

Planning West Lothian

Planning Performance Framework 7 • Annual Report 2017/18





Welcome to West Lothian Council's seventh Planning Performance Framework Report, covering the year between April 2017 and March 2018.

West Lothian Council's planning service strives to provide an excellent service to local residents and investors in West Lothian, in a time of increasing financial pressures on the council. The central focus over this past year has been to improve our processes and procedures, to utilise the full benefits of technology to provide a service which is interactive, customer focused and agile, responding to the needs of our customers.



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1 Qualitative Narrative and Case Studies

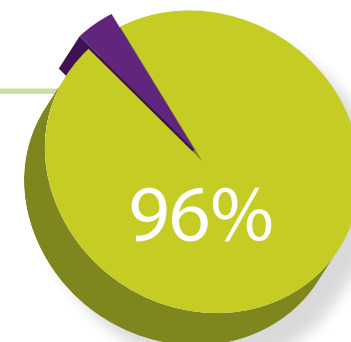
The council's seventh Planning Performance Framework (PPF) reflects on the progress and performance of the service over the financial year 2017/18. It responds to the issues identified in PPF6 and the performance markers report from the Scottish Government and looks ahead to the challenges and potential for improvement over the next year.

2017/18 in focus:

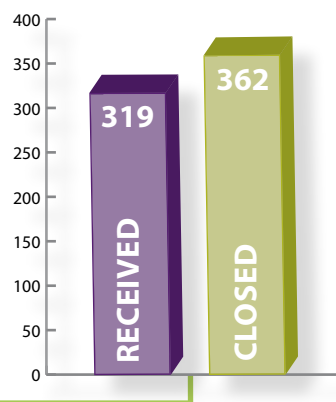


The Report of Examination on the Local Development Plan was issued

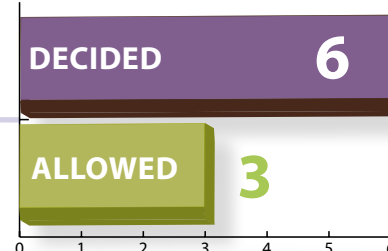
919 applications were determined, with a 96% approval rate



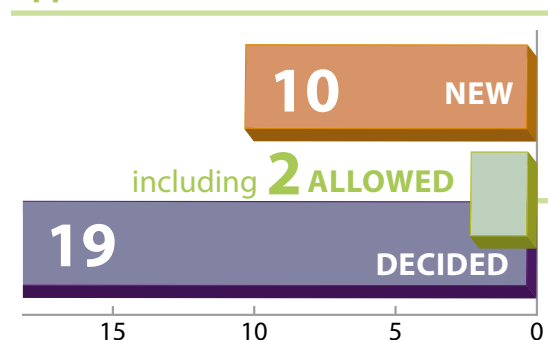
Enforcement cases



Local Review Body



Appeals



West Lothian Council achieved a **Scottish Award for Quality in Planning** for its planning guidance on **Health Impact Assessments**, and was **shortlisted** for two other projects,



Automated Task Driven Paperless Development Management



Raising Awareness of West Lothian's Heritage – Conservation Area Information leaflets

Case Studies

- 1 **Aldi regional distribution centre** Mahlon Fuatua
- 2 **Council housing** Wendy McCorriston/Tony Irving
- 3 **Winchburgh** Wendy McCorriston
- 4 **Local Development Plan** Steve Lovell
- 5 **Partnership centres** Ranauld Dods/Mahlon Fuatua
- 6 **Process** Ross Burton
- 7 **Enforcement process** Claire Johnston
- 8 **Contributions tracke** Mark Brooks
- 9 **Member training** Ross Burton/Claire Johnston

Case Study Topics	Issue covered in PPF7
Design	✓
Conservation	✓
Regeneration	✓
Environment	✓
Greenspace	✓
Town Centres	✓
Masterplanning	✓
LDP & Supplementary Guidance	✓
Housing Supply	✓

Case Study Topics	Issue covered in PPF7
Affordable Housing	✓
Economic Development	✓
Enforcement	✓
Development Management Processes	✓
Planning Applications	✓
Interdisciplinary Working	✓
Collaborative Working	✓
Community Engagement	✓
Placemaking	✓
Charrettes	✓

Case Study Topics	Issue covered in PPF7
Place Standard	✓
Performance Monitoring	✓
Process Improvement	✓
Project Management	✓
Skills Sharing	✓
Staff Training	✓
Online Systems	✓
Transport	✓
Active Travel	✓
Other: Member engagement	✓

DELIVERING A QUALITY SERVICE

Throughout the past year Planning Services has retained a strong commitment to providing a high quality service, against a background of financial constraints. The team has, in recent years, had to withdraw from some of the services that it has traditionally offered, such as the provision of general planning advice, whether on the acceptability of a proposal or information on permitted development rights. West Lothian Council took a decision, two years ago, to withdraw from much of its traditional direct contact with the public and replace this with web-based contact backed up by a 24-hour call centre. The service has continued to engage actively with the call centre, with managers meeting regularly to discuss issues, and regular training for call centre staff being provided by planning staff. Initial issues with misdirected calls and lack of knowledge of planning issues by call centre staff have been dealt with by the above process, and the system now works well.

The paid for [pre-application service](#) which was introduced last year has continued to prove popular with applicants, with some requests for the service focusing on a meeting rather than the offered written advice. A recent request, for example, saw a pre-application meeting taking place about a proposed development at Bangour Hospital, a large (90 ha) site with a number of listed buildings, involving agents for the applicant, representatives from Roads, Environmental Health and Flood Safety, as well as representatives from Historic Environment Scotland. The applicants were happy to pay a fee for the meeting as opposed to a written response, although a formal note of the meeting was provided (evidence item [EV 1](#)).

Case Study

Aldi Regional Distribution Centre Expansion

QUALITY OF OUTCOMES

1



Case Study Title	J4M8 Distribution Park – Aldi Regional Distribution Centre Expansion		
Location and Dates	Bathgate – Planning in Principle Granted in 2013 (ongoing)		
Elements of a High Quality Planning Service this study relates to <i>(please select all that apply)</i>	<ul style="list-style-type: none"> • Quality of service and engagement • Quality of outcomes • Governance 		
Key Markers <i>(please select all that apply)</i>	1, 2, 12		
Key Areas of Work <i>(please select/delete all that apply, as appropriate)</i>	<ul style="list-style-type: none"> • Design • Environment • Greenspace • Masterplanning • LDP and Supplementary Guidance • Economic Development 	<ul style="list-style-type: none"> • Development Management Processes • Planning Applications • Interdisciplinary Working • Collaborative Working • Placemaking • Performance Monitoring 	<ul style="list-style-type: none"> • Process Improvement • Project Management • Skills Sharing • Online Systems • Transport • Active Travel
Stakeholders Involved <i>(please select/delete all that apply, as appropriate)</i>	<ul style="list-style-type: none"> • Local Developers • Key Agencies 	<ul style="list-style-type: none"> • Authority Planning Staff • Planning Committee 	
Overview	Aldi Stores Limited is investing heavily in Scotland to secure continued growth and future proof its business in Scotland. As part of this, Aldi sought to expand their existing regional distribution centre at the J4M8 distribution park creating a 196,000 sq ft storage and chill facility.		
Goals	<ul style="list-style-type: none"> • Partnership working with internal staff in particular Economic Development as the development would create more than 200 jobs. • Coordination of environmental reports between the site and wider distribution park. • Management of workload • Planning judgement 		
Outcomes	<ul style="list-style-type: none"> • Application for a major development processed within statutory timescales • Stopping up order progressed to committee and notification to ministers in Summer 2018 • Work is to start in Summer 2018 and due to be completed by 2020. • Balanced approach between material planning constraints and requirements from other stakeholders 		
Name of key officer	Mahlon Fautua		

ALDI REGIONAL DISTRIBUTION CENTRE EXPANSION (Case Study 1)

Aldi Stores have a regional distribution centre at the council's J4M8 distribution park. The West Lothian Local Plan identified and safeguarded the distribution park for classes 4, 5 and 6 (Policy EM 6 of the WLLP); this has been identified in the Local Development Plan as a specialist site, dedicated to class 6 (distribution uses) only. The success of this, and the park's access to the heart of the motorway network has seen Aldi seek to expand the building to 196,000 square feet, potentially adding 200 jobs to the 470 existing. The building will serve all of Aldi's 78 Scottish stores and will also contain office space to house Aldi's Scottish headquarters. Planning staff have worked with colleagues in Economic Development, Flood Prevention, Transportation and Environmental Health to ensure that the new facility is located in West Lothian, bringing benefits to local employment and adding to the success of the distribution park. The determination of the application within the timescale and the working partnership with Transportation to ensure the stopping up took place timeously were instrumental in giving Aldi the certainty it required in deciding to invest in West Lothian.





