

East Ayrshire Council

Comhairle Siorrachd Àir an Ear

**Planning Performance
Framework Annual Report 2016-2017**

31st March 2017

**Planning and Economic Development Service
Economy and Skills
East Ayrshire Council
The Johnnie Walker Bond
15 Strand Street
Kilmarnock
KA1 1HU**

Foreword by Jim Roberts



Growing the economy in an inclusive and sustainable way is at the heart of our Community Plan in East Ayrshire. The Council sees the Planning and Economic Development service as a key enabler of this growth ambition. The service also plays a key role in shaping our towns, villages and countryside and enhancing the environment and the lives of people in our communities through close links between spatial planning and community planning. The service has been structured to include Planning, Building Standards, Regeneration, Environmental Health, Trading Standards and Economic Development. This is a carefully considered structure to provide a comprehensive set of services that directly affect businesses within a single department to ensure a more holistic service to business and householder customers.

Taking this approach a step further the service works collaboratively with other Council services to deliver our ambitious capital programme. This is evident in the participation of the Planning and Economic Development service in the cross departmental project management approach taken in the delivery of the schools and housing programmes as well as regeneration projects. This collaborative approach is being increasingly applied to working with external partners and neighbouring Councils in the development of the Ayrshire Growth Deal and more recently in the work around regional partnerships.

East Ayrshire Council continues to face significant challenges resulting from the demise of the coal industry. Much progress has been made, in partnership with the local communities, on restoration of former opencast mines as shown in this report and is now becoming evident on the ground. This continues to be a priority and the Council has committed significant resources to progress this work.

I am pleased to report significant performance improvement across a range of markers, in particular in relation to decision-making timescales and the reduction in legacy cases. With a strengthened team our ambition is to continue to improve performance across all markers.

During 2016/17 we have adopted a new Local Development Plan, published the Minerals Plan Main Issues Report and have already started the groundwork for the next Local Development Plan. We have also contributed to the review of Planning and will continue to engage as this progresses through the next stages.

Looking to the future we will continue training and development for both Members and Officers to ensure continuous improvement, best practice and sound decision –making. We will continue to engage with partners and work collaboratively for the benefit of our communities.

Jim Roberts

Chair of Planning Committee

East Ayrshire Council

Part 1:- Defining and measuring a high-quality Planning Service

The overarching role of the Planning and Economic Development Service in East Ayrshire is to enable sustainable and inclusive economic growth. This is achieved through collaboration with services across the Council and with neighbouring Councils and partner organisations. The shaping of places, enhancing the environment and the quality of life in the local communities are the key outcomes of a high quality service.

The Planning Service interacts strategically with the Council through the Cabinet and Council Committee meeting structure for policy implementation and the development of the East Ayrshire Local Development Plan and Minerals Local Development Plan; through the Planning Committee and Local Review Body reviewing and determining Planning Applications; and overall scrutiny by the Governance and Scrutiny Committee who review the Planning Performance Framework Feedback from the Scottish Government along with the proposed Action Plan during it's March 2017 meeting.

The Governance and Scrutiny Committee which met on the 2 March 2017 considered the Scottish Government feedback detailing the Councils year on year performance and comments on the marker ratings to ascertain whether the performance delivered and proposed action plan will deliver continuous improvement over the forthcoming accounting period. The Committee agreed with the action plan to implement the following objectives during the 2017/18 period:-

- Continue to exceed the requirements of the PPF and reduce the risk of poor performance as well as reputational damage to the Council;
- Strengthen the reputation of the Council as an enabler of development and sustainable economic growth;
- Maintain the resources to ensure continued best practice in compliance monitoring and financial guarantees;
- Manage restoration projects to deliver value for money outcomes
- Reduce legacy applications to 10% of all applications over a three year period;
- Improve the efficiency of the planning process through implementation of eDevelopment and ISO 9001; and
- Implement an adopted Local Development Plan for East Ayrshire.

The links below detail the Committee Report and Action Plan.

<https://www.east-ayrshire.gov.uk/MVC/Committees/Documents/Related/44221>

<http://docs.east-ayrshire.gov.uk/r/?f=http://docs.east-ayrshire.gov.uk/CRPADMMIN/2012%20AGENDAS/GOVERNANCE%20AND%20SCRUTINY/2%20MARCH%202017/Governance%20and%20Scrutiny%20Committee%20-%202019%20January%202017.pdf>

<http://docs.east-ayrshire.gov.uk/r/?f=http://docs.east-ayrshire.gov.uk/CRPADMMIN/2012%20AGENDAS/GOVERNANCE%20AND%20SCRUTINY/2%20MARCH%202017/GS%20Report%20Planning%20Performance%20Framework%20Feb%202017%20Appendix%201%20FV.pdf>

The Service also submits its performance standards to the Council under the East Ayrshire Performs Report whereby the Head of Service is required to set out performance trends and service delivery standards for the planning Service.

QUALITY OF OUTCOMES

The following case studies show the impact of the Planning Service in delivering high quality outcomes.

High Quality Development on the Ground

Case Study of Kilmarnock College

Kilmarnock College is now part of Ayrshire College and plays a key role in helping to develop the economy in Ayrshire, by ensuring that students learn the right skills and fostering positive attitudes to support the local, regional and national workforce needs.

Scottish Government funding was received by Kilmarnock College to redevelop their outdated campus site at Holehouse Road in Kilmarnock which was not fit for purpose. Funding was identified to invest and develop a £50 million new educational campus. With the closure of the Diageo Whisky Bottling Plant at Hill Street, just north of the town centre and railway line, Diageo agreed to make available a portion of the former bottling plant, for the development of a further education college. The closure of the Diageo plant meant the loss of a long standing employer and that Johnnie Walker whisky was no longer produced within Kilmarnock. The complex had employed 700 people and Johnnie Walker whisky had first been sold in Kilmarnock in 1820.



Planning permission in principle was granted to Diageo in 2011 for the wider site and thereafter the College established an internal project team to deliver the new college. Photographs above and below illustrate the newly developed campus which provides a modern, bright and inspiring facility for future generations of students.

The Development Management team established a very positive, strong and close working relationship with the college project team. The council's officers (Planning, Roads and Accessibility Officers) were involved in the bid process, regularly meeting the college project team and, separately, all 3 short-listed bidders to help facilitate the campus development.

The team then worked with the final preferred bidder to identify and address the main planning issues – views to the outstanding conservation area where there was ongoing significant investment in CARS and THI regeneration schemes and nearby and adjacent listed buildings (including Kilmarnock Station and railway Viaduct, which were also undergoing significant investment and regeneration), requesting priority pedestrian linkages to the town centre to foster enterprise, use of the town centre and promote travel by public transport taking advantage of the major transport nodes of the railway and bus stations.

Planning permission in principle was sought by the college for its own processing of the larger site and the consideration of that application which was a Major Development was prioritised given the tight timescales for project delivery with FastTrack validation and priority consideration and determination.

Approval of matters specified in conditions of the above consent was then sought and again in recognition of the timescales for delivery, the project was prioritised by the Planning Service with FastTrack validation and priority consideration and determination. Regular discussion concerning the approval of conditions and monitoring works on site were a prominent feature of officer involvement throughout the development of the campus.

The finished campus opened its doors to students on 24 October 2016. The new campus provides a fully functional training restaurant, science labs, vehicle workshops, IT labs, healthcare, beauty, hairdressing training rooms, sporting facilities and outdoor learning and sports pitch together with student refectory and learning resource centre. The campus is sited in a prominent location within Kilmarnock and represents an exciting educational facility for current and future generations. Work has been carried out to an exceptionally high standard and the external and internal finishes are modern, bright and seek to inspire students and potential future students to learn in a positive environment.





Case Study of Dumfries House



Dumfries House is a Palladian country house in East Ayrshire. It is located within a large estate, around 2 miles west of Cumnock. Noted for being one of the few such houses with much of its original 18th-century furniture still present, including specially commissioned Thomas Chippendale pieces, the house and estate is now owned by the charitable trust, The Great Steward of Scotland's Dumfries House Trust, which maintains it as a visitor attraction and hospitality

and wedding venue. Both the house and the gardens are listed as significant aspects of Scottish heritage and the estate is recorded within the inventory of Garden and Designed Landscapes. The designed landscape provides the setting for an Adam designed house, listed A, and for several other architectural features of interest, in particular, the Avenue Bridge and the Temple.



Since the Estate was retained by the intervention of His Royal Highness, The Prince Charles, Duke of Rothesay, in 2007, the Estate has been comprehensively developed as a visitor and tourist attraction. The Estate supports young people in the local community offering training in tourism, hospitality, horticulture, art, estate and woodland management and traditional building skills. The Trust has developed an on-site, outdoor residential accommodation centre offering bunkhouse accommodation and areas for socialising and relaxation, an outdoor 10 stage obstacles course with archery range and separate indoor sports hall. Significant investment has taken place providing developments such as the walled garden, café and visitors centre, woodland hospital and training restaurant, arboretum, maze, outdoor centre, farm education centre and the mains steading offering holiday and bed and breakfast accommodation. The local community are firmly encouraged to use the estate which is free to access, for leisure and recreation.

The Development Management team has established a very strong working relationship with the Estate since 2007 and are regularly involved in pre application discussions, monitoring visits and discussions. In support of the

development of the Estate planning officers have given advice on a variety of applications within the estate. These are often challenging considering that the estate is a designed landscape, contains numerous listed buildings, and is subject to flooding and protected species issues.

This last year has seen the completion of the farm education centre. It augments the educational offering within the Dumfries House Estate and was designed to complement the provision of horticulture and food lessons delivered elsewhere within the Estate. The new facility aims to give children a genuine farm-to-fork experience, while also focussing on native livestock conservation.



The site chosen was located within a clearing north of the walled garden. The centre features a central education hub where teaching takes place. This is complemented by vernacular farm structures and pens where visitors can view the animals. There is a network of paths leading through the surrounding woodland to the other facilities on the estate, including the Temple, which has been newly restored.



Supplementing the farm education centre the Estate have been in the process of developing a network of paths to improve connectivity both within and outwith the estate. The aim has been to enhance walking facilities and use of the estate by visitors but also to encourage access by residents from surrounding local communities.

The Development Management team worked closely with the applicant to ensure that the final design met planning and protected species requirements to ensure a sensitive development within this area which balanced the designed landscape and promoted the education and tourism aims of the estate.

A new footbridge has been constructed over the Lugar Water following a historic concept of a Chinese style bridge having been uncovered dating back to 1899. The original design was developed and a site identified to enhance pedestrian provision via the upgraded path network linking the south bank of the estate to the Arboretum, walled garden and farm education centre. The design of the bridge was developed from the original proposals and significant discussion was undertaken with SEPA to ensure that the design of the bridge mitigated resistance of river water during flood events.



Case Study Housing Development: Flowerbank Nursery

East Ayrshire Council through its Strategic Housing Investment Programme 2015-2020 (SHIP) seeks to provide social rented housing of an exceptionally high standard both internally and externally. External design is taken seriously at an early stage in the process to deliver quality schemes which seek to be reflective of the character of the surrounding area. A strong project team has been developed within the Council and the Planning Service works with colleagues in Housing, Roads, Facilities and Property Management and other services to deliver the demanding programme within tight timescales. The officers undertake a detailed programme of pre-application discussion, working as required with RSL's and their agents, to raise pertinent issues as early as possible in the process. Issues can cover flooding, access, drainage, open space, play areas and design. The success rate of delivery is exceptionally high and new developments are being delivered year on year for a range of client groups with particular requirements including family homes, wheelchair accessible units and units for older ambulant occupiers.

Flowerbank Nursery & Family Centre, a former children's nursery and family centre located on Old Irvine Road, is one such site which has been completed in the last financial year. The site is located centrally just outwith the town centre of Kilmarnock within an area which has traditional buildings alongside more modern developments. The former family centre was demolished and the site brought forward as part of the Council's SHIP.

7 new properties were completed in December 2016 and are now occupied as family homes. The project has been very warmly received by occupiers and the quality such that the contractor on site received enquiries from members of the public asking for details of sales particulars with a view to looking at a show-home on site for purchase thereafter. This demonstrates the quality of the development that has been achieved on site.



Regeneration Case Study: The Ingram Enterprise Centre

The Ingram Enterprise centre is that last piece of the jigsaw of the Kilmarnock Townscape Heritage Initiative. The Initiative has co-ordinated over £19m of investment on the repair and refurbishment of properties within Kilmarnock Conservation Area.

This Category B Listed tenement was designed by Robert Ingram and built in 1895. It comprises a 3-storey building with an attic and basement level to Dunlop Street with a 4-storey polygonal corner detail topped by a slender open lead cupola with brass finial surmounted. This recognisable feature has been adopted and developed into the logo and branding for the building. Built in a Free Renaissance style in local red ashlar sandstone, most likely Ballochmyle, the ground floor to John Finnie Street comprises large plate glass shop front windows. To the rear are extensions constructed in locally fired white glazed brick. The 2 and 6 sash and case windows have unusual coloured panes to the upper sashes and the building is capped with a slate gambrel roof. It is one of many buildings on the street deliberately built of red sandstone to provide a coherent view. Originally the building would have comprised shops to the ground floor with flats above.

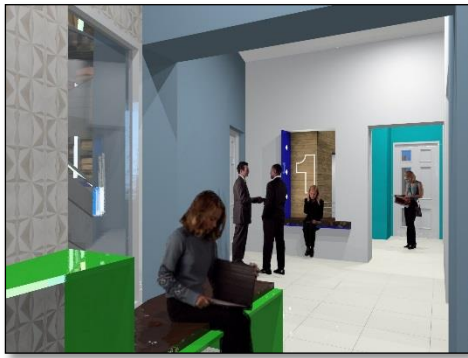
John Finnie Street, built around 1864, provided a grand thoroughfare for Kilmarnock with the focal point to the north being the railway station. This property was built around 30 years after the street was first set out. Business and commerce spread to this street and rows of high quality, 3 storey or more, red sandstone buildings were constructed. The ground floors were given over to retail with offices and accommodation above. The elegant Victorian street dominated the lower, narrower streets in Kilmarnock that were filled with traditional vernacular buildings, such as Dunlop Street with which the property corners.

At 30-38 John Finnie Street the ground floor was given over to retail – the building housed various businesses as diverse as Bright Hosiery Manufacture and the Department of Health for Scotland, Welbeck Estate Company and Portland Estate Office. The upper floors contained tenements and rooming apartments.



The diversity of the residents was interesting. Another 30 years on and by the 1930s there were motor drivers, a pedlar, a carter, a “boot and shoe operator” at Saxone Shoe Factory and an “engineer and machinery” agent.

At the time of the launch of the CARS/THI the property was vacant so East Ayrshire Council purchased it with the intention of selling it and adjoining properties, including the Opera House, to a local developer who had consent for a leisure and retail development. Unfortunately at the same time the economic downturn hit, investors withdrew and the project was shelved indefinitely. The Opera House was developed separately into offices for the Council and



30-38 John Finnie Street awaited its fate, empty with the exception of colonising pigeons. The property remained high on the THI Officer’s priority list and the concept of a hotel was explored once more in 2013. The twists and turns of the THI being as they are this also failed to progress. The property was next considered for development into artist’s studios and this was considered but eventually rejected. Finally, the concept of a business incubation centre was decided upon and work began in earnest to use the last of the THI Common Fund to meet this aspiration, save the building and create a sustainable future for it. The THI common fund supported restoration of the exterior while a further successful funding application was made to Scottish Government for RCGF funding.

The buildings’ poor condition and enclosed location made it very difficult for the necessary survey work to be carried out to facilitate the development of the property. The difficult decision to demolish the adjacent historical property on Dunlop Street had to be made which was agreed as part of the detailed pre-application planning process. This allowed access to the rear of the property.

Work finally began in the spring of 2016 with the clearing out of the rot ridden interior. Now the building is being sensitively restored externally, once again taking its place as a key player in the John



Finnie streetscape. Internally it is being fully modernised and successfully transformed into something more akin to its role in its heyday, returning commerce and vibrancy to the top of John Finnie Street. It will provide a high quality affordable work space that can compete with the offer elsewhere and thus retain

locally fledged businesses as they grow and expand. The layout is designed for interaction and collaborative working and networking opportunities. Before the building is even complete it has been attracting a number of “off plan” enquiries.



Case Study: Galston Conservation Area Regeneration Scheme 2013-2018

The Galston CARS Scheme has entered its final year with the prospect of having fulfilled its remit and disbursed all of its £1.5m grant funding. One Priority



Project (33-35 Bridge Street) and two Major Grant schemes (The Bucks Head and The Principal Café) are already complete with the remaining Priority Project (The Portland) and two further Major Grant schemes (Barr Castle and McConnell Pharmacy) underway.



By the time 2018 rolls around a further three Major Grant schemes (AM Christies; WW Wales' and Dobbies/Ladbrokes) along with a Small Grant at The Mayflower restaurant will be complete giving Galston a significant upgrade and face-lift for a small Irvine Valley town.



On top of the easily identifiable repairs and restoration to private property the Scheme has also supported a variety of opportunities for Training & Skills development in conservation and heritage construction and has included Education & Awareness projects such as Design A Sign and The Galston Town Trail.

Traditional repairs have seen extensive re-use of Scottish slate along with other indigenous types, often laid in traditional diminishing courses. Heavy lead has been used on the stripped and re-slatted roofs and chimney cans have been reinstated to maintain the character of rooflines. Walls have been rendered in lime coatings and stone has been repointed with lime mortar. Traditional sash and case windows have been refurbished or replaced where necessary but perhaps the most notable improvements at ground level are the refurbished or replaced shop fronts, making the pedestrian experience in the Conservation Area more authentic and attractive.



Design a Sign with Loudoun Academy pupils and Pete Johnston of Ratho Byre Forge.

Case Study: MERCAT HOTEL GRANT AIDED SCHEME

There has been significant progress with those projects which form the extension to the Cumnock CARS with works completed to 1-3 Ayr Road and underway at the Mercat Hotel.

Work to the Mercat Hotel commenced in December 2016, based on a grant of £150,000 towards an estimated external refurbishment costs to £267,750 as per the Cabinet approval. However, the property will then be leased to the owner's company RAD Ltd, who will meet the alteration and fit out costs which are currently estimated at a further £580,000. This, together with in excess of £300,000 purchase costs, would result in an investment in excess of £1M on this project.

