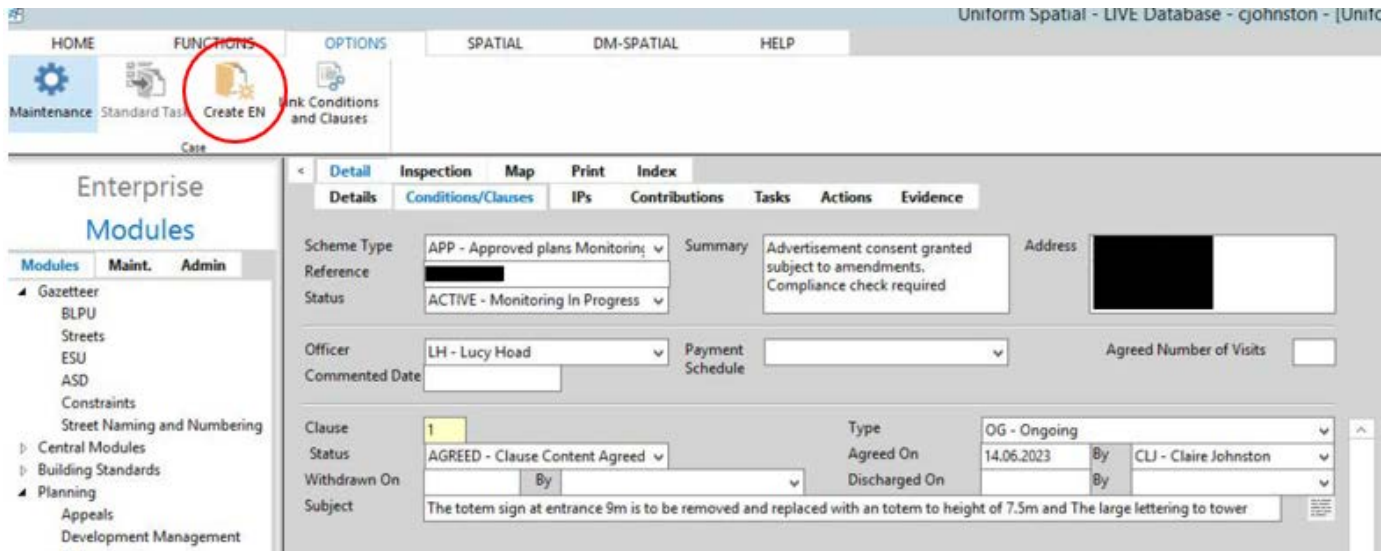
- Status:** ACTIVE - Task Active
- Start Date:** 13.06.2023
- Target End:** 16.06.2023
- Duration:** [Empty]
- Description:** Letter to be issued to applicant to seek timescale for amendments
- Closed Date:** [Empty]
- Closed By:** [Empty]

Officers will be prompted by the system's traffic lights to complete outstanding tasks based on the start date inputted based on that individual task's requirement. Future dates can be input into the start date which then will not appear onto the officers' work load tasks until it is relevant and needs actioned.

Where officers are unable to get the amendments carried out by the applicant, the officer will refer the case to the Planning Enforcement team as before. The logging of such enforcement cases is also improved by the introduction of the new monitoring module, given that enforcement cases can be created by the system from individual clauses/conditions created by officers which the applicants have breached.

## Planning Performance Framework 2022/23

By utilising all available modules allows the team to easily create new cases on the back of the information already held within the system. The system is also able to link all relevant cases and share address and interested parties across all modules.



Utilising the Development Monitoring module offers the service many opportunities to improve and streamline service delivery, it introduces a more effective and efficient method of ensuring developments are completed in line with approved plans and in compliance with the relevant planning conditions and timescales.

Once the new process is fully operational, it is clear that the monitoring of approved developments across the county will be improved, which will result in a much more efficient and effective service for customers.

### Part 2: Supporting Evidence

Information contained in this report was drawn from evidence from a variety of sources such as:

- Planning, Economic Development and Regeneration Service Management Plan
- Case Studies
- Benchmarking
- Partnership Working
- Committee Reports
- Local Development Plan Scheme
- Housing Land Audit 2022

Supporting evidence for Planning Performance Framework 12 is integrated into the body of the report, using hyperlinks to relevant documents and website information.

The Planning pages of the council's website are reviewed continuously, taking note of comments received from customers through the web team and the Customer Service Centre.

The Service has consistently played its part in the council's accreditation for Customer Service Excellence, indeed the latest assessment in March 2023 gave the Council just 1 area of partial compliance and increased our areas of Compliance Plus (good practice) to 15. The council makes extensive use of performance monitoring tools, and the Planning Service's performance consistently meets the exacting standards which are set for the determination of planning applications and the resolution of planning breaches.

