

## **NATIONAL PLANNING IMPROVEMENT FRAMEWORK**

# **East Lothian Council Planning Service Performance Assessment**

**Cohort 1**

**October 2024**

1. Please use this document as a template for the self-assessment. If you can please state which planning authority you are and your lead officer below.

<b>Planning Authority:</b>	<b>East Lothian Council</b>
<b>Lead officer:</b>	<b>Marek Mackowiak</b>
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2. Please use the below matrix when determining what score you are giving each attribute. We ask that if you score a 1 or 2 that you provide a good practice example, a separate template for this will be provided.

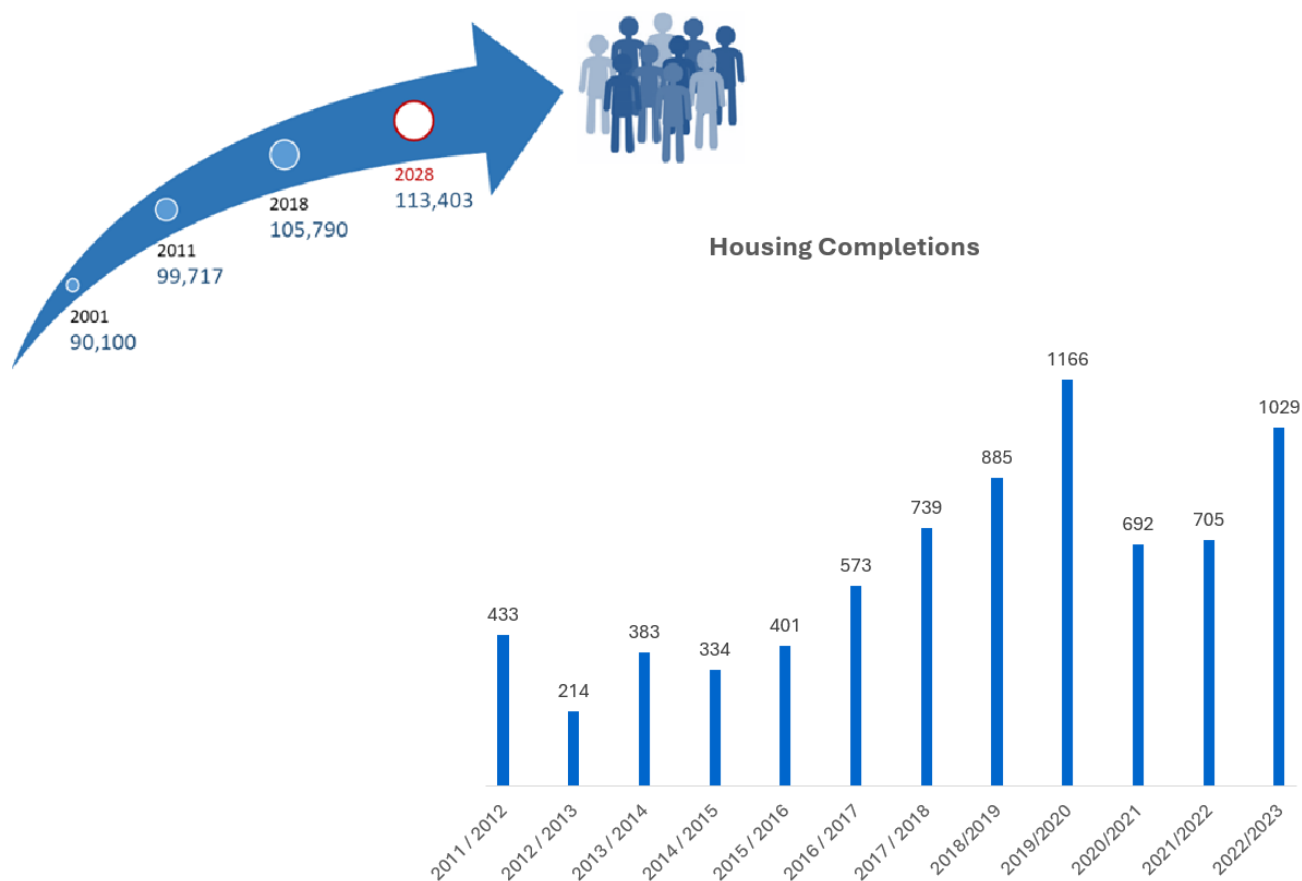
<input type="checkbox"/>	1	Making excellent progress	<b>Consolidate</b> Share learning with others
<input type="checkbox"/>	2	Making good progress	<b>Build upon</b> Increase ambition in targets Share learning with others
<input type="checkbox"/>	3	Making fair progress	<b>Develop</b> Increase ambition in targets Review and improve implementation
<input type="checkbox"/>	4	Making limited progress	<b>Review</b> Review ambition Review approach taken Inform NPI Learn from others
<input type="checkbox"/>	5	No progress	<b>Prioritise</b> Prioritise fundamental review and revisit approach taken. Engage with NPI Learn from others

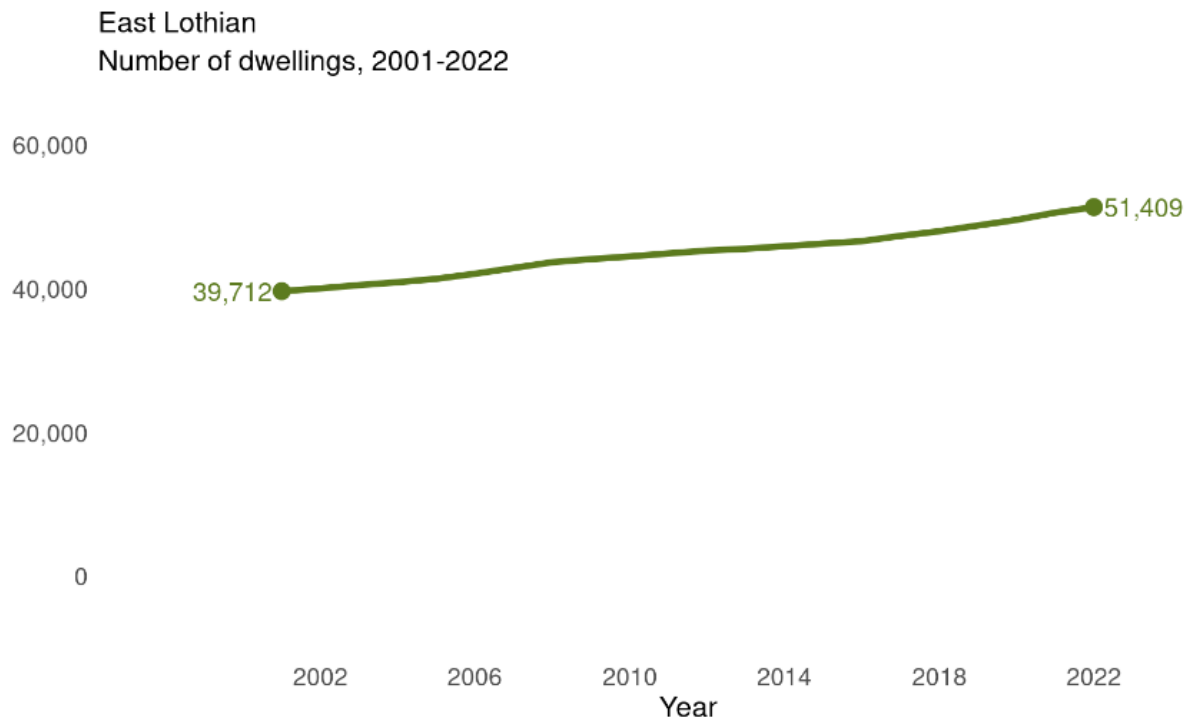
## INTRODUCTION

East Lothian has a varied and attractive landscape character and is rich in cultural heritage with a significant number of listed buildings, conservation areas, scheduled and unscheduled archaeology, designed landscapes and historic battlefields. The Council seeks to protect these key heritage assets whilst balancing the need to meet the demand for new homes, business and infrastructure.