Case Study **Council Housing**

QUALITY OF OUTCOMES

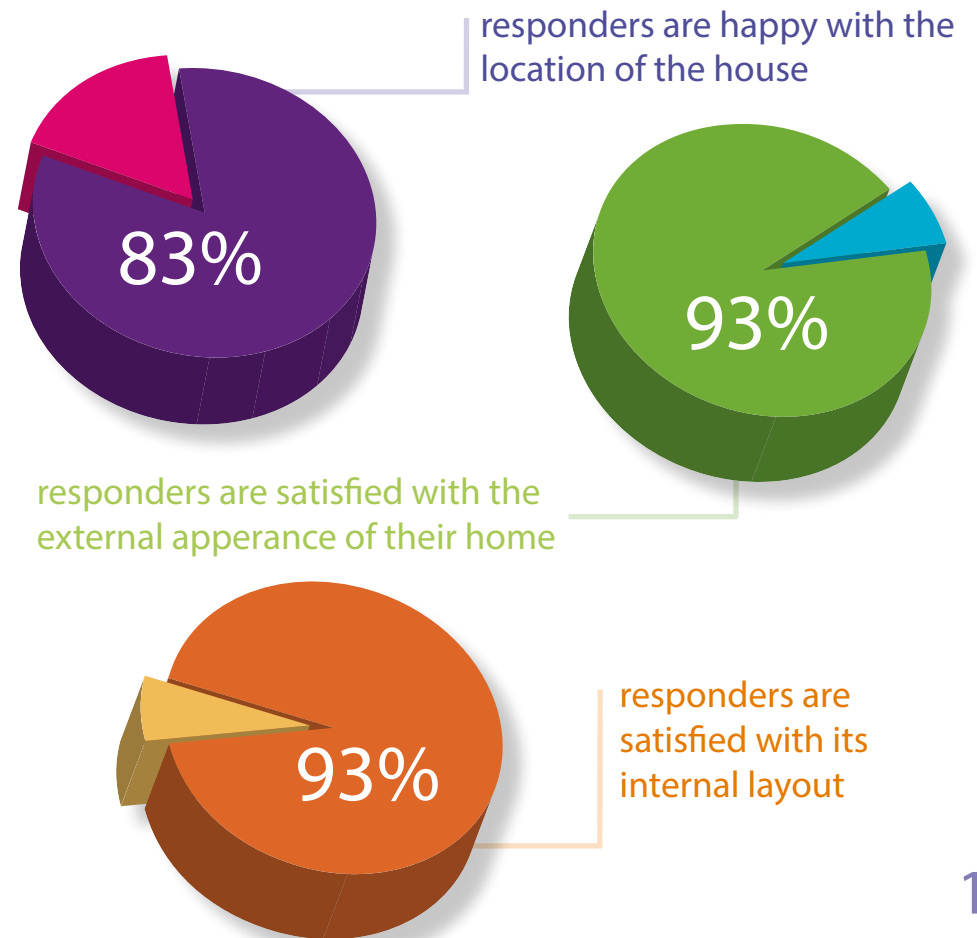


Case Study Title	Council housing
Location and Dates	Various, ongoing
Elements of a High Quality Planning Service this study relates to <i>(please select all that apply)</i>	<ul style="list-style-type: none"> • Quality of outcomes • Quality of service and engagement
Key Markers <i>(please select all that apply)</i>	2, 3, 12
Key Areas of Work <i>(please select/delete all that apply, as appropriate)</i>	<ul style="list-style-type: none"> • Design • Regeneration • Environment • Greenspace • LDP & Supplementary Guidance • Housing Supply • Affordable Housing • Economic Development • Development Management Processes • Planning Applications • Interdisciplinary Working • Collaborative Working • Community Engagement • Placemaking • Place Standard • Process Improvement • Project Management • Skills Sharing • Active Travel • Other: staff development
Stakeholders Involved <i>(please select/delete all that apply, as appropriate)</i>	<ul style="list-style-type: none"> • General Public • Local Developers • Key Agencies • Planning Committee • Authority Planning Staff • Authority Other Staff
Overview	West Lothian's council house building programme has seen development at a number of sites, resulting in 214 houses completed in 2017/18 with a further 599 under construction.
Goals	The planning service engaged at an early stage with the council's Housing, Transportation, Environmental Health, Building Standards and Flood prevention services, and with the housing developers who were engaged in construction of the houses. A multidisciplinary approach was taken, with benefits to the smooth running of the ambitious build programme.
Outcomes	The houses built and occupied have proved popular with the new residents, and the new developments are indistinguishable from new build housing for sale on the open market.
Name of key officer	Wendy McCorriston, Tony Irving, Ross Burton, Mahlon Fautua, Lindsey Patterson

COUNCIL HOUSING (Case Study 2)

A joint working approach has been used in the council's housebuilding programme. Working groups met frequently at each stage of development, from discussing potential sites to final handover. The working groups include officers from housing, planning, building standards, flood prevention, transportation, operational services and environmental health within the council, and representatives of the private building firms who have been contracted to build the houses. The meetings proved instrumental in setting and maintaining a steady pace of development, addressing and resolving any issues as they have emerged. In 2017/18 124 houses were completed, and a further 599 are under construction. The next phase of sites is coming forward in 2018/19 and this year will see them progress while the previous phase is completed. Planning continues to be involved in forward planning for future phases, and is represented on the project board (EV 2).

User surveys carried out by the council suggest the approach has resulted in developments which are proving popular with their residents.





PRIVATE HOUSING

Development continues at the Core Development Areas (CDAs) and other strategic housing developments within the county.

At Heartlands in Whitburn there are now approximately 200 units occupied with a further 300 units consented or under consideration. The restoration from previous open casting on the site is virtually complete and there has been significant progress in terms of landscaping, footpaths and infrastructure in the last 12 months. The approach of regular progress meetings and the community liaison group continues to work well at Heartlands (and other major projects) allowing early engagement with developers and the community and a discussion forum for problems and issues that arise.

The Calderwood development will see 2,300 new houses developed; by March 2018 289 houses had been completed, and the second phase of housebuilding is well under way. Work has started on the infrastructure to support phase three, and Bellway and Taylor Wimpey will be on site in the near future to begin that phase of housebuilding.

Winchburgh CDA is approaching its 500th house completion and now has a new town centre, which is discussed below.

Case Study
Winchburgh
QUALITY OF OUTCOMES



Case Study Title	Winchburgh Town Centre
Location and Dates	Winchburgh, West Lothian 2015-18
Elements of a High Quality Planning Service this study relates to <i>(please select all that apply)</i>	<ul style="list-style-type: none"> • Quality of outcomes • Quality of service and engagement • Culture of continuous improvement
Key Markers <i>(please select all that apply)</i>	1, 3, 11
Key Areas of Work <i>(please select/delete all that apply, as appropriate)</i>	<ul style="list-style-type: none"> • Design • Environment • Town Centres • Masterplanning • Affordable Housing • Economic Development • Interdisciplinary Working • Collaborative Working • Community Engagement • Placemaking • Planning Applications
Stakeholders Involved <i>(please select/delete all that apply, as appropriate)</i>	<ul style="list-style-type: none"> • General Public • Local Developers • Key Agencies • Planning Committee • Authority Planning Staff • Authority Other Staff
Overview	The development of the first phase of a new town centre in Winchburgh has been a crucial element in the overall place making for the settlement expansion of Winchburgh.
Goals	The main goal for the settlement expansion was to ensure that commercial, leisure and community facilities were developed alongside and became complimentary to, the ongoing housing and that the new centre would be of a high quality design and finish.
Outcomes	The occupation of the 501st house is now approaching; 2017 saw the opening of a Sainsbury's store, the completion of four other commercial units, and a small civic square.
Name of key officer	Wendy McCorriston, Principal Planner

WINCHBURGH (Case Study 3)

The development of the first phase of a new town centre has been a crucial element in the settlement expansion of Winchburgh. Early on in the planning process planning officers promoted the development of attractive and accessible commercial, leisure and community uses alongside housing as fundamental to the success of Winchburgh as a place where people will want to live.