In terms of economic impact it is estimated that an additional 12 to 15 full time equivalent posts will be created in the new conjoined and expanded hotel. Additionally, RAD Ltd will expand its Cumnock Office Hub covering the group's

hotels from Dumfries to Lanarkshire and throughout Ayrshire, involving the relocation of 12 permanent full time posts.

The hotel's main central part is a 18th Century, 2-storey 5 window diagonally droved ashlar building that was raised to 3 stories later in the 18th Century. The original building was recessed between gable fronted 2-storey wings. The 2-window south gable fronted wing is 18th century but the north wing was built in 1906 and has 2-stories and attic, with crow stepped gable on west and bow north front with centre crow stepped gable painted with black margins. The project is of a conservation / repair nature and adheres to Historic Environment Scotland's requirements.

Grant assisted works comprises the repair of the slated roof and high level masonry together with associated rainwater goods in order to return the property to a structurally secure, wind and watertight condition. The grant work has focused on the oldest, most historically important parts of the property facing on to the Square.

Illustrative examples of the ongoing regeneration works are noted below



Renewing roof covering in natural slating to match existing; renewing / replacing rainwater goods with cast iron to match existing; renew / replace lead sheet coverings / flashings with the appropriate lead code as per Historic Environment Scotland and the Lead Association requirements; stonework repairs and repointing



Quality of Service and Engagement

During the last year representatives from the Planning Service have undertaken visits to other Councils and reviewed our internal procedures and service delivery at Planning Committee in response to customer feedback. We have also encouraged and promoted pre application discussions and have facilitated discussions involving other services, such as Roads and Environmental Health, so that issues are identified at an early stage and enable applicants to have constructive dialogue and all to work positively towards identifying solutions. We include a customer survey with every decision notice and review the feedback received with a view to continuously improving communication and engagement.

Engagement throughout the development of the Local Development Plan has been extensive and the engagement around the Minerals Local Development Plan is outlined below. We are continuing to seek improvement in customer service and engagement through the development of a service wide customer service charter.

Open for Business

Project Management for Development Planning

The main project management tool for development planning is the development plan scheme which sets out exactly what processes will be undertaken and when and also when publications can be expected. With the exception of the examination and adoption delays which were outwith the Service's control, the development plan scheme timetable has been adhered to, thereby ensuring reliability for all of our stakeholders. The 2017 development plan scheme was published within a year of the previous year's scheme further adding reliability to the timescales and ensuring these were publically available.

Minerals Local Development Plan

Extensive engagement with key stakeholders has been undertaken and continues as part of the development planning processes undertaken for the Minerals Local Development Plan. This has included, in the reporting year:-

- Call for Priorities, Issues and Proposals – 19th February 2016 – 1st April 2016 – public consultation including corporately and with elected members
- Draft MIR and Draft Monitoring Statement – 28th June 2016 – 9th August 2016 – public consultation including corporately and with elected members
- Public events to support the release of the Draft MIR and Draft Monitoring Statement – workshops – 25th July 2016 and 2nd August 2016 (22 attendees)

- Publication of MIR and Monitoring Statement - 10th January 2017 – 24th February 2017 and associated drop-in events on 26th January 2017 and 2nd February 2017.

To increase stakeholder interaction Council agreed to have an additional step in the statutory development planning process by having a draft Main Issues Report (dMIR). We felt this was appropriate as a result of the huge changes in minerals extraction activity that have affected East Ayrshire, primarily in opencast coal. It was designed to allow stakeholders to have an additional opportunity to shape the plan. The dMIR set out possible policy and spatial options for minerals related development. We did not identify 'preferred options' in the draft Main Issues Report as we wanted feedback before we decided on our 'preferred options'. The draft MIR has enhanced and extended the reach of our engagement and contributed to improving the quality not only of the MIR but the associated facilitated workshops..

Stakeholders were invited to the draft MIR workshop and joint working was encouraged. We were pleased to have attendance from, for example, key agencies, various community council members, industry representatives, Forestry Commission and the Scottish Wildlife Trust.

This work follows previous engagement work. Meeting invites were sent to all operational mineral companies in East Ayrshire and we met with 3 out of 4 of the companies in early 2016. Thereafter, we met with the Scottish Government in March 2016 to discuss the requirement for Areas of Search for Coal.

Development Management

A strengthened team in Development Management has enabled better communication and engagement with both customers and Statutory agencies. This has ensured more timely responses and earlier identification of issues that require resolution. The aim is to bring all parties to the table to facilitate discussion in a holistic way and this has helped in reducing decision timescales.

Through closer working with colleagues in Economic Development and Environmental Health, the Planning Service is able to have early discussions with local businesses planning expansion. These pre application discussions help to foster good working relationships and productive engagement. We provide a single point of contact during the assessment of applications to provide continuity from pre application discussions through to decision.

A Duty Planner is available during office hours for the entire working day and this is valued by customers who are able to have a face to face discussion, without prior appointment. We encourage customers to use the planning portal as a more efficient method of getting information but customers value the personal contact. This highlights the challenges in balancing customer service and efficiency.

The Council's strategic business and employment site at Moorfield Park on the western edge of Kilmarnock continues to be promoted. The 9 hectare site has been developed with full infrastructure in place and with a major unit completed a number of other advanced factory units are being developed onsite through the planning process to ensure that high quality facilities are in place to accommodate new business expansion to the area. Furthermore, provision has been made within the proposed LDP for phase 3 which will provide the facilities and infrastructure for developing both local and new business opportunities. This is also being promoted through the Ayrshire Growth Deal with the development of the business case.

Similarly the Planning and Economic Development Service plays an important and central role in delivering the Council's Community Plan and in particular the Delivering Community Regeneration Action Plan. The 2015/16 performance report is also attached for information.

<http://www.eastayrshirecommunityplan.org/Home.aspx>

Certainty

Processing Agreements

Processing Agreements were identified within the PPF as an area when the Planning Service aimed to get an increased number within Major and complex developments. The Council has detailed guidance on the website on Processing Agreements and is fully supportive of the processing agreements for both major developments and complex local development and encourages these agreements at all pre-application discussions, developer take up has been low historically. A range of Processing Agreements are now in place for gasification, opencast coal, education, residential and wind energy developments as well as complex Local Developments and these will feature in future returns.

The Planning Process

Consistency and reliability of officer advice is essential within the Planning Service and therefore there are a number of key protocols and processes adopted to minimise inconsistencies and misinterpretation. All planning enquiries are registered on the *Uniform* planning system with a unique reference number against the site property address to ensure that the planning history of the site enquiry is recorded. The case officer will review the enquiry and if the matters raised highlight a contentious planning matter, these issues will be discussed with the section team leader. In cases where there are varying policy interpretations, the matter will be escalated to the Operations Manager for a view. In complex cases the planning enquiry can require the matter to be fully discussed between the managers in Development Management and Development Planning and the Head of Service. On conclusion of the view, the enquirer will receive a written response from the case officer detailing the planning response. This data is held against the planning history and allows any other officer considering a future enquiry or application to review the

planning history of the land or property to ensure that a consistent approach is undertaken.

In determination of Planning Applications, the Team Leader will review workloads and target timescales for the final assessment of the application with the case officer. During this period there may be planning matters raised which require to be escalated up to the manager or Head of Service as noted above. With all local developments, the Team Leader will review the case and provide a second sign-off to ensure that the decision is legally competent and consistent with planning policy. In respect of Major Developments, the applications will be reviewed by the case officer and through scheduled Team Leaders meetings establish the planning issues and any consultation feedback which warrants further discussion at management level.

With all Major Developments the team consisting of the Case Officer; Team Leader; Operations Manager and Head of Service will meet to review the application and finalise any planning matters and agree the recommendation for determination of the application. Therefore prior to the application being presented it will be signed off by the four levels to ensure that the recommendation is consistent with internal procedure, legislation and policy. In cases where the application has a financial guarantee such as a restoration bond, there is an added level of scrutiny to ensure compliance through the review of the financial guarantee proposals by the Head of Finance and Head of Legal Services as well as the Head of Planning and Economic Development which will also be signed off by the Depute Chief Executive once the three Heads of Service are satisfied with the proposals to ensure that the Council Financial Regulations in APB8A are met. Therefore, no single officer takes a decision in relation to the determination of an application and the close scrutiny aids to ensure that consistency is met across the Service. This process sets out the Governance process to ensure that planning applications are appropriately determined.

In order to maintain clear communication within the Development Management service the Team Leaders meet with planning staff on a weekly basis to discuss weekly priorities; and consider interpretational issues allow staff to prioritise work.

In respect of applications considered by the 17 Planning Committee meetings held during the period, 46 applications were considered with 1 contrary decision to the recommendation by the Head of Planning made. During the period no Major Development applications were submitted or determined by the Planning Committee which were significantly contrary to the Local Development Plan and therefore would have required to be referred to the Planning Committee for a pre-determination prior to consideration by the full Council as defined in the Scheme of Delegation. However, it is noted that the current application for Powharnal opencast coal complex which is subject to a processing agreement will be deferred to a Pre-Determination Hearing by June 2017.

During the period, a concerted review of the validation process has been undertaken resulting in liaison taking place with applicant/agents identified as

repeat offenders in order to reduce and clear the invalid applications within the system. At the end of the period, the applications are invalid for a number of reasons but primarily the lack of the statutory fee or insufficient/inadequate drawings. Applicants are being reminded at pre-application stages of the minimum information necessary to register the application which is contained within the updated validation guidance (previously Argyle and Bute's guidance now adopted by HOPS).

Case Study: Harehill Extension Windfarm, New Cumnock

On the 4th September 2007 an application was submitted for a 'Major' planning application for up to 39 wind turbines and associated infrastructure works as an extension to the existing windfarm operated by Scottish Power Renewables at New Cumnock. The application was assessed against the Development Plan and material considerations following receipt, however, following this initial review the inability to fully resolve two aviation objections lead to the application being sisted at the request of the developer. The aviation issues relied on radar mitigation solutions to be researched, developed and commissioned by the applicant and aviation authorities and in which the aviation authorities would have confidence in as a radar solution. Given that the aviation solutions were not immediately resolvable the application was sisted and in effect it became a legacy application.



From early 2014 discussions commenced with the developer leading to three separate submissions of Additional Environmental Information, bringing the environmental information up to date. Following assessment of the environmental information the application presented to planning committee on 28 November 2014 and was recommended for approval with conditions and subject to legal agreement. The Planning Committee supported the recommendation and the application was favourably determined.

Negotiations commenced on the complex Section 75 legal agreement shortly after this. In June 2015 the UK Government decision to end onshore wind subsidy had significant implications for the wind farm company. Therefore, the Council and applicant rapidly accelerated progress in concluding the section 75 to conclusion and registration thereby allowing issue of the planning consent within the deadline required by the applicant. This took place in less than one week and involved substantial collaboration between the applicant and the Council's Planning and Legal Departments and the Council dedicated resources to achieving this. Failure to achieve this would have resulted in the development not proceeding.

As part of the approval, detailed planning conditions are in place to mitigate against the environmental works to construct, commission, operate, decommission and restore the wind farm. As part of the detailed collaborative working with the applicant's agents, submissions were made by the applicant in respect of each planning condition. Since the implementation of best practice in compliance monitoring of major environmental projects following the demise of the Scottish Coal and ATH Resources in East Ayrshire, the Planning Authority will circulate all the submitted specialist information relating to the relevant statutory consultee's as defined by the condition and also to the Council Environmental Consultant, Ironside Farrar. Ironside Farrar provide a specialist overview to validate the environmental information submitted to discharge the pre-commencement conditions. Following assessment of the technical environmental information and the benefit of the technical assessment of Ironside Farrar as compliance monitors the Council discharged all relevant conditions allowing site start in early December 2015.



From commencement of development the Council has collaborated closely with the applicant and the Council appointed compliance monitors to ensure that the development progressed in accordance with the approved details. Monthly compliance visits involving the applicant, the compliance monitor and the Council's enforcement officer took place which has involved on-site inspections and post inspection wash up meetings. Compliance reports were issued thereafter by the compliance monitor to the Council and applicant, generally within 7 days of inspections occurring, setting out areas of good practice/compliance as well as any aspects of non-compliance. The Compliance Reports are added to the Site monitoring Reports page within the Planning Website and can be viewed via the attached link:-

<https://www.east-ayrshire.gov.uk/PlanningAndTheEnvironment/Minerals,%20Waste%20and%20Onshore%20Wind%20Site%20Monitoring%20Reports/Hare-hill-windfarm-extension-Direct-Link.aspx>



Dialogue between the parties was maintained throughout the construction period and a solid working relationship was established with key site and office personnel resulting in matters being resolved quickly and to the satisfaction of the Council and applicant and without recourse to any formal enforcement action on the part of the planning authority. No complaints were received by the Council from any third party during the entire construction period.

The completion of construction works was achieved in June 2017, two years after the issue of the planning consent thereby facilitating the commissioning of the windfarm and ensuring that the windfarm operator met the Government onshore wind subsidy deadlines. At the recent public event to mark the official opening of the windfarm, Richard Manning, the windfarm construction project manager, commended the planning authority and its close working relationship for assisting in the delivery of the challenging project.

Communications Engagement and Customer Service

The Planning Service within East Ayrshire Council operates from the refurbished former Johnnie Walker Whisky Bond and Grade B Listed Building within the Kilmarnock Town Centre. The staffing resource is located within one office, alongside colleagues in Building Standards and Ayrshire Roads Alliance, and the Environmental Health Service. Locating the key regulatory services together assists the general public and developers alike to source a comprehensive one stop shop for development proposals. Planning advice is provided during office opening hours and is supported by the extensive information held on the planning website. Staff will however, meet applicants, developers etc. in one of the Council's network of local offices where the meeting is requested close to the development, or on site. For major projects such as opencast coal sites; quarries or windfarm special arrangements have been put in place to meet community liaison committees within the community and facilitate developer meetings at the site. Additionally the work carried out by Development Planning and Development Management as noted throughout the report outlines the various levels of customer engagement being delivered across the customer portfolio.

The Service delivers a one stop shop to facilitate development through the Planning System in order to actively encourage economic development within the area. Following initial enquiries, a case officer is allocated to progress the development at each stage of the pre and post application and project manage the case with the statutory consultees. Pre application meetings are compulsory for all Major Developments and are encouraged for Local (complex) Developments such as housing applications and cases where the applicant is promoting an application which bears an element of risk. An example would be for a Planning Permission in Principle on a site not allocated within the LDP.

The Planning Service is committed to providing high quality services for all of the people we serve. We provide a wide range of services which we will deliver and develop to meet the needs of our community. Our Commitment sets out the standards of customer service our customers can expect from East Ayrshire Council. The level of staffing investment is aimed to bring the Service up to a standard which can meet all its planning priorities. The Customer First Service Commitment is available at our public reception and on the Council website.

<https://www.east-ayrshire.gov.uk/CouncilAndGovernment/Contact-us/Customer-Services/Customer-Services.aspx>

The information available to the public and developers is located on the Council's website and aims to provide detailed information prior to the customer contacting the service and is a first step in self service delivery. As part of the openness and transparency for all major environmental applications a dedicated webpage for all Compliance Monitoring of Environmental Projects is updated with the bi-monthly and quarterly compliance reports which has now been linked to IDOX to offer easier access as viewed by the link below:-

<https://www.east-ayrshire.gov.uk/PlanningAndTheEnvironment/Minerals,%20Waste%20and%20Onshore%20Wind%20Site%20Monitoring%20Reports/Site-Monitoring.aspx>

The webpage has been populated with the Compliance Monitoring; Technical Working groups and Community Council reports for the opencast coal and quarry developments. The land use map detailing all environmental developments is located on the website and is updated on a monthly basis detailing the relevant status of all major environmental developments including onshore wind; coal; quarries; landfill; and solar farms.

<https://www.east-ayrshire.gov.uk/PlanningAndTheEnvironment/Visual-registers/Onshore-Wind-Visual-Register.aspx>

Customer questionnaires are issued with every planning decision to every correspondent. While the service issued 916 postal/electronic questionnaires throughout the year to its customers, 20 responses were submitted which amounts to 2.2%. While this was a poor number of returns, the overall results of the questionnaires show that service that 94% of respondents rated the overall impression of the service as excellent or very good. This is significantly higher than the 69% in the previous period and reflects the increased resources and positive impact on performance. The Council's 2 Stage complaints system is now firmly embedded within the Planning Service. In 2016/17, 6 complaints were received which after detailed assessment one was partially upheld with the remaining cases not supported. Two complaints were received relating to Development Planning.

While each case was fully investigated by senior management and five out of six of the complaints not supported, each matter was considered and the Development Management service improvements identified related to the extent of information received at validation, however this process has been clarified by the HOPS Validation Guidance issued for 207/18.

The Customer Complaints and Improvement Actions are both considered at Departmental and Planning Service Management Teams and the service improvements are linked through the ISO Quality Management System.

Planning Committee

The Scheme of Delegation allows for all Major Developments and Local Developments subject to more than 10 objections being referred to Planning Committee. Additionally, environmental developments which do not fall within

the above bracket which have an impact on site restoration will also be referred to Planning Committee. During the period, the Planning Committee sat on 17 occasions and considered 46 Planning Reports.

During 2015/16 period, the Chair of Planning considered ways to enhance the Planning Committee for the applicant, the objector and the public gallery following visits to a number of west of Scotland Planning Offices to review the workings of the Planning Committee and Local Review Body. The outcome of benchmarking and internal discussions identified a number of improvements in the approach taken by both Members and Officers at the Planning Committee. Since the implementation of these changes, feedback is generally good in that the public are now aware of who the Councillors are on the Planning committee and which ward they serve. The Chairs also ensures that there is a clear announcement made at each part of the process and clarity of the decision taken is promoted.

As part of the final assessment of the Planning Committee report, the use of acronyms within the reports are verified to ensure the text is clearly defined. Each report is supported by an oral and visual presentation on the development proposals which has been prepared to view on the overhead screens to detail all Planning Application submission including plans, maps and pictures of the site. Where the overhead projectors are too distant to view the detail on the plans, information is further provided to both members and to the public gallery to assist with the issues being discussed. This is proving to be well received with members of the public who attend in the gallery.

Open Cast Coal Update

The work being carried out within the opencast coal restoration projects fits well within the above outcome and highlights the early collaboration required to achieve a restoration scheme with a limited budget. The following case studies provide an overview of the multi-agency and partnership working to deliver restoration to the former abandoned open cast coal mines.