East Lothian remains one of the fastest growing areas in Scotland and this is reflected in the provision of record numbers of homes in East Lothian. Indeed, according to new figures from National Records of Scotland, between 2018 and 2028 the population of East Lothian is projected to increase from 105,790 to 113,403, an increase of 7.2%.





As recommended by the National Planning Improvement Framework Guidance this draft Assessment will undergo a peer review process. East Lothian Council wishes to thank Stirling Council and all other stakeholders involved in this process for their help.



A high performing planning authority needs to have the right number of people to do the work expected of it with the rights skills set. It also needs to have a strategy to ensure that it retains and recruits the right staff in the future. It supports staff to upskill and to be prepared for changes in policy, legislation, and new circumstances.

### **ATTRIBUTE 1: THIS PLANNING AUTHORITY HAS SUFFICIENT RESOURCES AND SKILLS TO MAXIMISE PRODUCTIVITY**

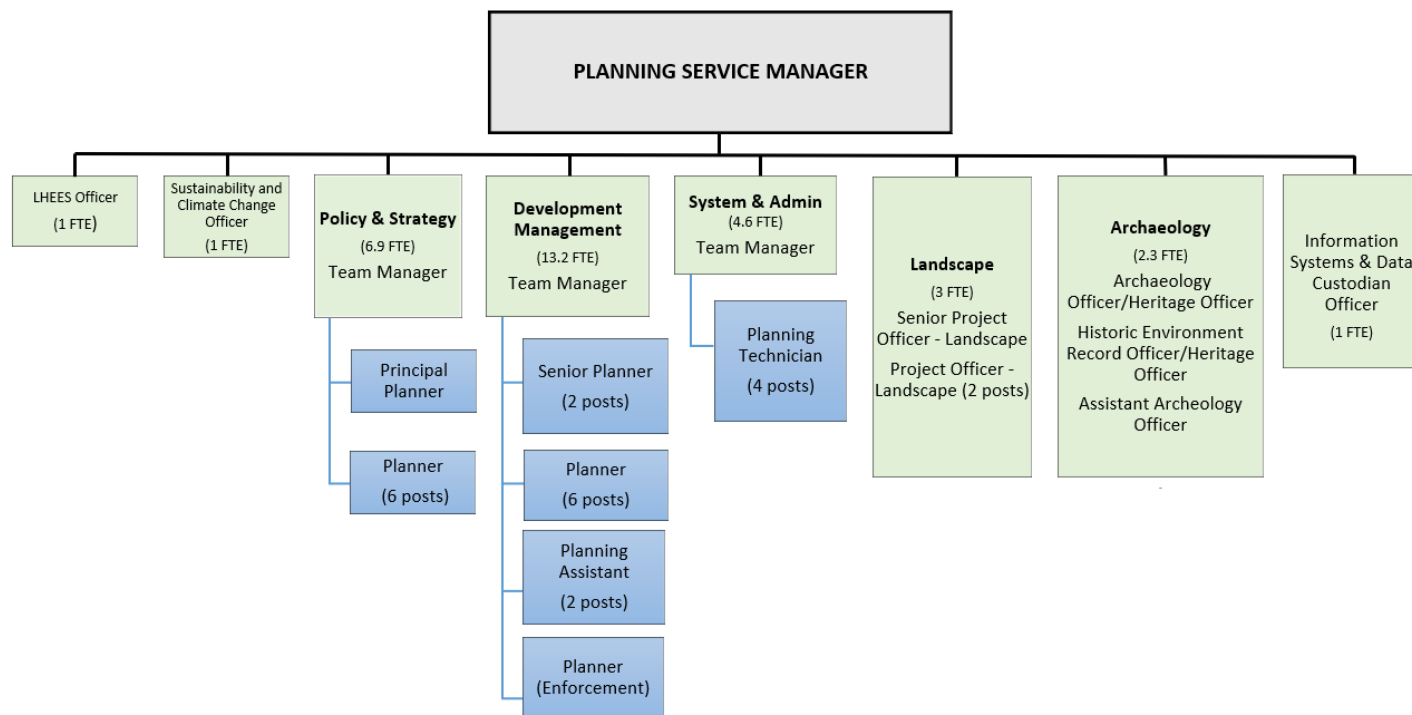
Please consider the following when thinking about this attribute and how you have performed over the last year:

- Does the planning authority have the sufficient level of staff to carry out all activities within the required timeframes?
- Does the planning authority have the ability to carry out all activities within the required timeframes with its current budget?
- Does the planning authority have the ability to carry out all activities within the required timeframes with its current income?
- Does the planning authority received responses from consultees within the prescribed timescale when assessing planning applications?
- Does the planning authority have the ability to access the appropriate advice, expertise, evidence and data it requires?

#### **Narrative**

Our workforce has been largely stable over the last year. One development management planner left the Council in October 2023, and his vacant post will be taken by our current enforcement planner. As an efficiency measure, our enforcement planner will not take up her new role until May 2024. This will give us time to hopefully recruit a new enforcement planner. The planning authority have the sufficient level of staff to carry out all activities within the required timeframes.

This workforce information provides a snapshot of the authorities planning staff in position on the 31st of March 2024.



One of the pressures identified relates to the influx of energy generation proposals. The Planning Service is currently seeking external funding to enable the recruitment of an additional temporary planner so as to provide extra capacity.

Given the severity of the financial position facing the Council, a number of mitigating actions have been in place since November 2022. These include enhanced controls around recruitment and vacancies. However, these mitigating actions have not adversely impacted on the Planning Service, which has the ability to carry out all activities within the required timeframes with its current income and budget. In saying that, this is becoming increasingly difficult. The combination of the severity of the financial position facing the Council, increased number of Section 36 energy development and short term let planning applications, together with the many new and unfunded duties imposed on planning authorities, increases future risk that the Planning Service will not be able to maintain its current performance. It is for this reason that the Planning Service, in responding to a recent Scottish Government consultation on “Investing in planning - resourcing Scotland's planning system”, expressed strong support for proposals to increase planning application fees and increasing opportunities for discretionary funding.

The effectiveness of a Planning Service is partly dependent on the service it receives from consultees. The Service consults with both internal and external stakeholders, including the Key Agencies on both planning applications and matters relating to Local Development Plan.

Consultees are given 14 days to comment on planning application consultations. Where possible, the Planning Service will agree an extension to this date, should an extension be sought by a consultee. This is particularly the case for community councils, who sometimes only meet on a monthly basis and who will often request extensions. Some consultees will provide timeous responses. Unfortunately however some consultees will often provide late, or in some cases, no response. This creates difficulties for the Planning Services and can lead to frustrations for applicants and other parties, as the determination of applications is delayed. As a service improvement, The Council's Chief Planning Officer will email all consultees to remind them of the need to respond, and to respond in a timeous manner.

The Planning Service is able to access the appropriate advice, expertise, evidence and data it requires. Where possible advice is sought from internal consultees and from key external stakeholders. There are however certain areas where the Service has to engage external consultants to provide expert advice. Currently external consultants are employed to provide advice on complex legal matters and in respect of agricultural viability and business cases. Moving forward, there may be more of a need for the Planning Service to access more expert advice, given that National Planning Framework 4 has policies on new subject areas. This will be challenging for the Council, given the financial challenges currently faced.

