

**East Ayrshire Council**  
Comhairle Siorrachd Àir an Ear

## **Planning Performance Framework Report 2015-2016**

**Planning and Economic Development Service  
Economy and Skills  
East Ayrshire Council  
The Johnnie Walker Bond  
15 Strand Street  
Kilmarnock  
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# PLANNING PERFORMANCE FRAMEWORK

## ANNUAL REPORT 2015-2016

### Part 1: National Headline Indicators (NHIs)

| Key outcomes   | 2015-2016            | 2014-2015          |
|--|----------------------|--------------------|
| <b>Development Planning:</b>   |                      |                    |
| <ul style="list-style-type: none"> <li>age of local/strategic development plan(s) (years and months) at end of reporting period<br/><i>Requirement: less than 5 years</i></li> </ul>                     | 5                    | 4                  |
| <ul style="list-style-type: none"> <li>Will the local/strategic development plan(s) be replaced by their 5<sup>th</sup> anniversary according to the current development plan scheme? (Y/N)</li> </ul>   | N                    | N                  |
| <ul style="list-style-type: none"> <li>Has the expected date of submission of the plan to Scottish Ministers in the development plan scheme changed over the past year? (Y-earlier/Y-later/N)</li> </ul> | N                    | Y                  |
| <ul style="list-style-type: none"> <li>Were development plan scheme engagement/consultation commitments met during the year? (Y/N)</li> </ul>  | Y                    | Y                  |
| <b>Effective Land Supply and Delivery of Outputs</b>   |                      |                    |
| <ul style="list-style-type: none"> <li>Established housing land supply</li> </ul>  | 7231 units           | 7757 units         |
| <ul style="list-style-type: none"> <li>5-year effective housing land supply</li> </ul>   | 3616 units           | 2823 units         |
| <ul style="list-style-type: none"> <li>5-year housing supply target</li> </ul>   | 2670 units           | 2670 units         |
| <ul style="list-style-type: none"> <li>5-year effective housing land supply (to one decimal place)</li> </ul>  | 6.8 years            | 5.3 years          |
| <ul style="list-style-type: none"> <li>Housing approvals</li> </ul>  |                      |                    |
| <ul style="list-style-type: none"> <li>Housing completions over the last 5 years</li> </ul>  | 288 units            | 277 units          |
| <ul style="list-style-type: none"> <li>Marketable employment land supply</li> </ul>  | 1333 units           | 1496 units         |
| <ul style="list-style-type: none"> <li>Employment land take-up during reporting year</li> </ul>  | 125.04 ha<br>1.00 ha | 304.94ha<br>1.26ha |
| <b>Development Management</b>  |                      |                    |
| <b>Project Planning</b>  |                      |                    |
| <ul style="list-style-type: none"> <li>Percentage of applications subject to pre-application advice</li> </ul>   | 32.4%                | 26.2               |
| <ul style="list-style-type: none"> <li>Number of major applications subject to processing agreement</li> </ul>   | 2                    | 0                  |
| <ul style="list-style-type: none"> <li>Number of applications subject to other project plan</li> </ul>   | 0                    | 0                  |
| <ul style="list-style-type: none"> <li>Percentage planned timescales met</li> </ul>  | 0                    | N/A                |
| <b>Decision-making</b>   |                      |                    |
| <ul style="list-style-type: none"> <li>Application approval rate</li> </ul>  | 93.3%                | 94.3%              |
| <ul style="list-style-type: none"> <li>Delegation rate</li> </ul>  | 96.3%                | 93.5%              |

**Decision-making timescales**

Average number of weeks to decision:

|  |             |             |
|--|-------------|-------------|
| • Major developments                   | <b>128</b>  | <b>61.2</b> |
| • Local developments (non-householder) | <b>14.4</b> | <b>16.3</b> |
| • Householder developments             | <b>8.0</b>  | <b>8.8</b>  |

## Legacy Cases

|  |           |            |
|--|-----------|------------|
| • Number cleared during reporting period | <b>77</b> | <b>18</b>  |
| • Number remaining                       | <b>47</b> | <b>124</b> |

## Enforcement

|   |  |  |
|---|--|--|
| • time since enforcement charter published / reviewed (months) <i>Requirement: review every 2 years</i> | <b>Reviewed<br/>September<br/>2015</b> | <b>Reviewed<br/>September<br/>2014</b> |
| • number of breaches identified / resolved  | <b>197/207</b>                         | <b>221/179</b>                         |

**Development Planning Overview****Development Plan Scheme: East Ayrshire Local Development Plan**

The current Development Plan Scheme was approved in January 2016 and aligns with the PPF Outcomes on Quality of Service and Engagement. It sets out timetables for the production of the East Ayrshire Local Development Plan (EALDP), the East Ayrshire Minerals Local Development Plan (EAMLDP) and the East Ayrshire Local Development Plan 2. The decision to prepare a separate minerals plan was taken in August 2013 following the collapse of two major coal operators, Scottish Coal and ATH Resources. There was a clear need for the Council to address the environmental issues arising from their collapse through a dedicated plan. This decision had a significant impact on progress with the EALDP given the urgent need to divert resources to tackle a range of mineral and open cast coal related issues.