As has been recorded in previous Planning Performance Frameworks, East Ayrshire has been impacted significantly by the demise of the Opencast Coal industry and the liquidation of Scottish Coal and ATH. These liquidation events resulted in nine unrestored opencast coal sites with restoration values well in excess of the Restoration Guarantees available to restore the complexes.

The affected Communities in these areas were disappointed and angry with the Coal Companies for the failure to properly operate and restore the sites and with the Council for our failure to regulate and monitor sites to ensure that the development complied within the approved plans and associated conditions and obligations.

Following detailed negotiation with the Restoration Guarantee providers the Planning Authority managed to secure around £19Million of finance to facilitate the restoration of these sites. The main focus of the Council in relation to these sites has been to facilitate operations which will address primarily the health and safety issues, the environmental issues and if possible return the land to an acceptable use. This is detailed in the Chief Executives Report viewed as:-

<http://docs.east-ayrshire.gov.uk/r/?f=http://docs.east-ayrshire.gov.uk/CRPADMMIN/2012%20AGENDAS/COUNCIL/19%20SEPTEMBER%202013/Open%20Cast%20Mining%20Report.pdf>

As detailed in last year's PPF, with the money secured from the Bond Providers, the Planning Authority engaged with Local Communities, Statutory Agencies/consultees and relevant voluntary bodies to identify issues which required to be addressed for each site. Thereafter either a public tender process was carried out or a negotiated contract was established to secure the best restoration scheme for four of the complexes – Dunstonhill by Patna, Netherton by Skares, Areas C and D by Skares Village and Ponesk by Muirkirk. The Planning Authority are contract administering the restoration projects on each site and are developing alternative restoration schemes with the landowners, Technical working groups and the community at Spireslack, Chalmerston and Garleffan and Grievehill. The link illustrates the sites spatially:-

<https://www.east-ayrshire.gov.uk/Resources/PDF/E/EACumulativeLandUseMap.pdf>

Progress of Restoration Works

Ponesk Restoration Project:- Muirkirk

Works commenced at the former opencast Coal site at Ponesk in July 2016, with Banks Mining winning the £3 million restoration contract. The restoration works are subject to monthly Compliance visits by the Council's Mining Consultants, supplemented by informal visits by the Planning Authority's Mineral Project Officer. To allow public engagement in the process the Community Liaison Committee has met on site to view and discuss each stage of the operations. As has been discussed in the previous Planning Performance Framework, SEPA and SNH were involved in the consideration of the tenders for this contract. To allow formal opportunity for SEPA, SNH to continue their involvement in the project a technical working group has met on site to view the operations and develop the restoration project.

Grasshill void within Ponesk Site –prior to works



Grasshill Void during restoration works

Dunstonhill Restoration Project:- Patna

As detailed in previous PPFs this project commenced during summer 2015 with Hargreaves Surface Mining carrying out the contract for restoration. The bulk of the major earthworks and restoration works have been completed during this reporting period, with the site expected to be returned to land owners in August 2017.

Given the detrimental impact that this unrestored opencast site had on the local community it was vital to ensure that the restoration of the site was carried out in conjunction with the Community. To that end, through the Community Liaison Committee, various elements of the final restoration project have been formulated during this period in conjunction with the Community and these will be brought to fruition towards the end of the project during the summer period of 2017. The interaction with the community and the technical working group which was extended to include the Countryside Access Officer and Ramblers Association have combined developed the restoration scheme to develop the end use of the site for recreational and leisure use with magnificent elevated walking routes to view the panorama of Ayrshire and the Clyde coast.

Dunstonhill June 2013



Dunstonhill March 2017



Skares Area D

As detailed in the previous PPF, a contract for the restoration of this abandoned opencast coal site on disclaimed land was let to Hargreaves Surface Mining Ltd. The major aim of the project was to make the site safe by infilling the water filled void which rested adjacent to the village of Skares. Initially a public meeting was held to set out the design options for the scheme. The feedback from the community helped to shape the final design which was regulated through a wasteland Notice with the funding supported from Bond monies combined with Council capital funding to ensure that the scheme could be delivered. As with all these projects the Community have been kept informed and been involved in the project through the Community Liaison Committee while ecological and hydrological aspects relating to the project have been managed through the Technical Working Group. The scheme is progressing well as illustrated below and the eastern half of the void is now backfilled with progression towards the western wall. The restoration scheme will continue until spring 2019 where the land will be restored and two watercourses reinstated.

Skares Area D prior to works commencing:- 1st April 2014



Sakes Area D in March 2017 – Works ongoing

Skares Area D Void half filled with overburden



Compliance Monitoring

As has been indicated in previous years Planning Performance Reports the Planning Authority implements a formal compliance monitoring regime for all major projects with potential environmental impacts. To that end Planning Officials either attending site themselves or are accompanied by specialist Environmental or mining Consultants. Subsequently, compliance reports made publicly available on the Council Web site and reported to the Planning Committee through the Quarterly Compliance Monitoring Report. The compliance monitoring regime varies depending on the type, scale and constraints related to each project.

A total of 193 compliance visits have been carried out in relation to major developments. The following details the number of compliance visits carried out at each type of development site.

Development Type	Number of Visits
Windfarm	24
Electrical Infrastructure	41
Opencast Coal	59
Quarry	3
Opencast Coal Restoration Projects	66
Total	193

This type of continuous monitoring of the projects as the works proceeds is ensuring that planning condition and obligations are being met with the financial guarantee for the decommissioning and/or restoration works verified regularly to ensure the financial guarantee is always in line with the site restoration liability.

Technical Working Groups/Community Liaison Committee

During the reporting period, 13 technical Working Groups and 15 Community Liaison Committees took place across the range of environmental Projects.



Community Liaison Committee at Ponesk Restoration Project.

GOVERNANCE

Efficient and effective decision-making

Over the last year the Service has been upskilled appropriately through the implementation of the staffing review. This has enabled management to provide additional resources within each of the three Development Management Teams. The three specialist teams- [i] Renewables (The Wind Team) [ii] Coal and Minerals (The Coal Team) and [iii] The General Development Team ensure that the service focuses its attention to determine the allocated caseload as new cases are allocated within the statutory periods or with a processing agreement. This has been reflected on the planning performance during the period where each of the performance indicators have improved with legacy cases reduced to 38 and a number in final stages of determination in the 2017/18 period. However, review of performance is constant with new Major Development applications being targeted within the 4 month period and also with a Processing Agreement however further resources will require to be targeted to reduce the non-householder Local Development applications to improve performance within this area.

When reviewing the reasons for the delay in performance particularly with legacy cases, the period to initiate and conclude a legal agreement can be

prolonged for a number of reasons some of which are outwith the Council's control. As part of the continuous improvement a number of actions are being implemented to progress the flow of the legal agreements and project manage the case. One of these actions includes an agreed protocol with Legal Services and a combined Planning/Legal register to ensure clear up to date information is available to coordinate the overall process. This system will also be supported by the Enterprise Performance Module used in conjunction with Uniform/Idox, the back office Planning system.

The Scheme of Delegation sets the application criteria for determining a planning application. Applications which are referred to Planning Committee under this Scheme are project managed to ensure that the application can be considered at the first available Planning Committee following assessment. The 17 planning committees held during the period have provided flexibility to the Planning Service to increase productivity. The review of the Scheme of Delegation in May 2016 identified that the system was operating satisfactorily at that time.

Planning Applications continue to be categorised on receipt as Major or Local Developments and then during the assessment process the Local Developments which fall outwith delegated authority are introduced to the Planning Committee Scheduler which allows the Operations Manager to project manage the application and the committee schedule dates agreed.

In relation to Local Review Bodies (LRB) held during the period to consider the appeal cases, these are coordinated by the Council's Democratic Services who manage the business of the LRB and ensure that the performance standards are met and adhered to. Training is delivered to Councillors annually on the Planning System; Planning Committee processes and the Councillors Code of Conduct. Furthermore, the introduction of a new councillor onto the Planning committee will trigger a Planning and LRB training course.

As noted in previous PPF's, the Independent Review of Opencast Coal had identified that that all financial guarantees should be subject to internal sign off by senior staff in Legal; Finance as well as Planning. This process has been introduced and clarified within the Decommissioning, Restoration, Aftercare And Mitigation Financial Guarantees Cabinet Report dated 21st May 2014 for dealing with all financial guarantees relating to environmental developments covered by a Planning Approval as noted below:-

<http://docs.east-ayrshire.gov.uk/CRPADMMIN/2012%20AGENDAS/CABINET/21%20MAY%202014/Decommissioning,%20restoration,%20aftercare%20and%20mitigation%20financial%20guarantees.pdf>

This process was subject to review by Internal Audit who as part of their final assessment were satisfied that the system to assess and determine applications subject to a financial guarantee is significantly robust and fit for purpose. This is evidenced in page 25 of the by the Internal Audit Annual Report 2016/17 and viewed at:-

<http://docs.east-ayrshire.gov.uk/r/?f=http://docs.east-ayrshire.gov.uk/CRPADMMIN/2012%20AGENDAS/GOVERNANCE%20AND%20SCRUTINY/20%20APRIL%202017/internal%20audit%20annual%20report%202016-17.pdf>

Effective Management Structures

The Planning and Economic Development Service is split into four strategic sections consisting of Operations (Development Management, Building Standards with Administration and Technical Support), Development Planning (Local Plans) and Regeneration, Economic Development incorporating Employability and Regulatory Services (Environmental Health and Training Standards). The Service is managed by the Head of Planning and Economic Development with a manager servicing each of the four functions. The structure provides a joint service approach with the Head of Planning having a span of control to provide a one stop shop for both physical development and interaction with economic development.

As previously noted, the comprehensive resource review of Development Planning and Development Management has seen the introduction of 17 new Planning Posts as defined above to deliver an effective management structure to cater for the Planning workloads currently experienced in both sections. The phased introduction of these posts during 2016/17 has, as demonstrated within this year's performance figures assisted to raise performance, progress the LDP and dMIR and MIR for the MLDP and tackle the legacy workload to assist in the long term performance improvement.

Staff Resource and Governance

The realignment of staff resources within the 2016/17 period as noted above has enabled a balanced approach to be taken for the Service to allow it to move from reactive to proactive and to be better prepared to meet the development challenges forthcoming. Also the specialism developed within the Wind and Coal teams has enhanced the Council's ability to assess and project manage all major environmental projects. The joint working arrangements with the external independent compliance monitoring consultants have increased the team's knowledge base on environmental matters which has assisted to increase the service ability to compliance monitor these projects to ensure that planning conditions and obligations are being met. In terms of major windfarm development at Whitelee Phase 3, Glenmount, Glenouther, Blair Farm and Kiers Hill, the planning application refusals and section 36 objections were considered DPEA Reporter as part of the appeal review.

The outcome of these reviews is that the Reporter upheld the Council's position which provides a level of independent scrutiny over these cases and supports the planning assessment undertaken. Additionally the Council's capacity to proactively project manage Wind Farm PLI's at Sneddow Law, Benbrack, Garlaffen and Pencloe has assisted to increase the knowledge and experience of the team which has been cascaded internally to other Planning

staff to increase their own knowledge and experience. The project management of the cases includes the coordination of planning, legal and finance statements with the QC and external consultants such as for noise; landscape, private water supply and restoration/decommissioning quantum's etc. This expert approach is also being utilised within the Loudoun Castle Appeal being held in October 2017.

Annually, all Planning enforcement activity and decisions taken by the Local Review Body and DPEA are subject to a review by the Council's Governance and Scrutiny Committee. The Committee will consider the operational activity during the period and identify any financial implications, service needs and training requirements.

<http://docs.east-ayrshire.gov.uk/r/?f=http://docs.east-ayrshire.gov.uk/CRPADMMIN/2012%20AGENDAS/GOVERNANCE%20AND%20SCRUTINY/2%20MARCH%202017/planning%20performance%20framework%20.pdf>

Collaboration between Council Services: Planning (policy and regeneration) and Vibrant Communities

East Ayrshire Council's planning policy and regeneration team have been successfully engaging with the Council's Vibrant Communities service in relation to the development plan process. For example, the service has been fully involved in the on-going preparation of placemaking maps which are a spatial interpretation of Community led Action Plans. These plans form a core part of the business of Vibrant Communities in terms of empowering and enabling local communities to take on the development and delivery of local programmes, services and facilities, therefore contributing to the Council's vision of transforming our relationship with communities we serve. We were pleased to see the recommendations of the Planning White Paper in respect of links between spatial and community planning and feel that we already have excellent working relationships in place to allow us to take this further forward. The placemaking maps for each community will ultimately form Supplementary Guidance to the adopted Local Development Plan, thereby cementing the links between community and spatial planning and the two Council services. The commitment to the Placemaking maps as Supplementary Guidance is shown in Schedule 9 of Volume 1 of the LDP as referenced elsewhere in this report.

We have also attended community events (22nd October 2016) to meet with the community representatives leading on their respective Community led Action Plans to provide them with information about the remit of planning and what aspects in terms of delivery of their plans we can assist with. A Regeneration Project Officer has been employed specifically by the Planning Service to take forward the Placemaking Maps and work interdepartmentally and with our communities.

The planning policy team has been working closely with East Ayrshire Leisure Trust (an ALEO) in implementing the East Ayrshire Green Infrastructure Strategy. The strategy has been incorporated into Local Development Plan open space policy. This is a good example of joint working to ensure a holistic approach to green infrastructure development and in demonstrating the role that green infrastructure can play in local and regional plans, priorities and policies. Policy INF4 and associated Schedule 8 of the East Ayrshire Local Development Plan links to the East Ayrshire Leisure Trust Green Infrastructure Strategy. The Plan enables the service to either collect contributions for the improvement of existing green infrastructure or identify and address deficits in green infrastructure provision (see links for associated publications).

The Planning policy team has also been working closely with Vibrant Communities and East Ayrshire Leisure Trust on the preparation of a Landscape Partnership bid to the Heritage Lottery Fund. It is envisaged that this bid will allow for the realisation of some of the aims set out in the Minerals Local Development Plan Main Issues Report – particularly the placemaking section, and allows us to start to action the proposed vision of the plan to realise social, environmental and economic benefits for our communities. Whilst the development planning and regeneration team have led on the bid, Vibrant Communities have assisted us with reaching communities and liaising with them, and East Ayrshire Leisure Trust have assisted with the preparation of arts and countryside management proposals.

The Planning Division have also been working closely with education and housing on working groups, including the 'Future Homes Project Board' (held every 3 weeks) and the School Estate Rationalisation Board (4 weekly) to devise methods for more accurately predicting school rolls and to assist in the delivery of affordable housing.

Future Homes Project Board

Preparation and monitoring of the approved 2017-2022 Strategic Housing Investment Plan is overseen by the Council's Future Homes Board. The Board has representatives from a range of Services and includes planning representatives (Development Planning and Development Management). In addition, the Council's preferred Developer has joined the Board so as to inform the design process for the proposed new build programme and facilitate its delivery. The Planning intervention at the design feasibility and pre-application stages with the other statutory agencies is ensuring that the projects are delivered consistently to a tight programme which ultimately improves performance at the application stage.

Housing Asset Management Framework (3 weekly)

The East Ayrshire Housing Asset Management Framework (HAMF) provides a framework for managing the Council's property assets so as to ensure they contribute efficiently and effectively to the achievement of the Council's aims and objectives, both now and in the future, whilst ensuring the Council retains

vibrant communities with good quality homes. The Council's planning service provides assistance as and when it is required in the HAMF process.

School Estate Rationalisation Board

Examines school occupancies and capital projects for schools and investigates any changes needed. Similar to the Future Homes Project Board the early planning intervention is enabling the delivery of the Council's capital plan.

FINANCIAL MANAGEMENT AND LOCAL GOVERNANCE

Financial monitoring and sound governance is at the heart of the management of the Planning Service. The financial budget is monitored by the Head of Service who works closely with a senior accountant and Operations Manager on the income and expenditure trends for the operational activity in Planning and Building Standards. Income is monitored on both a weekly and monthly basis and from these figures, comparison with previous financial years are made to establish trends with regard to fee income. The pre-application discussions and Planning Advice Notice (PAN) also assist to project income and all major development Planning Application determinations are monitored and included within the budget forecasts relating to building warrants. This assists to establish timescales for warrant applications, income peaks and planning resource deployment to assess the applications.

The annual budget is set over thirteen, four week periods and income and expenditure is also considered by the Service Manager and Head of Service at the monthly management team meetings. There is also a monthly review of the all departmental financial issues by the Executive Director and Heads of Service which precedes a report to Cabinet on revenue and expenditure. Budgetary sign off is set at all levels of management (3rd (Head of Service), 4th (managers) and 5th tier managers (Team Leaders)) to ensure that clearly defined accountancy procedures are adopted and implemented for all financial transactions.

There has been an increase in planning income during the accounting period to £618,139, a 6.43% increase on the previous year. This income is below the costs of running the whole Planning Service particularly given the expenditure does not reflect the additional resources and expert advice and legal costs that have been employed to assess the environmental issues with the open cast coal and onshore wind which also has required Council support to enable the additional costs to be funded out of the Planning budget. However, the Council is committed to invest in the Planning Service to review and redefine the Planning Service to clear all legacy issues and to promote sustainable economic development. The increase in Planning fees proposed during 2017/18 period should enhance the income to better reflect the finances required to run the service.

CULTURE OF CONTINUOUS IMPROVEMENT

The Planning Service has had a challenging 5 years, when in 2011, the policy of the Council was to downsize services to make financial savings to meet the strict budget posed at that time. For the Planning Service that meant that several staff were able to take voluntary redundancy. At the time the Economic Development activity in the various sectors was poor with all private developers having downsized productivity or at worst went into liquidation. During this period of the recession the householder applications were impacted; no new housing developments were being submitted or construction activity being undertaken. The Local Development Plan allocated sites were plentiful and not being developed.

At first glance it would have made sense to downsize the business to reflect the operational activity. However, significant activity featured in the specialist sectors of windfarms and opencast coal operations. The staffing levels at that time having been reduced and all vacancies frozen, meant that the Service was being delivered by a core staff base which was over performing to meet basic performance targets and work within the funds generated through the planning income. The downsizing meant that the service management levels were reduced with Development Planning and Regeneration operated under a single manager and a combined Development Management and Building Standards Operations Manager initiated.

