

PLANNING PERFORMANCE FRAMEWORK ANNUAL REPORT 2015 - 2016

MIDLOTHIAN COUNCIL



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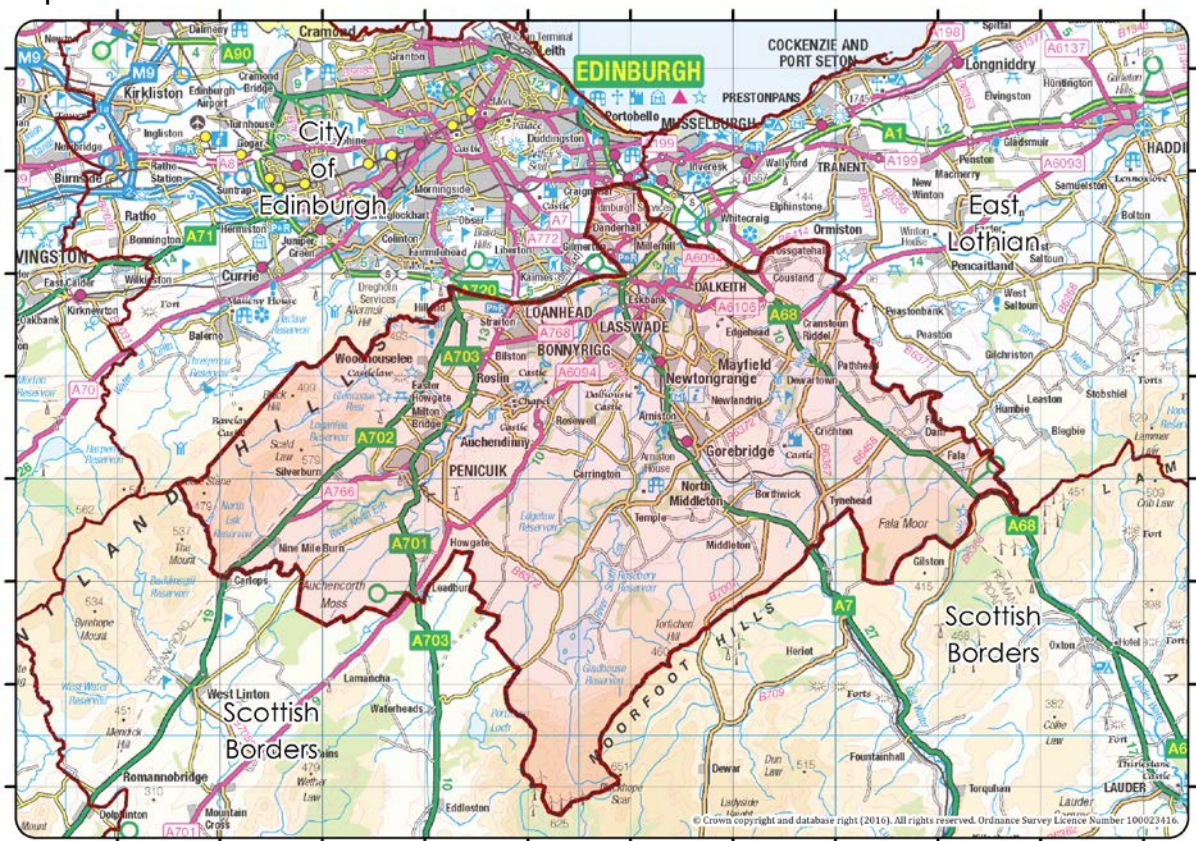
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Introduction

The Midlothian Council administrative area extends to some 355 square kilometres lying adjacent to the southern boundary of Edinburgh. Its population of 87,390 (2015) is located in the main towns in the northern part, Dalkeith, Loanhead, Bonnyrigg, Mayfield/Easthouses, Newtongrange and Gorebridge, together with Penicuik in the south west part of the area. The southern part of the district is predominately upland countryside. Planning issues are therefore both urban and rural in nature, and also include matters relating to the substantial heritage and natural resources of the district. Particular challenges are accommodating the strategic housing requirements in a way that retains the identity of communities and ensures that the consequential infrastructure requirements of developments are adequately met.

Midlothian Council comprises 18 Members, all of whom sit on the Planning Committee. The Local Review Body comprises 10 Members. Both the Committee and the LRB meet every six weeks. There is a Cabinet Spokesperson for Communities and Economy, who is also Chair of the Planning Committee. The Council's planning function is part of the Communities and Economy Service. This Service also includes the functions of building standards, environmental health, economic development, trading standards, community and neighbourhood planning, and performance. The Communities and Economy Service forms part of the Council's Education Communities and Economy Directorate, which also comprises Education Services and Children's Services.

Map of Midlothian



Executive Summary

In 2015/16, Midlothian Council's Planning Service continued to make good progress across the range of its statutory and additional activities. Its development plan remains relevant and effective; and the emerging replacement development plan documents have advanced significantly. This has enabled the Council to provide a strong planning policy context to promoting economic development, supporting communities and providing essential infrastructure. It has also secured a continuous five-year land supply for housing in Midlothian.

The replacement to the Midlothian Local Plan (2008) will be the Midlothian Local Development Plan (MLDP). The proposed MLDP was published in May 2015 and generated a high level of interest from the public and other stakeholders. The Council is processing and considering the representations submitted following the publication of the MLDP and is scheduled to submit the proposed plan to the Scottish Government for consideration in August 2016.

This strong development plan position has been a factor in the continued confidence of the house building industry in Midlothian. A steady and adequate supply of effective housing land comprising of range of sites of varying size across a wide geographical area, an open approach to the conduct of pre-application discussions, effective handling of planning applications, and certainty of the nature and extent of contributions being sought by the Council from developers, all contribute to that climate of confidence, as evidenced by the strong house building completion rates in Midlothian. On that latter factor of developer contributions, the Planning Service continues to take a pragmatic approach so as to facilitate development through an approach that recognises the constraints of the economic viability of sites and developers' cash flow.

In addition to maintaining good performance in the time taken to handle planning applications, the planning service has continued to offer a high quality of customer service through its long-established and very well used duty officer service, encouragement of informative pre-application discussion, naming of a single point of contact case officer for applications, and co-ordination by those case officers of other related disciplines such as transport and landscape. All of this is supported on a fully functional website providing comprehensive information on all planning applications; as well as a new online development planning portal.

Accordingly, the planning service is a fully effective contributor to the Council's key priorities most particularly that of promoting economic development/business support linking closely with Midlothian's strategy, 'Ambitious Midlothian'.

Whilst pressure on the availability of resources remains a continuing part of the overall corporate context, the Midlothian planning service remains sufficiently robust and focussed to meet such challenges and to deliver an effective planning service which meets the requirements and expectations of the communities and businesses of Midlothian, developers, potential inward investors, partners and other stakeholders.

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Part 1: National Headline Indicators (NHIs)

Key outcomes	2015-2016	2014-2015
Development Planning: <ul style="list-style-type: none"> Age of local development plan (years and months) Age of strategic development plan (years and months) Will the local/strategic development plan(s) be replaced by their 5th anniversary according to the current development plan scheme? (Y/N) Has the expected date of submission of the plan to Scottish Ministers in the development plan scheme changed over the past year? (Y-earlier/Y-later/N) Were development plan scheme engagement/consultation commitments met during the year? (Y/N) 	7 years 3 months 3 years 9 months N/Y* ¹ Y-later* ¹ Y	6 years 3 months 2 years 9 months N/Y N Y
Effective Land Supply and Delivery of Outputs <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 Housing approvals Housing completions over the last 5 years Marketable employment land supply Employment land take-up during reporting year 	16,010 units 6,733 units 4,114 units 8.2 years 1,493 units 2,809 units 201 ha 0 ha* ²	11,061 units 4,653 units 4,040 units 5 years 701 units 2,627 units 201 ha 0 ha* ²
Development Management Project Planning <ul style="list-style-type: none"> Percentage of applications subject to pre-application advice Number of major applications subject to processing agreement Percentage planned timescales met Decision-making <ul style="list-style-type: none"> application approval rate delegation rate 	16.1% 0* ³ N/A* ³ 90.2% 97.9%	9.5% 7 85.7% 96.5% 98.3%
Decision-making timescales Average number of weeks to decision: <ul style="list-style-type: none"> Major developments Local developments (non-householder) Householder developments 	50.4* ⁴ 11.7 6.9	24.8 15.6 6.7

Enforcement <ul style="list-style-type: none"> time since enforcement charter published/reviewed (months) <i>Requirement: review every 2 years</i> number of breaches identified / resolved 	1 month 147/139	13 month 155/142
<p><u>Notes</u></p> <p>*¹ The Development Plan Scheme for Midlothian No. 8 (DPSM8), published in March 2016, included a timetable aiming to have the Midlothian Local Development Plan (MLDP) adopted in Spring 2017. Although the MLDP programme is on track in relation to the timetable in DPS8, with the proposed MLDP scheduled to be submitted to Scottish Ministers in August 2016, it has slipped in relation to that set out in previous Development Plan Schemes. The principal reason for this is the delay incurred in the approval of the first Strategic Development Plan (SDP) for South East Scotland (SESplan) and the Ministerial requirement for <i>Supplementary Guidance - Housing Land</i> to be prepared, creating uncertainty regarding the housing land supply requirements to be met through the MLDP (see below). The finalised Guidance was ratified by the Member Councils and submitted to Scottish Ministers on 21 May 2014. Ministers then sought to amend the Guidance prior to adoption, which resulted in a further three-month slippage in adoption until September 2014.</p> <p>This delay in confirming the SESplan housing land requirements has had a knock-on effect on the timetable for confirming the development strategy to be taken forward as the basis for the MLDP Proposed Plan. The timing of the publication of the NPF3 and finalised SPP is another factor influencing the programme for publication of the Proposed Plan. The development strategy to underpin the Proposed Plan, together with key policy changes, was agreed by Council on 24 June 2014. The Proposed Plan was approved for publication in December 2014. The Members required changes to the plan, including deletion of some sites and insertion of others, the Proposals map and final document printing had to be completed and the online presentation finished. This, together with the need to observe the General Election “purdah” period meant that the publication date was pushed back to mid-May</p> <p>Delays were further compounded by uncertainty as regards the scope and nature of the transport appraisal required to underpin the transport solutions for the A701 Corridor and allow growth to be promoted in Midlothian to meet the SESplan requirements.</p> <p>*²For this audit year there was no take-up of economic land. However there are a number of committed sites where take-up is anticipated in the coming year, for example at Hopefield, Bonnyrigg, the Council has acquired 5.0Ha of land for a new “super depot”. In addition, the Anaerobic Digestion Plant at Millerhill is now operational and the second phase of this development for the Energy from Waste facility (approximately 5.5 Ha) has recently been granted planning consent and work is expected to commence in the near future. In the bioscience a number of sites have been allocated at Easter Bush which are now being considered for development. The Council is aware that the University of</p>		

Edinburgh has an investment strategy up to 2025 which will involve the take-up of a number of sites in this location.