The planning permission in principle which was granted in 2012 required the first phase of a commercial centre to be in place prior to the occupation of the 501st house. The main goal for the settlement expansion was to ensure that commercial, leisure and community uses were developed alongside, and became complementary to, the ongoing development of housing. It was also important that as the first “town centre” to be developed in West Lothian in over 50 years – since the development of Livingston town centre – that the buildings and environment were of a high quality.

The occupation of the 501st house in Winchburgh is now approaching and 2017 saw the completion of a Sainsbury's local store and four other commercial units in a small civic square, with well planned, high quality, hard and soft landscaping and parking. The development of the wider town centre is continuing with the construction of 93 Affordable Housing Units, half by the council and half by a housing association.





The development of the centre has begun to attract other businesses seeking to develop there, including a children's nursery which obtained planning permission this year for a new, bespoke nursery building. Joint working between council officers and the overall developer's master plan team has ensured that the first phases of the town centre have achieved a consistently high quality of design and materials.



The high standard of design, attention to detail and quality of finishing materials have encouraged other developers working in Winchburgh to strive to match that quality. Bellway Homes and the private nursery provider mentioned above, for example, have both agreed to take on board the design features and materials that were achieved as part of the first phase. This approach will continue in later phases as the development of the town centre progresses, with the intention of giving Winchburgh an attractive centre which will help the new settlement attract new residents. This is essential to the creation of a thriving community and to the creation of place.

Case Study

The Local Development Plan

QUALITY OF SERVICE AND ENGAGEMENT



Case Study Title	The Local Development Plan		
Location and Dates	Various, ongoing		
Elements of a High Quality Planning Service this study relates to <i>(please select all that apply)</i>	<ul style="list-style-type: none"> • Quality of outcomes • Quality of service and engagement • Governance • Culture of continuous improvement 		
Key Markers <i>(please select all that apply)</i>	7, 8, 9, 10		
Key Areas of Work <i>(please select/delete all that apply, as appropriate)</i>	<ul style="list-style-type: none"> • Design • Conservation • Regeneration • Environment • Greenspace • Town Centres • Masterplanning • LDP & Supplementary Guidance • Housing Supply • Affordable Housing 	<ul style="list-style-type: none"> • Economic Development • Enforcement • Development Management Processes • Planning Applications • Interdisciplinary Working • Collaborative Working • Community Engagement • Placemaking • Charrettes 	<ul style="list-style-type: none"> • Place Standard • Performance Monitoring • Process Improvement • Project Management • Skills Sharing • Staff Training • Online Systems • Transport • Active Travel • Other (please note)
Stakeholders Involved <i>(please select/delete all that apply, as appropriate)</i>	<ul style="list-style-type: none"> • General Public • Hard to reach groups • Local Developers • Key Agencies 	<ul style="list-style-type: none"> • Planning Committee • Authority Planning Staff • Authority Other Staff • Other (please note) 	
Overview	A description of the activities which have taken place during the case study period.		
Goals	A description of how the case study aimed to contribute to the wider goals and outcomes of the planning service.		
Outcomes	A brief description of what the case study has demonstrated so far and any follow up work which will take place because of it. If the project is still underway please note what is still to be completed.		
Name of key officer	Fiona McBrierty/Steve Lovell		

What is the West Lothian Local Development Plan?

The LDP is the emerging land use plan for West Lothian, which will in time replace the adopted West Lothian Local Plan 2009. It must align with Scottish, the strategic development plan for Edinburgh and south east Scotland. It must also comply with Scottish Government guidance. The LDP covers the period 2014 - 2024. It is divided into various subject areas that are set out:

Vision Statement

By 2024 West Lothian's population will have grown and an improved employment position within a more diversified rural economy will have been established. There will be a greater choice of housing options available, supported by the full range of education, community health, retail, recreation and leisure facilities and network of open spaces. The area will enjoy better transport connectivity with more options for sustainable travel choices and more active travel routes.

Development will take place in a way that is sustainable, meeting the challenges of climate change and renewable energy, and resilient to the ever-increasing health and social inequalities. At the same time development will be based on world-class engineering, communities and the improving the quality of life for all living in West Lothian.



Economic Development and Growth

The LDP seeks to:

- provide an adequate and diverse range and quality of employment land and maintain West Lothian's attraction as an area which provides a range of choice for those wishing to invest and do business;
- promote West Lothian as an attractive tourist destination;
- continue to promote major development within the Core Development Areas (CDAs) previously established under the West Lothian Local Plan and located at Armadale, East Broxburn and Winchburgh and Livingston and the Almond Valley; and
- improve connectivity and accessibility within West Lothian and West Lothian's connectivity with surrounding areas.

Community Regeneration

The LDP seeks to:

- promote community regeneration through the development of brownfield sites, create local employment opportunities and help to address social inequalities. The plan supports a co-ordinated approach across agencies to help the council deliver the Single Outcome Agreement.



Housing Growth, Delivery and Sustainable Housing Locations

The LDP identifies:

- housing sites to meet requirements set by the Strategic Development Plan. This includes a number of undeveloped sites rolled forward from the West Lothian Local Plan together with a modest number of new allocations. The LDP continues to encourage development within the previously identified CDAs and also supports the council's new build housing programme; and
- the housing allocations are also designed to satisfy the requirement of Scottish Government to provide for a generous supply of housing land and maintain an effective five year housing land supply at all times.

THE LOCAL DEVELOPMENT PLAN (Case Study 4)

2017/18 saw the end of the process of the preparation of the Local Development Plan (LDP), which began in January 2011 with a 'Call for Sites' exercise which resulted in more than 200 submissions. The council assessed the development potential of the proposed sites against a series of environmental and infrastructure constraints, as well as considering potential sites against the merits of others identified in the current Local Plan which had not yet been developed.

The Main Issues Report (MIR) was published in June 2014, which (1) focused on the key issues that were changing from the current West Lothian Local Plan and (2) set out general proposals for development in the area to stimulate debate. An eight week consultation period, launched in August 2014, was the key stage for engaging with the public and consulting on the content of the new plan. During the consultation period council officers organised and participated in a number of public events and on its conclusion more than 250 representations had been received.

The representations were published on the council's web site, reviewed by officers and reported to elected members and helped inform the next key stage in the process, the production of the Proposed Plan in October 2015.

The Proposed Plan set the land use framework and contained key policies and proposals to guide development and investment in West Lothian over the next 5-10 years and beyond, and to provide the basis upon which planning applications would be determined.



The identification and selection of development sites in the Proposed Plan were influenced by considerations about matters such as accessibility and the relationship to transport infrastructure, and the availability and capacity of infrastructure, particularly in the school estate. The focus was also consciously on allocating sites that embraced derelict or brownfield land rather than greenfield, and increasing density on existing allocations in order to concentrate development in locations where infrastructure had already been committed.

Thereafter, the Proposed Plan was the subject of a six week consultation period and attracted in excess of 1,260 representations under 192 separate issues and from more than 700 parties.

In October 2016, having considered the content and substance of these representations, the council chose not to make any further amendments to the Proposed Plan. Formal responses to unresolved objections formed part of the

package submitted to the Government's Planning and Environmental Appeals Division (DPEA) for Examination. For administrative reasons, the examination was, however, not formally confirmed by DPEA as having commenced until January 2017.