With the new management structure in place during 2012 it was quickly recognised that that work pressures were mounting throughout the planning functions. Early reviews of planning workload had identified that there was a significant backlog of legacy cases which pre-dated 2009 in throughout the sectors. The previous management philosophy as part of the “development promotion” ethos was to assess and negotiate with the agents to resolve the planning issues without need for refusal. This had left significant numbers of cases where further information had been requested from the agent; the legal agreement had stalled, the company went into liquidation or that the development was not being progressed due to the economic downturn. Therefore, the impact of these legacy cases with the insufficient resources meant that the focus was on determining the new applications being submitted.

Work to combine the East Ayrshire Local Plan (2010) and Open Cast Subject Plan was well underway when, in April/May 2013, the coal industry went into meltdown and two of the largest coal producers ATH Resources/Aardvark and Scottish Coal Company Limited went into liquidation. Up to this point the East Ayrshire Coal field comprising of 10 complexes had delivered the major Scottish coal production. The 10 complexes operated under 92 Planning Consents and Section 75 Agreements. Kier Mining remained under

operational activity producing coal to the market in compliance with their planning consents. In 2012 the Coal Authority advised that East Ayrshire produced 2,583,673 tonnes of coal which was 53% of productivity in Scotland and 25% of all UK Coal produced. The impact of the businesses collapsing meant that 2 out of 3 Mining Operators went into liquidation resulting in:-

- 311 Job losses in mining
- 3 Disclaimed sites under the Insolvency act
- 9 Abandoned coal complexes:-
- 1465 hectares distributed/unrestored land- 22 voids; 524 hectares of unrestored voids
- £161M estimated restoration liability when existing site conditions compared to the approved restoration scheme

This business collapse within a deprived area of Scotland had significant repercussions with a multiagency National and Local Response. Fergus Ewing led the National Task Force review of the coal industry on behalf of the Scottish Government and the Local Response Team in East Ayrshire was led by the Council's Chief Executive. At this time senior staff were seconded from Development Management, Building Standards and Legal Services to form the "Coal Team" and to review, prioritise and address key issues as part of the Council's Recovery Plan and defined in the Opencast Mining in East Ayrshire Report – Steps to Recovery. At the same time, the Council initiated an Independent Review of Opencast Coal Mining in East Ayrshire.

The Coal Team worked with Hargreaves Surface Mining who initiated coaling within 3 out of 9 of the abandoned coal sites. The outcome of the "Coal Team" review and that of the Independent Review of the Regulation of Open Cast Coal in East Ayrshire identified lessons to be learnt for best practice in relation to resources, training, procedures and independent assessment. In parallel to this was the onslaught of windfarm and electrical infrastructure developments within the area. The interconnector project proposed for the area was undertaken by Scottish Power Energy Networks (SPEN) as a national infrastructure project under Section 37 of the Electricity Act which was consented by the Scottish Ministers with the Planning Authority to discharge and monitor the conditions issued under the consent. Similarly the service was dealing with several major developments for both Planning applications and Section 36 applications. This development activity in the renewable sector coupled to the 75 wind turbine applications being progressed at that time highlighted the service's inability to respond to the operational demands placed upon it.

The temporary staff brought in to the Coal, Windfarm and General Development teams were introduced during 2013/14 although the impact on the amount of work against resources in place at that time meant that performance could not be recovered and legacy cases were slowly being determined. The outcome of the review of the Service both internally and by the Independent Review identified that the implementation of best practice was necessary across all environmental projects and the new processes and procedures adopted would be supported by the use specialist consultants to support both the competency of the decision and re-establish confidence in the Planning system which was severely impacted through the demise of the coal industry as it affected East Ayrshire's communities.

The staffing in development planning and regeneration has stabilised somewhat from last year and at the end of the reporting year there was only one vacancy for a senior planner, which was being advertised. As a result of the review of the staffing levels in the Service, one planner was promoted to senior planner level and the resultant planner vacancy was filled.

In 2015 a comprehensive review of the Planning Service was undertaken which reviewed its resources; current and pending workloads; service performance, customer satisfaction with the service delivery and reputation. The outcome of the review has resulted in a major redesign of staff resources; radical changes in planning processes and approval by the Council in October 2015 for additional Development Management and Development Planning resources. Since this strategy was implemented the following areas are identified:-

- implementation of staff resource;
- evidence of Increased performance;
- increased pre-application discussion on major and complex developments;
- increased focus on determining application with statutory period or with a processing agreement;
- evidence of Increased removal of legacy cases;
- Confidence in Management of major environmental projects;
- Reinstatement of the abandoned open cast coal sites through the implementation of alternative restoration schemes;

Over the last year, the Service has now become fully staffed and delivery on its key objectives by increasing resources, capabilities and competences to increase performance and economic development opportunities within the communities.

Complaints and Improvement Actions are discussed on a weekly basis at the Departmental Management Team and at Development Planning management level meetings. Outcomes are reviewed at the monthly Planning and

Economic Development Management Team meeting. At a local level service improvements are considered at the weekly Development Management meetings. The other main strategic document which is significant in maintaining a culture of continuous improvement is the Service Improvement Plan (SIP) and the East Ayrshire General Employment Review (EAGER), all of which are subject to quarterly review with an annual update.

The Council's Organisational Development Strategy requires each member of staff to undertake an annual competency based review of their performance and development for the preceding year and also to plan for the forthcoming year. The East Ayrshire General Employee Review (EAGER) allows staff members to reflect on their competencies and meet with their line manager to establish areas of strength and any area where the staff member would benefit from additional training and development to deliver results within the workplace. The process also delivers a Personal Development Plan (PDP) for each member of staff. To assist, the Council has defined mandatory areas for training and these are currently being mapped across to the existing staff training data base to identify any gaps. Additionally, continuous professional development requirements are identified both through the EAGER process where legislative or policy changes have taken place.

Specialist training has been delivered on the following topics over the period:-

- Minerals Planning by the Institute of Quarrying;
- Shadowing compliance monitors to raise competency in Environmental Projects;
- Managing Major Projects;
- SNH and Visual Representation of wind farms guidance
- Aligning Roads and Planning Consents
- Place Standards
- Historic Environment regulations
- E-development
- Noise training
- Management Development Course
- Compliance Monitoring in the Environment;
- ISO 9001 auditor training
- RIPSA Training
- Bid writing
- Heat networks
- Partnership working
- Increasing the evidence base in LDP policy
- Minerals MPA / RTPI annual conference
- Place Standards Tool
- Specialist Agency Reporting procedures
- Planning Law Updates and Review of the Planning System

Also in-house the occupational development e-learning academy includes mandatory training courses. Furthermore during 2016/17, the new Elected Members received standard training on the following topics:-

- The planning system including the Planning Committee and LRB processes;
- Planning and the Councillors' Code of Conduct; and

The Elected Member training also continues to provide visits to opencast coal, quarry and sites on a quarterly basis when considering the Compliance Monitoring Report to establish a better understanding of the operational compliance monitoring arrangements undertaken through the planning conditions and obligations.

As part of the continuous development of the Development Management function, planning processes and procedures are being reviewed systematically to finalise an overall review. This process has been delayed due to the limited resource previously specified however, with the new staffing arrangements noted above the detailed review will be rolled out during 2017/18 to allow the Service to apply for ISO 9001 Accreditation.

The Service Improvement Plan (SIP) sets out the key issues for delivering services in support of the Community Plan Vision and priorities and provides a focus on performance improvement aligned to the Single Outcome Agreement. It also describes the service specific risks that may impact on the delivery of the Service and are informed by the Council's Transformation Strategy 2012-2017, which is designed to ensure that council services remain financially sustainable in the current economic climate. The SIP links between the Community Plan, the Council's Sovereign Plan and the Planning Performance Framework to deliver a link from the strategic plan to the operational activity of the service.

<http://docs.east-ayrshire.gov.uk/r/?f=http://docs.east-ayrshire.gov.uk/CRPADMMIN/2012%20AGENDAS/CABINET/14%20JUNE%202017/Service%20Improvement%20Plans%202016-18%20-%20Progress%20Updates.pdf>

Benchmarking and Partnership Work

East Ayrshire Council has committed to the Development Management Benchmarking - Group 2 comprising East Lothian, Fife, Loch Lomond, Moray, Perth and Kinross, South Ayrshire and Stirling. The benchmarking group, supported by the Improvement Service has met during the period and focused on:-

- Benchmarking data comparison (including Headline Indicators; Official statistics; Additional Indicators; Improvements to the indicators collected and Timings of data collection)
- PPF Feedback on RED indicators
- Service Improvement Plans for 2016/17

Similarly, additional support is drawn from the Information hub and from the meetings held for HOPS Development Management sub group and the HOPS Minerals subgroup.

Vacant & Derelict Land

East Ayrshire Council worked extensively over 2015/16 and 2016/17 with the Scottish Government and other local authorities to gain recognition by the Scottish Government, through its National Statistics publication on vacant and derelict land, of the scale of derelict land within East Ayrshire.

‘Over the past year Scottish Government representatives have met with officials from East Ayrshire, Fife, North Lanarkshire and South Lanarkshire Councils to agree on how former surface coal mines should be assessed and recorded in the survey. Following this, East Ayrshire Council have undertaken a thorough analysis of their affected sites’

SCOTTISH VACANT AND DERELICT LAND SURVEY 2015, Scottish Government

<http://www.gov.scot/Resource/0050/00500617.pdf>

This has resulted in revised guidelines for the survey which were published in and has been recognised in the 2015 Vacant and Derelict Land publication issued in May 2016 and the 2016 survey published in March 2017.

The East Ayrshire Council analysis is based on the following principles for recording former surface coal mines, which were agreed following discussions between Scottish Government representatives and East Ayrshire, Fife, North Lanarkshire and South Lanarkshire Councils:

- Large areas have been broken down into smaller areas to distinguish between parcels of land that still need to be restored to their original condition, parcels that are unworked and parcels derelict or naturalised.
- Areas of abandoned sites where the only element of activity is the maintenance of the site for health and safety reasons have been considered derelict.
- Areas which have been subject to partial restoration which are below the standard expected within the original planning permissions, but which are not considered to be of such poor quality as they would present a significant health and safety danger or environmental risk, are not considered derelict. Only areas of land identified as being unsafe or of very poor environmental quality and requiring further remediation have been recorded as derelict.

- Any former compounds, coal wash areas or haul routes that are still being used for another operational site have not been considered derelict.

The total amount of vacant and derelict land within East Ayrshire has reduced by 3% from 2,555ha in 2015/16 to 2,476ha in 2016/17 despite the number of identified sites increasing from 156 to 175 over the same time period. This is because the area of newly identified sites, which tend to be small in scale and within settlements, is more than offset by the reduction in the area of derelict land associated with former open cast coal sites. The area of derelict land at Dunstonhill, for instance, has reduced by just over 93.01ha while the area of newly identified sites is just under 15ha. The results of the SVDLS are as follows:

Total Area of Vacant and Derelict Land: 2,477ha

Total No. of Vacant and Derelict Sites: 175

Area of Vacant and Derelict Land within Settlements: 155ha (3.5% of local authority area)

Area of Derelict Land in the Rural Area: 2,322ha (2% of local authority area)

PART 2: SUPPORTING EVIDENCE

Part 2 of this report was compiled, drawing on evidence as illustrated at the links within the body of the report and also from the following sources:-

VACANT AND DERELICT LAND SURVEYS

<http://www.gov.scot/Resource/0050/00500617.pdf>

<http://www.gov.scot/Resource/0051/00516905.pdf>

OPENCAST MINING IN EAST AYRSHIRE – UPDATE

(report dated 24 May 2013)

<http://docs.east-ayrshire.gov.uk/CRPADMMIN/2012%20AGENDAS/CABINET/24%20MAY%202013/Open%20cast%20Mining%20in%20East%20Ayrshire%20-%20Update.pdf>

OPENCAST MINING IN EAST AYRSHIRE - STEPS TO RECOVERY

(Report dated 19 September 2013)

<http://docs.east-ayrshire.gov.uk/CRPADMMIN/2012%20AGENDAS/COUNCIL/19%20SEPTEMBER%202013/Open%20Cast%20Mining%20Report.pdf>

INDEPENDENT REVIEW OF THE REGULATION OF OPENCAST COAL OPERATIONS IN EAST AYRSHIRE

(Reports dated 28 January 2014)

[http://docs.east-ayrshire.gov.uk/crpadmmin/2012%20agendas/council/28%20january%202014/Item%201%20-%20Independent%20Review%20-%20%20-%20Coal%20Report%20-January%202014%20\(4\).pdf](http://docs.east-ayrshire.gov.uk/crpadmmin/2012%20agendas/council/28%20january%202014/Item%201%20-%20Independent%20Review%20-%20%20-%20Coal%20Report%20-January%202014%20(4).pdf)

INDEPENDENT REVIEW OF THE REGULATION OF OPENCAST COAL OPERATIONS IN EAST AYRSHIRE - THE COUNCIL'S RESPONSE

(Reports dated 28 January 2014)

<http://docs.east-ayrshire.gov.uk/crpadmmin/2012%20agendas/council/28%20january%202014/Item%205%20-%20Independent%20Review%20CE%20Response%20-%2022%20January%202014.pdf>

OPENCAST COAL MINING IN EAST AYRSHIRE - STEPS TO RECOVERY: PROGRESS REPORT

(Reports dated 28 January 2014)

<http://docs.east-ayrshire.gov.uk/crpadmmin/2012%20agendas/council/28%20january%202014/Item%206%20-%20Progress%20Update%20on%20Recommendations%20from%20Council%20-%20Final.pdf>

OPENCAST COAL MINING IN EAST AYRSHIRE: THE PAST, THE PRESENT AND THE FUTURE

(Reports dated 26 June 2014)

<http://docs.east-ayrshire.gov.uk/crpadmmin/2012%20agendas/council/26%20june%202014/Opencast%20Coal%20Mining%20in%20East%20Ayrshire%20-%2026%20June%202014.pdf>

DECOMMISSIONING, RESTORATION, AFTERCARE AND MITIGATION FINANCIAL GUARANTEES:- CABINET – 21 MAY 2014

<http://docs.east-ayrshire.gov.uk/crpadmmin/2012%20agendas/cabinet/21%20may%202014/Decommissioning,%20restoration,%20aftercare%20and%20mitigation%20financial%20guarantees.pdf>

PROPOSED REVISIONS TO THE SCHEME OF DELEGATION: PLANNING AND ASSOCIATION APPLICATIONS

(Reports dated 26 June 2014)

<http://docs.east-ayrshire.gov.uk/crpadmmin/2012%20agendas/council/26%20june%202014/Proposed%20Revisions%20to%20the%20Scheme%20of%20Delegation%20-%20Planning%20Applications.pdf>

UPDATE ON OPERATIONAL OPENCAST COAL SITES IN EAST AYRSHIRE

(Reports dated 12 December 2013)

<http://docs.east-ayrshire.gov.uk/crpadmmin/2012%20agendas/planning%20committee/12%20december%202013/Operational%20Coal%20Sites%20in%20East%20Ayrshire.pdf>

OPENCAST MINING IN EAST AYRSHIRE - COMPLIANCE MONITORING UPDATE

(Reports dated 4 April 2014)

<http://docs.east-ayrshire.gov.uk/crpadmmin/2012%20agendas/planning%20committee/4%20april%202014/Opencast%20Mining%20in%20East%20Ayrshire%20-%20Compliance%20Monitoring.pdf>

OPENCAST MINING IN EAST AYRSHIRE - COMPLIANCE MONITORING UPDATE REPORT

(Reports dated 27 June 2014)

<http://docs.east-ayrshire.gov.uk/crpadmmin/2012%20agendas/planning%20committee/27%20june%202014/Opencast%20Coal%20Mining%20in%20East%20Ayrshire%20-%20Compliance%20Monitoring.pdf>

OPENCAST COAL MINING IN EAST AYRSHIRE: THE PAST, THE PRESENT AND THE FUTURE CABINET REPORT 26TH JUNE 2014:-

<http://docs.east-ayrshire.gov.uk/crpadmmin/2012%20agendas/council/26%20june%202014/Opencast%20Coal%20Mining%20in%20East%20Ayrshire%20-%2026%20June%202014.pdf>

COMPLIANCE MONITORING UPDATE OF MAJOR DEVELOPMENTS IN EAST AYRSHIRE:- REPORT 24TH OCTOBER 2014

<http://docs.east-ayrshire.gov.uk/crpadmmin/2012%20agendas/planning%20committee/24%20october%202014/Compliance%20Monitoring%20Update.pdf>

**COMPLIANCE MONITORING UPDATE OF MAJOR DEVELOPMENTS IN
EAST AYRSHIRE:- REPORT 30TH JANUARY 2015**

<http://docs.east-ayrshire.gov.uk/crpadmmin/2012%20agendas/planning%20committee/30%20january%202015/Compliance%20Monitoring%20Update%20of%20Major%20Developments%20in%20East%20Ayrshire.pdf>

**COMPLIANCE MONITORING UPDATE OF MAJOR DEVELOPMENTS IN
EAST AYRSHIRE:- REPORT 24TH APRIL 2015**

<http://docs.east-ayrshire.gov.uk/crpadmmin/2012%20agendas/planning%20committee/24%20april%202015/Compliance%20Monitoring%20Update%20of%20Major%20Developments%20in%20East%20Ayrshire.pdf>

**COMPLIANCE MONITORING UPDATE OF MAJOR DEVELOPMENTS IN
EAST AYRSHIRE:- REPORT 21 AUGUST 2015**

<http://docs.east-ayrshire.gov.uk/r/?f=http://docs.east-ayrshire.gov.uk/CRPADMMIN/2012%20AGENDAS/PLANNING%20COMMITTEE/PL%2021%20AUGUST%202015/compliance%20report%20update%20of%20major%20developments%20quarterly%20report%20august%202015.pdf>

**COMPLIANCE MONITORING UPDATE OF MAJOR DEVELOPMENTS IN
EAST AYRSHIRE:- REPORT DECEMBER 2015**

<http://docs.east-ayrshire.gov.uk/r/?f=http://docs.east-ayrshire.gov.uk/CRPADMMIN/2012%20AGENDAS/PLANNING%20COMMITTEE/18%20DECEMBER%202015/compliance%20monitoring%20update%20of%20major%20developments%20in%20east%20ayrshire%20-%20december%202015.pdf>

**COMPLIANCE MONITORING UPDATE OF MAJOR DEVELOPMENTS IN
EAST AYRSHIRE:- REPORT APRIL 2016**

<http://docs.east-ayrshire.gov.uk/r/?f=http://docs.east-ayrshire.gov.uk/CRPADMMIN/2012%20AGENDAS/PLANNING%20COMMITTEE/22%20APRIL%202016/compliance%20monitoring%20update%20-%20april%202016.pdf>