The council uses complaints as a tool for learning, and complaints which are received by planning services are scrutinised for any lessons which can be learned, a process which has in the past led to changes in our practice.

Our culture of continuous improvement includes:

- seeking out constructive criticism from the members of the Development Management Committee, which has led to a change in the way reports are presented by officers. This is an ongoing process, which has also identified additional training requirements for members.

## Planning Performance Framework 2022/23

- annual customer survey of applicants, agents and those who make representations through the development management process from which a [You Said, We Did: Development Management](#) update is produced.
- annual customer survey of those who make representations through the development planning process from which a [You Said, We Did: Development Planning & Environment](#) update is produced.
- The results of the 2022/23 survey are currently being analysed to identify potential areas of improvement.

The table below identifies the key areas of work that are covered by the Case Studies which are embedded within the PPF.

Case Study Topics	Page Number	Case Study Number
Design	17	2
Environment	26	4
Masterplanning	12	1
Local Development Plan & Supplementary Guidance	38	6
Affordable Housing	23	3
Enforcement	50	8
Development Management Processes	45	7
Planning Applications	45	7
Interdisciplinary Working	23	3
Collaborative Working	26	4
Community Engagement	38	6
Placemaking	17	2
Performance Monitoring	33	5
Process Improvement	33	5
Project Management	12	1
Online Systems	50	8

### Performance Marker Report

To assist with the 15 key performance markers, in addition to hyperlinks spread throughout the report, a list of relevant hyperlinks has been added in the table below under each of the four sub-headings.

- Quality of Outcomes
- Quality of Service & Engagement
- Governance
- Culture of Continuous Improvement

When combined together these headings and information define and measure a high-quality planning service:

<b>QUALITY OF OUTCOMES</b>	
<a href="#">Do I Need Planning Permission</a>	<a href="#">Developer Contributions Guidance</a>
<a href="#">Applying for Planning Permission</a>	<a href="#">How to Submit a Planning Application</a>
<a href="#">Residential Development Guide – Supplementary Guidance</a>	<a href="#">Minerals (Including Restoration Bonds) – Supplementary Guidance</a>
<a href="#">Affordable Housing – Supplementary Guidance</a>	<a href="#">Flooding and Drainage– Supplementary Guidance</a>
<b>QUALITY OF SERVICE &amp; ENGAGEMENT</b>	
<a href="#">Pre-Application Advice</a>	<a href="#">View, Object or Comment on a Planning Application</a>
<a href="#">Householder Planning Application Guidance</a>	<a href="#">Objecting to a Planning Application</a>
<a href="#">Processing Agreements</a>	<a href="#">Local Development Plan (LDP)</a>
<a href="#">Planning Processing Agreement Form</a>	<a href="#">Local Development Plan Scheme (DPS)</a>
<a href="#">Planning Enforcement</a>	<a href="#">West Lothian Housing Land Audit (HLA)</a>
<a href="#">Planning Enforcement Charter</a>	<a href="#">Active Travel Plan for West Lothian 2016-2021</a>
<a href="#">You Said, We Did: Development Management</a>	<a href="#">You Said, We Did: Development Planning &amp; Environment</a>

## Planning Performance Framework 2022/23

<b>GOVERNANCE</b>	
<a href="#"><u>West Lothian Corporate Plan 2018/19 – 2022/23</u></a>	<a href="#"><u>Local Outcomes Improvement Plan</u></a>
<a href="#"><u>Council Minutes, Meetings &amp; Agendas</u></a>	<a href="#"><u>Scheme of Delegation</u></a>
<b>CULTURE OF CONTINUOUS IMPROVEMENT</b>	
<a href="#"><u>Planning, Economic Development and Regeneration Management Plan</u></a>	<a href="#"><u>Planning Performance Framework 11 - 2021/22</u></a>
<a href="#"><u>You Said, We Did: Development Management</u></a>	<a href="#"><u>You Said, We Did: Development Planning &amp; Environment</u></a>



## Planning Performance Framework 2022/23

No.	Performance Marker	Measure	Policy Background to Marker	Part of PPF report best suited to evidence this marker
<b>DRIVING IMPROVED PERFORMANCE</b>				
1	<b>Decision making:</b> Authorities demonstrating continuous evidence of reducing average timescales for all development types		See Official Statistics and Planning Performance Framework report	NHI Scottish Government Official Statistics
2	<b>Project management:</b> offer of processing agreements (or other agreed project plan) made to prospective applicants in advance of all major applications <u>and</u> availability publicised on planning authority website	<p>The use of processing agreements is encouraged in discussions/correspondence during major development pre-application stage.</p> <p>The offer of Processing Agreement is available on website with specific template and guidance on the web site under preapplication advice.</p> <p>Number of processing agreements and project plans being entered into increased in 2022/23 to 38 from 13 in 2021/22.</p>	Modernising the Planning System (Audit Scotland); Scottish Government website / template	NHI Quality of Service and Engagement