During this period the council responded to more than 40 'Further Information Requests' from the Scottish Government appointed reporters which sought to clarify or expand on particular matters which were under consideration. The examination process was primarily conducted through the electronic exchange of documents and supplemented with some unaccompanied site visits.

The 'Report of Examination', was published in December 2017. The report concluded that there should be no changes to approximately half of the almost 200 'Issues' which were considered while the remainder were subject to modifications of varying degrees, many being changes of a relatively minor nature (wording, emphasis etc.) and primarily designed to provide greater clarity or consistency with either Scottish Planning Policy (SPP) or the approved Strategic Development Plan (SDP) for South East Scotland.

One of the most significant conclusions of the Report of Examination was that the LDP did not identify a sufficient amount of effective housing land in order to meet the housing supply target set by the SDP for 2009 – 2019 and this underpinned many of the modifications, not least the Reporters' recommendation that land for an additional 1,500 new houses should be allocated on nine sites across West Lothian . At the same time however, almost 1,300 houses were removed from the plan (largely for reasons allied to perceived non-effectiveness). Another notable conclusion was that there was an excessive provision of employment land in the LDP Proposed Plan and that this could be more usefully re-purposed for housing use.





Recommended modifications made by Reporters are essentially binding and Planning Authorities do not have the ability to reject a modification simply because they disagree with it. While there is provision, in specific and prescribed 'exceptional circumstances', to take issue with a modification, there were no grounds for doing so in this instance and at a meeting of the Council Executive in March 2018 it was agreed to adopt the plan as modified. Following this decision, the process of notifying Scottish Ministers that the council proposed to adopt the plan was initiated on 5 April and confirmation that it can proceed is awaited. It is anticipated that the West Lothian Local Development Plan will be adopted in late summer 2018.

Case Study

Partnership Centres

QUALITY OF SERVICE AND ENGAGEMENT

5



Case Study Title	Partnership Centres
Location and Dates	Linlithgow, East Calder, Blackburn
Elements of a High Quality Planning Service this study relates to <i>(please select all that apply)</i>	<ul style="list-style-type: none"> • Quality of outcomes • Quality of service and engagement • Governance
Key Markers <i>(please select all that apply)</i>	2, 3, 10, 12
Key Areas of Work <i>(please select/delete all that apply, as appropriate)</i>	<ul style="list-style-type: none"> • Design • Regeneration • Town Centres • Placemaking • Interdisciplinary Working • Collaborative Working • Community Engagement • Project Management
Stakeholders Involved <i>(please select/delete all that apply, as appropriate)</i>	<ul style="list-style-type: none"> • General Public • Hard to reach groups • Key Agencies • Authority Planning Staff • Authority Other Staff • Community Groups
Overview	The Partnership centres have become valued community assets
Goals	The Partnership Centres developed over the past year contribute to the continuing programme of development of Partnership Centres across West Lothian, as an essential part of the integration of council services within communities.
Outcomes	The developments followed established joint working partnerships between different parts of the council to ensure that they were delivered on time.
Name of key officer	Various

PARTNERSHIP CENTRES (Case Study 5)

The year has seen a number of developments completed which were trailed in last year's report: the [Linlithgow Partnership Centre](#) and [East Calder Partnership Centre](#) both opened successfully in 2017/18 and have become an essential part of the fabric of their communities. [Blackburn Partnership Centre](#) is set to open in June 2018; this will be the sixth partnership centre in West Lothian, rolling out a successful model which sees libraries, the council's Customer Information Service, and community services sharing buildings with health services and Police Scotland. Different parts of the council have worked in partnership to deliver these centres; working groups of officers from housing, planning, building standards and operational services met regularly to ensure that any issues were quickly identified and resolved.

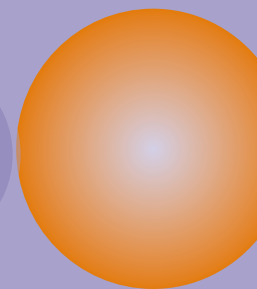
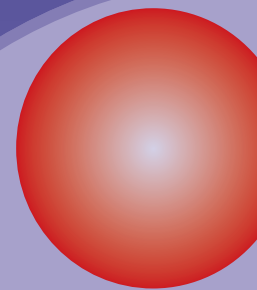