A number of sites in the Economic Land Supply are being challenged by landowners. The Midlothian Local Development Plan (MLDP) supports a significant expansion of economic land at Salter's Road, Dalkeith, however this is being challenged by the owner who is seeking a mixed use development with a significant element of residential. Midlothian Council will be defending the entire allocation at the forthcoming Examination into the MLDP. Similarly at Loanhead, committed economic land has been lost to residential and despite additional economic land being allocated to compensate for this the Council is concerned that this new allocation will also come under pressure for residential development. This is in the context of the MLDP seeking to amalgamate and consolidate economic land in key locations, close to the strategic transport network in order to offer attractive locations and secure investment in Midlothian and to resist applications for changes of use. However, given past experience and continued pressure and challenges from house builders, the Council is very much aware that this will be challenging.

*³Thirteen major planning applications were reported to the Planning Committee in 2015/16. Nine (69%) of which were considered in accordance with the planned timescales. The planned timescale to report four applications to Committee were amended during the processing of the application to reflect the applicant's choice to submit amended plans/additional information for consideration. The planned timetables were agreed with applicants, but not subject to a formal processing agreement. This is the applicants and Council's preferred methodology of project management, however following this new PPF measure Midlothian is reviewing its position with regard processing agreements.

*⁴This figure is artificially high following the determination of one application (04/00417/FUL) which was submitted in 2004. The applicants held the application in abeyance for a number of years awaiting the adoption of the 2008 local plan and then again whilst discussions were ongoing with regard an associated application. The historical nature of the application means it was not subject the 'stop the clock' procedure. If this application was excluded from the statistics the figure would be 36.53.

Part 2 (i): Quality of Outcomes

Town Centre Improvements and Conservation Regeneration Schemes (CARS)

Dalkeith

The Dalkeith Townscape Heritage Initiative Scheme (THI) and Conservation Area Regeneration Scheme (CARS) are now complete. The scheme commenced in 2009 and all original work was delivered within the recommended 5 year timescale (end of June 2014). However, additional funding from Dalkeith Business Renewal and Historic Scotland allowed further building work to be undertaken and the Heritage Lottery Fund granted an extension to June 2015 to complete the extra building work.

The scheme delivered all the targets set out in the original action plan with additional work made possible by an increased grant from Historic Scotland and Dalkeith Business Renewal. All the priority projects were completed, including those with most visual impact on the entrance and exit routes to Dalkeith. In total 28 buildings were grant aided. The training plan was successfully delivered with over 50 trainees being trained in traditional construction skills and numerous community engagement projects delivered. Key to the success of the scheme has been the close working between building owners, THI & CARS staff and Planning.

As part of the Dalkeith THI & CARS project significant improvements were undertaken in the public realm using materials in keeping with the conservation area (yorkstone paving and whinstone kerbs).

Overall the scheme has been extremely successful and has been highlighted as best practice in terms of heritage regeneration by Historic Scotland, the Scottish Government and other partners such as the Prince's Trust.

The scheme has been the catalyst for a number of subsequent initiatives, the restoration of Dalkeith Corn Exchange (the refurbished listed building was opened in June 2016 following many years of dereliction and disuse), the setting up of a trader's forum, additional repair and restoration work to a further 5 historic buildings in the town centre and the realisation of a long-standing project to secure a new supermarket in Dalkeith town centre on the site of the former bus station.

The Council has worked very closely with Melville Housing Association to support the full restoration and conversion of the category A listed Dalkeith Corn Exchange.

The Corn Exchange is a mid 19th century building located in central Dalkeith on its East High Street. At its construction it was Scotland's largest indoor grain market and is a building very significant historical and cultural importance for Dalkeith. The building has had many subsequent uses and latterly becoming vacant falling into a state of disrepair.

The Corn Exchange is now open as offices for Melville Housing Association, private rented offices and Dalkeith Museum. Melville Housing Association's board room is also available as a community meeting space that can be booked for use by the

community. The Council worked closely with the Dalkeith History Society and Melville Housing Association to help open the Dalkeith Museum within the Dalkeith Corn Exchange.



Dalkeith Corn Exchange Before and After Restoration Works (Interior)



Dalkeith Corn Exchange Before and After Restoration Works (Exterior)

Further public realm improvements in East High Street using Developer Contributions and funding from Dalkeith Business Renewal have been approved. These works comprise the refurbishment and relocation of the towns Burn's Monument and improved paving and other environment works in the proximity of the Monument. This project has been approved by the Council and Dalkeith Business Renewal following public consultation and engagement with elected members. The designed scheme is to be implemented in January 2017.

The Council is also working closely with Buccleuch Estate in developing a £3.5M project for improvements to visitor facilities within Dalkeith Country Park, with access from Dalkeith's East High Street and related public realm improvements.

The Midlothian Local Development Plan (MLDP) is supportive of the improvements undertaken through the Dalkeith THI & CARS, particularly the re-use of existing buildings and the improvement of the public realm. The MLDP will continue this

support after the completion of the scheme acknowledging that there may be further opportunities for redevelopment/ conversion of properties in the town centre during the period of the MLDP.

Part of the legacy work of the Dalkeith THI & CARS is continuing to provide building owners with guidance on high quality design within the conservation area. The Dalkeith Shop Front Design Guide, Home Owner Repair and Maintenance guide and Heritage Trail leaflet are available online. A monitoring programme of the work undertaken as part of the Dalkeith THI & CARS is being developed. Properties improved will be monitored for unauthorised changes and ongoing maintenance.

Gorebridge

A conservation regeneration scheme is successfully assisting with the regeneration of Gorebridge town centre. The Gorebridge CARS commenced in April 2013 and runs until 31 March 2018. This is a partnership between Historic Environment Scotland, Gorebridge Community Development Trust and Midlothian Council. The scheme has reached the end of its third year and all the building grant funds that were in the original action plan have been committed.

There still remained eligible buildings that required repair and restoration so an additional bid was made to Historic Environment Scotland and they approved an additional sum to assist with a further three key buildings . By the end of the scheme 18 historic properties will have been repaired and restored with grant aid. One property will have been improved as a priority project, 17 properties will have been improved through the Small Grants Scheme. Work to 15 of these properties is now complete. Three phases of the training plan have been delivered and 30 trainees have undergone training in traditional construction skills, 36 pupils from a local high school have undertaken the schools heritage skills course.

There are a number of community engagement projects now up and running in Gorebridge; the local history archive project, the heritage trail project, Borders Railways history and heritage project and working with Edinburgh School of Architecture students on a number of initiatives.

The appointment of an archivist for 2.5 days a week through a grant from the Coalfields Regeneration Fund has enabled the local history archive to be collated and digitised and made available together with some local films and recordings. This will assist with the heritage trail and it is hoped that a local heritage centre will be established in Gorebridge to house the local collection .Volunteers are being recruited to assist with the projects.

The appointment of a Gorebridge CARS support officer from the CARS budget is now assisting with the development of other heritage projects , the repair/consolidation and interpretation of Newbyres Castle , the repair and reuse of Gorebridge station as a community facility in an historic building and investigating the possibility of making the Gorebridge Gun Powder works more accessible and understandable . The support officer has been successful in obtaining a Climate Change Challenge Fund grant which will have heritage related themes and a Heritage Lottery first World War Project .

There are also ambitious plans for the proposed public realm improvement which will make a significant difference to the conservation area if match funding can be obtained from the Borders Railway grant fund.

The improvements to some of the buildings in the town centre can be seen in the following before and after photographs which shows the frontages of the buildings being returned to a more traditional form and some original features being reinstated:

The Gorebridge CARS project is delivering its identified key projects and buildings. The project highlights successful close partnership working is an important focus for the planning service to realise shared aims and objectives and tap into potential funding streams. Through the CARS project the Council is working with the Gorebridge Development Trust and Edinburgh College to deliver the required community engagement and training programmes. This has included trying to encourage a greater understanding of the history of Gorebridge through a range of initiatives, and providing opportunities for development of traditional building skills.



Before the implementation of the Gorebridge CARS – 20-26 Main Street (2013):



After the implementation of the Gorebridge CARS – 20-26 Main Street (2016):



Before the implementation of the Gorebridge CARS – 32-36 Main Street (2013):



After the implementation of the Gorebridge CARS – 32-36 Main Street (2016):



Before the implementation of the Gorebridge CARS project – Newbyres Hall (2013):



After the implementation of the Gorebridge CARS project – Newbyres Hall (2016):

Penicuik

Work has been undertaken to assess potential future CARS schemes in Midlothian following the 2009-2014 Dalkeith CARS and 2013-2018 Gorebridge CARS schemes. In June 2016 the Council supported the preparation of a bid to Historic Environment Scotland's round 7 of the CARS initiative for Penicuik town centre as a CARS project. This bid will focus on delivery of improvements to key buildings within the Penicuik Conservation Area, as well as community engagement and training opportunities. The Council will seek to work in partnership with the local community and the Penicuik Business Improvement District (BIDs) established in 2015. As Penicuik is the largest town in Midlothian the Council considers its size, and important history and buildings present, lend it to benefiting considerably from a CARS scheme. The Council sees a CARS bid as being particularly complimentary to the work on going in the town being undertaken by the local community and through the Penicuik BIDs initiative.

Midlothian's first Business Improvement District (BID) was formed in Penicuik Town centre following a successful ballot in May 2015. Penicuik First, the town centre BID was formed on 1 July 2015 and will run for a period of five years until 30th June 2020.