**COMPLIANCE MONITORING UPDATE OF MAJOR DEVELOPMENTS IN
EAST AYRSHIRE:- REPORT AUGUST 2016**

<http://docs.east-ayrshire.gov.uk/r/?f=http://docs.east-ayrshire.gov.uk/CRPADMMIN/2012%20AGENDAS/PLANNING%20COMMITTEE/22%20AUGUST%202016/compliance%20report%20update%20of%20major%20developments%20quarterly%20report%20august%202016.pdf>

[TTEE/26%20AUGUST%202016/compliance%20monitoring%20update%20report%20-%20august%202016.pdf](http://docs.east-ayrshire.gov.uk/r/?f=http://docs.east-ayrshire.gov.uk/CRPADMMIN/2012%20AGENDAS/PLANNING%20COMMITTEE/26%20AUGUST%202016/compliance%20monitoring%20update%20report%20-%20august%202016.pdf)

COMPLIANCE MONITORING UPDATE OF MAJOR DEVELOPMENTS IN EAST AYRSHIRE:- REPORT NOVEMBER 2016

<http://docs.east-ayrshire.gov.uk/r/?f=http://docs.east-ayrshire.gov.uk/CRPADMMIN/2012%20AGENDAS/PLANNING%20COMMITTEE/11%20NOVEMBER%202016/compliance%20monitoring%20update%20-%20november%202016.pdf>

COMPLIANCE MONITORING UPDATE OF MAJOR DEVELOPMENTS IN EAST AYRSHIRE:- REPORT JANUARY 2017

<http://docs.east-ayrshire.gov.uk/r/?f=http://docs.east-ayrshire.gov.uk/CRPADMMIN/2012%20AGENDAS/PLANNING%20COMMITTEE/20%20JANUARY%202017/compliance%20monitoring%20update%20-%20january%20%202017.pdf>

COMPLIANCE MONITORING UPDATE OF MAJOR DEVELOPMENTS IN EAST AYRSHIRE:- REPORT MAY 2017

<http://docs.east-ayrshire.gov.uk/r/?f=http://docs.east-ayrshire.gov.uk/CRPADMMIN/2012%20AGENDAS/PLANNING%20COMMITTEE/2%20JUNE%202017/compliance%20monitoring%20update%20-%20january%20-%20march%202017.pdf>

PLANNING COMMITTEE AGENDA: REPORTS AND MINUTES

<http://www.east-ayrshire.gov.uk/asp/comms/CommitteeSummary.asp?UID=402>

PLANNING ENFORCEMENT NOTICE – NETHERTON SITE OPENCAST COAL MINE, SKARES

<http://docs.east-ayrshire.gov.uk/crpadmmin/2012%20agendas/planning%20committee/2%20april%202015/Enforcement%20Notice%20-%20Netherton%20Site%20Opencast%20Coal%20Mine.pdf>

EMPLOYEE ATTITUDE SURVEY 2015:- REPORT TO CABINET WEDNESDAY 24 JUNE 2015

<http://docs.east-ayrshire.gov.uk/crpadmmin/2012%20agendas/cabinet/24%20june%202015/Employee%20Attitude%20Survey%202015.pdf>

INTERNAL AUDIT PLAN 2013/14

<http://docs.east-ayrshire.gov.uk/crpadmmin/2012%20agendas/governance%20and%20scrutiny/25%20april%202013/governance%20and%20scrutiny%20committee%20-%2025%20april%202013.pdf>

PROCESSING AGREEMENT GUIDANCE

<https://www.east-ayrshire.gov.uk/PlanningAndTheEnvironment/Planning-applications/Planning-Processing-Agreements.aspx>

PLANNING AND THE ENVIRONMENT CORE WEB PAGE

<https://www.east-ayrshire.gov.uk/PlanningAndTheEnvironment/PlanningAndTheEnvironment.aspx>

CUMULATIVE ENVIRONMENTAL PROJETS

<http://www.east-ayrshire.gov.uk/Resources/PDF/E/EACumulativeLandUseMap.pdf>

ONSHORE WIND VISUAL REGISTER

<http://www.east-ayrshire.gov.uk/PlanningAndTheEnvironment/Visual-registers/Onshore-Wind-Visual-Register.aspx>

EAST AYRSHIRE ONSHORE WIND WINDFARM AND TURBINE REGISTER

<http://www.east-ayrshire.gov.uk/Resources/PDF/O/Onshore-Wind-Application-List.pdf>

SURFACE COAL MINING VISUAL REGISTER

<http://www.east-ayrshire.gov.uk/PlanningAndTheEnvironment/Visual-registers/SurfaceCoalMiningVisualRegister.aspx>

MINERALS, WASTE AND ONSHORE WIND SITE MONITORING REPORTS WEBPAGE TO CURRENT OPERATIONAL SITES

<http://www.east-ayrshire.gov.uk/PlanningAndTheEnvironment/MineralsWasteandOnshoreWindSites/Minerals,-Waste-and-Onshore-Wind-Site-Monitoring-Reports.aspx>

TOWN CENTRE REGENERATION

<http://www.east-ayrshire.gov.uk/PlanningAndTheEnvironment/RegenerationAndTownCentreManagement/Towncentreregeneration.aspx>

<http://www.east-ayrshire.gov.uk/PlanningAndTheEnvironment/RegenerationAndTownCentreManagement/Kilmarnocktowncentreregeneration.aspx>

<http://www.east-ayrshire.gov.uk/PlanningAndTheEnvironment/RegenerationAndTownCentreManagement/CumnockTownCentreRegeneration.aspx>

<http://www.east-ayrshire.gov.uk/PlanningAndTheEnvironment/RegenerationAndTownCentreManagement/Landandproperty-improvementgrants.aspx>

<http://www.east-ayrshire.gov.uk/PlanningAndTheEnvironment/RegenerationAndTownCentreManagement/CouncilHouseRegeneration.aspx>

<http://www.east-ayrshire.gov.uk/PlanningAndTheEnvironment/RegenerationAndTownCentreManagement/Artistsimpressionoftowncentreliving.aspx>

DEVELOPMENT PLANS AND POLICIES

<http://www.east-ayrshire.gov.uk/PlanningAndTheEnvironment/Development-plans/DevelopmentPlans.aspx>

DEVELOPMENT PLAN SCHEME

<https://www.east-ayrshire.gov.uk/Resources/PDF/D/DevPlanScheme.pdf>

LOCAL DEVELOPMENT PLANS

<https://www.east-ayrshire.gov.uk/PlanningAndTheEnvironment/Development-plans/LocalAndStatutoryDevelopmentPlans/LocalDevelopmentPlan.aspx>

MINERALS LOCAL DEVELOPMENT PLAN

<https://www.east-ayrshire.gov.uk/PlanningAndTheEnvironment/Development-plans/LocalAndStatutoryDevelopmentPlans/East-Ayrshire-Minerals-Local-Development-Plan.aspx>

EAST AYRSHIRE MINERALS LOCAL DEVELOPMENT PLAN

MAIN ISSUES REPORT, MONITORING STATEMENT AND INTERIM ENVIRONMENTAL REPORT – CABINET REPORT

<http://docs.east-ayrshire.gov.uk/CRPADMMIN/2012%20AGENDAS/COUNCIL/15%20DECEMBER%202016/East%20Ayrshire%20Minerals%20Local%20Development%20Plan%20-%202015%20December%202016.pdf>

SUPPLEMENTARY GUIDANCE

<http://www.east-ayrshire.gov.uk/PlanningAndTheEnvironment/Planning-applications/Planning-guidance/Supplementaryplanningguidance.aspx>

GREEN INFRASTRUCTURE STRATEGY

<http://eastayrshireleisure.com/index.php?a=landing&id=3&sid=275&mid=307>

CONSERVATION

<https://www.east-ayrshire.gov.uk/PlanningAndTheEnvironment/Conservation/Conservation.aspx>

<http://www.east-ayrshire.gov.uk/PlanningAndTheEnvironment/Conservation/KilmarnockConservationArea.aspx>

PLANNING GUIDANCE

<http://www.east-ayrshire.gov.uk/PlanningAndTheEnvironment/Planning-applications/Planning-guidance/Guidanceonplanningapplications.aspx>

PLANNING SERVICE AND PERFORMANCE

<https://www.east-ayrshire.gov.uk/PlanningAndTheEnvironment/Planning-applications/Statistics/DevelopmentManagmentPerformanceArchive/Developmentmanagementmonthlyfigures2015.aspx>

<https://www.east-ayrshire.gov.uk/PlanningAndTheEnvironment/Planning-applications/Statistics/Planningerviceandperformance.aspx>

APPLICATION GUIDANCE

<http://www.east-ayrshire.gov.uk/PlanningAndTheEnvironment/Planning-applications/Apply-for-planning/PlanningApplicationForms.aspx>

OPEN FOR BUSINESS:- ONLINE PLANNING SYSTEM

<http://www.east-ayrshire.gov.uk/PlanningAndTheEnvironment/Planning-applications/ePlanning.aspx>

E-PLANNING WEBSITE

<http://eplanning.east-ayrshire.gov.uk/online/>

PART 3: PERFORMANCE MARKERS EVIDENCE 2016-17 SERVICE IMPROVEMENTS 2017-18

No.	Performance Marker	PERFORMANCE MARKERS EVIDENCE 2016/17	PPF SERVICE IMPROVEMENT ACTIONS 2017/18
DRIVING IMPROVED PERFORMANCE			
1	Decision-making: authorities demonstrating continuous evidence of reducing average timescales for all development types	<p><u>Major Applications</u></p> <ul style="list-style-type: none"> • Number of all major development planning applications:- 5 • Average time (weeks) to deal with all major development planning applications:-43.8 weeks • Number of major development planning applications (Not including pre 2009 cases):- 3 • Average time (weeks) to deal with major development planning applications (Not including pre 2009 cases):- 42.4 weeks <p><u>Local Developments (Non-Householder Applications)</u></p> <ul style="list-style-type: none"> • Number of all local development (Non-Householder) planning applications:- 314 • Average time (weeks) to deal with local development (Non-Householder) planning applications:- 11.8 weeks 	<ol style="list-style-type: none"> 1) Promotion of Processing Agreements for all complex local and major developments; 2) Adopt Scottish Government Validation Guidance 3) Implement planning application service performance via the Enterprise Uniform Performance Management Monitoring Module; 4) Maintain the project management actions to review, assess and determine the legacy planning cases which remain outstanding in excess of 1 year; 5) Continued reduction of the number of invalid applications received through positive interaction with our

		<ul style="list-style-type: none"> • Number of local development (Non Householder) planning applications (Not including pre 2009 cases):- 313 • Average time (weeks) to deal with local planning development (Non Householder) applications (Not including pre 2009 cases) 11.7 weeks <p><u>Local Developments (Householder)</u></p> <ul style="list-style-type: none"> • Number of all local development (Householder) planning applications 194 • Average time (weeks) to deal with local development (Householder) planning applications:- 7.1 weeks • Number of all local development (Householder) planning applications (Not including pre 2009 cases):- 194 • Average time (weeks) to deal with local planning (Householder) applications (Not including pre 2009 cases):-7.1 weeks <p>Legacy Cases:-</p> <ul style="list-style-type: none"> • Number cleared during reporting period:- 16 • Number remaining:- 38 <p>During 2016/17 period resources have focused on clearing new applications within the statutory period when applications are received and also clearing the</p>	<p>customers on the minimum levels of guidance to submit to validate an application;</p> <p>6) Continue to develop the management system and planning procedures for ISO Accreditation;</p> <p>7) Project Manage the conclusion of outstanding Legal agreements to secure the consent for legacy applications and secure conclusion of new Legal Agreements within 6 months of ‘resolving to grant’ either via the planning Committee or via a Report of Handling through the introduction of standard legal agreements for :- Restoration Bonds; Compliance Monitoring arrangements, Developer Contributions;</p> <p>8) Maintenance of the Council’s Steps to Recovery Strategy for all Opencast Coal Sites and expanded to all Environmental Projects.</p> <p>9) Introduce case officer “Stop the Clock” process through Uniform to increase efficiency of data collection.</p>
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		<p>legacy applications greater than 1 year old. The aforementioned figures for Major and Local Development (Non-Householder Applications) clearly highlight the improvement in the performance when compared to the 2015/16 Scottish Average figures. Furthermore the local developments (Householder) performance of 7.2 weeks is an improvement from the 2015/16 EAC return of 8.0 weeks and Scottish average of 7.5 weeks. The improvement of performance highlights the continuous improvement in the service.</p>	
2	<p>Project management: offer of processing agreements (or other agreed project plan) made to prospective applicants in advance of all major applications and availability publicised on planning authority website</p>	<p>Processing agreements are offered to all applicants for major and complex local applications during the PAC process for major applications and at the pre-applications stages of the application.</p> <p>1) Current number of live Processing Agreements:- 21 2) Number of applications determined with processing agreements: 5</p> <p>The processing agreement process for all complex local developments and major applications is explained to the applicants agent at pre-application meetings and the details publicly available on the Planning Authority website which can be viewed via the following link:-</p> <p>https://www.east-ayrshire.gov.uk/PlanningAndTheEnvironment/Planning-applications/Planning-Processing-Agreements.aspx</p>	<ol style="list-style-type: none"> 1) Promotion of Processing Agreements for all complex local and major developments; 2) Review of online Processing Agreements guidance 3) Management and Senior Planning Officer attendance at the School Estate Board for the pre-application meetings. 4) Management and Senior Planning Officer attendance at the Public Sector Housing Board for the pre-application meetings.

		<p>During the period the Council has set out and implemented the strategic direction for its School estate and public sector Housing proposals which will deliver £0.5Billion of new and refurbished schools over a 10 year plan and the £130M development of the new public sector housing within the district. The housing is targeted at increasing housing capacity within town centres. For the delivery of both school and housing strategy development individual Boards were set up with multidisciplinary design teams to develop and implement each development. This Planning Service attend the monthly design meeting to review the key issues for each of the proposed developments and working with statutory consultees refine the designs so that when the processing agreement is submitted the planning Service delivers on the agreed timescales.</p> <p>The Council set out its development strategy for the School estate at:-</p> <p>http://docs.east-ayrshire.gov.uk/r/?f=http://docs.east-ayrshire.gov.uk/CRPADMMIN/2012%20AGENDAS/CABINET/8%20MARCH%202017/school%20estates%20management%20plan%202015-16.pdf</p> <p>and for the proposed public sector housing at:-</p>	
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		<p>http://docs.east-ayrshire.gov.uk/r/?f=http://docs.east-ayrshire.gov.uk/CRPADMMIN/2012%20AGENDAS/CABINET/30%20NOVEMBER%202016/housing%20investment%20programme%202017-18-2012-22.pdf</p> <p>https://www.east-ayrshire.gov.uk/EducationAndLearning/Investing-in-East-Ayrshire-Schools/Investing-in-East-Ayrshire-Schools.aspx</p> <p>All Planning enquiries relating to pre-application advice are recorded within the Uniform/Ibox back-office system with each case receiving a unique reference number. The assessment details, key policy matters and consultees responses are recorded along with the response to the applicant/agent. This level of detail assists in the planning history to review the guidance offered when the planning application is received and being processed.</p>	
3	Early collaboration with applicants and consultees on planning	<p>Number of applications subject to pre-application discussions</p> <p>2016/17:- 201 pre-application linked directly to applications considered with 1509 recorded Planning</p>	<p>1) Promotion of pre-application discussion with applicants/developers via web/reception meetings and e-mail</p>

	<p>applications: availability and promotion of pre-application discussions for all prospective applications</p> <ul style="list-style-type: none"> • clear and proportionate requests for supporting information 	<p>enquiries provided during the period.</p> <p>The Service has expanded its staff resource in front line staff during the period and is committed to provided pre-app discussions for all complex local and major applications.</p> <p>As noted above in marker 2 the pre-application meetings and advice offered are recorded. For complex local and major applications the applicant/agent will be advised of the assessment team which will consist of a dedicated Planning Officer to assess the application supported by a Team Leader to provide overview and direction. The pre-application discussion will set out the key policy requirements for the agent to consider and any areas where there is a challenge to the compliance of the policy. In cases where the pre-application review identifies a constraint this will be discussed with the relevant statutory consultee to set out the parameters required to resolve the position. In terms of Policy where the formal response focuses on an area of policy breach then this matter is escalated where senior management will offer a view which will be incorporated within the guidance.</p>	<p>2) Attend pre-application meetings with capital project team for new schools and offices;</p> <p>3) Attend pre-application meetings with Council Housing project team;</p> <p>4) Introduce pre-application form;</p>
4	<p>Legal agreements: conclude (or reconsider) applications within 6</p>	<p>Legal agreements</p> <p>Total number currently being processed:- 7</p> <p>While a revised procedure has been implemented to instruct legal services of the application's head of terms</p>	<p>1) Review the instruction process for information necessary to progress a legal agreement</p> <p>2) Set up a common drive for Planning and Legal staff to work on</p>