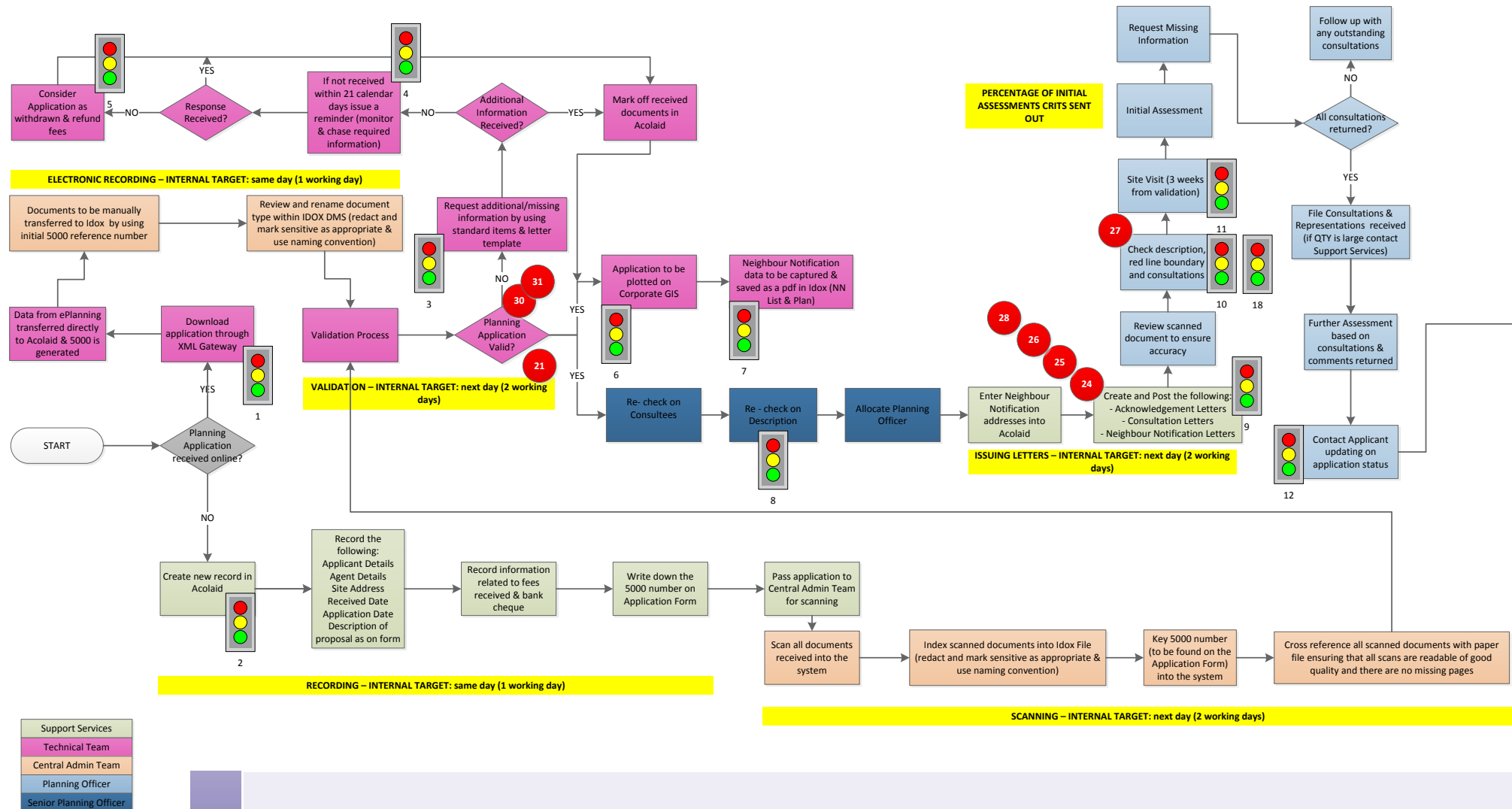
EAST CALDER PARTNERSHIP CENTRE

Case Study
Process
GOVERNANCE

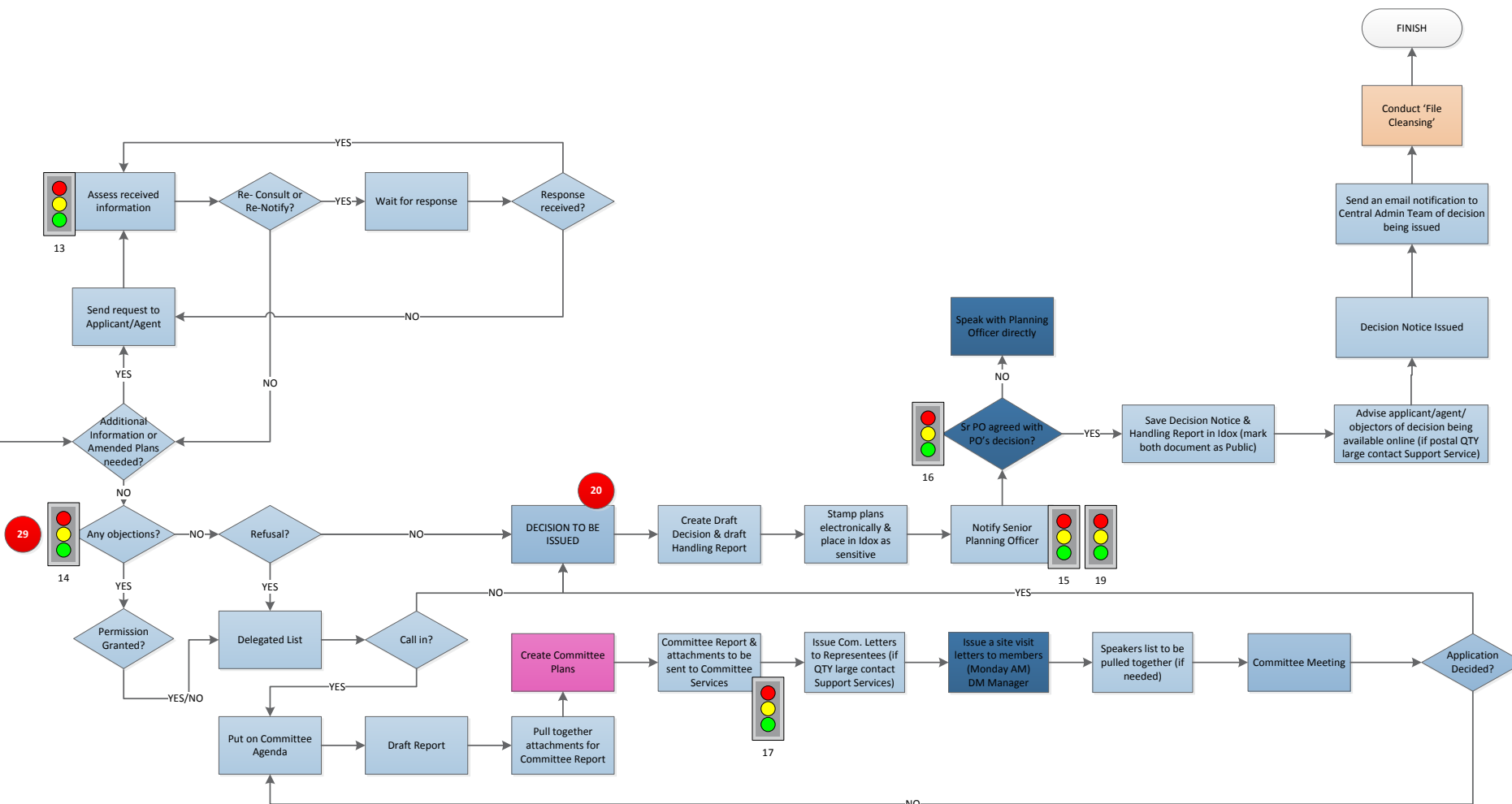
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PROCESS (Case Study 6)



In July/August 2017 Planning Services upgraded its software system for registering, monitoring and tracking planning applications and building warrants, and enforcement complaints. The dip in performance while the new system was installed and existing information was migrated was expected, and planned for. Customers' expectations were managed by personally targeted communication and messages on the website and no complaints about delays were received.



The new software allows for enhanced performance monitoring by case officers and managers, and a system of 'traffic light' alerts aids that process. The introduction of the new software was used as an opportunity to redesign our processes, using critical path analysis to create process maps for the registration, processing and issuing of planning applications, building on previous years' success in greater use of digital technology to create an entirely paperless system for determining planning applications. As part of this shift to a paperless system all DM officers have been issued with tablets for site visits. The council is also an active participant in the Government's digital transformation project; the council is a member of the Government's Digital Taskforce which is driving proposals for a national verification process.

Case Study Title	Process
Location and Dates	Development Management
Elements of a High Quality Planning Service this study relates to <i>(please select all that apply)</i>	<ul style="list-style-type: none"> • Quality of outcomes • Quality of service and engagement • Governance
Key Markers <i>(please select all that apply)</i>	1, 6, 13
Key Areas of Work <i>(please select/delete all that apply, as appropriate)</i>	<ul style="list-style-type: none"> • Development Management Processes • Planning Applications • Performance Monitoring • Process Improvement • Staff Training
Stakeholders Involved <i>(please select/delete all that apply, as appropriate)</i>	<ul style="list-style-type: none"> • Authority Planning Staff • Authority Other Staff
Overview	The service's software for registering, processing and issuing applications has been updated, and the processes followed have been reviewed and improved, leading to better outcomes for the service and its customers
Goals	The remodelled processes and practices have improved the service to our customers and improved the effectiveness of planning staff.
Outcomes	The processing time for applications has fallen and the service to our clients has improved in terms of delivery of the final decision notice. The service now has a culture of continuous improvement, with staff actively engaged in reviewing processes with a view to improving them when possible
Name of key officer	Ross Burton

Case Study

Enforcement Process – designing a new enforcement system

GOVERNANCE



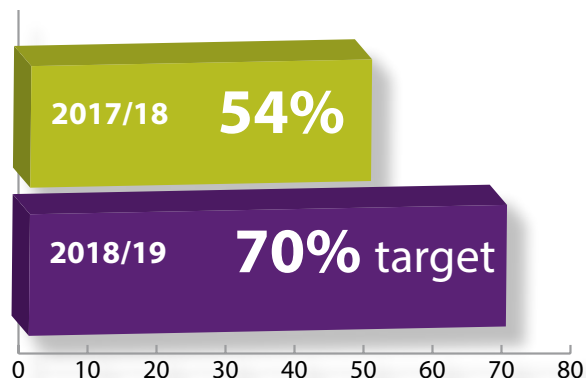
Case Study Title	Enforcement Process
Location and Dates	Development Management
Elements of a High Quality Planning Service this study relates to <i>(please select all that apply)</i>	<ul style="list-style-type: none"> • Quality of outcomes • Quality of service and engagement • Governance • Culture of continuous improvement
Key Markers <i>(please select all that apply)</i>	1, 6
Key Areas of Work <i>(please select/delete all that apply, as appropriate)</i>	<ul style="list-style-type: none"> • Environment • Enforcement • Development Management Processes • Level of service • Staff Training • Collaborative Working • Performance Monitoring • Process Improvement • Project Management • Online System
Stakeholders Involved <i>(please select/delete all that apply, as appropriate)</i>	<ul style="list-style-type: none"> • General Public • Elected members • Planning Committee • Authority Planning Staff • Authority Other Staff
Overview	The receipt, processing and tracking of enforcement complaints has been redesigned and digitised.
Goals	The redesigned service is intended to be more customer friendly and responsive, and to offer an improved service to the public.
Outcomes	The performance indicators for the service show a marked and sustained improvement.
Name of key officer	Claire Johnston

ENFORCEMENT PROCESS – DESIGNING A NEW ENFORCEMENT SYSTEM (Case Study 7)