The principal aim of Penicuik First is to deliver projects and services that will improve the trading environment of the BID area to benefit businesses and their customers, as well as visitors to the area. During the five year term, the BID will work to deliver the key objectives and projects within their business plan which was developed following an intense process of public and business consultation. Key themes within this business plan include initiatives to promote the town centre area, increase footfall to the area, improve the town centre offering including access and signage and make it a more attractive place to do business. The BID is governed by a board and independently elected chair who aim to represent the voice and interests of the business community within the town centre. Midlothian Council have elected member representation on the Board and are a key partner working to support the BID.

Town Centre Health Checks.

Since 2010 the Council has undertaken pilot Town Centre Health Checks across three town centres in Midlothian – Dalkeith, Bonnyrigg and Penicuik. Scottish Planning Policy highlights the importance of monitoring the vitality and viability of our town centres. Town Centre Health Checks can be used to gauge the need and scope for change, with a view to developing a town centre strategy in conjunction with the MLDP. In 2014 it was agreed that biannual health checks should be undertaken. During the second half of 2016 seven town centres will be assessed. These will be Mayfield, Gorebridge, Newtongrange, Dalkeith, Bonnyrigg, Penicuik and Loanhead.

Good Development on the Ground

Officers dealing with planning applications have a track record of working with applicants and agents to amend schemes to improve development on the ground. The teams culture is to proactively seek to resolve design challenges as part of its pre application discussions and as part of the application process. This approach is taken regardless of the scale of project.

Supplementary Planning Guidance documents have been prepared on design related issues, complimenting the Council's existing planning policies. Combined, the policies and SPGs provide a useful tool in encouraging high quality design across all types of development in the Council area. In addition, work is ongoing with regards to the preparation of new Supplementary Planning Guidance on 'Quality of Place' in order to support the emerging Midlothian Local Development Plan.

The Council continues to encourage innovative design where the context allows. One such scheme, supported by the Council, which featured in the Council's PPF 2014/2015 at 35 Newbattle Gardens, Eskbank, recently won the award for best small project at the Edinburgh Architectural Association Awards 2016. The Council uses this type of success, along with schemes featured on the Scottish Government's webpage on Inspirational Designs (<http://www.gov.scot/Topics/Built-Environment/AandP/InspirationalDesigns>) to encourage architects, agents and applicants to consider innovative design in local scale projects.



35 Newbattle Gardens, Eskbank – EAA Small Project Winner 2016
© Craig Amy Architect

Applicants and agents are encouraged to engage with the Council at pre-application stage. The benefits of pre-application discussion are demonstrated in the case of the development of a new dwellinghouse at Firth, near Penicuik. In 2010 the Council provided some pre-application guidance to a potential applicant regarding a proposal for a new house in the countryside. Subsequent to this the applicant submitted an application for Planning Permission in Principle. A further pre-application enquiry was submitted in 2013, where the detailed design was discussed with the submission of a Matters Specified by Condition application shortly after. Both applications, PPP and MSC, were contentious but were determined within two months. The Council negotiated a scheme that complimented the surrounding character of the area.



New House at Firth

Close working relationships between the Planning team and colleagues throughout the Council also contribute to the quality of development secured on the ground. In particular, the combination of Planning and Transportation Officers working together is not new at the Council but it allows new design principles and regulations to be more easily taken in to account and helps streamline the two separate processes of securing Planning Permission and Road Construction Consent, to the benefit of developers. This collaborative approach continues to deliver successful developments, such as the residential scheme at Bilston where the developer was able to increase unit numbers while not compromising on the quality of the spaces within the development.



Taylor Wimpey Residential Development at Bilston

The Council places a strong emphasis on quality of place when considering proposals for new developments. For a number of years the Council has required developers, through policies in local plans, to enhance the public enjoyment of development by incorporating artwork through a 'Percent for Art' scheme. Artwork is to be commissioned by the developer and can be carried out by an artist, craftsperson or designer. On many developments, by both public and private sector, the percent for art scheme has delivered interest and contributed to the overall quality of the place. The Council remains committed to the percent for art scheme and considers it as one of the tools for creating quality places.



Selection of artwork provided through the percent for art scheme

Development at Cemetery Road, Rosewell

An allocated housing site in close proximity to a listed church provided a design challenge for the applicant and Council. After negotiation and compromise on the part of the Council and the applicant a development comprising of 63 dwellinghouses in the village of Rosewell was granted planning permission and was subsequently built in 2015/16.

The Council's priority during negotiations over the development of the site was to protect and enhance the views of the listed St Matthew RC Church (Category B). These views are prominent as you enter and then pass through the village. By ensuring the positioning of the open space and SUDs provision at the front of the site and by ensuring the dwellinghouses channelling the views to the church were of good quality design. The views of the church were protected and enhanced. The scale of the open space required to achieve this objective resulted in the developer compromising on the number of dwellings built on the front part of the site. In return the Council compromised on the density of development to the rear of the site to support the applicants in ensuring the site was viable.

Rosewell – Views of the Church Protected



The plan shows the approved layout imposed on an aerial photograph – the open space and SUDs provision ensures views to the church (the large red tiled building in the centre of the picture) are still possible when entering the village from the north east.

Redevelopment of Dalmore Paper Mill Site, Penicuik

The Council has proactively worked with developers since 2003 to find design solutions to successfully overcome development constraints to enable the redevelopment a former paper mill site adjacent to the River North Esk, Auchendinny, Penicuik. 127 residential units have been approved in four phases. The development comprises a mix of town houses and flatted blocks which reference the previous use of the site as a paper mill. Construction has been taken place on the site over number of years with the completion of the first phases in 2013 – 2015. Photographs of some residential units were included in Midlothian's 2014/15 Planning Performance Framework. Further development has taken place over the last year and is still underway on the site. The development is attractive and it reflects in part the former use of the site as a paper mill.



Dalmore Paper Mill 2003



Dalmore Paper Mill Redevelopment 2015



Shawfair

In 2014 planning permission in principle was granted for the Shawfair new community comprising 4,000 new homes, business and commercial space, a new town centre, new primary and secondary education facilities, community facilities and transport infrastructure. All based around the new Shawfair railway station constructed as part of the Borders Rail project. The implementation of the new settlement is a corporate project governed by a project board.

The project stalled during the economic down turn. However the Council working in partnership with developers took a flexible, 'can do' approach with regard developer contributions enabling a number of detailed planning applications to be approved in 2015/16. Housing development at Shawfair has now commenced. A masterplan and design guide for Shawfair give direction to the development and the first phase incorporates a village green and traditional vernacular style of housing.



Shawfair Development Commencing on the Ground 2015/16

Planning Permission was granted for a waste Recycling and Energy Recovery Centre (RERC) at Millerhill, in close proximity to the eastern boundary of the Shawfair new settlement creating an opportunity to use the heat from waste via a district heating scheme within the new settlement and beyond. This was demonstrated by the consideration of the planning application for the project was a priority for Midlothian, the Council calling an extra Planning Committee meeting to expedite the project. Council officers worked closely with Architecture and Design Scotland and the applicants to improve the design of the large buildings on the site, improve the landscaping and to create footpath/cycleway links from Shawfair to National Cycleway 1 (on the opposite side of the A1) and Queen Margaret University.

The Council has also drafted an education strategy for Shawfair seeking to deliver pre-school, primary school and secondary school provision. This provision can potentially be delivered by way of an 'all through' (0-18+) school site in Shawfair Town Centre. The strategy makes provision for future development identified in the wider Shawfair area and in the proposed Midlothian Local Development Plan. This provision equates to a further 1,250 residential units. The Education Strategy will

also give consideration to the Council's aspiration to have all secondary schools in the district identified as 'Centres of Excellence' in an identified specialism.

Borders Railway

The Borders Railway opened in September 2015 after being closed for 46 years. The £294 million project will deliver the longest new domestic railway in the UK for more than 100 years, offering a once-in-a-generation infrastructure investment and economic development opportunity for Scotland. It provides a modern, sustainable connection between Edinburgh and the communities of Midlothian and the Scottish Borders, increasing their participation and role in the city region, and vice versa. Four of the seven new stations are in Midlothian and the railways opening has brought with it an air of economic optimism and vibrancy. Much of Midlothian's new housing is along the A7/A68/Borders Rail Corridor. Committed sites and sites under construction have been predicated on the rail line and will contribute to the funding mechanism for the railway through agreed developer contributions. The rail construction works have included the provision of some key elements of the strategic road infrastructure required for spin off projects such as the Shawfair new community and will help with the delivery of the first phases of new housing. The Council has coordinated a number of events for local businesses and potential new businesses to explore the potential opportunities that will arise from the Borders Railway.

Planning Obligations – to Deliver Infrastructure

2015/16 has seen significant progress in relation to Planning Obligations and securing developer contributions leading to major infrastructure being funded and delivered on the ground. A new Lead Officer Planning Obligations Officer was appointed in February 2015 following a period of nine months where the post remained vacant. Eight Section 75 agreements were concluded in the period relating to 1,266 new houses with a base value of £17,656,023.55. A number of these agreements were long standing legacy cases. Significant progress has also been made with regard the remaining legacy cases where a S75 agreement is required.

The delivery of key infrastructure is at the heart of the approach to developer contributions. September 2015 saw the re-opening of the Border Rail Route which is being funded in part by developer contributions.



Borders Rail Infrastructure – 4 new stations have been delivered in Midlothian

Summer 2016 will also see the opening of two new primary schools, one in Gorebridge and a second in Bilston. These schools are funded via developer contributions secured by Section 75 agreements.



Gorebridge PS Under Construction



Bilston PS Under Construction

Proactive invoicing for outstanding developer contributions commenced during the period with £6,798,341.17 being recovered. In addition, as a result of focused efforts by Planning, Legal and Finance staff, £110,000 of late payment interest was received in relation to a single development. This was from a national house builder in relation to the non payment of contributions dating back over 4 years.

Within Legal Services, two additional solicitors with experience in planning obligations were appointed and are in post. As a consequence all new planning agreements since summer 2015 have been progressed in house whereas historically agreements had been outsourced to external solicitors. Furthermore revised legal fees to reflect a more commercial approach and the use of standard 'pro forma style' draft legal agreements have been introduced to help speed up the process.