## Planning Performance Framework 2022/23

<p><b>3</b></p>	<p>Early collaboration with applicants and consultees on planning applications:</p> <ul style="list-style-type: none"> <li>• availability and promotion of pre-application discussions for all prospective applications</li> <li>• clear and proportionate requests for supporting information</li> </ul>	<p>The availability of pre-application advice is publicised online on website.</p> <p>Pre-application advice requests are logged in uniform and can be tied back to resultant planning application when submitted.</p> <p>There is a link on the website to the form, guidance and charges.</p> <p>The website and the advice contained in pre-application responses indicate what is required with subsequent applications and that it is only required if clear and proportionate to determine the proposal against development plan policies.</p>	<p>White Paper; Delivering Planning Reform; Planning Reform Next Steps</p>	<p>NHI Quality of Service and Engagement</p>
<p><b>4</b></p>	<p><b>Legal Agreements:</b> Conclude (or reconsider) applications within 6 months of a ‘minded to grant’ decision for Section 69 agreements or within 6 months of the first draft of a Section 75 planning</p>	<p>The number of legal agreements concluded in 2022/23 decreased from 42 to 34, a 19.05% decrease from 2021/22.</p> <p>The average timescale for major applications correspondingly decreased due to the reduction in legal</p>	<p>Official statistics PPF report evidence of delays to major developments</p>	<p>Quality of Service and Engagement Governance</p>

## Planning Performance Framework 2022/23

	obligation being issued by the council	<p>agreements following the concerted effort from the previous year to clear a backlog of older legacy cases.</p> <p>An ongoing review of completed legal agreements is being carried out to minimise delays for all concerned.</p>		
5	<b>Enforcement charter: Updated / re-published</b>	Enforcement Charter reviewed and re-published March 2023.	Planning Act (s158A)	NHI Part 2 - Evidence
6	<p><b>Continuous improvements:</b></p> <ul style="list-style-type: none"> <li>• show progress / improvement in relation to PPF National Headline Indicators</li> <li>• progress ambitious and relevant service improvement commitments identified through PPF report</li> </ul>	<p>A further interim review of the Development Management section has been carried out with the following additional posts being created:</p> <ul style="list-style-type: none"> <li>• Development Management Technician (1 FTE - Permanent)</li> <li>• Planning Officer Enforcement (1 FTE - Fixed term)</li> </ul>	Delivering Planning Reform PPF Report	Culture of Continuous Improvement Service Improvement Plan
<b>PROMOTING THE PLAN-LED SYSTEM</b>				
7	<b>Local Development Plan:</b> Less than 5 years since adoption	The Local Development Plan was adopted on 04 September 2018 and is less than 5 years old.	Planning Act (s16) Scottish Planning Policy	NHI Quality of Outcomes

## Planning Performance Framework 2022/23

		<p>Plan preparation is project planned to meet deadlines for management approval and Council Executive submission alongside relevant Development Plan Scheme dates.</p> <p>The replacement plan is slightly behind schedule due to the delay in secondary legislation production following the enactment of the Planning (Scotland) Act 2019.</p>		Quality of Service and Engagement
8	<p><b>Development plan scheme demonstrates next LDP:</b></p> <ul style="list-style-type: none"> <li>• on course for adoption within 5-year cycle</li> <li>• project planned and expected to be delivered to planned timescale</li> </ul>	<p>The Development Plan Scheme 15 was approved by Council Executive on 21 February 2023.</p> <p>The DPS identifies the key milestones for the preparation of the LDP2, including completing public consultation on the Proposed Plan, reporting representations to Committee and submitting the Plan for Examination Winter 2025 / Spring 2026.</p>	Planning Act (s16) Scottish Planning Policy	NHI Quality of Outcomes Quality of Service and Engagement