## **ATTRIBUTE 2: THE PLANNING AUTHORITY HAS A VALUED AND SUPPORTED WORKFORCE**

Please consider the following when thinking about this attribute and how you have performed over the last year:

- Does the planning authority have a workforce planning strategy in place?
- Does the planning authority have the ability to support staff development and upskilling and send staff on relevant courses?
- Does the planning authority have a deliverable commitment to support staff health and wellbeing?

### **Narrative**

The Planning Authority has a workforce planning strategy in place, and it covers the period from 2023-2027. It includes 32 actions based around three themes: a) Sustain a skilled, flexible



resilient and motivated workforce; b) Support and initiate transformational change, encouraging and supporting staff to work in a more agile way; and c) Build and sustain leadership and management capacity. The Action Plan delivers the vision of the workforce plan. It helps to ensure that our workforce is sufficient meet the objectives and business needs of the Planning Service.

The Planning Service has a Training budget for every member of staff. Line managers encourage staff to attend relevant courses. Staff are asked for topic areas they would like training in, and these are then fed back to the Improvement Service. It is however recognised that Business Support staff have a crucial role in helping to administer the Service, and it is important that they gain further understanding and knowledge of the planning system of which they work within. As a Service Improvement, our Chief Planner will hold a training session about the Scottish planning system and of the roles of the various teams within the Planning Service. Another identified Service Improvement is to begin a monthly Collaboration Session for all Members of the Planning Service. This will be held in person, and each month will feature one or more speakers give a range of training presentations. This will also provide a positive opportunity for collaboration, and creating an environment for innovation and wellbeing.

The Planning Authority aims to support our employees to feel well, healthy and happy at work.

The Planning Authority aims to support our employees to feel well, healthy and happy at work. We're consistently evolving our approach to wellbeing to create a welcoming and psychologically safe culture around mental health. Here are some of the steps we're taking to demonstrate our commitment to staff health and wellbeing:

- From work-life balance to childcare, relationships to workplace issues, health and wellbeing to debt, elder care to consumer rights, our Employee Assistance Programme provides advice in total confidence and information on a wide range of work, health and wellbeing issues;
- Based in Musselburgh, Changes provide a range of free confidential services to support you with stress, anxiety or worry. There is a drop in centre, courses on stress control, mindfulness and wide variety of activities;
- Managers are encouraged to proactively support staff with their health and wellbeing;
- A network of officers have been trained as 'Listening Ears' and can provide advice and support to staff when necessary;
- Various initiatives to encourage health and wellbeing, including discounts for staff using various active travel facilities, and the recent purchase of electric bikes that can be hired for free by staff; and

- We maintain a drumbeat of communications relating to mental health awareness and support and encouraging active healthy lifestyles throughout the year, promoting the wide range of resources and support available.

### Improvement Action Plan (People theme)

Attribute	Score (1=Making excellent progress, 5= No progress)
1. The planning authority has sufficient resources and skills to maximise productivity	3
2. The planning authority has a valued and supported workforce	2

Based on the grading above, outline any areas of improvement that are required and by whom and their level of importance (High/ Medium/ Low) and by when (short/ medium/ long term).

Improvement Action What action will you take? What will the outcome be?	Owner	Importance High Medium Low	Timescale Short term – 1 year Medium term – 3 years Long term – 3+ years	Resources
Start monthly collaboration sessions for all Members of the Planning Service, and look to involve external stakeholders in giving some of the presentations.	Amy Law	High	Short term	All planning staff, and other services/internal consultees as required.
Chief Planner to hold a training session with Business Service about the Scottish planning system and of the	Keith Dingwall	High	Short term	Planning staff

roles of the various teams within the Planning Service				
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A high performing planning authority has a positive culture through ensuring it has sound governance, effective leadership and a commitment to continuous improvement. The authority has an identified chief planner, who is supported by a strong leadership group to advise on decision-making, policy and operational management.

### **ATTRIBUTE 3: THIS PLANNING AUTHORITY HAS EMBEDDED CONTINUOUS IMPROVEMENT.**

Please consider the following when thinking about this attribute and how you have performed over the last year:

- Has the planning authority undertaken an annual assessment of its performance and acted upon areas previously identified as in need of improvement?
- Has the planning authority achieved recognition at relevant awards or through performance accreditation frameworks?
- Has the planning authority engaged in peer review, good practice exchange or improvement activities?
- Has the planning authority addressed any complaints upheld by the Scottish Public Services Ombudsman and have evidence of this and that it has learned from valid cases?

#### **Narrative**

The Planning Service has undertaken an annual assessment of its performance through its Planning Performance Framework (PPF). This captures key elements of a high-performing planning service through an assessment of a mix of qualitative and quantitative measures. The PPF identified areas for service improvement and assessed whether previously identified areas for improvement had been acted upon. Our feedback from Scottish Government demonstrates a high-performing planning service and generally a culture of continuous improvement.

**EAST LoTHIAN COUNCIL**  
**Performance against Key Markers**

Marker		13-14	14-15	15-16	16-17	17-18	18-19	19-20	20-21	21-22	22-23
1	Decision making timescales										
2	Processing agreements										
3	Early collaboration										
4	Legal agreements										
5	Enforcement charter										
6	Continuous improvement										
7	Local development plan										
8	Development plan scheme										
9 & 10	LDP Early Engagement			N/A	N/A	N/A	N/A	N/A	N/A		
11	Regular and proportionate advice to support applications										
12	Corporate working across services										
13	Sharing good practice, skills and knowledge										
14	Stalled sites/legacy cases										
15	Developer contributions										

Our planning performance continues to be strong, and further information on this can be found in our narrative on Attribute 8.

The table below demonstrates how we have acted upon service improvements identified in last year's Planning Performance Framework are set out below:

Service Improvements	Complete?
Continue discussions with communities and elected members on next stages in LDP2 process within the context of the planning review including NPF4	Yes – The Planning Service continues to discuss LDP2 in a number of meetings with elected members and with Community Councils at the Association of Community Council meetings.
Continue to seek the views of stakeholders on what they see are the issues in their area in order to prepare the Evidence Report. This engagement and information gathering will have a particular focus on the usually	Yes – formal consultation stage took place between June and September 2023. This included a series of drop-in sessions in the largest settlements in East Lothian. Further additional engagement with stakeholders

harder to reach groups such as the elderly, disabled people, young people and gypsy travellers.	took place throughout the rest of 2023 and the first half of 2024.
Continue to research the matter of short-term lets, with a view to report the matter to Council to get a decision on whether or not there should be a short-term let control area(s).	Yes- The Policy team have continued to research this matter, and discussions have been held with various Members. At this time there is no intention to report the matter to Council to get a decision on whether or not there should be a short-term let control area(s)
Continue to engage with developers and planning agents through individual meetings and a planning newsletter to update on planning policy and development management matters	Yes – Planning Service staff meet regularly with developers and planning agents and update them on planning policy and development management matters. Planning policy newsletters were issued in 2023 and 2024 to stakeholders. The Service Manager and other senior officers also meet developers and planning agents regularly in respect of the major development sites.
Review and if necessary amend our discretionary charging system for pre-application enquires and decide whether or not introduce discretionary charges.	Yes- Discretionary charges for pre-application discussions were introduced in April 2023 following a consultation with developers and agents. Feedback from this service has to date been generally positive.
Adopt the HOPS national validation standards once they have been reviewed and updated.	No- Although the Planning Service have offered to be on the working group to review the HOPS national validation standards, this work has not yet been progressed. In any event, the Planning Service are now considering a different approach to difficulties in the validation process, in the form of a pre-validation service for application submissions.
Attend the Association of East Lothian Community Councils to discuss relevant planning matters	Yes – our Chief Planning Officer has attended all AELCC meetings, and as well as discussing relevant planning matters, has

	provided briefings on battery storage and short term lets.
Continue to reduce the number of legacy planning applications	Ongoing- whilst some progress was made, there still remains a significant number of legacy planning applications.
Review and re-publish our Enforcement Charter	Yes- our Enforcement Charter was reviewed and re-published in March 2024.