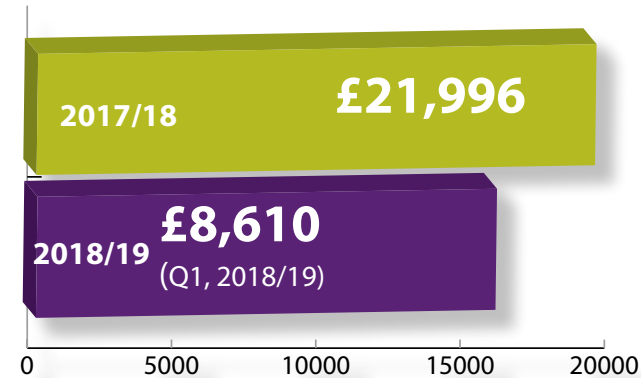
The introduction of the new software mentioned under the previous case study also gave the an opportunity for wholesale redesign of the council's [enforcement service](#). The reception and processing of enforcement complaints was mapped and inefficiencies were identified ([EV 3](#)). The revised process was also designed to be more interactive, directing members of the public to a bespoke interactive form on the council's website. The new Uniform system allows for greater oversight of cases, by the case officer and manager; it generates traffic light style reminders which have proved an effective way of ensuring a continuing high level of performance. Two new management level Performance Indicators (PIs) have been introduced, one of which measures the percentage of new cases visited within the timescale set out in the Charter (10 working days) and another which measures the percentage of cases closed within four months. In 2017/18 this figure was just over 50%, due to the continuing backlog of cases (over 700 at the start of the process) which the team was dealing with. This figure is expected to better the target of 70% in the following year, when the backlog will be largely cleared ([EV 4](#)).

The software allows the team to scrutinise the detail of the latter indicator, and to examine the reasons for case closure - no breach, breach resolved, take no action, application submitted. The team actively encourages applications as a way of resolving breaches. Uniform can link applications and enforcement cases, which enables the fees generated by the submission of an application as a result of enforcement action to be quantified. In 2017/18 £21,996 was generated as a result of enforcement action; in the first three months of 2018/19 the figure was £8,610, giving confidence that the eventual figure for the year will be higher than the 2017 figure.

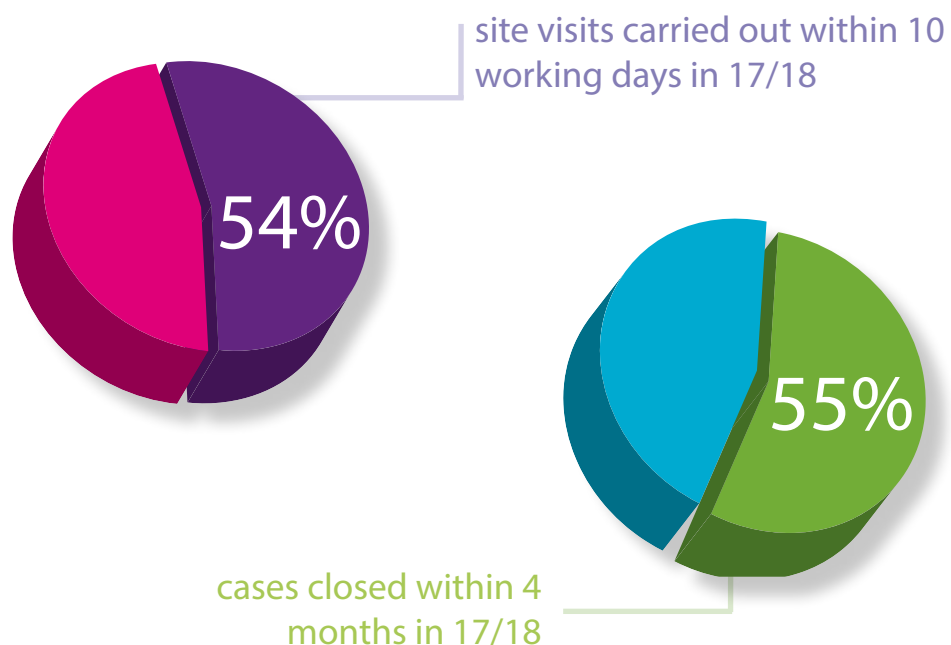
Cases visited within timescale



Application fees generated by result of enforcement action



Fee Income from applications subject to enforcement action: £21,996



A critical part of the new process has been managing the expectations of elected members, and encouraging them to buy into the new reporting system. To do this, specialised enforcement training was offered to all members. The training was aimed particularly at newly elected members of the council, but on the day almost all members of the council attended. The training was well received and the feedback was positive. This was followed by training for members' support services, which, following open discussion about their specific requirements, resulted in the creation of a bespoke reporting form for members to use (EV 5), which ensures that the team has all the information required to investigate and report back. The engagement of members' support staff has been crucial to the success of the redesigned service; previously the enforcement team had received frequent emails from members, via their support teams, which did not have sufficient information and which were followed, sometimes very rapidly, by requests for updates. Members' increased level of understanding about the enforcement process and the timescales involved has led to a more efficient service which is proving beneficial to both the enforcement team and the elected members.

Case Study

Contribution Tracking

GOVERNANCE

8



Case Study Title	Contribution Tracking
Location and Dates	Civic Centre (and Midlothian Council); 2017
Elements of a High Quality Planning Service this study relates to <i>(please select all that apply)</i>	<ul style="list-style-type: none"> • Quality of outcomes • Quality of service and engagement • Governance • Culture of continuous improvement
Key Markers <i>(please select all that apply)</i>	2, 4, 6, 12, 15
Key Areas of Work <i>(please select/delete all that apply, as appropriate)</i>	<ul style="list-style-type: none"> • Affordable Housing • Economic Development • Development Management Processes • Planning Applications • Collaborative Working • Process Improvement • Project Management • Skills Sharing • Staff Training • Online Systems
Stakeholders Involved <i>(please select/delete all that apply, as appropriate)</i>	<ul style="list-style-type: none"> • Local Developers • Authority Planning Staff • Authority Other Staff
Overview	A new electronic tracking system for developer contributions has been developed and established, by West Lothian and Midlothian Councils
Goals	To track contribution payments better and improve the timeous issuing of invoices.
Outcomes	The project will reduce the risk of contributions not being paid on time and will ensure that all contributions are correctly allocated when received. It will improve certainty for the developer and will ensure that infrastructure which will be funded by the contributions is in place at the required stage of the development.
Name of key officer	Mark Brooks



CONTRIBUTION TRACKING (Case Study 8)

The scale of development pressure in West Lothian puts a considerable strain on infrastructure, particularly the educational estate. Consequently, developers are required to fund improvements and extensions to schools, and the provision of new schools where required. The financial contributions required from developers are subject to supplementary guidance and are typically secured by a legal agreement, under Section 75 of the Planning Act. The council is in the process of introducing a new system, Exacom, for tracking developer contributions, and for ensuring that contributions for different projects are given the appropriate financial coding. It will also allow a contributions officer to generate invoices when required for phased contributions, removing that task from case officers.