With regard to the EALDP (timetable set out below), the Proposed Plan was published for consultation on 13 March 2015 with the deadline for representations of 24 April 2015. The Proposed Plan was submitted to Scottish Ministers on the 8<sup>th</sup> October 2015 and the Examination commenced on 10th November 2015. The Directorate for Planning and Environmental Appeals (DPEA) initially expected the Examination to be concluded by the 8th July 2016, which is 3 months longer than the timescales indicated for examination in the regulations. However, a hearing has now been scheduled for the 23<sup>rd</sup> August 2016 due to further information being required; this hearing relates to Issue 5 – Spatial Strategy Transportation Issues. It is likely that the plan will not be adopted now until early 2017. The timetable below reflects the latest development plan scheme from January 2016 and therefore does not take into account the delays in the examination process.

| East Ayrshire Local Development Plan and Strategic Environmental Assessment Timetable |  |   |
|---|--|---|
| Year/Month  | LDP Process  | SEA Process   |
| <b>2015</b>   |  |   |
| October   | Submit Proposed Plan and all documentation to Scottish Ministers and Publicise Examination   | Submit Proposed Plan and all documentation to Scottish Ministers and Publicise Examination                                  |
| December  | Draft Supplementary Guidance prepared.   |   |
| <b>2016</b>   |  |   |
| January   |  |   |
| February  |  |   |
| March   |  |   |
| April   |  |   |
| May   |  |   |
| June  |  |   |
| July  | Reporter's Examination Report Published and Submitted to East Ayrshire Council   |   |
| August  | Consideration of Examination Report and incorporate recommendations (with Statement of Explanation for any recommendations disregarded)  | Environmentally Appraise Modifications  |
| September   | Publication of any Modifications and the Proposed Plan as Modified by East Ayrshire Council, Advertise Notice of Intention to Adopt, and Submit Proposed Plan (as Modified) to the Scottish Ministers; completion of Supplementary Guidance. | Publish and send revised Environmental Report (and Habitats Regulation Appraisal Record, if required) to Scottish Ministers |
| October   |  |   |
| November  | Adoption of Plan   | Publish Post Adoption SEA Statement and submit to SEA Gateway   |
| December  |  |   |
| <b>2017</b>   |  |   |
| January   | Publish Action Programme for the East Ayrshire Local Development Plan  |   |

## Minerals Local Development Plan

With regard to the East Ayrshire Minerals Local Development Plan (MLDP) (timetable set out below) which aligns with the same PPF Quality outcomes as the proposed LDP, good progress has been made with preparing an East Ayrshire State of the Environment Report which is due to be published pending Committee approval this summer. The State of the Environment Report collates baseline environmental information on the current condition of East Ayrshire's environment, how it is changing and identifies the pressures which are causing change. Whilst this document has been prepared as part of the Minerals Local Development Planning process it will be used to inform policy formulation across the Council and will inform the assessment of planning and related applications,

environmental assessments and funding bids. It is complemented by two user guides; one for Council officers and one for the general public and developers.

A Members Officers Working Group was established to help drive forward the production of the MLDP and to ensure that the views of local communities are effectively communicated and taken on board during preparation of the various documents at key stages to adoption. The group comprising of 5 Councillors and 7 Officers has now met 4 times and is proving to be a useful mechanism in ensuring all issues are covered and all groups are invited to get involved in the MLDP process. The Members Officers Working Group fulfils Performance Marker 9 of the PPF.

Significant progress has been made with the Monitoring Statement, now at a consultative draft stage and this was published alongside the Minerals Draft MIR in June 2016 in line with the Development Plan Scheme. Prior to writing this report the Council undertook a combination of workshops, meetings and questionnaires with selected stakeholders including Community Liaison Groups and Technical Working Groups for existing minerals sites, Community Councils, mineral operators, neighbouring Ayrshire local authorities, government bodies and other organisations with an interest in minerals.