The Planning Service generally does not have sufficient spare capacity to enter submissions into relevant awards. However following continued strong performance, and positive feedback from the Scottish Government through the Planning Performance Framework process, the Planning Service in March 2023 decided to enter the Category of “Planning Authority of the Year – Scotland”. Despite achieving green rating in all 15 categories assessed by Scottish Government, the Planning Service was not shortlisted for this award.

The Planning Service have representation at HOPS (including Development Planning and Development Management sub-committees), Conservation Officers Group, and we regularly meet with Key Agencies to improve service delivery and share good practice. We also contribute on information requests on the HOPS Knowledge Hub. Examples of peer review, good practice exchange, and improvement activities undertaken in the previous 12 months include:

- As recommended by the Scottish Government, East Lothian Council contacted our PPF partner authority, Fife Council, to undergo a peer review process. We provided written feedback to Fife Council on their draft Framework;
- Advice given to Perth and Kinross Council on judicial reviews, using the experience gained following our successful defending of one of our planning decisions through the judicial review process;
- Meetings held with Highland Council and Aberdeenshire Council to discover how they have successfully introduced discretionary fees in respect of energy related development. This exchange of good practice was very helpful in us introducing such fees in April 2024; and
- Training sessions given by both our Climate and Sustainability Officer and our LHEES officer to different external groups
- A number of events organised by the Planning Service Archaeology and Heritage Team, including: Guest lectures to Scottish Universities (Aberdeen, Edinburgh and Glasgow), Archaeology Conference, and the East Lothian Archaeology and Heritage Fortnight (Sept 2023).

The Scottish Public Services Ombudsman (SPSO) is the final stage for complaints about Councils. The SPSO advise that planning has consistently been in the top five subjects of complaints about local



authorities from year to year. This is perhaps not surprising, given that the planning system can result in frustration and complaint for different customers of the service. A number of complaints have been dealt with through the Council's feedback process. However, no complaints against the Planning Authority have been upheld and a number of complaints have been dismissed by the Scottish Public Services Ombudsman over the previous 12 months.

#### **ATTRIBUTE 4: THE PLANNING AUTHORITY HAS SOUND GOVERNANCE**

Please consider the following when thinking about this attribute and how you have performed over the last year:

- Does the planning authority have an effective scheme of delegation in place?
- Have all councillors who exercise a planning function undergone statutory training and is there evidence of ongoing training for members?
- Have more than x % of officer recommendations have been overturned by councillors at committee or Local Review Body.

#### **Narrative**

The Council's Scheme of Delegation is set out in our Standing Orders. It confirms that all major and national developments will be determined by Planning Committee. Local development applications are delegated to the Council's Chief Planning Officer. The only exception to this is where the application raises important planning issues and/or is subject to any amount of public objection. In such cases a list of those reports is circulated each week to Members, who then shall have seven days in which to request referral for a Planning Committee determination, otherwise the officer decision is issued by the Chief Planning Officer. This Scheme of Delegation provides an effective balance between ensuring timely decisions are taken whilst ensuring sufficient balances and checks are in place.

In February 2024 Members approved a slight change to our Standing Orders. Prior to this, the Head of Development had delegated powers to respond to all Scottish Government consultations, including consultations received from the Energy Consents Unit under Section 36 of the Electricity Act 1989. Recently there have been a number of Section 36 applications seeking consent for the development of electricity generating stations within East Lothian. Such proposals can sometimes

generate significant public interest and/ or concerns. The agreed change means that officer's draft consultation response has to first be placed on the Council's weekly Committee Expedited List. Members then have 7 days within which to decide whether they wish the draft response to be brought before Planning Committee for determination. This change has been welcomed by local communities and ensures that enhanced governance is given to this major development type.

All councillors who exercise a planning function have undergone training. All councillors also received a copy of the updated guide from the Improvement Service entitled "The Planning System in Scotland: An Introduction for Elected Members".

The Planning Authority recognise the crucial role that Members have in the decision-making process within the planning system, and have therefore expressed support for the introduction of mandatory training for elected Members. Ongoing training for Members will be provided in accordance with future Regulations, once they are in force.

The Planning Service enjoys a strong and mutually respectful relationship with Elected Members. The Chief Planning Officer holds regular briefing sessions for Elected Members, and planning staff provide advice on a daily basis to Members on matters related to the planning system.

Planning Committee and the Local Review Body overturn a relatively low amount of officer recommendations. Between 1<sup>st</sup> April 2023 and 31<sup>st</sup> March 2024, a total of 24 applications were heard and decided at Planning Committee. Of those 24 applications, 3 of them (12.5%) went against officer recommendation. During that same time period, Local Review considered a total of 30 applications. 10 of them (33.3%) were upheld against officer recommendation.

## ATTRIBUTE 5: THE PLANNING AUTHORITY HAS EFFECTIVE LEADERSHIP

Please consider the following when thinking about this attribute and how you have performed over the last year:

- Does the planning authority have an identified Chief Planning Officer in place?
- Does the Chief Planning Officer advise on corporate decision making and policy within the broader organisation?
- Is the planning authority's Chief Planning Officer a member of the Royal Town Planning Institute?
- Does the Chief Planning Officer advise and support external bodies through engagement in organisations' committees, advisory groups or working groups?
- Does the planning authority have a strong leadership team that supports a culture of continuous improvement?

### Narrative

The appointment and role of the Chief Planning Officer became a statutory requirement in April 2024, to advise authorities on planning and other functions relating to development. The Planning Service moved quickly to meet this requirement, taking a report to Council for their meeting later that month. Members unanimously moved to appoint the Service Manager for Planning, Keith Dingwall, as the Council's Chief Planning Officer. In accordance with legislation, details of this appointment can be viewed on our website.

The Chief Planning Officer has a degree in town planning and is a chartered member of the Royal Town Planning Institute.

One of the duties of the Chief Planning Officer is to work closely with the Council Management Team on matters relating to planning and development. During the last reporting period, he had advised on matters relating to the Local Development Plan, short term lets and energy related development.

The Chief Planning Officer also advises and supports external bodies, such as Heads of Planning Scotland and the Association of Community Councils. Alongside East Lammermuir Community Council, the Chief Planning Officer helps to organise and run the East Lammermuir Electricity Infrastructure developers group. The group consists of the community council, local residents, Council and Scottish Government officers, councillors, MSPs, MPs and developers. It has become an important forum where members can discuss issues associated with the energy development

projects proposed within the community council area, and take forward action points agreed with the local community.

The Chief Planning Officer chairs the Planning Update Group. The Group is accountable for the strategic leadership and management of the Planning Service. It consists of a representative from each team within the Service, and meets on a fortnightly basis. Amongst other things, this group reviews working practices and when necessary makes changes to increase resilience, and to improve efficiency and effectiveness. Overall it provides strong leadership and promotes a culture of continuous improvement.