The above arrangements have provided for a timely and consistent customer approach. Draft agreements are able to be prepared quickly and the Lead Officer Planning Obligations and the relevant in house solicitor meet regularly to progress agreements and respond to points raised by the developer's solicitors. For example, in relation to a recent planning application for 80 dwellinghouses by a national housebuilder, Section 75 Heads of Terms were agreed prior to the application being reported to the Planning Committee and the legal agreement was concluded within 10 weeks of the Heads of Terms being agreed.

In 2015/16 an audit was carried out in relation to developer contributions by the Council's Audit team. This identified some areas where there was a need for improvements to be made in relation to the processes and procedures surrounding developer contributions. As a result of the review the following measures have been implemented:

- A planning obligations risk register has been created and mitigation measures have been implemented to reduce the risks to the Council;
- Developments and obligations are now monitored and invoices for due payments are proactively issued;
- An exercise is underway to review and update financial records, including; identifying contributions close to their payback date and identifying anticipated future payments;
- The production of new/updated Supplementary Guidance on Planning Obligations is due to take place during the latter part of 2016;
- The Planning Service now has a clear overall responsibility for the planning obligations process (responsibility of the planning obligation process was previously outwith the Planning Service);
- A shared electronic folder for holding copies of legal agreements and Heads of Terms documents has been created;
- There is closer working between Planning and Finance in relation to major infrastructure costing; and
- New and updated procedures and processes are in place in relation to planning obligations.

In relation to the monitoring of planning obligations the Council is currently in the process of identifying a suitable obligations monitoring database and has also made the decision to create a new post of Compliance Officer to undertake the planning obligation monitoring work.

Multi-User Path – Dalkeith

With the assistance of Central Scotland Green Network and Transport Scotland, the Council delivered in 2015/2016 a circular new multi-user foot and cycle path along the River North Esk. It passes through the site of the former Dalkeith High School

site and two adjacent public parks. The site of the former Dalkeith High School is listed on the Vacant and Derelict land register. The circular route provides a convenient user friendly hard surface route through attractive established park. The Council anticipates it can help encourage further active travel in Dalkeith. The multi-user path is situated in between two parts of National Cycle Route 1 and Sustrans has agreed to divert National Cycle Route 1 along part of this new off-road circular route.



Photos of new path

Taking action against inappropriate development

As well as supporting and facilitating good development on the ground the Council also takes action to address breaches of planning control, which if left unchecked can have a detrimental impact on the environment and amenity which in turn undermines efforts to improve the quality of development in the district. For example the Council's proactive intervention to remove unauthorised advertisements across the district has help reduce clutter and reduces distraction for motorists. The following pictures show the result of positive intervention regarding advertisements at the entrance to local business estate.



Before (January 2016)



After (March 2016)

The Development Plan Supporting Development on the Ground

The development strategy of the Midlothian Local Plan, adopted in December 2008, remains current and is in the process of delivery. The certainty the plan provides and the upturn in the economy, which has continued throughout 2015/16, is reflected in a number of major housing sites under construction, for example:

- Ashgrove, Loanhead (approximately 300 units);
- Land at North Mayfield (approximately 60 units);
- Phase 1 Seafield Road, Bilston (approximately 300 units);
- Vogrie Road, Gorebridge (approximately 90 units);
- North Gorebridge (approximately 550 units);
- Stobhill/Mossend, Gorebridge (approximately 250 units);
- Hopefield Farm, Bonnyrigg (approximately 1,300 units); and
- Wester Cowden, Dalkeith (approximately 1,100 units),

These sites and others are continuing to produce new homes at a steady rate of completions. In total, 641 units were built in 2015/16.

The importance of an up-to-date development plan in providing certainty and predictability for developers and investors is recognised by the Council; during 2015/16, the Council continued to prioritise its contribution towards achieving an approved Strategic Development Plan for South East Scotland (SESplan), whilst also progressing with the preparation of the Midlothian Local Development Plan (MLDP) as quickly as possible within a strong project management framework. The MLDP Project team manages development plan progress, monitors the budget, identifies risks and coordinates issues with SESplan. The Supplementary Guidance with regard to how much of the overall housing land requirement should be met in each of the six SESplan Member Authorities was adopted in November 2014. Despite this delay Midlothian has made good progress with its development plan; publishing its Proposed Plan in May 2015 with the representation period expiring 26 June 2015. The Council has received on excess of 800 representations. The representations have been considered by the Council and it is proposed to submit the proposed plan and accompanying Schedule 4's to the Scottish Government for examination in August 2016. Publishing the MLDP has helped to provide certainty about the Council's intentions for the development industry.

The Council is taking a pragmatic approach to bringing development sites forward within the development planning context. Where circumstances permit, sites are being considered for early release in advance of MLDP adoption; this will not be possible where a significant body of representations exists but, for other sites, pre-application discussions are in progress with a view to development taking place early in the development plan period. A high level of Member engagement in the MLDP process means that there is greater certainty in the outcome for both developers and communities at the later stages of plan preparation. Furthermore, over 40% flexibility is being built into the housing land supply for the Proposed Plan plus a substantial amount of land is being identified with longer term development potential; both should provide assurance to developers and investors as regards the case for infrastructure investment.

Part 2 (ii): Quality of Service and Engagement

The 'Duty Officer' Service

The planning service operates a 'duty officer' service which comprises a dedicated officer being available to provide planning advice and guidance to members of the public, applicants and agents and other interested parties who visit the Council offices or contact the service by phone or in writing. There is no charge for this service and no prior appointment is required. Each month the Development Management duty service receives over 400 phone calls, an estimated 100 written enquiries and 150 visits to the reception (these statistics do not include the contact made directly to planning application case officers). A corresponding service is available for the Council's Building Standards service. Customers can secure advice from both services in one visit/call. The duty officer service is advertised on the Council's website.

Furthermore, it is noted that as neighbouring planning authorities ceased or restricted their availability, Midlothian's duty officer service is used by agents operating outwith Midlothian as a 'general planning enquiry service'.

Pre Application Advice

In June 2010 a formal pre application advice service was introduced. This service supplemented the more informal advice given on a daily basis by the 'duty office'. Pre application advice requested in writing is recorded in the Council's back office database and the responses are monitored. This has helped to improve the management of this service and the advice given. A total of 223 formal pre application enquiries were submitted in 2015/16, this compares to 229 submitted in 2014/15, 189 submitted in 2013/14, 153 submitted in 2012/13, 140 submitted in 2011/12 and 91 submitted in 2010/11.

All pre application advice is recorded in the Council's back office database and the responses are monitored and constitute a performance measure and competency for individual case officers. This has helped to improve the management of this service and the advice given.

16.1% of planning applications submitted in 2015/16 were subject to pre application advice, this compares to 9.5% in 2014/15. The relatively low level of pre application advice (when compared to other planning authorities across Scotland) is a reflection of the clarity of local plan policies and established design expectations which developers/agents have incorporated into their proposals without the need for 'formal' pre application advice.

Single Point of Contact

Planning application applicants are allocated a case officer who will be a single point of contact. The same officer will be the point of contact throughout the assessment of a planning application and throughout pre application and post decision discussions. Furthermore, it is a priority to allocate the corresponding case officer to

subsequent applications on the same site or adjoining/related sites. The case officer will project manage the application process and coordinate any input from internal and external consultees.

Validation Checklists

The Council has established validation checklists that outline the information required to submit a valid planning application. The requirements vary depending on the type of application and are available on the Council's website. The Council registers a valid application within 1 working day of receipt. Architects and agents have advised that the requirements are proportionate and that it is "easy to submit an application in Midlothian".

Meeting Developers and Landowners

Managers within the planning service hold regular liaison meetings with the major developers and land owners in Midlothian, such as Buccleuch Estates, Taylor Wimpey and Edinburgh University. These liaison meetings are proactively arranged by the Council and are strategic in nature. These liaison meetings are an opportunity for partnership working between developers/landowners and the Council corporately, with the objective of bring sites forward for development. It is worth noting that this partnership working and the Planning Service's flexible approach to development enabled the major developers and land owners in Midlothian to progress development projects throughout the economic down turn.

Individual planning case officers meet applicants and agents to discuss proposals at pre application and application stages as required or requested. Officers are also easily accessible via direct phone numbers and email addresses.

Development Plans: Strategic Planning

In this performance year work has focused on the publication of and consultation on the second Main Issues Report (MIR) and the preparation of the second Proposed Strategic Development Plan.

In conjunction with the SESplan core team the Planning Service was actively involved in co-ordinating and promoting a public consultation exercise in Midlothian for the MIR2 involving two targeted workshops for Community Councils and the Federation of Midlothian Community Councils and one drop-in event for members of the public in August and September 2015. Officers helped facilitate the workshops and drop-in events and were on hand to provide a local point of contact with knowledge of Midlothian issues and to advise on likely outcomes and impacts of the preferred and reasonable alternative strategies outlined in the MIR2. The events were well attended and feedback from the SESplan team was that they were pleasantly surprised by how well informed the Community Council representatives were on a range of planning issues and at the general quality of the questions and discussion. The MIR2 was ratified in June 2015.

In terms of progressing SDP2 the Planning service, along with other SESplan partner authorities, Key Agencies and representatives from the development sector,

participated in a one day spatial strategy workshop in January 2016. It was a useful collaboration of organisations and knowledge transfer which helped inform and shape the emerging development strategy. In collaboration with colleagues in Housing and under the auspices of SEShof, the service has been actively involved in setting the Housing Supply Target for the SESplan area up to 2038 (107,668 houses over the plan period, 63,852 houses between 2018–2030 and 43,816 houses between 2030-2038). The target provides for a generous supply of housing land and while it is considered to be deliverable, achieving a much increased requirement for affordable housing will be challenging. Likewise as part of the SESplan Cross Boundary Transport Working Group the Planning Service, along with transport colleagues, SESTRANS and Transport Scotland has contributed to the transport modelling work of the group and been actively involved in progressing appropriate interventions and developing mechanisms to deliver and mitigate the impact of planned growth across the SESplan area up to 2038. The emergence of a proposed City Deal proposal for the Edinburgh and South East Scotland City Region provides an opportunity to address and or remove **known** physical constraints **to growth**.