	<p>months of 'resolving to grant</p>	<p>for the legal agreement, there remains a mixed response from the developers legal team to secure the legal agreement within the 6 month timescale for a number of legitimate reasons and this can lead to an overall delay. Given the extent of work invested in completing the legal agreement to secure the consent the impetus to revisit the Planning Committee with an alternative decision recommendation is not a proactive route when the developer wishes as they wish to conclude the agreement and secure the consent. Where the application does not have the benefit of a processing agreement we are working with the developer to consider a processing agreement to set out the timescales for conclusion of the agreement.</p> <p>In the case of the legacy applications (greater than one year old from validation) the reasons for the stalling can be attributed to a number of factors including statutory agency objections; the applicant going into liquidation; delays in revised information being submitted; finalisation of legal agreements, delays in conclusion of missives, named landowners in liquidation and referral to the Queens and Lord Treasures Remembrance (QLTR) etc. Therefore, the focus is in the clearance of the legal agreements and Legal Services project manage the communications with the developers solicitor to keep the agreement progressing.</p>	<p>3) Introduction of standard legal agreements for :- Restoration Bonds; Compliance Monitoring arrangements, Developer Contributions; etc</p> <p>4) Set up a common internal Section 75 Register to manage the performance of the Council to secure the finalised agreement.</p>
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5	Enforcement charter updated / re-published	<p>The enforcement charter was reviewed by Planning and legal Services and updated on the 31st March 2017 and can be viewed at:-</p> <p>https://www.east-ayrshire.gov.uk/Resources/PDF/D/DMEenforcementCharter.pdf</p> <p>Reviews are undertaken annually or within the year where there is a service complaint; service improvement; or legislative update</p>	<ol style="list-style-type: none"> 1) Annual review of Enforcement Charter by 31st March 2018 2) Review of service complaints and ombudsman cases regarding planning enforcement to identify any updates necessary to Charter. 3) The reduction of all legacy planning enforcement cases;
6	<p>Continuous improvements: show progress/improvement in relation to PPF National Headline Indicators</p> <p>progress ambitious and relevant service improvement commitments identified</p>	<p>While the 2016/17 decision making timescales including legacy applications were above the Scottish Average in 2015/16 significant efforts for major and local development (non-householder) cases and this focus has demonstrated that performance in all cases including legacy cases has improved. Separately legacy cases by their nature are complex and held in abeyance for a number of legitimate mitigated reasons. When considering the timescale for householder developments there is a year on year improvement with a 7.1 week average for 2016/2017 having been reduced from 8.0 weeks in 2015/16.</p> <p>Similarly, 16 legacy cases have been cleared from the rolling one year threshold which has reduced the overall number from 47 down to 38 cases. While this is an improvement this statistic does not explain the full</p>	<ol style="list-style-type: none"> 1. Continue with Actions above to provide pre application advice, determine the remaining legacy cases, assess and determine all new applications within the statutory period, review and update the Enforcement Charter and implement the LDP

	<p>through PPF report</p>	<p>extent of the work undertaken in the remaining legacy cases as explained below:-</p> <p>Legacy Case:- Reasons for delay:- Conclusion of legal agreement:- 14 cases Statutory Objections (SEPA, EH, NATS):- 11 cases Developer revising Scheme:- 1 case Call in by Scottish Minister:- 1 case Awaiting adoption of LDP:- 4 cases Applications linked to Enforcement cases:- 5 Cases Developer reconsidering as non-compliant with Policy:- 2 Cases Total Legacy Cases 38</p> <p>Negotiations are ongoing with developers to conclude the legal agreements in the above cases and currently all bar one should be able to be determined accordingly with the exception of one which is looking for the Council to agree as landowner to sell the land to a developer which it is not promoting to sell. In this case, if negotiations fail the application will be referred to the Planning Committee with an updated recommendation and Refusal recommendation.</p> <p>Number of processing agreements is 5 with 3 for Major applications and 2 for Local developments which is higher than 2015/16</p> <p>The application approval rate for 2016/2017 is 93.1% is marginally lower than that reported at 93.3% for</p>	
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	<p>2015/16. It is acknowledged that this figure will fluctuate dependent on case type, LDP policy compliance and complexity of the project.</p> <p>Delegation Rate is 95.8% for 2016/2017 which is marginally lower than that reported at 96.3% for 2015/16. It is acknowledged that this figure will fluctuate dependent on case and hierarchy type in accordance with the Scheme of delegation and number of objectors per project</p> <p>The enforcement charter is up to date and reviewed annually.</p> <p>Processing agreements have increased during the period and while the percentage of pre-application discussions is indicated lower in the cases determined to date this will increase with the targeted actions on pre-applications. .</p> <p>Therefore, with the increased staff resources introduced during the 2016/17 period coupled to the project management of workloads the performance has increased and is demonstrating that that the Development Management service is continuously improving on performance in all application types. The Council has also held 17 Planning Committees over the period dealing with 46 cases with a focus on clearing business efficiently and for the approvals enhance economic development.</p>	
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		<p>Link to Planning Committee Agenda:-</p> <p>https://www.east-ayrshire.gov.uk/MVC/Committees/Services/Index/402/8</p> <p>LDP</p> <p>Significant delays were incurred in terms of the examination of the East Ayrshire Local Development Plan which was submitted to Scottish Ministers on the 8th October 2015. The examination did not conclude until 30th November 2016 with Scottish Ministers significantly outwith their timeframe. This caused delays to the adoption of the LDP which was published as the Proposed Plan as modified, with notice of intention to adopt published on 3rd March 2017. The Plan was formally adopted 28 days later.</p>	
PROMOTING THE PLAN-LED SYSTEM			
7	LDP (or LP) less than 5 years since adoption	<p>The examination of the LDP concluded on 30th November 2016, some 13 months after its submission to Scottish Ministers. The time taken by Scottish Ministers to complete the examination caused further delays to the adoption of the LDP. However, the notice of intention to adopt the Proposed Local Development Plan as modified was published on 3rd March 2017 and the plan adopted on the 28th day post notification.</p>	<ol style="list-style-type: none"> 1. Continue to implement Development Plan Scheme to progress with LDP2. The MIR is scheduled for publication in April 2018 so will not form part of the 2017-18 PPF. 2. Completion of the Call for Sites exercise for LDP 2

		The Minerals Local Development Plan continues to make good progress with the publication of a Draft Monitoring Statement and Draft Main Issues Report (June 2016) followed by the publication of the MIR and Monitoring Statement in January 2017. We are now preparing the Proposed Plan in line with the Development Plan Scheme.	3. The publication of the Proposed Minerals Local Development Plan for consultation
8	Development plan scheme demonstrates next LDP: - on course for adoption within 5-year cycle - project planned and expected to be delivered to planned timescale	The latest Development Plan Scheme was published on 25 th January 2017 which shows the project planning for the Minerals Local Development Plan and LDP2, which are on track for adoption within the 5 year cycle. We continue to hold weekly meetings to ensure momentum is maintained and any delays are identified early.	1.Publish new Development Plan Scheme in Jan / Feb 2018
9	Elected members engaged early (pre-MIR) in development	The feedback from last year's PPF stated that elected member engagement had not been undertaken when this was clearly outlined in our submission. The Minerals LDP Members Officer Working Group remains established and met at key stages of the process in the reporting year on 3 rd June 2016, 29 th September 2016,	1. Continue Elected member engagement for the Minerals LDP (moving to Proposed Plan stage) 2. Establish Elected Member engagement for LDP 2 in advance of production of MIR

	plan preparation	<p>7th October 2016 and 25th October 2016 after which the MIR progressed to full Council and consultation.</p> <p>Having only adopted LDP1 at the end of this reporting period we had not yet commenced pre-MIR consultation for LDP2. However a Members Officer Working Group will be set up for LDP2.</p>	
10	Cross-sector stakeholders, including industry, agencies and Scottish Government, engaged early (pre-MIR) in development plan preparation	<p>Extensive engagement with key stakeholders has been undertaken and continues as part of the development planning processes undertaken for the Minerals Local Development Plan. This has included, in the reporting year:-</p> <p>Call for Priorities, Issues and Proposals – 19th February 2016 – 1st April 2016 – All stakeholders</p> <p>Draft MIR and Draft Monitoring Statement – 28th June 2016 – 9th August 2016 – All stakeholders</p> <p>Public events to support the release of the Draft MIR and Draft Monitoring Statement – workshops – 25th July 2016 and 2nd August 2016 (22 attendees)</p> <p>Publication of MIR and Monitoring Statement - 10th January 2017 – 24th February 2017 – All stakeholders</p>	<ol style="list-style-type: none"> 1. Review feedback of MIR Consultation and prepare the Proposed Minerals LDP 2. Continue pre-MIR Consultation for LDP2

		<p>Attendees to workshops included industry representatives, Non-governmental organisations and community council members. A list of attendees can be found here:</p> <p>http://docs.east-ayrshire.gov.uk/CRPADMMIN/2012%20AGENDAS/COUNCIL/15%20DECEMBER%202016/East%20Ayrshire%20Minerals%20Local%20Development%20Plan%20-%2015%20December%202016.pdf</p> <p>Also available via the above link is a list of respondents to the dMIR consultation.</p> <p>We also met separately with Transport Scotland (29th August 2016) to discuss transport matters for the MLDP.</p> <p>We met with the Scottish Government to discuss the requirement for areas of search for coal – this was in February 2016.</p>	
11	Production of regular and proportionate policy advice, for example through supplementary guidance, on information required to	<p>In line with the adoption processes for the local development plan, a suite of supplementary guidance has been prepared which is at various stages of adoption.</p> <p>Supplementary Guidance was prepared during the reporting year on the following subjects:</p>	1. Completion of Statutory and Non statutory Guidance for developers as per Schedule 9 of the LDP;

	support applications	<ul style="list-style-type: none"> • Developer contributions (public consultation 24/02-2017-07/04/2107). Cabinet report 23/03/2017 – delay in consultation due to changes to relevant policy at examination. Includes worked examples and information on what is required in terms of proof if applying for a reduced or waived contribution. • Dark Sky Park Lighting • Display of Advertisements Design Guidance • Shopfronts Design Guidance <p>Cabinet Report for above 3 items:</p> <p>http://docs.east-ayrshire.gov.uk/r/?f=http://docs.east-ayrshire.gov.uk/CRPADMMIN/2012%20AGENDAS/CABINET/25%20JANUARY%202017/EA%20Proposed%20Local%20Development%20Plan%20Supplementary%20Guidance.pdf</p> <p>Consultation followed: 24/02/2017-07/04/2017</p> <p>Dalmellington Conservation Area Appraisal</p> <p>Cabinet report:</p> <p>http://docs.east-ayrshire.gov.uk/r/?f=http://docs.east-ayrshire.gov.uk/CRPADMMIN/2012%20AGENDAS/CABINET/22%20JUNE%202016/Dalmellington%20Conserv</p>	
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		<p>ation%20Area%20Appraisal%20-%20Covering%20Report.pdf</p> <p>Consultation followed: 01/06/2016-12/09/2016</p> <p>In the reporting year the following SG was adopted:</p> <ul style="list-style-type: none"> • Affordable Housing (with worked examples). In order to respond to market conditions, the requirement for affordable housing was waived through the LDP (Policy RES3) and SG in the Cumnock sub-housing market area and was reduced in the Doon Valley sub housing market area the rationale for this is set out fully in para 4.1.15 of Volume 1 (pgs 44-45) of the LDP (links provided below). • Financial Guarantees <p>Cabinet report: http://docs.east-ayrshire.gov.uk/r/?f=http://docs.east-ayrshire.gov.uk/CRPADMMIN/2012%20AGENDAS/COUNCIL/23%20FEBRUARY%202017/East%20Ayrshire%20Local%20Development%20Plan.pdf)</p> <p>The Supplementary Guidance stems from the adopted Local Development Plan and is listed in Schedule 9 of Volume 1 of the LDP. The requirement for the SG was</p>	
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		<p>tested through the examination process thereby ensuring conformity with circular 3/2012 in that respect.</p> <p>Awareness sessions for staff on LDP and supplementary guidance</p> <p>A two hour workshop session with all development management staff was held on adoption of the LDP. This guided the DM planners through the main policy changes with additional working through examples of affordable housing calculations.</p> <p>Policy advice is regularly provided to customers both directly and also in a co-ordinated manner with development management. In terms of applications, oral and written responses are provided to applications upon request with in the region of 50 of these being written responses available in the public domain on our IDOX system. An example of this can be viewed on the Planning Register documents section detailing the Policy consultation response:-</p> <p>17/0365/PP – Erection of 10 two storey semi-detached dwelling houses (5 blocks) and garages involving a change in use from agricultural to residential:</p> <p>http://eplanning.east-ayrshire.gov.uk/online/applicationDetails.do?activeTab=documents&keyVal=OQ38YTGFJ6J00</p>	
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SIMPLIFYING AND STREAMLINING			
12	Corporate working across services to improve outputs and services for customer benefit (e.g. protocols; joined-up services; single contact; joint pre-application advice)	<p>As noted within Marker 2, the Council is delivering on its new School Estate and public sector housing strategy. In addition to the officer acting as a single point of contact for all applications the Service (from a policy and development management perspective) is heavily involved in strategic pre-application advice across a number of services and external consultants involved in delivery of both strategies. A similar process is carried out in a smaller scale for major and complex local developments.</p> <p>There have also been a number of applications where delays have been experienced in submission of consultee responses in relation to air quality and noise impact. In these cases early meetings were held with the Environmental Health Service to understand the areas of expertise necessary to allow for a consultation response to be made. This dialogue resulted in independent consultants being appointed to review the applications where the Environmental Health Officers had a shortfall in experience. It is now common practice for wind turbines and windfarm applications be referred to a noise consultant to review in conjunction with Environmental Health. This type of constraint is identified at pre-application stage with the developer to</p>	<p>1) Conclude review of service delivery and service protocols with internal consultees including Ayrshire Roads Alliance (Roads) and Environmental Health to clarify responsibilities; streamline the consultation process.</p> <p>2) Review of Planning Committee membership following the election</p>

		<p>ensure that there is a clear understanding of the key bodies involved in the review and to ensure that the required levels of specialist information is submitted with the application. This process has also been developed for applications where bio-mass boilers have an adverse impact on the residential amenity adjacent to the site to ensure that an independent specialist review can clarify the potential long term impacts. This process assist to ensure that there is not a planning decision taken which ultimately at the time of commissioning of the apparatus ends up with a statutory nuisance complaint for environmental health under their legislation.</p> <p>In respect of Ayrshire Roads Alliance (the Roads Authority) works is continuing to streamline consultation responses as a number of responses for the larger developments are being returned requesting conditions to be included within the consent which are already covered by the Roads Construction consent (RCC)</p>	
13	Sharing good practice, skills and knowledge between authorities	<p>During the period the Service has participated in a number of training sessions, skills sharing events and benchmarking which has included reviewing last year's complaints and PPF feedback along with the Service improvement Plan to identify improvement actions.</p> <ul style="list-style-type: none"> • Review of Service Improvement plan with other Regulatory Services. • Attendance at the HOPS PPF Working Group; • Attendance at the HOPS Service Improvement Awareness Session; 	<ol style="list-style-type: none"> 1. Implementation of best practice within the Development Management service through HOPS and Benchmarking Groups. 2. The continued review of the Development Management planning processes (including Benchmarking) to finalise prior to the external assessment by BM

		<ul style="list-style-type: none"> • Continuous review of the Knowledge Hub to ascertain changing working practices. • Heads of Planning Benchmarking Group • Heads of Planning Development Management Meetings • Heads of Planning Minerals Working Group (EAC Chair) • Heads of Planning Renewables Group • Additional staffing resource has increased the wealth of knowledge of other service delivery models from other Scottish Planning Services to consider as part of the planning process review. • Shared working with South Lanarkshire Council on the Planning Monitoring Officer visits at Galawhistle Windfarm <p>We annually attend the SEA forum to share and learn from good practice.</p>	<p>TRADA on behalf of the ISO 9001 accreditation.</p> <ol style="list-style-type: none"> 3. Continued interaction with the HOPS Mineral Working Group, HOPS Renewables Group and HOPS Development Management and Development Planning Groups; 4. Implement electronic decision notices 5. Implement “stop the clock” process within Uniform/IDOX.
DELIVERING DEVELOPMENT			
14	Stalled sites/legacy cases: conclusion/ withdrawal of planning applications	<p>During the period there a significant move towards clearing the legacy cases as noted in Marker 6 above. While there remains 38 legacy cases all are at an advanced stage although delayed for the reasons specified. The number of application withdrawn during the period is 72. This workload is monitored on a weekly basis by management, however our actions have not met our internal aspiration of reducing the number of</p>	<p>Continue with Actions in Marker 1-4 and 6 above.</p>

	more than one-year-old	cases to 20 by 31 st March 20917 although during the 2017/2018 period these cases will be concluded.	
15	<p>Developer contributions: clear expectations</p> <ul style="list-style-type: none"> - set out in development plan (and/or emerging plan,) and • - in pre-application discussions in pre-application discussions 	<p>As detailed in Markers 1-3 and 6 above pre-application discussions are held for all major developments and complex housing developments. In all cases of 4 or more housing Developer Contributions are discussed as part of this pre-application process setting out the local of the development in respect of the Developer Contribution applicable. In cases where the application is for a Registered Social Landlord (RSL); Council Housing or development where the viability of the development may be adversely affected by the additional contribution burden then in these cases the applicant can submit a exemption justification which will be considered by the case Team Leader; and managers of Development management and Policy to review and accept or decline the justification. When the planning application is submitted and validated the agent is again advised in writing of the developer contribution requirements and the requirements to define how they wish to comply with the policy if they have not already done so. Thereafter the application is processed and if determined for approval with a Developer Contribution the options for the developer to pay for the amount are as follows:-</p> <p>1) Withhold application Decision Notice pending payment of the developer contribution.</p>	<p>1. Implement supplementary guidance on Developer Contributions for the new LDP</p>

	<p>2) Withhold application Decision Notice pending completion of Legal Agreement</p> <p>Many developers select option 2 given the phasing of the development and spread of the developer costs across the project although with some developers who have agreed house sales option 1 can be a more effective option to remove the administration around any phased payments necessary with a legal agreement.</p> <p>During the period the Developer Contribution through policy RES29 in 2016/17 is broken down under the following Investment Corridors:</p> <table><tr><td>Cumnock</td><td>£690.00</td></tr><tr><td>Irvine Valley</td><td>£5,056.00</td></tr><tr><td>Kilmarnock Core</td><td>£12,900.00</td></tr><tr><td>Glasgow Link</td><td>£314,261.00</td></tr><tr><td>Doon Valley</td><td>£0.00</td></tr><tr><td>TOTAL</td><td>£332,907.00</td></tr></table> <p>The Plan which was emerging during 2016-17 and ultimately adopted at the end of the period sets out the policy for developer contributions (Policy INF5) and is supplemented by paragraphs 6.3.15-6.3.18 of Volume 1 of the Local Development Plan.</p> <p>Table 6 of the plan sets out clearly where monies will be directed and as previously there is text which explains that contributions may be waived or reduced in</p>	Cumnock	£690.00	Irvine Valley	£5,056.00	Kilmarnock Core	£12,900.00	Glasgow Link	£314,261.00	Doon Valley	£0.00	TOTAL	£332,907.00	
Cumnock	£690.00													
Irvine Valley	£5,056.00													
Kilmarnock Core	£12,900.00													
Glasgow Link	£314,261.00													
Doon Valley	£0.00													
TOTAL	£332,907.00													

		exceptional circumstances. Circular 3/2012 is referred to in para 6.2.17. Supplementary Guidance on Developer Contributions was drafted by the end of the reporting year ready for consultation shortly afterwards.	
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Delivery of our service improvement actions in 2016-17:

Committed improvements and actions	Complete
<p>1) Complete recruitment of staffing Resources in Development Management and Development Planning (PM1, 3, 4, 7, 8, 11, 13, 14</p> <p>Evidence:- Staff Structure (Appendix 1)</p>	YES
<p>2) Implementation of the Enterprise Uniform Performance Management Monitoring Module (PM1, 6, 13, 14);</p> <p>Evidence:- System configured for rollout to service</p>	System configured and awaiting roll out. Delayed by IT due to PSN Security issues
<p>3). Continue the actions to review, assess and determine the legacy planning cases which remain outstanding in excess of 1 year to reduce legacy applications to 10% by 2018 (PM1, 14);</p> <p>Evidence:- See Marker 1 above</p>	<i>Work Ongoing to clear legacy cases</i>
<p>4) Implement the Planning Customer Charter for Development Planning and Development Management (PM1, 2);</p>	<i>Taken forward with other services as a corporate event</i>

5) <i>Continue to reduce the number of invalid applications received through positive interaction with our customers on the minimum levels of information to valid an application (PM1, 11, 13);</i>	Update from stats
6) <i>Develop a Development Management Focus Group with local agents (PM1, 6);</i>	Taken forward with other services as a corporate event
7) <i>Continue to develop the management system and planning procedures for ISO Accreditation (PM1, 6, 13);</i> <i>Evidence:-</i> <i>Electronic Decision Notices implemented;</i> <i>All planning correspondence issued electronically</i>	Completed and ongoing development in 2017/18
8) Promotion of Processing Agreements for all complex local and major developments (PM1, 2); <i>Evidence:- See Marker 1 above</i>	Completed and ongoing in 2017/18
9) Maintain and increase Development Management performance of new planning applications (PM 1, 12, 13); <i>Evidence:- See Marker 1 above</i>	Completed and ongoing in 2017/18
10) Project Manage the alternative Restoration Scheme at the former open cast coal Sites at Dunstonhill; Netherton; Skares and Ponesk (PM3, 5, 12) <i>Evidence:- Quarterly compliance Reports:- https://www.east-ayrshire.gov.uk/PlanningAndTheEnvironment/Minerals,%20Waste%20and%20Onshore%20Wind%20Site%20Monitoring%20Reports/Quarterly-Compliance-Monitoring.aspx</i>	Completed and ongoing in 2017/18
11) Reducing number of live applications more than 6 months after resolution to grant by determination or reconsider of applications. (PM1, 14, 15) <i>Evidence</i> On conclusion of all new minded to grant application with a legal agreement the CORVU Performance Software is updated with the decision details and weekly reviewed and updated to reflect the status of the applications and the legal agreement. Where the application is not concluded within 5 months then the applicant/agent will be advised that the application will be	Work ongoing

	reconsidered by the Planning Committee/Head of Planning to determine based on the application excluding the policy elements where the legal agreement could not be met.	
12) 13)	Complete Annual Review of Enforcement Charter (PM5); Evidence https://www.east-ayrshire.gov.uk/Resources/PDF/D/DMEenforcementCharter.pdf	Completed
14)	Set up internal Design Workshops to assist with Placemaking for LDP2 (PM7); Evidence:- on 25 th August 2016 a design workshop was held with Ed Taylor (formerly of the Prince's Foundation for the Built Environment)	Completed
15)	Develop online page for information on stopping up orders (PM11); Evidence: available at: https://www.east-ayrshire.gov.uk/Resources/PDF/L/ListedBuildingNotices.pdf	Completed
16)	Implementation of the Draft Local Development Plan (PM7, 11, 15); Evidence: https://www.east-ayrshire.gov.uk/PlanningAndTheEnvironment/Development-plans/LocalAndStatutoryDevelopmentPlans/LocalDevelopmentPlan.aspx	Completed
17)	Conclude the Members Officer Working Group for the Draft Minerals LDP (PM9) Evidence: http://docs.east-ayrshire.gov.uk/CRPADMMIN/2012%20AGENDAS/COUNCIL/15%20DECEMBER%202016/East%20Ayrshire%20Minerals%20Local%20Development%20Plan%20-%202015%20December%202016.pdf	Completed to Main Issues Report stage will continue to Approval of Plan
18)	Progression of the Main Issues Report of the Draft Mineral Local Development Plan (PM7, 8, 10,) Evidence: http://docs.east-ayrshire.gov.uk/CRPADMMIN/2012%20AGENDAS/COUNCIL/15%20DECEMBER%202016/East%20Ayrshire%20Minerals%20Local%20Development%20Plan%20-%202015%20December%202016.pdf	Complete

<p>19) Increase our social media presence and communication materials in order to improve stakeholder engagement for the Minerals Local Development Plan (PM7, 8, 10)</p> <p>Evidence: posts available on our facebook pages: https://www.facebook.com/eastayrshire/?fref=ts. Also posted on twitter.</p>	Complete / Ongoing
<p>20) Maintain and enhance the vitality and viability of Town Centres – through town centre health checks and progression of placemaking maps (PM6, 8)</p> <p>Evidence:- A Regeneration Project Officer took up post in December 2016 to work directly with communities and the Council's Vibrant Communities Service to create Placemaking Maps. A timetable for the Placemaking maps is available in the LDP action programme (https://www.east-ayrshire.gov.uk/Resources/PDF/L/LDP%20Action%20Programme.pdf). Town Centre Health Checks were undertaken over the summer of 2016: http://docs.east-ayrshire.gov.uk/r/?f=http://docs.east-ayrshire.gov.uk/CRPADMMIN/2012%20AGENDAS/CABINET/14%20DECEMBER%202016/Strategic%20Priority%20Promote%20Town%20Centre%20Living%20-%20Annual%20Performance%20Monitoring%20Report%202015-16.pdf</p>	Progressing
<p>21) Implementation of best practice within the Development Management service through Benchmarking (PM12, 13)</p> <p>Evidence:- e-planning process working group HOPS Minerals WG</p>	Completed
<p>22) The completion of the review of the Development Management planning processes (including Benchmarking) to finalise prior to the Council's Internal Audit and external assessment by BM TRADA on behalf of the ISO 9001 accreditation (PM13)</p> <p>Evidence Internal Audit Review and Report</p>	Internal Audit completed BM TRADA Screening review completed

Legend:- Performance Marker (PM)

- 1 Decision making timescales
- 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 members engaged early (pre-MIR)
- 10 Stakeholders engaged early (pre-MIR)
- 11 Regular and proportionate advice to support applications
- 12 Corporate working across services
- 13 Sharing good practice, skills and knowledge
- 14 Stalled sites/legacy cases
- 15 Developer contributions

PLANNING PERFORMANCE FRAMEWORK

Part 4: National Headline Indicators (NHIs)

Development Planning to update

Key outcomes	2016-17	2015-16
Development Planning: <ul style="list-style-type: none"> age of local/strategic development plan(s) at end of reporting period <i>Requirement: less than 5 years</i> Will the local/strategic development plan(s) be replaced by their 5th anniversary according to the current development plan scheme? Has the expected date of submission of the plan to Scottish Ministers in the development plan scheme changed over the past year? Were development plan scheme engagement/consultation commitments met during the year? 	0 years 0 months Y Y Y	5 N N Y
Effective Land Supply and Delivery of Outputs¹ <ul style="list-style-type: none"> Established housing land supply 5-year effective housing land supply 5-year housing supply target 5-year effective housing land supply (<i>to one decimal place</i>) Housing approvals Housing completions over the last 5 years Marketable employment land supply Employment land take-up during reporting year 	7905 units 3262 units 2670 units 6.10 years 878 units based on consents for 4 or more units. 1320 units 113.10ha 0ha	7231 units 3616 units 2670 units 6.8 years 288 units 1333 units 125.04 ha 1.00 ha

¹ The most up to date approved figures are to be supplied

Development Management Project Planning <ul style="list-style-type: none"> Percentage and number of applications subject to pre-application advice Percentage and number of major applications subject to processing agreement Decision-making <ul style="list-style-type: none"> Application approval rate Delegation rate Validation <ul style="list-style-type: none"> Percentage of applications valid upon receipt 	26.2% 170 60% 3 93.1% 95.8% 33%	32.4% 2 93.3% 96.3% New PI
Decision-making timescales Average number of weeks to decision: <ul style="list-style-type: none"> Major developments Local developments (non-householder) Householder developments 	43.8 11.8 7.1	128 14.4 8.0
Legacy Cases <ul style="list-style-type: none"> Number cleared during reporting period Number remaining 	16 38	77 47
Enforcement <ul style="list-style-type: none"> time since enforcement charter published / reviewed <i>Requirement: review every 2 years</i> 	Reviewed March 2017	Reviewed September 2015

Development Planning Overview

Development Plan Scheme: East Ayrshire Local Development Plan

The proposed plan was submitted to Scottish Ministers for examination on 8th October 2015. The Examination commenced on 10th November 2015 and concluded on the 30th November 2016. The Proposed Plan incorporating the changes made by the Reporter was ratified by Council on the 23rd February 2017 and subsequently adopted. The Development Planning Circular states that examinations normally take 6 months and rarely exceed 9 months. The 12 months taken by the Scottish Government to examine the Plan has adversely impacted upon the timescales in the Development Plan Scheme. It must be noted that the delay in the adoption of the plan is entirely as a result of Scottish Government Department for Planning and Environmental Appeal delays.

A timetable for LDP 2 has been approved by Cabinet (25th January 2017) and is as follows:

Table 2: Local Development Plan 2 and Strategic Environmental Assessment and Habitats Regulation Appraisal Timetable		
Year/Month	LDP Process	SEA Process
2016 December	Survey and land audits undertaken.	Collection of Baseline Environmental Data
2017 January February March April May June July	None scheduled <i>N.B. Working on adoption of LDP and Proposed Minerals LDP following public consultation on MIR</i>	
August September October November December 2018 January February	Preparation of Main Issues Report including placemaking for 'key locations' such as the area around and including Bellfield Interchange, and producing Draft Action Plans for these locations Preparation of Monitoring Statement and Engagement with Key Agencies	Collection of Baseline Environmental Data; Prepare Scoping Report; Submission of scoping report to Consultation Authorities; Consider Comments from Consultation Authorities Environmental Appraisal of the Main Issues Report Habitats Regulation Appraisal (HRA) of Main Issues Report and Appropriate Assessment if necessary in consultation with SNH
March	Publication of Main Issues Report and Monitoring Statement	Publication of Environmental Report and submission to the Consultation Authorities Publication of HRA and/or Appropriate Assessment where necessary and submission to SNH
April May	Consultation on Main Issues Report	Consultation on Environmental Report

June July August September	Consideration of Representations Received on Main Issues Report	Consideration of Comments/Responses to the Environmental Report and HRA and/or Appropriate Assessment
October November December 2019 January February March April	Preparation of Proposed Plan and Action Programme	Environmental Appraisal of Proposed Plan and HRA and/or Appropriate Assessment if required
May	Consideration of Proposed Plan at full Council; Publication of Proposed Plan and Action programme	Publication of Environmental Report and Consultation on Appropriate Assessment with SNH (if required)
June July	Consultation on Proposed Plan and Action Programme; Neighbour Notification	Consultation on the Environmental Report; Submission of HRA and/or Appropriate Assessment to SNH
August September October November December 2020 January	Consider Representations Received on Proposed Plan, Prepare Responses and Report of Conformity with Participation Statement	Consideration of the Comments/Responses to the Environmental Report and Comments from SNH on the Appropriate Assessment, if required
February	Consideration of Proposed Plan at full Council	
March	Submit Proposed Plan and all documentation to Scottish Ministers and Publicise Examination	Submit Environmental Report to Scottish Ministers and Publicise Examination
April May June July August September October November December	Examination of Proposed Plan	Reporter refers to Environmental Report
2021 January	Reporter's Examination Report Published and Submitted to East Ayrshire Council	

February March April	Consideration of Examination Report and incorporate recommendations (with Statement of Explanation for any recommendations disregarded)	Environmentally Appraise Modifications
May June July	Publication of any Modifications and the Proposed Plan as Modified by East Ayrshire Council, Advertise Notice of Intention to Adopt, and Submit Proposed Plan (as Modified) to the Scottish Ministers	Publish and send revised Environmental Report and HRA Record to Scottish Ministers
August	Adoption of Plan	Publish Post Adoption SEA Statement and submit to SEA Gateway
September	Prepare Action Programme	
October		
November	Publish Finalised Action Programme for the East Ayrshire Local Development Plan 2*	

** The Action Programme is to be a working document that will be developed and continually updated as new actions are identified throughout the East Ayrshire LDP 2 process. Working versions of the Action Programme will be published quarterly to reflect changes and identify any new actions.*

As detailed elsewhere in this report, the Minerals Local Development Plan work is progressing. The first stage of work required under the 2016 Development Plan Scheme was the production of a State of the Environment Report. This is not a statutory process; however, it has contributed significantly to the evidence gathering stage of the plan making process and permits an understanding of the scale of environmental challenges faced by East Ayrshire. The document was agreed by Cabinet on the 17th August 2016 and published on the 2nd September 2016.

The State of the Environment Report collates baseline environmental information on the current condition of East Ayrshire's environment, how it is changing and identifies the pressures which are causing change. It considers geology and soil, landscape, biodiversity, flora and fauna, air quality, water environment, climate, the historic environment, population and health, noise and material assets. It is a document which will be updated regularly as new data and information is available. It was used as a key resource for the Interim Environmental Statement approved by Council in December 2016.

The State of the Environment Report will be the foundation upon which Strategic Environmental Assessment and Habitats Regulation Appraisal of the

East Ayrshire Minerals Local Development Plan will be made, and because it will be updated regularly it will be used on an ongoing, permanent basis as a baseline against which to assess the environmental impact of all minerals and other planning applications.

Monitoring Statement, Main Issues Report and Interim Environmental Report

A draft Monitoring Statement and Main Issues Report were produced and consulted upon between June and August 2016. The final Monitoring Statement and Main Issues Report were approved by Council on the 15th December 2016, alongside the Interim Environmental Report and were released for public consultation (10th January 2017 – 21st February 2017).

The MMIR does not simply focus on minerals extraction; it places restoration at the heart of its vision and aims to address the legacy of unrestored land as a result of the collapse of SCCL Limited and ATH Resources Ltd. It seeks to provide a robust framework for the assessment of any new proposal to ensure that any new extraction and restoration is carried out properly.

Some key matters raised in the MMIR are:-

- The development of a restoration and placemaking strategy for the southern part of East Ayrshire
- A new area of search for surface coal mining
- An approach to unconventional oil and gas
- Cumulative impacts of mineral extraction upon communities and landscapes
- The collection and distribution of community benefit monies
- The linkages between compliance monitoring and financial guarantees.

The Spatial Strategy for Restoration and Placemaking is a key component of the MMIR. The legacy of unrestored land in East Ayrshire presents us with a unique opportunity to think strategically about placemaking and green infrastructure in the south of East Ayrshire, and to restore and build a new sense of place for coalfield communities, creating positive legacy. We can use this opportunity to think about the restoration of sites as a whole rather than as individual challenges and use it to re-imagine and realise the potential of our area. The work undertaken by many stakeholders active in East Ayrshire recognises the need for joined-up thinking and a strategic legacy approach to restoration, rather than the site by site approach which has been carried out so far, primarily as a result of health and safety concerns. A strategic approach to restoration was also a desire of many respondents to the Minerals Local Development Plan Draft Main Issues Report and workshop attendees, including community representatives. Accordingly, the MIR discusses a Heritage Lottery Fund Landscape Partnership (HLF LP) bid for much of the southern part of East

Ayrshire to allow us to develop a partnership and initially fund it. A bid application was led by Planning & Economic Development, Vibrant Communities and East Ayrshire Leisure (Countryside Services) and worked on through the second part of the reporting year. If successful, this will give us the opportunity to incorporate habitat improvement works, improve and create path networks and work to achieve outcomes and aspirations from a range of Community Led Action Plans.

A real partnership approach is essential to the success of any application and the Council (including East Ayrshire Leisure Trust) has worked with the following partners who have agreed to be board members of a landscape partnership should the bid be successful (and have worked on the submission of the bid and attended partnership meetings):

- Central Scotland Green Network Trust
- Forest Enterprise Scotland
- Scottish Natural Heritage
- Galloway and South Ayrshire Biosphere

Minutes of meetings and notes of community involvement, including and event in January 2017 are available online:

<https://www.east-ayrshire.gov.uk/PlanningAndTheEnvironment/Development-plans/Landscape-Partnership-Bid.aspx>

The Central Scotland Green Network Trust (CSGNT) has stated that there is considerable potential for a significant project to be undertaken to complement and enhance the baseline coalfield restoration work which will maximise the social and economic potential of the area. The delivery of the Central Scotland Green Network is a national development in terms of National Planning Framework 3 (NPF3). NPF3 states that the remediation of derelict land, prioritised action in disadvantaged communities and active travel (walking and cycling) should be the priorities for the CSGN Trust and others during the lifetime of the document. East Ayrshire has 2,217 hectares of derelict land as a result of the liquidation of Scottish Coal and ATH Resources causing several surface coal mines to fall out of use.

We are now analysing the responses to the consultation on the minerals MIR and preparing the proposed plan. The landscape partnership bid has been submitted and we await the outcome in around September 2017.

Effective Housing Land

The above figures for 2016-17 reflect the finalised housing land audit for 2016 and the now adopted East Ayrshire LDP. The market housing requirements were amended as a result of the examination process.

Employment Land

Marketable employment land supply has decreased by 9.5% from the previous reporting year (i.e. 125.04ha in 2015/16 to 113.10ha in 2016/17) as a consequence of the adoption of the East Ayrshire Local Development Plan (EALDP), which has updated the number and size of designated Business and Industrial Sites within East Ayrshire. The change in the quantity of marketable employment land supply is a direct result of the adoption of the plan as there has been no employment land take-up over the duration of the reporting year. Nevertheless there has been take up of land for business and industrial purposes outside of the designated sites (i.e. the development of three industrial storage units has commenced within Kilmarnock Town Centre), while two planning applications for the development of industrial units within Moorfield Park (Site Ref 160B) have been granted during the reporting year with development projected to commence in the near future.