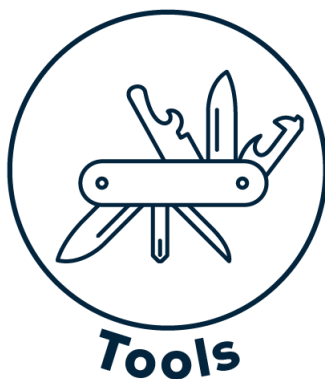


### Improvement Action Plan (Culture theme)

Attribute	Score (1=Making excellent progress, 5= No progress)
3. This Planning Authority has embedded continuous improvement	2
4. This Planning Authority has sound governance	2
5. This Planning Authority has effective leadership	2

Based on the grading above, outline any areas of improvement that are required and by whom and their level of importance (High/ Medium/ Low) and by when (short/ medium/ long term).

Improvement Action What action will you take? What will the outcome be?	Owner	Importance High Medium Low	Timescale Short term – 1 year Medium term – 3 years Long term – 3+ years	Resources
Consider implementing the 'pre-validation service' for planning applications	Thelma Barson and Emma Taylor	Medium	Long term	Planning staff
Elected member training (including for specialist areas eg Battery Energy Storage)	Keith Dingwall	Medium	Short term	Planning staff



A high performing planning authority needs to have an effective local development plan and other strategies in place to provide a vision for the future of the area. It needs to be able to set and deliver on policy ambitions and priorities by clearly informing decision making and providing certainty and predictability for communities, developers and investment. The authority's development management systems need to be effective in making the right decisions about development and be efficient as possible in doing this.

The planning authority makes best use of digital technology and how it manages and uses data.

## **ATTRIBUTE 6: THE PLANNING AUTHORITY HAS A ROBUST POLICY AND EVIDENCE BASE**

Please consider the following when thinking about this attribute and how you have performed over the last year:

- Does the planning authority have an up to date Local Development Plan in place and/ or is on track to adoption?
- Does the planning authority have an up to date Regional Spatial Strategy in place/ or on track to adoption?
- Has the planning authority's Local Development Plan Evidence Report been approved by the Department of Planning and Environmental Appeals and/ or on track for approval?
- Have the application of the Local Development Plan's policies been found to be deficient at appeal or judicial review?

### **Narrative**

The current East Lothian LDP was adopted in September 2018 and is now over 5 years old. The LDP2018 review has been undertaken and the preparation of the Evidence Report has been progressing as planned. Over the summer 2023 the Planning Service has engaged in joint consultations to gather the views of communities and other stakeholders on the issues that

LDP2 should address and the sufficiency of the Evidence available to prepare LDP2 (please see Section 10 for more information)

In June 2024, East Lothian Council approved its Play Sufficiency Assessment (PSA). Work on the East Lothian PSA was carried out collaboratively by the Council's Amenity Services and the Planning Service during 2023 and early 2024. The PSA is required by Planning (Scotland) Act 2019 and must be produce in order to inform the Evidence Report of the new LDP.

The LDP's Evidence Report will be submitted for the Gate Check stage in the second half of 2024.

The application of LDP's policies have not been found deficient at appeal or judicial review.

The Planning (Scotland) Act 2019 introduced the concept of the Regional Spatial Strategy. These documents are not part of the development plan but are to be taken into account in the development of both the National Planning Framework and Local Development Plans. They are to be produced by local authorities, either collectively or in partnership with other authorities.

East Lothian has agreed to produce a Regional Spatial Strategy along with the other Lothian authorities, Scottish Borders Council and Fife Council. An [Interim Regional Spatial Strategy](#) was produced in 2020 to assist the Scottish Government in the preparation of NPF4. The RSS and other associated documents can be viewed on the [Edinburgh and South East Scotland City Region Deal website](#).

## ATTRIBUTE 7: THE PLANNING AUTHORITY MAKES BEST USE OF DATA AND DIGITAL TECHNOLOGY

Please consider the following when thinking about this attribute and how you have performed over the last year:

- Has the planning authority encouraged and promoted planning applications to be submitted through the e-development portal?
- Does the planning authority have a data governance strategy in place for the management of planning data?
- Does the planning authority have the ability to use interactive web-mapping, GIS and spatial data?
- Does the planning authority have the ability to use digital approaches to engagement, including website, social media and other platforms?

## **Narrative**

East Lothian Council is actively encouraging planning applications to be submitted online using the ePlanning.scot service. This method of submitting planning applications is being promoted through a specific planning webpage on the Council website. Overall, the vast majority of all planning applications are submitted via the online system.

The Planning Service does not have a data governance strategy in place for the management of planning data, however we are committed to support the Council's Information Governance team in the preparation of an Information Strategy. Our involvement and support will ensure that this Strategy is sufficient to meet the needs of the Planning Service. The Policy and Projects Team will also aim to create an online platform allowing wider access to the data from the Evidence Report and the next stages of the LDP. This will require working closely with our Information Systems & Data Custodian Officer to ensure a structured approach to managing data.

The Planning Service has access to two digital mapping systems, Earthlight and ARC GIS. A corporate Information Systems & Data Custodian Officer provides regular training sessions to all Planning Service staff on how to use Earthlight. This mapping system enables all planning officers easy access to spatial data including planning application histories and boundaries as well as the current LDP planning policies and constraints layers.

Earthlight is also being used for spatial data analysis as part of the preparation of the next LDP. The Policy and Projects Team (LDP team) extensively used this digital mapping system during the preparation of the Tree and Woodland Strategy, the Play Sufficiency Assessment and certain parts of the LDP Evidence Report. ArcGIS has been used to enhance our LDP engagement by publishing online story maps during the Evidence Report stage. This has become an important digital tool to present place-based information and to encourage engagement on our next LDP.

In our evidence gathering we also used on-line Place Standard surveys which helped to engage with local communities and individual residents on issues pertinent to their localities. The Evidence Report will be presented to our Elected Members and submitted to the DPEA in this form too. We will be using ArcGIS Online to produce webmaps, storymaps and surveys to consult and inform the public during the next preparation stages of the LDP2 and the next LDP will be based on a GIS platform with interactive spatial information.



We work very closely with our Communications team when preparing any consultation documents and use an array of methods and social media platforms for publicity, these include X (former twitter), Facebook and the Council's website.

## **ATTRIBUTE 8: THE PLANNING AUTHORITY HAS EFFECTIVE AND EFFICIENT DECISION MAKING PROCESSES**

Please consider the following when thinking about this attribute and how you have performed over the last year:

- Does the planning authority planning have the ability to make decisions on planning applications within the required timeframes?
- Are less than x% of planning decisions overturned at appeal or judicial review?
- Does the planning authority have an up to date Enforcement Charter in place?
- Does the planning authority have the ability to resolve enforcement cases?

### **Narrative**

Over previous years the Planning Service has demonstrated consistently good planning performance, with decisions significantly quicker than the national average.

In terms of the last financial year, the Planning Service has again performed well in a very challenging environment. At the time of preparing this Framework, the Scottish Government has published the annual planning performance statistics for East Lothian. However the annual statistics for Scotland as a whole are not yet available. Therefore, the figures used in the paragraph below cover the annual figures for East Lothian, but the first two quarters of 2023 to 2024 for Scotland as a whole. It should also be noted that there are no performance statistics for some of the other local authorities.

Our performance in the determination of planning applications continues to be strong. Our average decision making time of 8.8 weeks for major developments, is quicker than last year (11 weeks), is quicker than every other Scottish local authority whose figures are given in the first two quarter figures, and significantly faster than the national average of 52.9 weeks. Our average decision making time of 7.3 weeks for the determination of householder developments, whilst slightly slower than last year (7.2 weeks), is faster than the national

average (8.2 weeks). There has also been an improvement in our average decision-making times for local nonhouseholder developments (7.2 weeks compared to 7.8 weeks in 2022-23). Again, our figure is significantly better than the national average (7.2 weeks compared to the national average of 14.1 weeks).