## Planning Performance Framework 2022/23

		<p>Current timetable set out in DPS No.15 reflected Scottish Government timeframes for delivery of NPF4 and secondary legislation in support of the Planning (Scotland) Act 2019. It will however be appreciated that the absence of a comprehensive framework of legislation relating to the new development plan preparation process at this time significantly impacts on the ability to reliably forecast programming and timetabling for development plan preparation and it is therefore important to recognise that dates shown in the proposed DPS No.15 may be subject to change as events unfold.</p>		
9	<p><b>Elected members engaged early (pre-MIR) in development plan preparation</b></p>	<p>Not directly applicable.</p> <p>Extensive engagement undertaken during previous years leading to LDP being adopted on 04 September 2018.</p> <p>The Development Plan Scheme 15 was approved by Council Executive on 21</p>		<p>Quality of Service and Engagement Governance</p>

## Planning Performance Framework 2022/23

		<p>March 2023 which has the draft LDP2 scheduled for 2025/26 with early engagement taking place through 2023/24.</p> <p>Members will be engaged on a continual basis through the LDP2 preparation process through Local Area Committees, Policy and Development Scrutiny Panels and Council Executive meetings and potential workshops and briefing sessions.</p>		
<b>10</b>	N/A	N/A	N/A	N/A
<b>11</b>	<p><b>Production of regular and proportionate policy advice:</b></p> <p>for example, through supplementary guidance, on information required to support applications</p>	<p>Supplementary Guidance adopted during the year includes:</p> <ul style="list-style-type: none"> <li>• Planning and Education</li> <li>• Wind Energy Development</li> <li>• Renewables and Low Carbon Energy</li> <li>• Developer Contributions Towards Cemetery Provision</li> </ul> <p>Supplementary Guidance approved by Council</p>		<p>Quality of Service and Engagement</p> <p>Part 2 - Evidence</p>



## Planning Performance Framework 2022/23

		<p>Executive but awaiting Scottish Government approval to adopt included.</p> <ul style="list-style-type: none"> <li>• West Lothian Place-Based Green Network Guidance</li> <li>• Developer Contributions Towards Transport Infrastructure</li> </ul> <p>Planning guidance adopted through the year includes</p> <ul style="list-style-type: none"> <li>• The Historic Environment</li> <li>• Soil Management and After Use of Soils on Development Sites</li> </ul> <p>A range of guidance for applicants can be found on the website. In particular there is a page specifically to assist anyone wanting to object to a planning application. This is to try and ensure that objections when made are made on appropriate planning grounds. Previously it has been noted that complaints or comments can be raised through surveys that</p>		
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## Planning Performance Framework 2022/23

		objections are not taken account off.		
<b>SIMPLIFYING AND STREAMLINING</b>				
<b>12</b>	<p><b>Corporate working across services to improve outputs and services for customer benefit:</b> (e.g. protocols; joined-up services; single contact; joint pre-application advice)</p>	<p>Surface pro used to remotely connect from site to access DMS and Uniform in Building Standards and in Planning Enforcement team.</p> <p>Building Standards staff continue to provide a shared service with planning enforcement and are their eyes on the ground for the initial assessment of planning enquiries. This shared service allows planning enforcement to priorities their workload with enforcement staff concentrating on clear planning breaches of planning legislation</p> <p>Process for dealing with contaminated land consultations further reviewed.</p> <p>Uniform used to link requests for contaminated land consultations by both Development Management</p>		<p>Quality of Service and Engagement Governance</p>

## Planning Performance Framework 2022/23

	<p>(DM) and Building Standards (BS), to avoid duplication and potential confusion between the two systems. DM consultations now take account of whether or not BS mandatory standards have been met.</p> <p>Planning staff work closely with other services and community planning partners to align future infrastructure requirements with projected development. This includes assisting with work on the future school estate, carbon reduction and flood prevention schemes and council, social rented and homeless housing delivery strategies.</p> <p>Cross function working with the Council's Economic Development and Regeneration Team and Building Standards in the delivery of business opportunities, and also with roads and building standards in pre-application discussions.</p>		
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## Planning Performance Framework 2022/23

13	<b>Sharing good practice, skills and knowledge between authorities</b>	<p>Staff continue to be actively involved in national projects such as the Scottish Government's proposals for digital transformation of the planning process; NPF4 and emerging workstreams.</p> <p>West Lothian officers are working with Edinburgh City on cross-boundary transport and school infrastructure projects.</p>	Delivering Planning Reform; Planning Reform Next Steps	Culture of continuous improvement
<b>DELIVERING DEVELOPMENT</b>				
14	<b>Stalled sites/legacy cases:</b> conclusion/withdrawal of planning applications more than one-year-old	The number of legacy cases cleared in 2022/23 rose to 32 from 30 cleared in 2021/22 while the number of legacy cases remaining at the end of the year dropped by 20 to 32 in 2022/23 from 52 in 2021/22.		NHI Governance
15	<b>Developer contributions:</b> Clear expectations set out in development plan (and/or emerging plan,) and in pre-application discussions	Local Development Plan Policies INF 1 (Infrastructure Provision and Developer Obligations) and CDA 1 (Development in the Previously Identified Core Development Areas) of the LDP advise that the council will seek contributions in		Quality of service and engagement