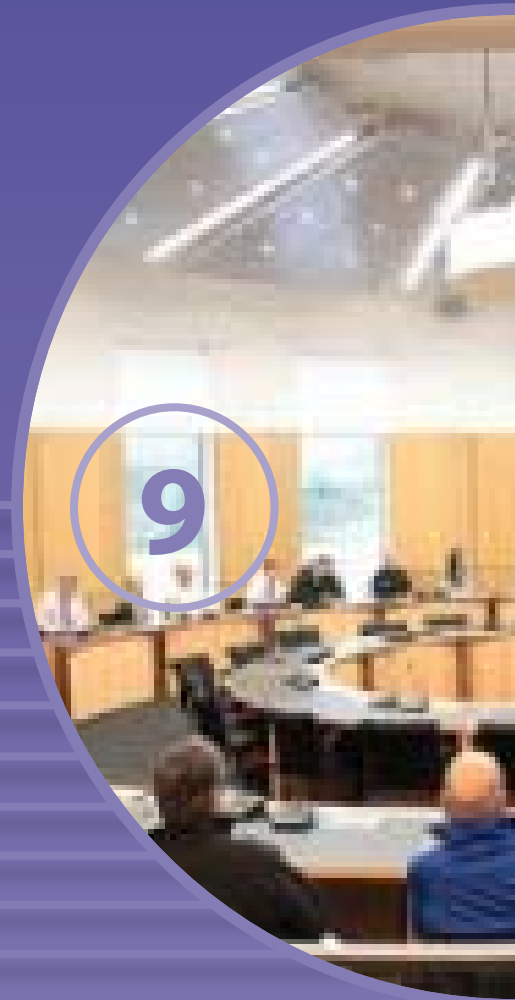
Total completions of new build
council houses in 2017/18: **124**
Under construction: **599**



Case Study

Member Training

GOVERNANCE



Case Study Title	Member Training
Location and Dates	Civic Centre, various dates
Elements of a High Quality Planning Service this study relates to <i>(please select all that apply)</i>	<ul style="list-style-type: none"> • Quality of outcomes • Quality of service and engagement • Governance • Culture of continuous improvement
Key Markers <i>(please select all that apply)</i>	1, 6, 12
Key Areas of Work <i>(please select/delete all that apply, as appropriate)</i>	<ul style="list-style-type: none"> • Development Management Processes • Collaborative Working • Other: Member engagement • Process Improvement • Staff Training • Online Systems
Stakeholders Involved <i>(please select/delete all that apply, as appropriate)</i>	<ul style="list-style-type: none"> • Elected Members • Authority Planning Staff • Authority Other Staff
Overview	Elected members have been offered specialised training sessions on matters such as material considerations, reasons for refusal and the enforcement process.
Goals	The exercise is aimed at increasing members' knowledge of planning legislation, practice and procedures.
Outcomes	Elected members have a greater understanding and appreciation of planning legislation, material considerations and the enforcement process. The inclusion of members' support staff in the training, and the discussions which came from that training, has resulted in the creation of a bespoke members' enforcement reporting form, which all members, through their support staff, now use. Members and their staff are also now aware of the timescales for investigation and response and accept them.
Name of key officer	Claire Johnston

MEMBER TRAINING (Case Study 9)

The council elections in 2017 saw 12 new elected members joining the council. In line with Government advice all were offered training which covered the basics of the planning system and was well received. In addition to this, following discussion with members, more specialised training was offered, in enforcement (see case study 3) and material considerations. The latter was delivered by a planning lawyer from an external source and covered reasons for refusal, with particular reference to material considerations and the test of reasonableness.

The training has proved invaluable in ensuring the smooth running of the Development Management committee and will be repeated in the future as circumstances call for it. Members are now open to the idea of refresher training taking place continuously, and attendance at the more targeted sessions has been excellent.

Enforcement complaint form

- For member's service
- Please give as much details as possible.
- Ensure form is fully completed.

Guiding Principles

- **Consistency**
 - Similar enforcement cases are dealt with in the same manner
- **Fairness**
 - Equitable and fair response and treatment
- **Proportionality**
 - Enforcement action relates to the degree of breach of planning control
- **Clarity**
 - Enforcement action is easily understood
- **Fairness**
 - Enforcement decisions are not influenced by the ethnic origin.

Key points on planning enforcement

- Planning enforcement has statutory powers to investigate breaches and take action, up to and including direct action or reporting a breach to the Procurator Fiscal.
- Our powers are discretionary - for us to take action a breach has to be causing harm, we have to decide whether it is in the public interest to take action.
- There can be breaches which are considered minor which we take a decision not to take action, we cannot pursue enforcement action purely to rectify a breach.
- Anyone who has carried out unauthorised work that needs planning permission has the right to make a planning application. If an application is submitted, enforcement action is put on hold until it's determined.
- Formal enforcement action can be 'slow' we have to know the owner, who the notice has to be served on, and following the 28 days which have to be allowed for an appeal, to give a 'reasonable' time for compliance
- There is a right of appeal against most types of notice. Appeals go to the Government Reporters' Unit.

What Planning Enforcement can, and can't do

Investigate alleged breaches of planning control, such as:

- Unauthorised development or changes of use
- Failure to comply with conditions attached to a planning permission
- Poor maintenance of land or buildings affecting local amenity
- Unauthorised work to, or lack of maintenance of, a listed building
- Unauthorised works to a tree protected by a Tree Preservation Order

Intervene in ownership disputes

- Noise and smoke pollution
- Internal changes to buildings
- Road and traffic safety
- Flooding
- Contamination

We can **We Cannot**

Extracts from Members' enforcement training

CULTURE OF CONTINUOUS IMPROVEMENT

Delivering an effective enforcement service

An effective [enforcement](#) service is vital if the council is to meet its obligations for safeguarding the environment and protecting the amenity of local residents. It is also an important element in the public's perception of the effectiveness of the planning system generally. The redesign of the enforcement service described in Case Study 7 coincided with the employment of a Modern Apprentice to carry out administrative tasks such as monitoring the enforcement email inbox, registering new cases, and sending out standard letters/emails such as acknowledgments and case updates/closing. This and the improvements from the process mapping exercise and new software, has dramatically improved the functioning and performance of West Lothian's planning enforcement service.

Improvements put in place in 2016/17 such as [interactive reporting forms](#) were followed in 2017/18 by the rollout of these to members ([EV 5](#)). New performance indicators have been introduced, including one which measures the number of days between the reception of a new case and the initial site visit ([EV 4](#)). Against a service standard of 10 working days, the service carried out an initial site visit within the target in 54% of cases in 2017/18; in 2016/17 the figure was 40%. The increase in performance across the last three years is even more pronounced when the number of cases closed within four months (service level agreement) is compared: 2016/17 – 44% of cases; 2017/18 - 62%. Fully staffed, with revised procedures which make full use of digital technology, the planning enforcement team is able to offer an improved, high quality service to West Lothian residents.

The improvement journey that started with the formation of the current team is set to continue; we are currently considering the introduction of a new service, whereby applicants would be able to obtain a certificate of completion on request, giving confirmation that all conditions attached to their consent have been discharged. This is likely to be a charged service; if it proves popular it could generate a significant amount of staff time and the additional funding raised might be used to fund a new member of staff, full or part time, to ensure that the team's other targets do not suffer.

One aspect of the service which does not operate as it should is taking direct action. While the team has proved effective in resolving most of the breaches which it deals with, either by the submission of a planning application or by remedial action, some cases can only be resolved by taking direct action. At present there is no budget identified for this, and efforts continue to remedy the situation, although in a time of extreme financial constraint this is proving difficult.

2 Supporting Evidence

The items of supporting evidence for the service improvements outlined in this document are referenced throughout the document. Uptake of the new charged pre-application service, mentioned in PPF 6, is the subject of the first piece of evidence, EV 1; the focus on partnership working, as practiced to ensure the delivery of the council's house-building programme, is the subject of EV 2; improved processes for applications and enforcement cases are evidenced by EV 3 and the result, in terms of performance, by EV 4. The culture of continuous improvement, using the examples of an improved member reporting form and procedure and changes to the scheme of delegation, are evidenced by EV 5 and EV 6, which also demonstrates a commitment to benchmarking. Other benchmarking tools the service uses include: the Knowledge Hub, Heads of Planning (Development Management) meetings; the enforcement officers' forum.

The service strives to work in active partnership with other parts of the council and external agencies. Heads of Development Management and Building Standards meet the Business Development Manager to discuss applications of mutual interest and business proposals which might become applications; the enforcement service has a working partnership agreement with Police Scotland, members of the Development Management team attend team meetings of Business Development staff, and the planning service's involvement in the partnership approach to the council house building programme has seen regular attendance at planning and board meetings.