The Council have also undertaken a 'call for priorities, issues and proposals' which ran for 6 weeks between 19th February and 1st April 2016. This sought views on what the priorities of the MLDP should be and which issues we needed to address. It was also an opportunity for developers, landowners and other interested parties to put forward to the Council sites for development within East Ayrshire that they believe are suitable for minerals related development (only). The findings of this consultation have informed our dMIR (draft Main Issues Report) and helped us to arrive at issues and possible options.

We have added an additional step in the statutory development planning process by having a draft MIR (dMIR). We felt this was appropriate as a result of the huge changes in minerals extraction activity that have affected East Ayrshire, primarily in opencast coal, and it allows stakeholders to have an additional opportunity to shape the plan. The dMIR sets out possible reasonable policy and spatial options for minerals related development. Where an MIR would identify the Council's preferred options, we have not identified 'preferred options' in the draft Main Issues Report as we want stakeholder feedback before we decide what our 'preferred options' are. The consultation responses will be taken onto account and we will publish the Minerals Main Issues Report in October 2016.

| East Ayrshire Minerals Local Development Plan and Strategic Environmental Assessment Timetable |  |  |  |
|--|--|--|--|
| Year   | Month  | LDP Process  | SEA Process  |
| 2016   | January<br>February<br>March<br>April<br>May | Prepare Monitoring Statement<br>Prepare Minerals Main Issues Report  | Publication of Draft State of the Environment report and period of public consultation<br>Prepare Scoping Report and submit to SEA Gateway |
|  | June<br>July<br>August                       | Draft Monitoring Statement published and circulated<br>Draft MIR published and circulated<br>Draft MIR revised to incorporate comments | State of the Environment Report published  |

# Official

|      |  |  |  |
|------|--|--|--|
|      | September  | Consideration of Draft Minerals MIR and Draft Monitoring Statement by Cabinet and Full Council.  | Consideration Environmental Report by Cabinet and full Council.  |
|      | October<br>November<br>December                              | Publication of approved MIR and Monitoring Statement for period of public consultation   | Publication of Environmental Report and period of public consultation  |
| 2017 | January<br>February<br>March<br>April<br>May<br>June<br>July | Consideration of responses received to MIR and preparation of a Minerals Proposed Plan.  | Consideration of responses received to Environmental report.<br>Amend Environmental Report if necessary<br>Environmentally appraise Proposed Plan and undertake Appropriate Assessment where required. |
|      | August<br>September<br>October<br>November                   | Consideration of Minerals Proposed Plan by Cabinet and Full Council.   | Consideration of Environmental Report by Cabinet and Full Council  |
|      |  | Publication of Minerals Proposed Plan and Proposed Action Programme and period of public consultation  | Publish and submit revised Environmental Report to SEA Gateway<br>Prepare HRA Record to include screening (determination of likely significant effects) and if necessary, Appropriate Assessment.      |
|      |  |  |  |
| 2017 | December<br>January<br>February<br>March                     | Consider representations received on proposed plan and prepare responses.<br>Prepare summary of unresolved issues<br>Prepare Report of Conformity with Participation Statement |  |
| 2018 |  |  |  |
|      |  |  |  |
|      | April  | Submit proposed plan and all documentation to Scottish Ministers<br>Publicise examination.   | Submit HRA record to Ministers   |
|      | May<br>June<br>July<br>August<br>September<br>October        | Examination of Proposed Plan<br><br>Examination Report published and submitted to planning authority.  | Reporter refers to Environmental Report  |

|      |                              |  |   |
|------|------------------------------|--|---|
|      | November<br>December         | <p>Consideration of recommendations and preparation of modifications, Proposed Plan as modified and Statement of Explanation for not accepting any recommendations</p> <p>Publish Modifications and Proposed Plan as modified<br/>Advertise intention to adopt Plan<br/>Send Ministers Proposed Plan as modified</p> <p><b>Adoption of Minerals Local Development Plan</b></p> | <p>Environmentally appraise modified plan. Carry out Appropriate assessment of modified plan if required. Ministers publish revised Environmental Report and revised HRA Record if required</p> <p>Publish Post-Adoption SEA Statement and submit to SEA Gateway.</p> |
| 2019 | January<br>February<br>March | Publish Action Programme   |   |

Preparation has also commenced on LDP2. Work on the second East Ayrshire Local Development Plan is underway with preparatory work including surveys and land audits currently being undertaken. The Main Issues Report is scheduled to be published in July 2017; the proposed plan in October 2018 and adoption of East Ayrshire Local Development Plan 2 is anticipated in December 2020. The timetable from the January 2016 Development Plan Scheme is below.