## Planning Performance Framework 2022/23

		<p>accordance with Scottish Government Circular 3/2012 'Planning Obligations and Good Neighbour Agreements', as interpreted by emerging case law and amended by subsequent amendments and legislation, to mitigate the development's individual or cumulative impacts upon infrastructure, including cross-boundary impacts.</p> <p>Clear expectations are therefore set out in development plan and in pre-application discussions.</p> <p>Early assessments are offered to inform developers at an early stage.</p> <p>A variety of supplementary guidance which contains developer contributions has been updated and adopted and this continues. As guidance is updated it is added to the list of guidance which attracts developer contributions.</p>		
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## Planning Performance Framework 2022/23

		Pre-application advice is available through prearranged meetings with Officers which includes detailed discussions on Developer Contributions and this availability is published and available on the website.		
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## Part 3: Service Improvements 2022/23 and 2023/24

### Service improvements in the coming year 2023/24

- Development Management Committee Training – Competent Motions
- Development Management Committee Training – National Planning Framework 4
- Local Review Body Training – National Planning Framework 4
- Develop Development Management Committee Training manual
- Develop Local Review Body Training manual
- Review website and correspondence in view of hybrid meetings

### Delivery of service improvement actions in 2022/23

Looking back at the service improvements we identified for 2022/23

Committed improvements and actions	Progress	
Develop Pilot Hybrid working scheme	Completed	
Community Council Training Sessions	Completed	
Development Management Committee Training Sessions	Completed	
Local Review Body Training Sessions	Completed	
Further Review of Development Management Staffing	Completed	
Develop hybrid Development Management Committee system and update associated documents	Completed	



## Part 4: National Headline Indicators (NHI)

### A: NHI Key outcomes – Development Planning:

Development Planning	2022-23	2021-22
<b>Local and Strategic Development Planning:</b>		
Age of local development plan at end of reporting period <i>Requirement: less than 5 years</i>	<b>4 year and 6 months</b>	<b>3 year and 6 months</b>
Will the local development plan be replaced by their 5 <sup>th</sup> anniversary according to the current development plan scheme?	<b>N</b>	<b>N</b>
Has the expected date of submission of the plan to Scottish Ministers in the development plan scheme changed over the past year?	<b>Y Later</b>	<b>Y Later</b>
Were development plan scheme engagement/consultation commitments met during the year?	<b>Y</b>	<b>Y</b>
<b>Effective Land Supply and Delivery of Outputs</b>		
Housing approvals	<b>2,668 units <sup>1</sup></b>	<b>990 units <sup>1</sup></b>
Housing completions over the last 5 years	<b>4,084</b>	<b>3,839</b>
Marketable employment land supply	<b>256.17ha</b>	<b>130.53 ha</b>
Employment land take-up during reporting year	<b>9.64ha</b>	<b>38.12 ha</b>

Notes:

<sup>1</sup> This includes units consented as part of full planning permission (FUL), Approval of Matters Specified in Condition (MSC) and Planning Permission in Principle (PPP). It therefore also includes units from MSC and FUL consents for sites already with PPP approval, this leads to an inflated figure due to double-counting between years. For example, if 280 units were approved for a site in Livingston this year as part of an MSC approval. These 280 units were also counted towards the number of housing units in a previous PPF reporting year through the PPP approval.

Some approved housing applications are also for amendments at sites that already have planning consent. This also leads to double-counting between years. For example, if an application to amend the house types for 10 units was approved for Whitburn. These 10 units would have also counted towards the housing approval numbers provided in a previous PPF reports when the original PPP and MSC applications were consented.

## Planning Performance Framework 2022/23

### B: NHI Key outcomes – Development Management:

Development Management:	2022-23	2021-22
<b>Project Planning</b>		
Percentage and number of applications which are subject to pre-application advice	<b>1.31%</b> <b>11 out of 840</b>	<b>N/A</b> There was no detailed pre-application advice provided over this period due to the pandemic. Only informal advice was provided which was not recorded against a subsequent application
Percentage and number of major applications which are subject to processing agreement	<b>11.11%</b> <b>2 applications out of 18</b>	<b>14.29%</b> <b>2 applications out of 14</b>
<b>Decision Making</b>		
Application approval rate	<b>89.2%</b>	<b>87.4%</b>
Delegation rate	<b>95.5%</b>	<b>95.4%</b>
Validation	<b>30.91%</b>	<b>43.44%</b>
<b>Decision-making Timescales</b>		
Major Developments	<b>46.8 weeks</b>	<b>114.1 weeks</b>
Local developments (non-householder)	<b>14.2 weeks</b>	<b>15.2 weeks</b>
Householder developments	<b>7.3 weeks</b>	<b>8 weeks</b>
<b>Legacy Cases</b>		
Number cleared during reporting period	<b>32</b>	<b>30</b>
Number remaining	<b>32</b>	<b>52</b>