The second Proposed Strategic Development Plan was approved by the SESplan Joint Committee in June 2016 and is with SESplan partner Councils to formally ratify by September 2016.

Development Plans: Local Planning

The focus for this year has been on processing the representations received, to the Proposed Midlothian Local Development Plan (MLDP), engaging with elected Members, summarising the representations and providing a Council response, publishing the outcome of the process and preparing for an Examination into unresolved issues. It has also been a challenging year following the outcome of the Planning Service review and the consequent reduction in staff resources.

The proposed plan includes a generous supply of housing land relative to its own housing needs and demands (a supply of 12,490 units compared to a need of 2,200 units) as well as an additional 2,550 units to meet the SDP1 supplementary guidance requirements. The plan also provides for a number of safeguarded sites that could contribute to the supply beyond 2024 (1,395). This is a significant commitment and will require a step change in the number of house completions each year if the Council is to maintain an effective 5 year housing land supply. The Council is keen to establish a regular dialogue with house builders to ensure this happens. The Action Programme sets out the planned house building programme over the plan period and will be the mechanism to identify and address any shortfall in the supply. Likewise, to assist with delivery of the MLDP the partnership Action Plan that accompanies the Economic Recovery Plan (Ambitious Midlothian) is closely aligned with the emergent MLDP Action Programme.

The generous provision of housing land in the proposed plan underlines the strategic location of Midlothian within the SESplan area and the obvious market attractions of the County to house builders and home buyers alike. The opening of Borders Rail is likely to increase interest in Midlothian as a good place to grow.

The proposed MLDP was published in May 2015 for a period to make representations ending on 26 June 2015. During that period the Council received 2,766 representations from 837 representors. Nearly two thirds of the representations received were submitted in writing. This posed a challenge in processing and publishing the information in a consistent and timely manner. The e-Planning systems in place enabled all submissions and supporting information to be captured, processed and published electronically. All representations, supporting information, the Council's summary and response to the representations are available via the Development Plans Consultation Portal - [Midlothian Council - Consultation Home](#) . The paper equivalent extends to around 600 A3 sheets so was not reproduced when reporting to Council for approval to publish the representations and responses but can be made available in electronic format, in whole or in part, on request. One such request has been received to date.

Following approval to publish the Proposed MLDP (December 2014) the Planning Service has reported to Council on three separate occasions in connection with the plan and the process, namely:

- November 2015 Planning Committee – Progress report on processing representations. Agreed to two Member workshops to consider nature of representations in more detail;
- April 2016 Planning Committee – Second progress report outlining remaining statutory stages of plan preparation, including the Examination process; and
- May 2016 Council – Approval to publish representations, Council's summaries and responses and timetable to submit to Scottish Ministers and trigger an Examination.

In March the Planning Committee considered a report on the state of the housing land supply in Midlothian to highlight the impact the allocated housing sites in the Proposed MLDP will have on the established land supply.

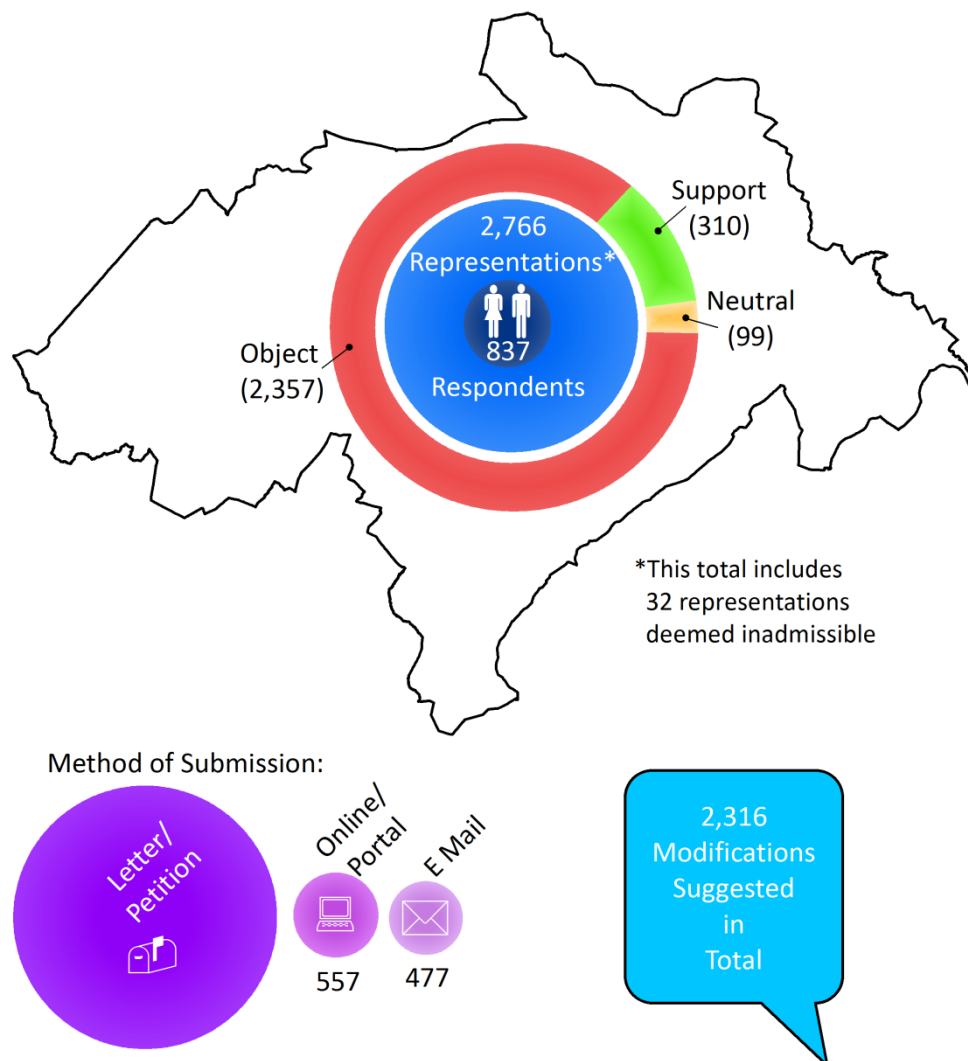
Also in March the Development Plan Scheme Number 8 was approved and published setting out the revised MLDP timetable (in line with amended SDP DPS). At its meeting in May this year the Council considered a report on the representations received and agreed not to make any notifiable changes to the proposed plan and to make the representations, Council summaries and responses to these available online, on the public access terminal at Fairfield House and in electronic file format on request.

It should be noted that the report to Planning Committee in April was a holding Report and the report Council in May was delayed due to suspension of Council business on the run up to the Scottish Parliament elections on 5 May. It was not possible to amend the DPS No. 8 to reflect this delay.

Notwithstanding public consultation on the SDP2 MIR from July to September 2015 there has been no formal public engagement activity on the Proposed MLDP in the last year. Equally no formal pre-Examination negotiations were conducted with interested parties following a review of the submissions, however, the planning service did respond to a small number of requests for meetings in connection with representations but these were largely to seek or provide clarification on specific

matters and to outline the next stages of the process and how representations will be handled. Between then and now the Pre-Examination stage has focused solely on back office processing of the representations received to the plan and Member engagement (see below).

At its Planning Committee of 17 November 2015 the Council agreed to hold elected Member workshops to consider the nature of the representations in more detail. The workshops were hosted by the Planning Manager supported by officers from Development Plans and took place on 2nd and 3rd February 2016 with a final drop-in session arranged for the following week on the 9th February. Each session was well attended. Members were issued with an information pack highlighting the issues arising from the representations and actively engaged with the officers to discuss the nature of the representations, the basis for any modifications they may decide to make, the implications of modifying the proposed plan and the next stages in the process and the Examination. They were also supplied with summaries of all the representations received and initial responses. At its meeting of 17 May 2016 the Council agreed not to modify the proposed plan.



MLDP Key Facts and Figures

All key agencies with the exception of the NHS had the opportunity to make representations to the Proposed MLDP and did so. Generally the responses were positive with a mix of support and alternative minor amendments suggested. However, Transport Scotland did formally object to a proposed housing site and to the Council's position regarding the grade separation of Sheriffhall roundabout.

Communications and Customer Service

The Development Plan Scheme for Midlothian (DPSM) No.8 was published in March 2016 and provides updated guidance on development plan timetables and related stages and processes. The DPSM is made available in hard copy and online. It is distributed to community planning partners, community councils, elected members, neighbouring authorities, libraries, the Scottish Government and DPEA.

Following the Council decision to publish the representations (Council meeting 17 May 2016), email and postal notifications were issued to this effect to all those who submitted representations and comments informing them of how and where they could see what was said in respect of the Proposed MLDP. As the paper copy of the representations extended to around 600 A3 pages the Council agreed to publish online or make available in electronic format on request. To date only one party has requested an electronic copy. An unexpected consequence of the email and postal notification process was a small number of returned letters and bounce back emails. These have been investigated and the consultee database and Schedule 4 preparation process updated and amended accordingly.

The current Midlothian Local Plan Proposals Map continued to be available online in interactive form during 2015-16. Development planning web pages were kept up-to-date during the period, providing and linking to general information on development planning and making the development plan available electronically. Reports to Council and notes of seminars were also made available via these pages.

Securing External Services

In terms of the planning service as a whole, service level agreements are in place for the delivery of biodiversity and archaeological services, with The Wildlife Information Service (TWIC) and East Lothian Council respectively. With respect to the service level agreement with TWIC, some procedural weaknesses were identified during 2014/15, which led to a reduction in the expected service level but this has been risk-managed to ensure that better controls are now in place. These controls have been effective and ensured a good level of service throughout 2015/16. As regards the service level agreement for archaeological services, a reduction in the cost for 2014/15, was negotiated with East Lothian Council as part of financial discipline measures put in place across the Council in order to achieve Best Value, make efficiency savings and reduce the budget deficit. This drive toward efficiency savings continued into 2015/16 service level agreement but still providing an effective and efficient service.