A relatively low amount of planning decisions have been overturned at appeal. As set out in our narrative on Attribute 4, 10 of the 30 appeals decided by our Local Review Body were upheld during 1<sup>st</sup> April 2023 and 31<sup>st</sup> March 2024. During the same time period, the Scottish Government's Directorate for Planning and Environmental Appeals dealt with 12 appeals (9 of which relate to Certificate of Lawful Use, 1 of which is for an Enforcement Notice, 1 of which is for High Hedge and 1 of which is for Advertisement Consent). Of these 12 appeals, only 2 (16.6%) were upheld.

Moving forward it is likely that there will be a greater number of planning appeals over the next few years as a consequence of the new short term let legislation.

No planning decisions were overturned during this time period by judicial review.

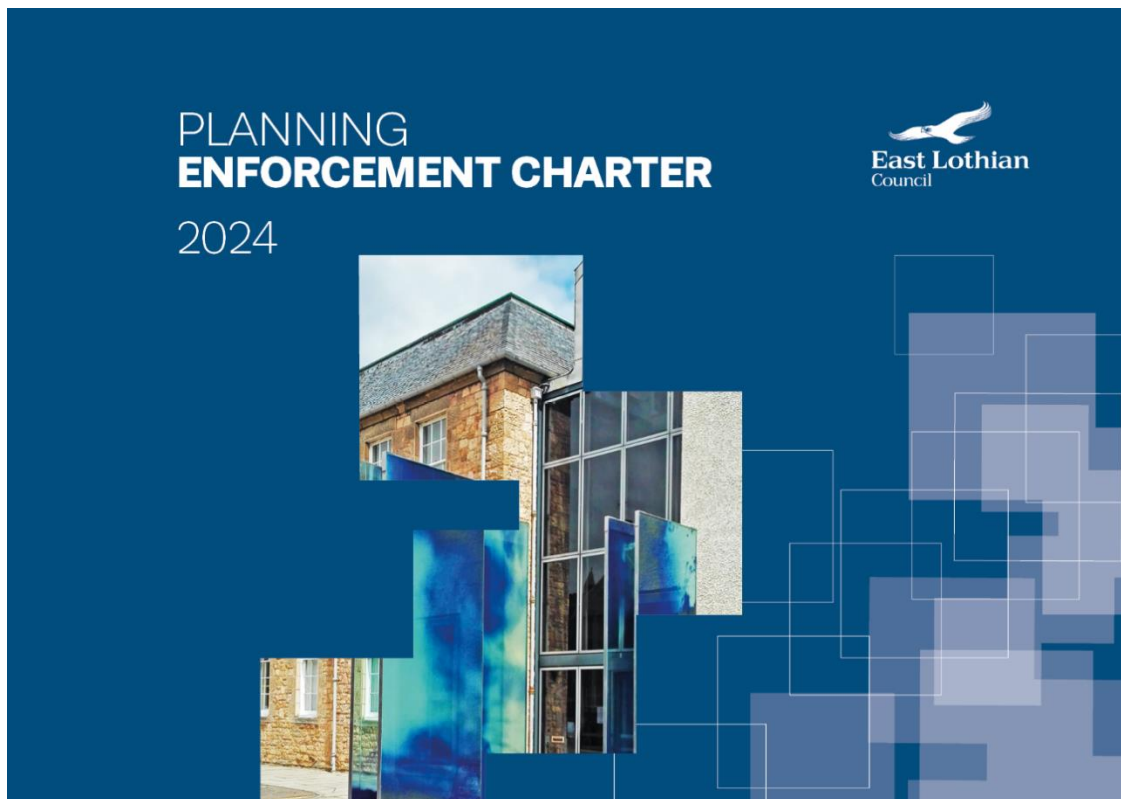
Planning legislation requires that a planning authority must keep their enforcement charter under review and must update and re-publish it within 2 years after last publishing (or re-publishing) it. Consistent with that legislation, the Council's Planning Enforcement Charter was re-published in March 2024.

The table below details our enforcement activity over the last year. The number of notices we have served is over twice as high as the number served in the previous year (48 notices compared to 21 notices served in 2021-22). This is primarily due to the number of unauthorised short term lets that we are seeking to regularise. Although 29 less complaints were received than during the previous year, there was still a relatively high number of complaints received compared to before the 01 April 2022. This is not surprising given the on-going level of development activity in East Lothian. Whilst these figures demonstrate that the Planning Service has the ability to resolve enforcement cases, the pressure on our Enforcement service remains considerable, and this will be monitored carefully to establish if further resource is required.

## Enforcement Activity

	2023-24
Time since <u>enforcement charter</u> published / reviewed	Published on 6 March 2024
Complaints lodged and investigated	412
Breaches identified – no further action taken	117
Cases closed	295
Notices served	48
Direct Action	0
Reports to Procurator Fiscal	0
Prosecutions	0

## Planning Enforcement Charter 2024



### Improvement Action Plan (Tools theme)

Attribute	Score (1=Making excellent progress, 5= No progress)
6. The planning authority has a robust policy and evidence base	2
7. The planning authority makes best use of data and digital technology	2
8. The planning authority has effective and efficient decision making processes	1

Based on the grading above, outline any areas of improvement that are required and by whom and their level of importance (High/ Medium/ Low) and by when (short/ medium/ long term).

Improvement Action What action will you take? What will the outcome be?	Owner	Importance High Medium Low	Timescale Short term – 1 year Medium term – 3 years Long term – 3+ years	Resources
Consider the use of new digital technology in LDP mapping.	Robin Edgar	High	Short term	Planning staff / internal
The Policy and Projects Team will seek to use an online platform that would allow wider access to the data from	Robin Edgar	High	Short Term	Planning staff

the Evidence Report and the next stages of the LDP.				
Raise with HOPS and Scottish Government that circular 4/1998 (model Planning Conditions) should be revised and updated to take into account NPF4 requirements.	Keith Dingwall	Medium	Short term	Planning staff
To support the Council's Information Governance team in the preparation of an Information Strategy	Keith Dingwall	Medium	Short term	Planning staff / internal



A high performing planning authority should ensure a wide range of people are involved in shaping their future places. Engagement should be fair and inclusive, early, collaborative, meaningful and proportionate and should include difficult to reach groups. The authority should engage with a wide range of partners at a national, regional and local level to ensure a joined-up approach and that links are made across policies and programmes. The planning authority should demonstrate good customer care, transparency and effective communication.

## ATTRIBUTE 9: THE PLANNING AUTHORITY HAS GOOD CUSTOMER CARE

Please consider the following when thinking about this attribute and how you have performed over the last year:

- Does the planning authority have the ability to offer pre-application advice where it is requested?
- Has the planning authority held regular engagement events with developers and communities?
- Do the results from the customer and stakeholder survey show that customers are satisfied with the service offer by the planning authority?

### Narrative

In April 2023 the Planning Service introduced a new pre-application advice service, which caters for all development types. Guidance for this service is clearly laid out, and can be accessed on our website. Feedback from customers on this new service has generally been positive.

As set out in the narrative on Attribute 3, our Chief Planning Officer has attended all meetings of the Association of East Lothian Community Councils. This provides an excellent forum to engage with communities. Other officers of the Planning Service have also provided the Association with briefings on the Local Development Plan, Local Place Plans, and on our new Climate Change Strategy.