## Planning Performance Framework 2022/23

### C: Enforcement activity

	<b>2022-23</b>	<b>2021-22</b>
Time since enforcement charter published / reviewed	<b>1 month</b>	<b>13 months</b>
Complaints lodged and investigated	<b>389</b>	<b>425</b>
Breaches identified – no further action taken	<b>21</b>	<b>13</b>
Cases closed	<b>399</b>	<b>451</b>
Notices served	<b>52</b>	<b>36</b>
Direct Action	<b>0</b>	<b>0</b>
Reports to Procurator Fiscal	<b>0</b>	<b>0</b>
Prosecutions	<b>1</b>	<b>1 case pending</b>

## D: NHI Key outcomes – Commentary

### Commentary

#### Short contextual statement

During 2022/23 the Development Management team was a member of staff down for a number of months due to staff turnover and the resultant time taken to advertise, appoint and start staff in post.

The number of major decisions decreased from 18 to 15 this year, a 16.67% decrease with the average timescale decreasing from 114.1 weeks to 46.8 weeks, a 58.98% decrease. The decrease related in large part to the number of long-term legacy applications which were determined in the previous year and the concerted effort to minimise the number of legacy cases going forward.

The number of local development (non-householder) decisions decreased from 367 to 263 this year, a 28.34% decrease, with the average timescale decreasing from 15.2 weeks to 14.2 weeks, a 6.58% decrease.

The number of householder development decisions decreased from 387 to 337 this year, a 12.92% decrease, with the average timescale decreasing from 8 weeks to 7.3 weeks, an 8.75% decrease.

The decreases in average time noted above can in large part be attributed to the average time taken to get legal agreements agreed reducing from 219.4 weeks to 43.3 weeks which was the result of the number of long-term legacy applications which were determined in the previous year and the concerted effort to minimise the number of legacy cases going forward.

## Part 5: Scottish Government Official Statistics

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

Timescales	2022-23	2022-23	2021-22
<b>Overall</b>			
<b>Major developments</b>	<b>15</b>	<b>46.8 weeks</b>	<b>114.1 weeks</b>
<b>Local developments (non-householder)</b>	<b>263</b>	<b>14.2 weeks</b>	<b>15.2 weeks</b>
<ul style="list-style-type: none"> <li>Local: less than 2 months</li> <li>Local: more than 2 months</li> </ul>	<p><b>(57.4%)</b></p> <p><b>(42.6%)</b></p>		
<b>Householder developments</b>	<b>320</b>	<b>7.3 weeks</b>	<b>8 weeks</b>
<ul style="list-style-type: none"> <li>Local: less than 2 months</li> <li>Local: more than 2 months</li> </ul>	<p><b>(87.8%)</b></p> <p><b>(12.2%)</b></p>		
<b>Housing Developments</b>			
<b>Major</b>	<b>6</b>	<b>66.7 weeks</b>	<b>137 weeks</b>
<b>Local housing developments</b>	<b>43</b>	<b>26.3 weeks</b>	<b>27 weeks</b>
<ul style="list-style-type: none"> <li>Local: less than 2 months</li> <li>Local: more than 2 months</li> </ul>	<p><b>(25.6%)</b></p> <p><b>(74.4%)</b></p>		
<b>Business and Industry</b>			
<b>Major</b>	<b>3</b>	<b>25.7 weeks</b>	<b>29.8 weeks</b>
<b>Local business and industry developments</b>	<b>27</b>	<b>14.4 weeks</b>	<b>11.6 weeks</b>
<ul style="list-style-type: none"> <li>Local: less than 2 months</li> <li>Local: more than 2 months</li> </ul>	<p><b>(63.0%)</b></p> <p><b>(37.0%)</b></p>		
<b>EIA Developments</b>	<b>1</b>	<b>7.1 weeks</b>	<b>40.9 weeks</b>
<b>Other Consents</b>	<b>111</b>	<b>4.3 weeks</b>	<b>3.3 weeks</b>
<ul style="list-style-type: none"> <li><i>As listed in the guidance(right)</i></li> </ul>			
<b>Planning/legal agreements</b>			
<ul style="list-style-type: none"> <li>Major: average time</li> <li>Local: average time</li> </ul>	<p><b>4</b></p> <p><b>26</b></p>	<p><b>92.1 weeks</b></p> <p><b>34.6 weeks</b></p>	<p><b>219.4 weeks</b></p> <p><b>37.4 weeks</b></p>