Liaison with Community Councils

In addition to the statutory consultation process with regard planning applications planning officers and managers will meet with Community Council and other Interest Groups to discuss proposed/ongoing development projects, procedures and changes to services.

The Planning Service has a Communities Council Forum (CCF) where representatives of the Community Councils are invited to attend workshops to discuss planning issues. The Council chairs and leads the meetings with a pre set agenda. The sessions also include an open forum.

In addition to forum meetings officers attend Community Council meetings and meet Community Council representatives in response to requests to discuss specific projects or issues which are of significance to a community.

Neighbourhood Planning Groups

In response to Midlothian's Neighbourhood Planning Forum requesting a planning officer attend a group meeting to discuss the current state of, and future of its town centres the Planning Manager attended a meeting to discuss the planning and non planning issues relating to the long term future of town centres. This was warmly received and the group stated that "they appreciated an officer coming to an evening meeting to discuss an issue which is of great interest to the group".

Decision Making Structures

Key decisions on the development plan at both strategic and local level are taken by full Council, with referral from Cabinet, preceded by all-Member seminars.

The Cabinet receives regular update reports on matters pertaining to the Strategic Development Plan, with reference to the Minutes of SESplan Joint Committee meetings. This is in order to ensure a wider understanding of the implications of decisions required at the strategic planning level for the options for consideration at the local planning level, and ensure a smoother ratification process for key SESplan decisions.

Briefing Elected Members

Regular briefings with the Council's Cabinet Spokesperson for Planning and Economic Development allow for informal feedback to prospective applicants and inward investors. Furthermore, all elected members sit on the Planning Committee and have a familiarity with Planning issues. Planning officers and managers regularly brief members on planning matters and accompany them when meeting developers and interested parties.

Decision Making

The Council has:

- 1) An adopted scheme of delegation for the determination of planning applications, which is publically available on the Council's website;
- 2) An established Local Review Body (LRB) with adopted procedures; and
- 3) Set Planning Committee procedures.

The Council publishes a diary of scheduled Planning Committee and LRB meetings on its website.

Accountability

On a Council-wide basis, governance arrangements are firmly established which relate Council and Community Planning Partnership priorities (as articulated in the Single Outcome Agreement/Single Midlothian Plan) to corporate finance and budget planning. These arrangements include the Performance Review and Scrutiny Committee, the Audit Committee and Cabinet. The Council's performance management framework is set out elsewhere in this PPF submission (*Culture of continuous improvement*); performance against key outcomes is reported at various levels from the community planning and corporate level, scrutinised by Elected Members, down to the individual through the Midlothian Excellency Framework (Making Performance Matter).

Part 2(iii): Governance

Planning Team Structure

Midlothian's Planning service comprises the statutory town and country planning functions of the Council, primarily the preparation of strategic and local development plans, planning policy and guidance, environmental schemes and policy, the determination of planning applications, the handling of planning appeals, and the enforcement of planning control. It also comprises officers who provide a Council-wide service of supplying demographic/land use information, and geographic information system (GIS) mapping and graphics.

Those functions have until recently been split into two teams, one dealing with planning applications/appeals/enforcement, and the other with development planning/information/GIS/environment: with each team headed by a manager. Consequent of a management review a new single planning manager post was created in place of the two former manager posts. An appointment to that new post of Planning Manager has been made, with the successful candidate having started on 1 February 2015. This change in management arrangements provided an opportunity to consider the merits of a more integrated and effective planning service.

Following the appointment of a single planning manager the Planning team has been subject to a formal Service Review with the objective to improve service delivery to meet the targets and aspirations set by the Scottish Government's Planning Performance Framework, the Communities and Economy Service Plan and Planning team priorities. A new Planning team structure came into effect from 1 March 2016. This new service structure presented an opportunity to enhance the connectivity between the formulation and conception of policy and the delivery of development on the ground through the planning application process and securing developer contributions. This enhanced opportunity to improve certainty and resilience has been welcomed by the development industry in Midlothian.

The new structure will deliver a customer focused service with a clear management and team structure which sets clear roles and responsibilities. The structure sets a platform for culture change and introduces flexibility to enable the Planning team to respond to the competing priorities and challenges it faces. As the structure was designed to meet the challenges of today and those of tomorrow it will also ensure future proofing the service against immediate work pressures and those that arise in the medium to long term. However, during the period of transition there is potentially a consequential impact on performance in the short term with the benefits not being reflected in Midlothian's PPF submission until 2016/17 and 2017/18. Throughout 2015/16 the service has carried 7 vacant posts (20% of the team) – these posts are scheduled to be filled in 2016/17.

Some of the key positive changes to the service are as follows:

1. Generic Planning Officer Job Description

One new innovation arising from the restructuring was the introduction of a generic job description for all the Planning Officer posts. Previously policy planning officers, development management planning officers and planning enforcement officers had different job descriptions. The new generic job description enables the alignment of this staff resource to address priorities. It has also provided an opportunity for staff to develop a wider range of planning skills across the Planning Service to the benefit of the resilience of the service.

In addition to the introduction of a generic job description there is a requirement for all Planning Officers to become members of the Royal Town Planning Institute (RTPI). In support of this requirement the Council is supporting officers in their applications to become Charter Members in terms of allocating time to make a submission to the RTPI, by allocating work tasks to enable officers to gain the relevant experience, providing management and guidance where possible and by funding the cost of the application. Two officers have recently achieved RTPI Chartered Membership status and two further officers are being supported through the application process. The target is to ensure all 11 Planning Officer post holders are Chartered RTPI Members by June 2017.

2. Planning Obligations

In parallel to the Planning Service review, the Council's internal Audit Service undertook an Audit "to provide assurance to senior management and the Audit Committee that the Council has adequate controls in place over developer contributions". The Audit Committee recommend that extra resource is committed to effectively monitor developer contributions in particular the receipt of moneies from applicants who have been granted planning permission to undertake development subject to making a financial contribution to the Council towards schools, community facilities, affordable housing and infrastructure.

The requirement for developer contributions are secured by the planning process, but the payment of contributions, which are often phased to reflected the evolution of a development, are not proactively monitored and are dependent on applicants making payments as agreed or following a request from the Council in reaction to a particular concern over funds for a school, community facility or infrastructure. In the absence of a programme of proactively monitoring payments there is a risk that contributions are not being collected on time, although in the majority of cases they can ultimately be collected as the Council's position is protected by legal agreement.

In response to the Audit process the Planning team review incorporated a Compliance Officer into its structure to monitor legal agreements. It is anticipate that the post would be part funded from an imposed monitoring fee incorporated into the legal agreements which secure the developer contributions and in part by the funds secured which otherwise might not have been recovered.

A number of teams across the Council, including Legal and Finance, are integral to the developer contribution process, but it is the Planning Service that takes the lead in securing the payments and as such it is appropriate that the monitoring is undertaken from within the Planning team. The Planning Obligations Officer post was transferred into the Planning team as part of the Management review in 2014

and it is appropriate that the Compliance Officer post reports to the Lead Officer: Planning Obligations in the new structure. This position was the census of collaborative working with all those internal parties/services involved in the legal agreement/developer contributions process.

3. Eplanning Officer Post

In addition to the staff complement included in the service review, an Eplanning Officer post sits within the Planning team; integral to its delivery of services in terms of maintaining and developing its back office and public interfacing eplanning services. This post is a recognised specialist post managed by the Planning Manager, but was identified as being within the Council's Integrated Support Services (ISS). However as part of a parallel ISS review process it was concluded, in liaison with the Planning Manager, that the post should be within the Planning team. This not only clarified the line management arrangements for the relevant member of staff, it provided a resource commitment to an increasingly important component of the Planning Service and demonstrated that cross directorate services (Planning and ISS) worked together for the betterment of the customer experience.

Corporately, the Planning team forms part of the Council's Communities and Economy Service which also encompasses Economic Development, Environmental Health, Trading Standards, Communities and Performance and Building Standards. Regular Communities and Economy management meetings ensure service wide challenges and successes are shared.

4. Planning GIS Technician

The old structure included a separate Planning Technician and a GIS Technician, both posts requiring a comparable skill set but with different work tasks. The new structure saw the introduction of a single job description and job title for these two posts. The increasing use and dependency on GIS in the planning system means that the resilience of the service needed to be improved in this regard. A single Planning GIS Technician job description enables both post holders to develop a wider GIS skill set. The expectation is that with the necessary training, support and management the two post holders will be mutually supportive in terms of their work tasks.

5. Trainee Planning Officer

The new structure includes a proposed Trainee Planning Officer post which is targeted at recently qualified applicants, applicants on a year out between their graduate and post graduate planning degrees or an applicant who aspires to gain a planning qualification through distance learning (supported by the Council). Post holders will undertake a variety of project work which would not otherwise be undertaken because of resource constraints. The projects will be designed to add long term value and quality to the service. Post holders will also gain a wide variety of experience from across the service and provide a potential source of recruitment if a Planning Officer post becomes available. The succession planning opportunity the Trainee Planning Officer post presents creates a chance to provide a

positive destination for a young person from Midlothian in line with the Council's corporate priorities.

The Service Review and resultant new structure was implemented following consultation with the Planning staff and other internal partners within the Council, such as legal services, financial services, Economic Development and Road Services. The Planning teams comments included:

- There was a unanimous consensus that the proposed structure was 'logical' and 'common sense' and that the overall balance of the team, the number of sections and the distribution of posts was 'about right';
- There was a recognition that increased flexibility and resilience was required and the proposed structure would help deliver this in part. It is understood that the implementation of the new structure is equally important to meet the demands on the service;
- Staff positively agreed that there should be a single Planning team to deliver a single Planning Service;
- There was a consensus that line management arrangements and roles and responsibilities were clearer; and
- A number of officers welcomed the opportunity to increase the variety of work tasks which they could undertake as a result of the proposed structure and the underlying principles of flexibility and one team ethic.

In addition to consulting with staff and internal partners the Planning Manager discussed the future of the planning service with external stakeholders including national house builders, Community Council's and key government agencies. This feedback helped to clarify customer expectations.

As well as setting a new structure, a new culture and ways of working the Service Review clearly defined the team priorities – linking the priorities to the structure and recognising the aspirations of the services stakeholders. The priorities are referenced in the structure chart.