The full list of appended evidence documents, referenced in the text of this report, is:

- EV 1 - copy of the meeting note from the Bangour pre-application meeting
- EV 2 - copy of a minute of a council housing working group
- EV 3 - enforcement process maps
- EV 4 - Enforcement Service Performance Indicator charts
- EV 5 - copy of members' enforcement complaint form
- EV 6 - scheme of delegation benchmarking results

3 Service Improvements

In the coming year we will:

1	Adopt the Local Development Plan
2	Following adoption of the LDP, revise all our Supplementary Planning Guidance
3	Introduce a contributions tracker for developer contributions, and consider expanding it to other legal agreements
4	Introduce a new process for dealing with contaminated land consultations. We will use Uniform to link requests for contaminated land assessments issued by Development Management and Building Standards, to avoid duplication and potential confusion between the two systems. As part of this we will map the process and take the opportunity to make other improvements to it.
5	Introduce a new planning condition approval service, possibly as a charged service, which will offer developers a 'completion certificate' for conditions attached to their planning permission.
6	Improve and update our processes (using process mapping) for monitoring conditions on new-build housing developments, using Uniform to track new house completions, helping our enforcement team to become more pro-active in monitoring conditions, and working in partnership with Building Standards, Flood Prevention and Environmental Health in monitoring pre-commencement conditions.
7	Introduce a revised scheme of delegation.
8	Review and revise our guidance on submitting planning applications.
9	Improve our procedures for legal agreements attached to planning permissions, by producing a standard template, pre-populated with the appropriate developer contributions, for sending to the applicant with the 'minded to grant' letter.
10	Continue to be actively involved in national projects, such as the Government's proposals for a digital transformation of the planning process.

Delivery of our service improvement actions in 2017-18:

Committed improvements and actions	Complete?
Fixed Penalty Notices for enforcement <ul style="list-style-type: none"> Evidence from benchmarking is currently being gathered, and discussion with the council's financial services on implementation is ongoing 	No
Complete transfer to Uniform <ul style="list-style-type: none"> Transfer occurred in July 2017. Uniform is now used by Development Management, including enforcement, and Building Standards 	Yes
Implement revised scheme of delegation <ul style="list-style-type: none"> A revised scheme has been drafted, but discussion is ongoing following an extensive benchmarking exercise The completion of the scheme has been delayed pending the forthcoming legislation changes 	No
Develop and implement new ways of engaging with different customer groups about finished product/place <ul style="list-style-type: none"> A survey has been undertaken with colleagues in Housing Services to gauge customer satisfaction with the new council houses occupied in 2017/18 The service is considering ways to roll out this kind of survey to other developments 	Partly
Introduce procedure to avoid applications going over 12 months <ul style="list-style-type: none"> Revised 'traffic light' notifications are in place which facilitate greater levels of scrutiny by officers and managers Greater use is being made of extension of time agreements with applicants 	Yes

4 National Headline Indicators (NHI)

The National Headline Indicators (NHI) are a detailed list of work programme information that each planning service needs to collate in-house. They are designed by HOPS to allow for ongoing measurement of performance. The template below allows for 2016/17 and 2017/18 to be recorded in a consistent format. Additional guidance on completion is included within the template itself.

Please note that some of the indicators have been removed, adjusted or redefined from previous years.

A: NHI KEY OUTCOMES - DEVELOPMENT PLANNING

Development Planning	2017-18	2016-17
Local and Strategic Development Planning		
Age of local/strategic development plan(s) at end of reporting period <i>Requirement: less than 5 years</i>	9 years and 5 months	8 Years and 7 months
Will the local/strategic development plan(s) be replaced by their 5th anniversary according to the current development plan scheme?	N	N
Has the expected date of submission of the plan to Scottish Ministers in the development plan scheme changed over the past year?	Y-later	Y-later
Were development plan scheme engagement/consultation commitments met during the year?	Y	Y
Effective Land Supply and Delivery of Outputs		
Established housing land supply	24,763 units	25,143 units
5-year effective housing land supply programming	7,853 units	8,854 units
5-year effective land supply total capacity	21,704 units	23,391 units
5-year housing supply target	6,238 units	6,062 units
5-year effective housing land supply (to one decimal place)	6.3 years	7.3 years
Housing approvals	604 units	884 units
Housing completions over the last 5 years	units 2017 – 597 2016 – 884 2015 – 775 2014 – 615 2013 – 523	units 2015/16 – 964 2014/15 – 767 2013/14 – 797 2012/13 – 867 2011/12 – 1057
Marketable employment land supply	214 ha	527 ha
Employment land take-up during reporting year	93 ha	14 ha

B: NHI KEY OUTCOMES – DEVELOPMENT MANAGEMENT

Development Management	2017-18	2016-17
Project Planning		
Percentage and number of applications subject to pre-application advice	1.8%	4.7 %
Percentage and number of major applications subject to processing agreement	0 %	0 %
Decision Making		
Application approval rate	93.8%	92.1%
Delegation rate	95.1%	95.3%
Validation	97%	63.21%
Decision-making Timescales		
Major Developments	63 weeks	30.8 weeks
Local developments (non-householder)	9.8 weeks	11.8 weeks
Householder developments	6.5 weeks	5.6 weeks
Legacy Cases		
Number cleared during reporting period	13	13
Number remaining	72	-

C: ENFORCEMENT ACTIVITY

	2017-18	2016-17
Time since enforcement charter published / reviewed <i>Requirement: review every 2 years</i>	months	months
Complaints lodged and investigated	319	216
Breaches identified – no further action taken	30	66
Cases closed	369	507
Notices served	38	51
Direct Action	0	0
Reports to Procurator Fiscal	0	0
Prosecutions	0	0

D: NHI KEY OUTCOMES – COMMENTARY

Commentary : the council's enforcement team is now established, using improved processes and software, and the KPIs show a continuing performance which we expect to continue into 2018/19

The enforcement process has been overhauled, using process mapping and lean management practices. It is now delivering an improved service to West Lothian residents, and the service will continue to improve.

Reasons/factors which have influenced performance and any increase/decrease : the redesign of all the processes, the training and buy-in of elected members and their support staff, and the increase in the team numbers to three - a planning officer, enforcement assistant and admin assistant - have all played a part in the improvement to the service. The importunities which new technologies have brought to improve communication and make the customer/council interface easier to navigate for our customers has also been crucial.



5 Government Official Statistics

Scottish Government Official Statistics are drawn from quarterly returns by planning authorities. They are collated into an annual set of figures that is published on the Scottish Government website. The template below allows the information from these returns to be recorded in a consistent format. Additional guidance on how to access the statistics is included within the template itself.

A: DECISION-MAKING TIMESCALES (based on 'all applications' timescales)

Timescales	2017-18	2017-18	2016-17
Overall			
Major developments	6	63 weeks	30.8 weeks
Local developments (non-householder)	282	9.8 weeks	11.8 weeks
• Local: less than 2 months	78.2%		
• Local: more than 2 months	21.8%		
Householder developments	295	6.5 weeks	5.6 weeks
• Local: less than 2 months	5.6 %		
• Local: more than 2 months	12.5 %		
Housing Developments			
Major	3	113.4 weeks	32.8 weeks
Local housing developments	54	15.3 weeks	18.4 weeks
• Local: less than 2 months	42.6%		
• Local: more than 2 months	57.4%		
Business and Industry			
Major	1	5.7 weeks	n/a
Local business and industry developments	49	6.9 weeks	8.5 weeks
• Local: less than 2 months	79.6%		
• Local: more than 2 months	20.4%		
EIA Developments	0	n/a	n/a
Other Consents			
• As listed in the guidance (right)	127	5.8 weeks	4.5 weeks
Planning/legal agreements			
• Major: average time	3	113.4 weeks	60.7 weeks
• Local: average time	21	28.5 weeks	33.8 weeks

6 Workforce Information

	Tier 1	Tier 2	Tier 3	Tier 4
	Chief Executive	Director	Head of Service	Manager
Head of Planning Service				2 (sharing management tasks, in acting capacity)

RTPI Qualified Staff	Headcount	FTE
Development Management	6	5.5
Development Planning	9	8.5
Enforcement	2	1.8
Specialists	3	2.5
Other (including staff not RTPI eligible)	2	2

Staff Age Profile	Headcount
Under 30	7
30-39	4
40-49	5
50 and over	6

7 Planning Committee Information

Committee and Site Visits	Number per year
Full council meetings	13
Planning committees	13
Area committees	
Committee site visits	All sites
Local Review Body	6
LRB site visits	All sites