## Planning Performance Framework 2022/23

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

Type	Total number of decisions	Original decision upheld			
		2022-23		2021-2022	
		No.	%	No.	%
Local reviews	20	9	45%	6	30%
Appeals to Scottish Ministers	32	11	34.4%	5	50%

### C: Context

During 2022/23 the Development Management team was a member of staff down for a number of months due to staff turnover and the resultant time taken to advertise, appoint and start staff in post.

The number of major decisions decreased from 18 to 15 this year, a 16.67% decrease with the average timescale decreasing from 114.1 weeks to 46.8 weeks, a 58.98% decrease. The decrease related in large part to the number of long-term legacy applications which were determined in the previous year and the concerted effort to minimise the number of legacy cases going forward.

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With regards to the Local Review Body decisions these have been subject to analysis. The outcome of these discussion was fed back to all officers within the Development Management team, including officers involved in the training of elected members. Whilst officers will continue to assess applications in line with relevant policy, the process has helped the team to identify where it would be more appropriate to negotiate and where a more flexible approach to design can be taken. Ultimately this should lead to a smoother and more satisfactory outcome for our customers.



## Part 6: Workforce Information

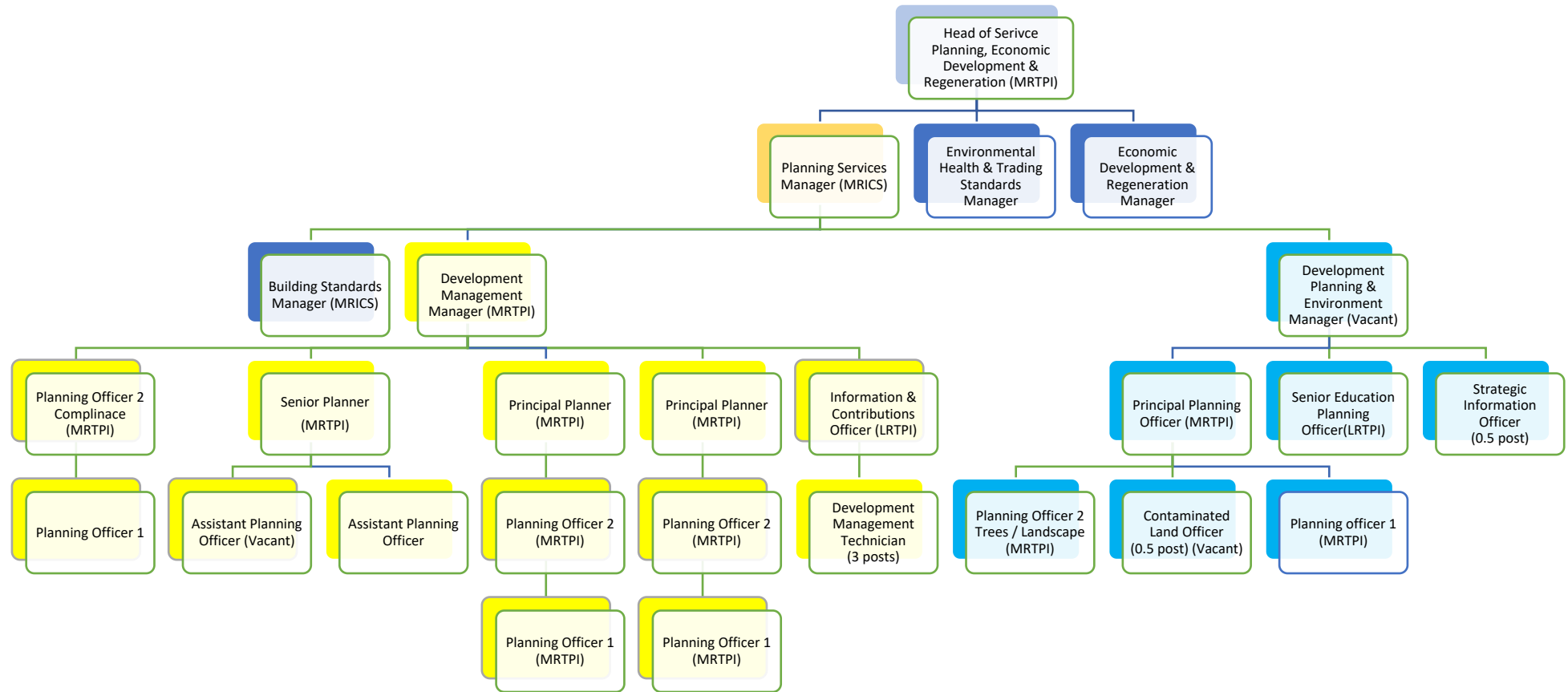
Workforce information should be a snapshot of the authorities planning staff in position on the **31<sup>st</sup> of March 2023**. The information requested in this section is an integral part of providing the context for the information in parts 1-5. The template below allows the information to be recorded in a consistent format, additional guidance on what to include is within the template itself.