Management of the Planning Service

'Day to day' priorities will be set by the Planning Manager and the Lead Officers with the Planning Manager focusing on strategic matters whilst the Lead Officers focusing on operational matters.

For the Planning service to function effectively, horizontal working is required across the team. Officers will be expected to contribute towards cross section working and to be flexible in their work tasks. For example, officers from outwith the Development Plans section will be required to support and contribute towards the progress to adoption of the MLDP; and officers in the Conservation and Environment section will be required to determine and assess a number of planning applications.

Management Meetings

The Planning Manager and the five Lead Officers meet weekly; to discuss issues which affect the whole Planning service, make strategic decisions, improve knowledge and understanding across the team and to facilitate closer working

between the different sections. This leadership group will take the lead in promoting a culture of collective ownership, seeking to improve quality of service and understanding to the benefit of the customer and the environment.

Team Meetings

The Planning team meet quarterly. Additional team meetings are called to discuss issues that arise which affect the Planning team i.e. separate events are held to discuss and give feedback on training.

Project Groups

Project groups will be established to discuss specific work tasks – the membership of these project groups and the frequency of the meetings will be defined and chaired by the Planning Manager or a Lead Officer. Some project groups will be long standing whilst others will only operate during the life of a particular project.

Membership of the project groups can come from across the different sections in the team and from outwith the Planning Service. Examples of project groups include:

- a) MLDP Progress to Adoption Project Group;
- b) Developer Contributions Project Group;
- c) Improving Design Project Group; and
- d) Improving the Customer Experience Project Group

1-2-1 Meetings/Caseload Reviews

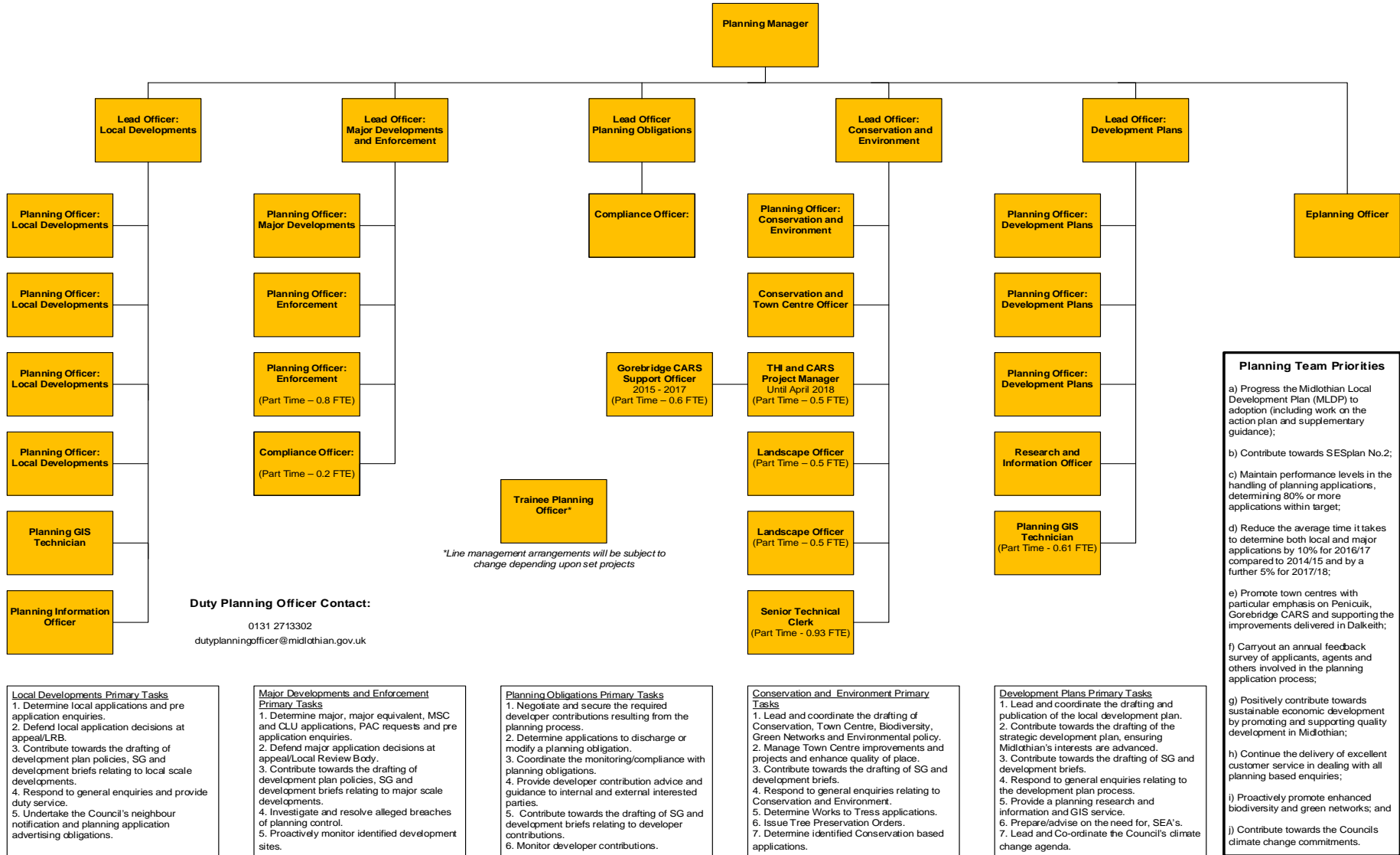
Each officer will receive a minimum of a fortnightly 1-2-1 with their line manager (as shown in the team structure) to review their cases and work tasks. Where possible both case officers and supervising officers will manage their work to maximise these 1-2-1 sessions. The 1-2-1 meeting is to ensure officers have the support and guidance they require, but also for the line manager to undertake their performance management responsibilities ensuring individual targets are met.

The outcomes of the Service Review demonstrate that:

- Staff resource has been aligned to address priorities (i.e. as set out in the structure chart);
- The new structure introduced innovative working (i.e. generic job descriptions for planning officers and introduction of a trainee planning officer role);
- There was collaboration between management and staff and with other partners (i.e. consultation on the Planning Service Review)
- The Council is committed to training and developing its staff (i.e. support officers in securing RTPI membership);
- The Planning team is focussed on delivering efficient services (i.e. reducing risk by ensuring staff are mutually supportive in terms of their work tasks - Planning GIS Technician) ; and
- Listening to stakeholders (i.e. consulting on the future of the Planning Service and responding to an Audit on developer contributions).

Part 2(iii): Governance – Planning Team Structure

PLANNING TEAM STRUCTURE



Part 2(iv): Culture of Continuous Improvement

Corporate Position

The Council operates a strong performance management framework comprising quarterly performance reporting on key outcomes and indicators; bi-annual reporting on the Single Outcome Agreement/ Single Midlothian Plan; performance reporting on the Climate Change and Sustainable Development Action Plan and Midlothian Open Space Strategy/Action Plan; submission of annual reports on actions in relation to the Climate Change Declaration; all in addition to the submission of the Planning Performance Framework report. Performance against development planning actions and indicators are included in the Midlothian Economic Recovery Action Plan.

Making Performance Matter

Each officer in the planning team has an up to date appraisal and training programme under the Making Performance Matter framework. Officers have a clear documented set of priorities. A new system was rolled out under the Midlothian Excellency Framework from April 2014 which brings benefits in terms of performance reporting through the 2014/15 and 2015/16 Planning Performance Framework report. The outcomes agreed for all staff members are required to be C-SMART i.e. 'challenging' as well as specific, measurable, achievable, relevant and time-bound.

Listening to Staff

An annual employee survey is conducted as part of an ongoing commitment by the Council to keep listening to the views of its employees. This annual survey provides valuable information about the Council's strengths and areas requiring improvement. All staff are invited to an engagement session with the Planning Manager to discuss the results and develop a local action plan.

In addition to the annual survey, staff views were invited and considered as part of the Planning Service review as previously referenced.

Benchmarking

The Planning team actively participated in the HOPS Development Management Benchmarking project (Group 3) in 2015/16, taking every opportunity to share ideas with and learn from other local authority Planning Departments of a comparable size.

New Online Development Plan Service

The transition to e-planning and the opportunity to capture service efficiencies has been greatly assisted with the implementation of the online development plan system. It offers dual benefits to Council staff preparing the plan and to customers accessing information or submitting representations online.

As a web hosted system the "back office" provides a flexible platform to manage document production and workflow content; establish and maintain a single

customer consultation database; produce a variety of print ready publication formats (including commercial print) and create and manage consultation events. Online submissions are automatically captured and acknowledged by the system removing any delays in acknowledging written representations. The consultation portal provides public access to the plan and interactive map (to read only and/or register to comment/submit representations). The interactive map in particular has been the subject of some positive feedback from customers and other Council staff who have found the in-built functionality of the map useful in their roles. Online engagement in consultation is quick, convenient and transparent – it is accessible 24 hours a day/7 days a week, submissions get an automatic receipt, comments can be viewed online and customers can update their details and manage their accounts themselves without having to contact the Council. Public promotion and use of the online development plan system is a central part of our core business activities moving forward.

Service Improvements 2014/15

In Midlothian's 2014/15 Planning Performance Framework (PPF) the following targets were set to demonstrate Midlothian's continuing commitment to improve its services:

1. Complete the ongoing review on the Planning Service.

2015/16 update - The Planning Service review has been completed and a new structure with set priorities has been implemented (from 1 March 2016).

2. Deposit a finalised Midlothian Local Development Plan (MLDP) with the DPEA.

2015/16 update – Good progress has been made, which has been covered elsewhere in the PPF submission. Midlothian is anticipating depositing its MLDP with the DPEA in August 2016.

3. Review and update the Council's Planning web pages.

2015/16 update – The Council has fundamentally changed the appearance and format of its website. The Planning pages were reviewed as part of this process. The Planning team has made a commitment to review its website regularly to ensure it remains up to date and relevant for its customers.