The Chief Planning Officer and other officers regularly meet with developers and planning agents, and this provides a good opportunity to discuss issues and possible service improvements. The Service has previously run an annual catch-up event for developers and planning agents. Unfortunately, due to pressures of other work, it has not been possible to hold this event in recent years. A service improvement for the coming year will be to restart this as an annual event.

Another service improvement will be to run a month-long customer and stakeholder survey to gauge satisfaction with the Planning Service. In doing so, it should be recognised that negative responses to the survey may simply indicate dissatisfaction with a decision taken rather than indicating dissatisfaction with the service as a whole.

## **ATTRIBUTE 10: THE PLANNING AUTHORITY HAS EFFECTIVE ENGAGEMENT AND COLLABORATION WITH STAKEHOLDERS AND COMMUNITIES**

Please consider the following when thinking about this attribute and how you have performed over the last year:

- Does the planning authority have a community engagement strategy and infrastructure in place to ensure engagement is early, collaborative, meaningful and proportionate?
- Has the planning authority undertaken community engagement, for example consistent and effective use of the Place Standard Tool, to inform decision-making processes? Has the planning authority encouraged and promoted planning applications to be submitted through the e-development portal?
- Has the planning authority engaged with a good representation of the community including young people, gypsies and travellers, people with protected characteristics, including disability, race, age, sex and sexual orientation, and including people from a range of socio-economic backgrounds?
- Has the planning authority supported the production of Local Place Plans when requested?
- Do the results from the customer and stakeholder survey show that stakeholders are satisfied with their collaboration with the planning authority?

## Narrative

Our current Development Plan Scheme (DPS15) sets out a broad timescale for the LDP2 and includes a Participation Statement which provides details on how to get involved in the LDP preparation process. The information contained in the DPS has been referenced at many meetings with developers and other stakeholders.

In 2023, the Policy and Projects team started an extensive engagement exercise on the Evidence Report for our next LDP. This first stage involved gathering information on the effectiveness of current policies, engaging with various East Lothian Council Services, Key Agencies, landowners, local interest groups and the general public, and also considering up to date background information on a range of social, economic and environmental matters for the county. There was also a wide range of awareness raising undertaken with local communities, including providing details of how to get involved in future stages of plan preparation. The Evidence Report will be submitted to Full Council in the second half of 2024 following which it will be subject to an independent Examination, called a Gatecheck. It is projected that LDP2 will be adopted in 2026.

Throughout this engagement process we sought the views of stakeholders on what they see are the issues in their area. We used on-line Place Standard Tool surveys and place-based storymaps and surveys to gather more information on local issues pertinent to planning. Our engagement and information gathering had a particular focus on the usually harder to reach groups such as the elderly, disabled people, young people and gypsy travellers. Beginning in April 2023, pre evidence report engagement was undertaken with children and young people across East Lothian. A variety of methods and approaches were used. We engaged extensively with young people and school children and this is set out in the appended case study.

The Policy and Projects team was also engaged in the preparation of East Lothian Play Sufficiency Assessment. The PSA was produced through engagement with local schools, parents, carers, Community Councils and the wider public. Also, following an extensive period of public engagement in 2023, the team finalised our first Tree and Woodland Strategy. Both the PSA and the Tree and Woodland Strategy provide important information for the LDP2's Evidence Report.

We will continue using ArcGIS Online to produce webmaps, storymaps and surveys to consult and inform the public during the next preparation stages of the LDP2 and we will consider how best to explore new technologies and creative approaches to community engagement, in particular with children and young people.



A planning newsletter is issued every year to everyone who is on the planning mailing list, including developers and planning agents. This amongst other things outline our work on the LDP2 and explains the plan preparation process and other current planning matters. We will consider having a more regular newsletter during the Proposed LDP stage.

As set out in the narrative to Attribute 9 we intend to run a month-long customer and stakeholder survey to gauge satisfaction with the Planning Service.

### Improvement Action Plan (Engage theme)

Attribute	Score (1=Making excellent progress, 5= No progress)
9. This planning authority has good customer care	2
10. The planning authority has effective engagement and collaboration with stakeholders and communities.	2

Based on the grading above, outline any areas of improvement that are required and by whom and their level of importance (High/ Medium/ Low) and by when (short/ medium/ long term).

Improvement Action What action will you take? What will the outcome be?	Owner	Importance High Medium Low	Timescale Short term – 1 year Medium term – 3 years Long term – 3+ years	Resources
Run a month-long customer and stakeholder survey to gauge satisfaction with the Planning Service.	Keith Dingwall	Medium	Short term	Planning staff
To conduct a horizon scanning of digital technologies that could support our engagement with stakeholders and local	Robin Edgar	High	Short term	Planning staff

communities during the proposed LDP stage.				
Run an Annual Developers Forum.	Keith Dingwall	Medium	Short term	Planning staff
To issue a planning newsletter more frequently during the Proposed LDP stage.	Robin Edgar	Medium	Short term	Planning staff



A high performing planning authority should demonstrate place leadership by taking a collaborative place-based approach in line with the Place Principle. It should use the Place and Wellbeing Outcomes in decision-making processes, to achieve the three spatial principles outlined in NPF4: Sustainable places, where we reduce emissions, restore and better connect biodiversity; Liveable places, where we can all live better, healthier lives; and Productive places, where we have a greener, fairer and more inclusive wellbeing economy. The planning authority should seek to ensure

that there are no impediments to delivering agreed development.

#### ATTRIBUTE 11: THE PLANNING AUTHORITY SUPPORTS THE DELIVERY OF SUSTAINABLE, LIVEABLE AND PRODUCTIVE PLACES

Please consider the following when thinking about this attribute and how you have performed over the last year:

- Is the planning authority aware of the [Place and Wellbeing Outcomes](#), the evidence that sits behind them and is it using them in decision-making processes?
- Has the planning authority identified tools and approaches to delivering sustainable, liveable and productive places and is implementing them?

[A Briefing Paper: Place and Wellbeing Outcomes](#) states that “a place-based approach is about considering the physical, economic, and social elements that make up a place collaboratively. Thinking about how an intervention to improve one of these characteristics can have unintended positive or negative consequences on another. It takes account of these different interconnections and relationships in a joint working collaborative approach that focuses all the action, effort, and investment in a place to maximise the opportunity for positive consequences and minimise negative ones.”

The Planning Service is aware of the Place and Wellbeing Outcomes and makes every effort to involve communities in a decision-making process. We have used the Place Standard Tool during our engagement on the LDP2 Evidence Report and will embed the 20-minute neighbourhood principles in future stages of the plan-making process. We recognise that the five overarching themes of the Place and Wellbeing Outcomes (movement, space, resources,

civic and stewardship) are fully aligned with the Six Qualities of Successful Places. These NPF4's Six Qualities of Successful Places together with the Place and Wellbeing Outcomes will form a golden thread for policies of the next LDP2. East Lothian Council as the Planning Authority is committed to taking a more collaborative and joined-up approach when making decisions that affect services, people and their local natural and built environments.

In the next stages of the LDP preparation we will continue to use a range of different on-line tools such as Place Standard Tool surveys, place-based storymaps and ArcGis surveys to have a more in-depth discussions about of the physical, economic, and social elements that make up individual places and to gain a better understanding of the different interconnections and relationships between these elements.