	Tier 1 <i>Chief Executive</i>	Tier 2 <i>Director</i>	Tier 3 <i>Head of Service</i>	Tier 4 <i>Manager</i>
Head of Planning Service			●	●

RTPI Chartered Staff	Headcount
Chartered Staff	14

Staff Age Profile	Headcount
Under 30	4
30-39	4
40-49	6
50 and over	8

# Planning Services Structure



## Part 7: Planning Committee Information

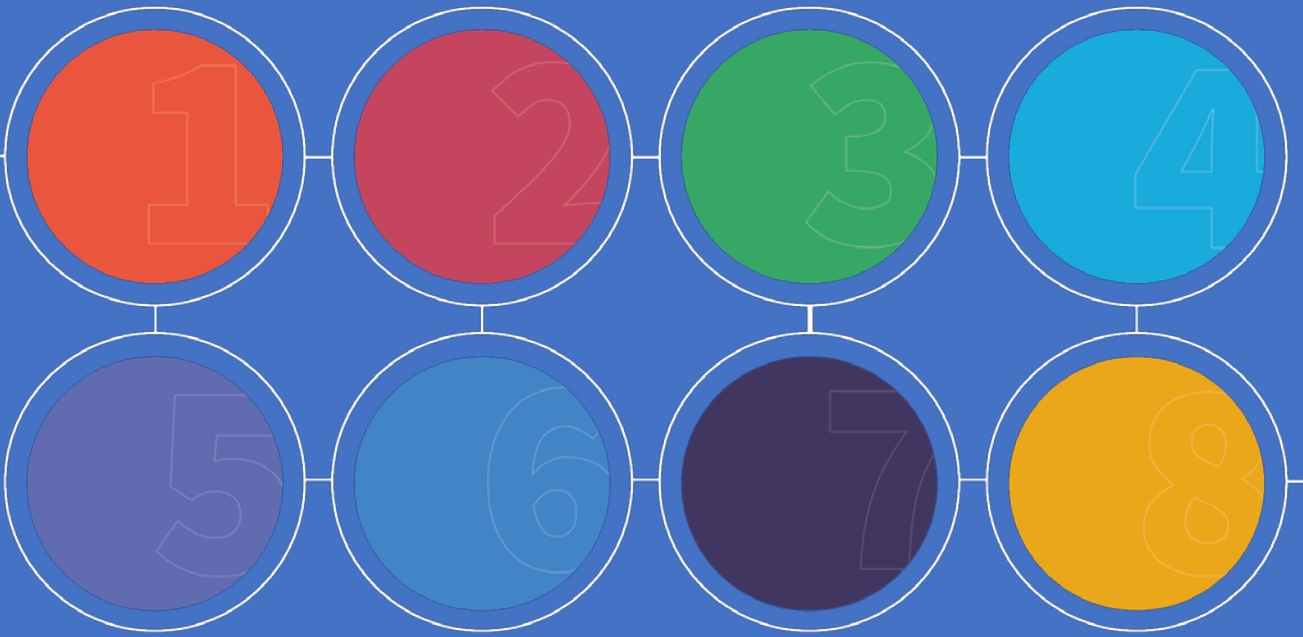
The template below allows the information on the number of meetings and site visits during 2020-21 to be recorded in a consistent format, additional guidance on what to include is within the template itself.

Committee & Site Visits	Number per year
Full council meetings	2 <sup>1</sup>
Planning committees	10
Area committees	N/A
Committee site visits	10 <sup>2</sup>
Local Review Body (LRB)	8
LRB site visits	8 <sup>3</sup>

<sup>1</sup> 10 meetings were pre-scheduled during the year with meetings only being called as required. There were 2 meetings called during the reporting year period where applications which were significantly contrary to the Development Plan were to be determined.

<sup>2</sup> This relates to the number of committee meetings with site visits scheduled to take place prior to each committee meeting.

<sup>3</sup> This relates to the number of LRB meetings with site visits scheduled to take place prior to each LRB meeting.



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