The EALDP has identified additional Business & Industrial sites, such as Moorfield Phase 3 (Site Ref 160B) in Kilmarnock and Bridgend (Site Ref 193B) in Stewarton, while at the same time has changed the designation of a number of sites that were previously safeguarded for business and industrial development with a view to promoting a more flexible approach towards the future development of the sites. The designation of Caponacre (Site Ref 383M) in Cumnock, Barrmill Road (Site Ref 282M) in Galston, and Balmoral Road (Site Ref 330M) in Kilmarnock has, for example, been changed from Business and Industry Development Opportunity Sites to Miscellaneous Development Opportunity Sites. These sites, while still retaining the potential to be developed for business and industrial uses, may also be developed in whole or in part for other purposes and, therefore, are no longer considered to contribute to the marketable employment land supply. Policy RES 1, for instance, supports the residential development of gap, infill or other redevelopment sites within Settlement Boundaries, while removing the sites status as a safeguarded location for business and industrial uses may encourage alternative use in accordance with Policy IND5.

Similarly, the EALDP identifies four Mixed Use Sites, which will primarily be developed for business and industry use but where other proposed uses will be acceptable where they enable business and industrial development. In the absence of any relevant planning consent, it is not possible to determine the quantity of land within the Mixed Use Sites that contributes to the amount of marketable employment land and, therefore, the Mixed Use Sites have been excluded from the submitted figure.

Development Management Overview

The 2016/17 accounting period is considered a significant transitional phase for the Development Management Section as the recruitment strategy agreed in October 2015 for the extensive review of the Planning Services workload was fully implemented to facilitate both backlog and future workloads. Recruitment was undertaken during the last quarter of 2015/16 culminating by the start of the financial year the following posts were recruited:- Team Leader, Senior Planning Officer and 2 Planning officers with the remaining posts of Senior Planning Officer, Mineral Project Officer, Planning Officer, Graduate Planning Officer, Admin Officer and Assistant Technician filled by August 2016. The additional resources reinforce the entire service from admin and technical support levels through to front line planning officers additional with team leader capacity delivered and capacity increased at the first line planning officer level with the introduction of a permanent graduate planning post.

The introduction of the new planning staff were deployed within three specialist teams- [i] Renewables (The Wind Team) [ii] Coal and Minerals (The Coal Team) and [iii] The General Development Team (catering for both major and local developments) has provided the resources necessary to tackle the workloads on two fronts. Namely, process new planning applications within the statutory timeframe to increase productivity and performance and make a positive start to clear the legacy applications thereby increasing the economic investment and development delivery within East Ayrshire.

Pre-application consultations are promoted for all applications whether this involves the applicant or agent coming into the office to meet the duty planner or via a fixed appointment with the allocated case officer. All planning advice is recorded within Uniform/Idox against the site address and provided with a unique reference number and followed up in writing. Where the application proposal identifies potential constraints with other statutory agencies, then advice is offered on how to progress the relevant information to allow for the matter to be clarified. For complex Local and Major Developments the pre application advice will include the relevant planning policy advice and extend to statutory agencies such as Ayrshire Roads Alliance, Environmental Heath (Contaminated Land, Pollution, Food/Health and Safety), or via SNH, SEPA with meetings or electronic communication where the design necessitates it.

The number of applications subject to detailed pre-application advice has increased during the period given the additional resources. Processing Agreements are offered to all applicants/agents at the outset of the PAC process when the PAC notice is received. While the percentage and number of major applications determined subject to processing agreement during period was 5, the current pending applications with Processing Agreements up to 31st March 2017 is 12.

During this period the Planning Service has submitted 48 cases for determination by the Planning Committee with the Planning Committee held on 17 occasions. Out of these cases, there were 3 Section 36 applications; 2 Enforcement Notices; 4 Compliance Report on Major Developments and 39

Planning cases. Given the focus on determine applications as effectively as possible couple to the 17 planning Committees, the application approval rate for 2016/2017 is 93.1% which is marginally lower than that reported at 93.3% for 2015/16. It is acknowledged that this figure will fluctuate dependent on case type, LDP policy compliance and complexity of the project. In respect of the Delegation Rate achieved during the period out turned at 95.8% which is marginally lower than that reported at 96.3% for 2015/16. It is also acknowledged that this figure will fluctuate dependent on case and hierarchy type in accordance with the Scheme of Delegation and number of objectors per project. However, greater focus will be undertaken in reducing the time to determine local development housing and business/industry to increase productivity in these application types.

The pre-application advice offered also includes the extent of information necessary to submit a planning application. This is turn is tackling the number of applications which are valid upon receipt. The percentage of applications valid upon receipt during the period was 33 % which is higher than last year. The Service has been piloting the Argyle and Bute validation guidance which has been amalgamated by HOPS into a single document. Admin staff have been using the guidance to ensure a consistent approach is being taken. Once the HOPS Guidance is approved for planning authority use all agents will be issued with guidance detailing the purpose of the document and the link to review. It is anticipated that the percentage will increase in time once the guidance is bedded in.

While workloads within each team remains high there has been an improvement in the decision-making timescales for all application types during the period which coincides with the introduction of the new staff resource. This is evident in each category, however, with the exception of the householder applications where all legacy cases are cleared the major and Local Developments (non-householder) performance will be affected by legacy cases over the course of 2017/18 when these determined. As noted above in marker 6, the legacy cases are project managed to ensure that they can be brought to a stage for final determination as effectively as possible given their particular mitigation reason.

Legacy Cases Reasons:-	Number of cases
Conclusion of legal agreement	14
Statutory Objections (SPA, EH, NATS)	11
Developer revising Scheme	1
Call in by Scottish Minister	1
Awaiting adoption of LDP	4
Applications linked to Enforcement cases	5
Developer reconsidering as non-compliant with Policy	2
Total Legacy Cases	38

Part 5: Official Statistics

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

Category	Average timescale (weeks)		
	2016-2017	2016-2017	2015-2016
Major developments	5	43.8 weeks	128
Local developments (non-householder)	314	11.8 weeks	258
<ul style="list-style-type: none"> Local: less than 2 months Local: more than 2 months 	61.1 % 38.9%)		61.2% 38.8%
Householder developments	194	7.1 weeks	174
<ul style="list-style-type: none"> Local: less than 2 months Local: more than 2 months 	93.3% 6.7%		81% 19%
Housing developments			
Major	1	7.4 weeks	3
Local housing developments	87	13.1 weeks	85
<ul style="list-style-type: none"> Local: less than 2 months Local: more than 2 months 	48.3% 51.7%		58.8% 41.2%
Business and industry			
Major	0	0	0
Local business and industry	115	11.2 weeks	67
<ul style="list-style-type: none"> Local: less than 2 months Local: more than 2 months 	74.8% 25.2%		62.7% 37.3%
EIA developments	1	92.1 weeks	2
Other consents²	129	8.2 weeks	124
Listed bldg. + cons. area consents		12.3 weeks 6.3 weeks	40 33

² Consents and certificates: Listed buildings and Conservation area consents, Control of Advertisement consents, Hazardous Substances consents, Established Use Certificates, certificates of lawfulness of existing use or development, notification on overhead electricity lines, notifications and directions under GPDO Parts 6 & relating to agricultural and forestry development and applications for prior approval by Coal Authority or licensed operator under classes 60 & 62 of the GPDO.

Advertisements	47	12.1 weeks	0
Hazardous substances consents	43	5.1 weeks	52
Other consents and certificates	1		
	39		
Planning/legal agreements³			
• Major: average time	1	83.7 weeks	
• Local: average time	2	25.4 weeks	
Local reviews	12	50% Upheld	10

³ Legal obligations associated with a planning permission; concluded under section 75 of the Town and Country Planning (Scotland) Act 1997 or section 69 of the Local Government (Scotland) Act 1973

B: Decision-making: local reviews and appeals

Type	Total number of decisions	Original decision upheld			
		2016-17 No.	%	2015-2016 No.	%
Local Reviews	12	6	50%	10	50%
Appeals to Scottish Ministers	8	5	62.5%	7	42.9%

C: Enforcement activity

	2016-17	2015-16
Complaints lodged	202	193
Cases taken up	202	
Breaches identified	197	221
Cases resolved	136	207
Notices served ⁴	5	7
Reports to Procurator Fiscal	0	0
Prosecutions	0	0

D: Context

As noted above the introduction of the increased planning resource has allowed the service to increase productivity in the determination of planning applications which is reflected in the increased performance for major, local (non-householder) and householder developments when compared to the previous period. However, greater focus is required in both local housing and business/industry developments to increase performance in these areas. The use of Processing Agreements will assist to deliver applications within an agreed timescale.

Local Reviews and LRB decisions number remain constant with the DPEA Appeals with each case analysed annually by the Governance and Security Committee to review the decisions to establish whether any policy or procedural lessons can be learned and feedback into the development of the service and its interpretation of policy. Enforcement activity also remains constant when compared with the previous year's figures with a decrease in cases resolved.

⁴ Enforcement notices; breach of condition notices; planning contravention notices; stop notices; temporary stop notices; fixed penalty notices, and Section 33 notices

Part 6: Workforce Information

The information below is a snapshot of the position on 31 March 2017.

	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 Service⁵			1	

		DM	DP	Enforce- ment	Other
Managers/Team Leaders⁶	No. Posts	1 Manager 3 Team Leaders	1 Manager 2 Team Leaders	0	1 Admin Team Leader
	Vacant	0	0	0	0
Main posts grade	No. Posts	6 SPO 7 PO 1 GPO 1 MPO	2 SPO 3PO 1 RO 1 PRO 1 TA	4	0
	Vacant	0	1 SPO		0
Technician	No. Posts	3	0	0	0
	Vacant	0	0	0	0
Office Support/Clerical	No. Posts	4 admin Officers 2 Clerical	0		
	Vacant	0	0		

⁵ Please note only the tier in which the most senior member of the planning service falls under

⁶ Managers are those staff responsible for the operational management of a team/division, in addition please log staff that are identified as team leaders or line managers under this heading.

TOTAL	27	11	4	1
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SPO Senior Planning Officer - 6
 MPO Mineral Project Officer: - 1
 PO Planning Officer: - 7
 GPO Graduate Planning Officer: - 1
 RO:- Regeneration Officer - 1
 TA:- Technical Assistant - 1
 PRO:- Project Officer - 1

The above table reflects the new staff compliment which can be viewed within appendix 1

Staff Age Profile	Number
Under 30	4
30-39	5
40-49	15
50 and over	19

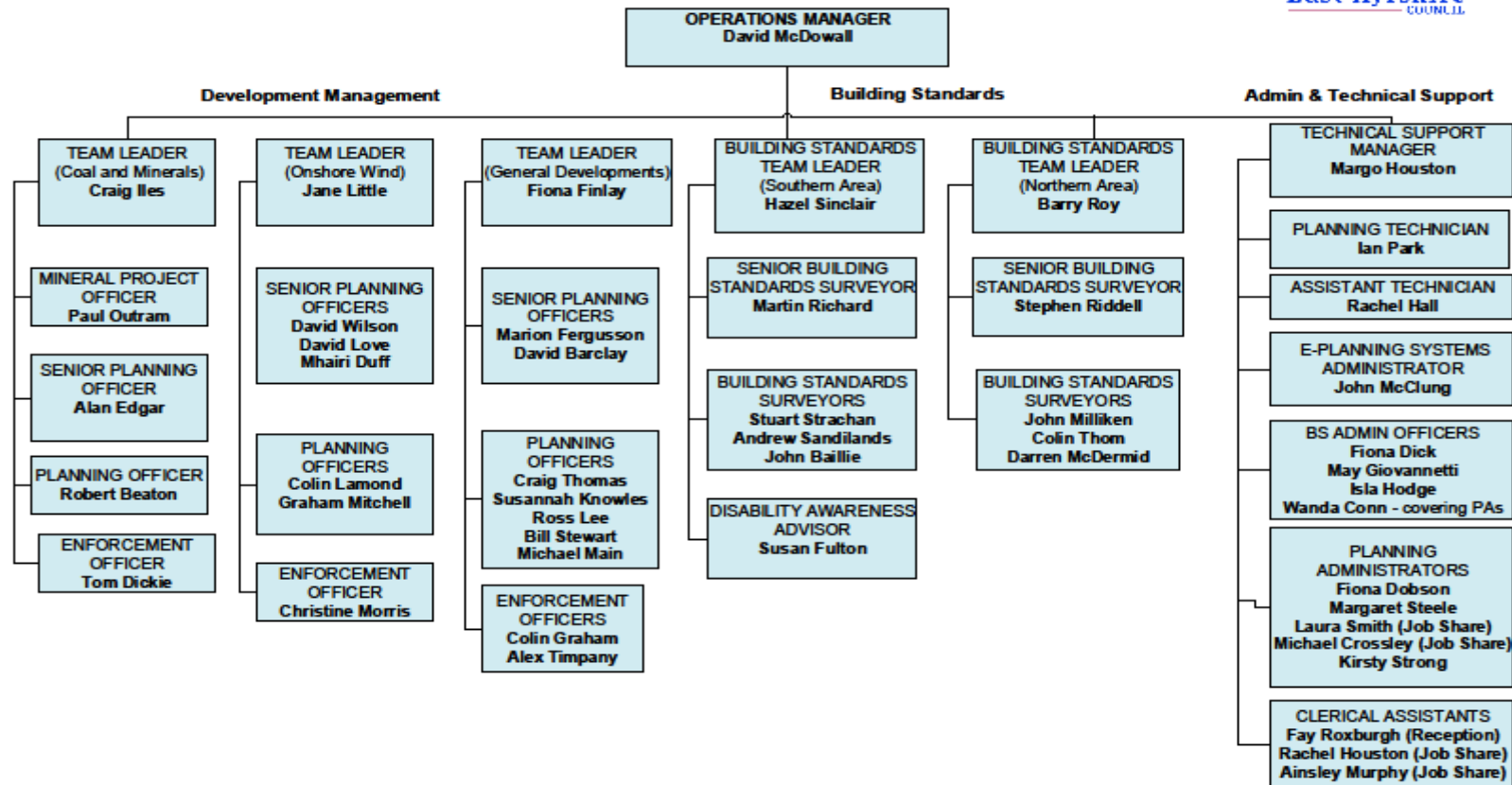
Committee & Site Visits⁷	Number per year
Full council meetings	0 for referral by Planning committee
Planning committees	17
Area committees (where relevant)	NA
Committee site visits	25
LRB ⁸	16
LRB site visits	17

⁷ References to committees also include National Park Authority Boards. Number of site visits is those cases where visits were carried out by committees/boards.

⁸ This relates to the number of meetings of the LRB. The number of applications going to LRB are reported elsewhere.

Appendix 1: Staff Structure

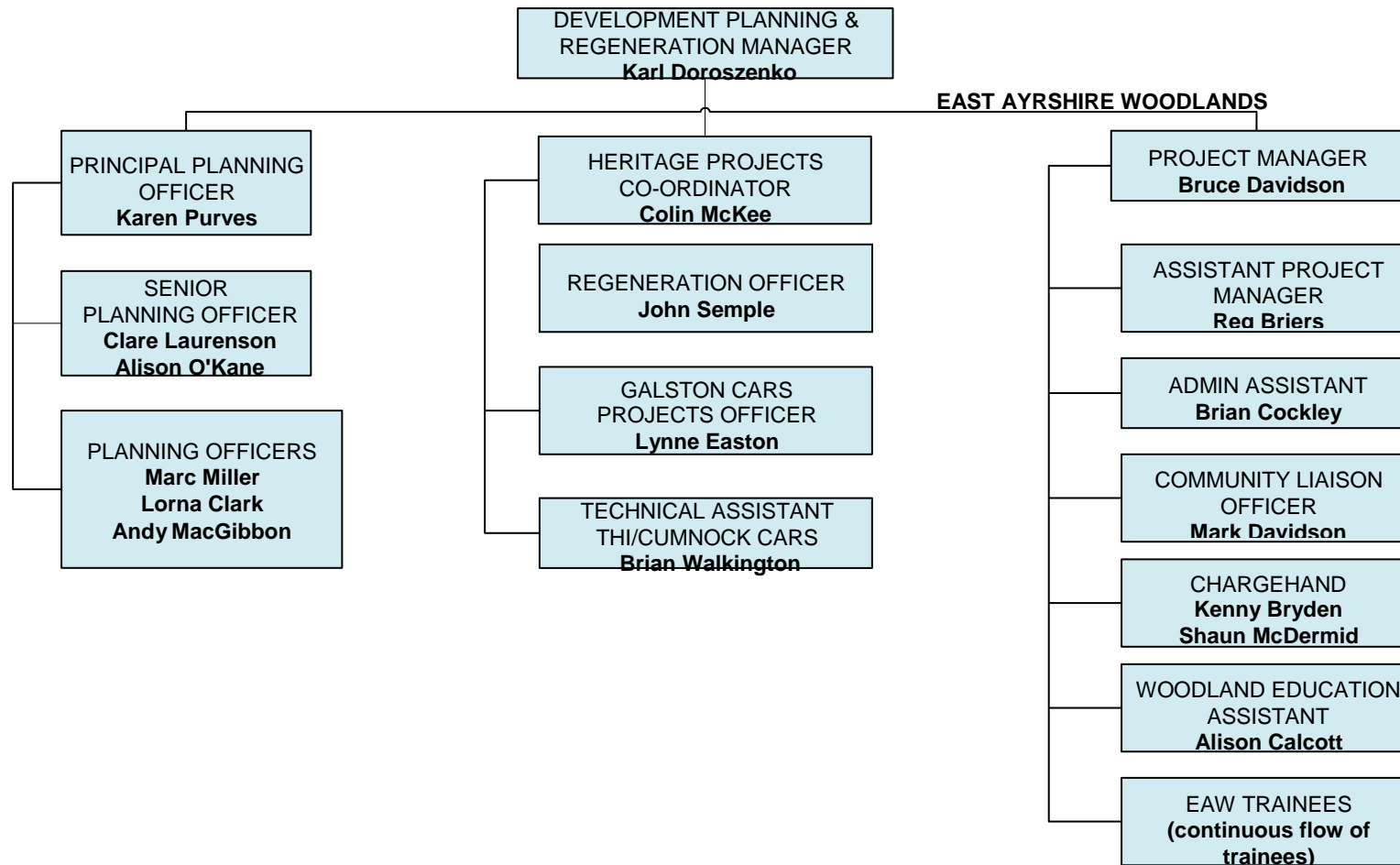
PLANNING & ECONOMIC DEVELOPMENT – ORGANISATIONAL STRUCTURE Operations



As at July 2017

Appendix 1: Staff Structure

PLANNING & ECONOMIC DEVELOPMENT – ORGANISATIONAL STRUCTURE Development Planning & Regeneration



July 2017