When making planning decisions the Planning Service is directed by policies of NPF4 and its current LDP which together with the Developer Contributions Framework and Town Centre Strategies Supplementary Guidance documents form a Development Plan for East Lothian. A Supplementary Planning Guidance on Design Standards for New Housing Areas (adopted in 2020 [Design Standards for New Housing Areas SPG 2020 | East Lothian Council](#)) is also a material planning consideration when determining planning applications for residential development. The SPG recognises that the layout and form of the built environment can have significant impacts upon people's physical and mental wellbeing and it sets out a number of key design principles that need to be considered by developers before submission of planning applications for residential schemes and by planners and Elected Members when making planning decisions. Officers are supported on urban design and place making matters by the Council's Principal Planner, the Council's Landscape Team and the Council's Heritage Officer, who collectively have extensive experience on heritage and urban design matters.

## **ATTRIBUTE 12: THE PLANNING AUTHORITY SUPPORTS THE DELIVERY OF CONSENTED DEVELOPMENT**

Please consider the following when thinking about this attribute and how you have performed over the last year:

- Has the planning authority provided clear and proportionate expectations of Section 75 agreements and set these out in the LDP and pre-application discussions and they are concluded within 6 months of resolution to grant?

- Does the planning authority take a proportionate approach to imposing conditions?
- Does the planning authority have an ambitious local housing land requirement that exceeds the Minimum All Tenure Housing land requirements in NPF4 and is it on track to support delivery?
- Are the number of processing agreements the planning authority has agreed with applicants increasing?
- Does the planning authority have an effective delivery programme in place that supports the delivery of development on the ground?

## **Narrative**

East Lothian Local Development Plan under Policy DEL1: Infrastructure and Facilities clear highlights when development contributions will be required, and this combined with the Council's Supplementary Guidance: Developer Contribution Framework (SG: DCF) provides information on the key additional infrastructure required to support the development allocated within the Plan. Various assessments were undertaken to determine the impact and the measures required to mitigate this impact individually and cumulatively based on the best available data at the time. This assessment information and cost calculations for LDP sites are in LDP Technical Note 14, which is available on the Council's Website. The SG: DCF includes likely development contributions levels for Strategic transport, Education and Sports and Changing accommodation in tables based on the development proportionate impact and in some cases at a pro-rata basis. Windfall sites require individual assessments.

The Council has a dedicated Planning Obligations Officer whose role is to liaise with case officers, applicants, and internal services to determine the level of contributions being sought for each development. In pre-application discussions it is made clear what contributions would be required if an application is submitted based on the pre-application proposal. Contributions costs are given at pre-app stage will be caveated in terms of time these costs are valid and they are based scale of development. The pre-application always states that the Council uses BCIS All-In tender Price Index and when this indexation would be applicable from (a set financial quarter within a year) specified and related to the time of the relevant assessment.

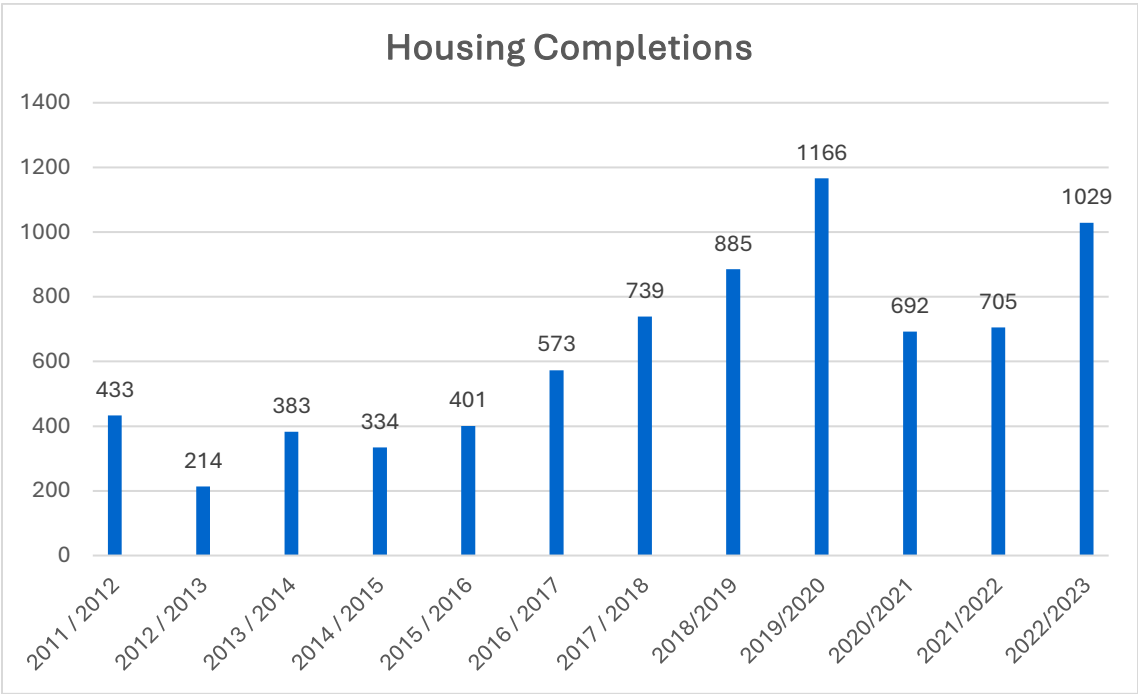
The Planning Authority had no live applications with more than 6 months after resolution to grant. This overall good performance is partially due to our pre-application discussions that address developer contributions and the role of the Planning Obligations Officer who is a key contact for developers in understanding the implications of their development in the context of

the Developer Contributions Framework. This helps to minimise the number of live applications more than 6 months after resolution to grant.

Pre-application discussions address developer contributions and are part of a protocol for application processing. The role of the Planning Obligations Officer is critical in that respect. It helps to reduce negotiation periods and agree/register Section 75 agreements within shorter timescales.

More recently the Council’s s75 processes have been subject to scrutiny through the Council’s Internal Audit Process that raised no issues of concern.

At this point in time the local housing land requirement for the next LDP has not been agreed yet. The current LDP introduced a spatial strategy that included unprecedented levels of housing growth. The focus of the strategy was mainly on the west of the County and on major settlements in the East. Sites for over 16,000 houses were included in the LDP. In terms of delivering effective sites this strategy has been successful in that over 90% of the sites allocated have planning permission and around half have been built.



It needs to be recognized that the housing has also put considerable strain on the finances of the Council due to the lack of funding to address the impact on additional services required by new households. The Council receives around 25% of funding to meet the revenue costs of servicing the infrastructure needs of each additional house.

Processing agreements are consistently offered for major and complex applications through both the Council's website ([Planning Processing Agreements | Planning Processing Agreements | East Lothian Council](#)) and pre-application discussions, however, there remains a limited uptake of this opportunity, with developers being content to work with the Council in terms of application project management and, where required, agreed extensions of time. Compared to 2022/23 a number of processing agreements has increased from 23 to 26 (2023/24).



### Improvement Action Plan (Place theme)

Attribute	Score (1=Making excellent progress, 5= No progress)
11. The planning authority supports the delivery of sustainable, liveable and productive places	2
12. This planning authority supports the delivery of appropriate development	2

Based on the grading above, outline any areas of improvement that are required and by whom and their level of importance (High/ Medium/ Low) and by when (short/ medium/ long term).

Improvement Action What action will you take? What will the outcome be?	Owner	Importance High Medium Low	Timescale Short term – 1 year Medium term – 3 years Long term – 3+ years	Resources
Explore using tools such as the Place and Wellbeing Outcomes for the Proposed LDP	Robin Edgar	High	Short Term	Planning staff
Explore possible funding mechanisms sufficient to employ a planner dealing with energy related proposals, possibly for a temporary 2-year period.	Keith Dingwall	High	Short Term	Planning staff / internal