4. Reduce the number of legacy planning applications by 5%.

A legacy case is one which has remained undermined for over a year. On the 1st April 2015 Midlothian had 25 legacy cases and set a target of reducing this figure by 5%. 3 of these legacy cases (12%) have been determined. On the 1st April 2016 Midlothian had 36 legacy cases and again has set a target of reducing this figure by 5%. The primary reasons for an application remaining undetermined for over one year are; ongoing negotiations over developer contributions and the conclusion of legal agreements and applicants holding their applications in abeyance whilst they review their options.

5. Draft new Supplementary Planning Guidance on Developer Contributions.

2015/16 update – Work has commenced on the new guidance, however it has not been completed. It is anticipated that the MLDP will be adopted in Spring 2017. The guidance will be prepared in preparation of this timetable.

Part 3: Supporting Evidence

Biodiversity

<https://www.midlothian.gov.uk/info/1231/environment/290/biodiversity/3>

Building Standards Customer

https://www.midlothian.gov.uk/info/200289/other_building_standards_services/360/building_standards_performance

Craig Amy Architect

<http://www.craigamy.com/>

Development Plan Scheme 8

https://www.midlothian.gov.uk/downloads/download/133/development_plan_scheme_no_8

EAA Awards

<http://www.eaa.org.uk/about/news/2016/may/eea-awards-2016-winners-announced/>

Enforcement Charter

https://www.midlothian.gov.uk/downloads/download/82/planning_enforcement_charter

Inspirational Designs

<http://www.gov.scot/Topics/Built-Environment/AandP/InspirationalDesigns/LAlist/Midlothian>

Local Review Body

https://www.midlothian.gov.uk/info/200167/planning_applications/285/planning_appeals_and_the_local_review_body

Midlothian Local Plan 2008

https://www.midlothian.gov.uk/info/205/planning_policy/286/development_plans_and_polices

Planning Application Checklists

https://www.midlothian.gov.uk/info/200167/planning_applications/61/apply_for_planning_permission/3

Pre-application Advice Service

https://www.midlothian.gov.uk/downloads/download/101/pre-application_enquiry_form

Shawfair Masterplan and Design Guide (02/00660/OUT)

<https://planning-applications.midlothian.gov.uk/OnlinePlanning/search.do?action=simple&searchType=Application>

Supplementary Planning Guidance

https://www.midlothian.gov.uk/info/200167/planning_applications/118/planning_guidance/3

Part 4: Service Improvements

In the coming year we will:

- Support those Planning Officers who are not Chartered Members of the Royal Town Planning Institute (RTPI) in their applications to become members.

In supporting the development of staff and to enhance the quality of the Planning Service, Midlothian Council expects its Planning Officers to be members of the RTPI. This is of particular importance as Planning Officers are expected to make professional planning judgements and defend decisions at appeal.

- Establish the Project Groups set out in the Planning Service Review (2015/16).

The project groups will have a clearly defined objective and terms of reference and will be designed to deliver a piece of work or process change which will result in a clear improvement in the Planning Service.

- Draft a Local Biodiversity Action Plan (LBAP) for Midlothian.

The Planning Service has made a commitment to raise the profile and importance of biodiversity issues. The LBAP will identify the actions required to deliver against this commitment.

- Reduce the number of legacy planning applications by 10%.

This continues Midlothian's commitment to conclude applications timeously.

- Create an easy to use electronic and paper planning library.

The establishment of a library will enable officers to find materials and documents easily and quickly and contribute towards enhanced knowledge and understanding.

Part 5: Official Statistics

A: Decision-making timescales

Category	Total number of decisions 2014-2015	Average timescale (weeks)	
		2015-2016	2014-2015
Major developments	13	50.4*	24.8
Local developments (non-householder)			
• Local: less than 2 months	136	6.8	6.9
• Local: more than 2 months	80	17.8	41.5
Householder developments			
• Local: less than 2 months	234	6.10	6.2
• Local: more than 2 months	28	13.6	11.7
Housing developments			
Major	6	79.6*	33.0
Local housing developments			
• Local: less than 2 months	33	7.11	6.9
• Local: more than 2 months	30	21.7	48.1
Business and industry			
Major	0	0	0
Local business and industry			
• Local: less than 2 months	8	7.6	0
• Local: more than 2 months	3	7.8	17.1
EIA developments	15	2.7	30.2
Other consents	80	8.0	9.10
Planning/legal agreements			
• Major: average time	3	106.0	
• Local: average time	10	40	
• All (to enable comparison with 14/15)	13	55.29	69 (all)
Local reviews	16	10.1	11.7

**These figures are artificially high following the determination of one application (04/00417/FUL) which was submitted in 2004. The applicants held the application in abeyance for a number of years awaiting the adoption of the 2008 local plan and then again whilst discussions were ongoing with regard an associated application. The historical nature of the application means it was not subject the 'stop the clock' procedure. If this application was excluded from the statistics the figures would be 36.5 and 53.1 respectively.*

B: Decision-making: local reviews and appeals

Type	Total number of decisions	Original decision upheld			
		2015-2016 No.	%	2014-2015 No.	%
Local reviews	16	4	25%	4	25%
Appeals to Scottish Ministers	5	3	60%	0	0%

C: Enforcement activity

	2015-2016	2014-2015
Cases taken up	147	155
Breaches identified	147	155
Cases resolved	139	142
Notices served***	10	6
Reports to Procurator Fiscal	0	0
Prosecutions	0	0

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

D: Context

In December 2014 the Council approved the proposed Midlothian Local Development Plan (MLDP). The plan was subsequently published, with the deadline for interested parties to make representations expiring on 26 June 2015. The Planning team has received in excess of 800 representations, which have been considered and assessed. Midlothian is scheduled to submit its proposed MLDP to the Scottish Government in August 2016.

Although overall performance with regard to the time periods for determining planning applications, in particular householder and local developments, has steadily improved over the long term, it has now plateaued at a good level when compared to the previous year. Midlothian faces challenges when determining major applications, in particular concluding legal agreements to secure developer contributions – this reflects the complex negotiations which are necessary in securing significant infrastructure projects which are essential to enable development to take place.

Overall performance (how many applications have been determined within target) continues to be maintained at a high level. In 2015/16 78% of planning applications have been determined within target. This compares to 84% in 2014/15, 84% in 2013/14, 73% in 2012/13, 70% in 2011/12, 65% in 2010/11 and 55% in 2009/10.

This is a result of effective performance management and a programme of continuous improvement with regard to processes and procedures. The duty officer service, the formal pre application advice service and partnership working continues to help to improve the service and the advice given. The ongoing improvement in the service is reflected on the ground with significant development taking place throughout the district delivering new housing, support for business and new services and infrastructure.

The Local Review Body determined 16 reviews in 2015/16, this is comparable to previous years – a significant majority of reviews are upheld. Since the establishment of the Local Review Body in 2009 the number of '*notices of reviews*' determined has been relatively consistent (14 in 2010/11, 19 in 2011/12, 18 in 2012/13, 16 in 2013/14, 16 in 2014/15 and 16 in 2015/16).

Enforcement activity: as noted at Part 1 of this report it is the priority to continue negotiating resolution to breaches of planning control, rather than the serving of formal notice, although this option is still considered.

The Dalkeith Townscape Heritage Initiative (THI) and Conservation Area Regeneration Scheme (CARS) were successfully completed in June 2015 within the set 5 years timescale. Midlothian is now implementing a CARS in Gorebridge and proposing to make a further bid for a scheme in Penicuik.

Part 6: Workforce and Financial Information

Senior Management	Tier 1	Tier 2	Tier 3	Tier 4
Head of Planning Service			1*	

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

**The Head of Communities and Economy, encompassing Economic Development, Environmental Health, Trading Standards, Communities and Performance in addition to Planning and Building Standards.*

The Planning Team		DM	DP	Enforcement	Other
Managers	No. Posts		1*		
	Vacant				
Main grade posts	No. Posts	8	10.1	3**	
	Vacant	1	2.5	1.2	
Technician	No. Posts	2	0.6		2***
	Vacant				1
Office Support/Clerical	No. Posts	2**	0.93		
	Vacant				
TOTAL		12	12.63	3	2

Please see staff structure under section 2i: Governance – the Planning Service in Midlothian is not split into DM and DP and as such the figures provided are the ‘best fit’ possible.

**Midlothian has a Single Planning Manager, but for the purposes of this return the post is identified in the development plans column.*

***One of the enforcement posts is a Compliance Officer post with the primary responsibility of monitoring planning obligations and housing completions for Housing Audit purposes.*

****These two post comprise an Eplanning Officer responsible for the Planning Services electronic systems, statistical returns and procedures and a unqualified Trainee Planning Officer post.*

****The Planning team has 2 support staff who are part of a Council wide centralised support service out with the Planning team.

Age Profile

Staff Age Profile	Number
Under 30	1
30-39	5
40-49	13
50 and over	6
Total Staff Numbers	25*

**7 vacant post not included in the age profile*

Committee Activity

Committee & Site Visits*	Number per year
Full council meetings	N/A
Planning committees	8
Area committees (where relevant)	N/A
Committee site visits	3
LRB**	6 Meetings
LRB site visits	16 sites visited (over 6 separate days)

Notes:

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

***this relates to the number of meetings of the LRB. The number of applications going to LRB is reported elsewhere.*

Budget Table

	Total Budget	Costs		Income***
		Direct*	Indirect**	
Development management	£662,610.40	£612,712.66	£499,989.74	£450,092.00
Development planning	£531,716.62	£322,616.37	£221,641.23	£12,540.98
Enforcement	£0.00	£0.00	£0.00	£0.00
Other	£105,933.79	£71,971.54	£33,962.25	£0.00
TOTAL	£1,300,260.81	£1,007,300.57	£755,593.22	£462,632.98

Notes:

* Direct staff costs covers gross par (including overtime, national insurance and superannuation contribution). The appropriate proportion of the direct cost of any staff member within the planning authority spending 30% or more of their time on planning should be included in costs, irrespective of what department they are allocated to (for example, legal advice, administration, typing). Exclude staff spending less than 30% of their time on planning.

**Indirect costs include all other costs attributable to the planning service. Examples (not exhaustive) include accommodation, IT, stationery, office equipment, telephone charges, printing, advertising, travel & subsistence, apportionment of support service costs.

*** Include fees from planning applications and deemed applications, and recharges for advertising costs etc. Exclude income from property and planning searches.