| <b>Local Development Plan 2 and Strategic Environmental Assessment and Habitats Regulation Appraisal Timetable</b> |   |  |
|--|---|--|
| Year/Month   | LDP Process   | SEA Process  |
| 2016   | Survey and land audits undertaken.  | Collection of Baseline Environmental Data  |
| December 2017  | Preparation of Main Issues Report, Preparation of Monitoring Statement and Engagement with Key Agencies | Collection of Baseline Environmental Data;   |
| January  |   | Prepare Scoping Report;  |
| February   |   | Submission of scoping report to Consultation Authorities;  |
| March  |   | Consider Comments from Consultation Authorities  |
| April  |   | Environmental Appraisal of the Main Issues Report  |
| May  |   | Habitats Regulation Appraisal (HRA) of Main Issues Report and Appropriate Assessment if necessary in consultation with SNH   |
| June   |   |  |
| July   | Publication of Main Issues Report and Monitoring Statement  | Publication of Environmental Report and submission to the Consultation Authorities<br><br>Publication of HRA and/or Appropriate Assessment where necessary and submission to SNH |
| August   | Consultation on Main Issues Report  | Consultation on Environmental Report   |
| September  |   |  |
| August   | Consideration of Representations Received on Main Issues Report   | Consideration of Comments/ Responses to the Environmental Report and HRA and/or Appropriate Assessment   |
| September  |   |  |
| October  |   |  |
| November   |   |  |
| December   |   |  |
| 2018   |   |  |
| January  |   |  |
| February   | Preparation of Proposed Plan and Action Programme   | Environmental Appraisal of Proposed Plan and HRA and/or Appropriate Assessment if required   |
| March  |   |  |
| April  |   |  |
| May  |   |  |
| June   |   |  |



|           |   |  |
|-----------|---|--|
| July      |   |  |
| August    |   |  |
| September | Consideration of Proposed Plan at full Council; Publication of Proposed Plan and Action programme                                       | Publication of Environmental Report and Consultation on Appropriate Assessment with SNH (if required)                                |
| October   | Consultation on Proposed Plan and Action Programme;<br><br>Neighbour Notification   | Consultation on the Environmental Report;  |
| November  |   | Submission of HRA and/or Appropriate Assessment to SNH   |
| December  | Consider Representations Received on Proposed Plan, Prepare Responses and Report of Conformity with Participation Statement             | Consideration of the Comments/Responses to the Environmental Report and Comments from SNH on the Appropriate Assessment, if required |
| 2019      |   |  |
| January   |   |  |
| February  |   |  |
| March     |   |  |
| April     |   |  |
| May       |   |  |
| June      | Consideration of Proposed Plan at full Council  |  |
| July      | Submit Proposed Plan and all documentation to Scottish Ministers and Publicise Examination  | Submit Environmental Report to Scottish Ministers and Publicise Examination  |
| August    | Examination of Proposed Plan  | Reporter refers to Environmental Report  |
| September |   |  |
| October   |   |  |
| November  |   |  |
| December  |   |  |
| 2020      |   |  |
| January   |   |  |
| February  |   |  |
| March     |   |  |
| April     |   |  |
| May       | Reporter's Examination Report Published and Submitted to East Ayrshire Council  |  |
| June      | Consideration of Examination Report and incorporate recommendations (with Statement of Explanation for any recommendations disregarded) | Environmentally Appraise Modifications   |
| July      |   |  |
| August    |   |  |

|           |   |  |
|-----------|---|--|
| September | Publication of any Modifications and the Proposed Plan as Modified by East Ayrshire Council, Advertise Notice of Intention to Adopt, and Submit Proposed Plan (as Modified) to the Scottish Ministers | Publish and send revised Environmental Report and HRA Record to Scottish Ministers |
| October   |   |  |
| November  |   |  |
| December  | Adoption of Plan  | Publish Post Adoption SEA Statement and submit to SEA Gateway                      |
| 2021      |   |  |
| January   | Prepare Action Programme  |  |
| February  |   |  |
| March     | Publish Finalised Action Programme for the East Ayrshire Local Development Plan 2*  |  |

Moving forward, the Council is committed to delivering both LDPs as efficiently as possible and currently project manage their preparation through weekly progress meetings to reduce future risks and ensure that the Development Plan Scheme timetable is adhered to.

### **Effective Housing and Employment Land**

There has been a significant revision to the Marketable Employment Land Supply due to the undertaking of an exercise to quantify and record the amount of available land within each designated employment site. The previously reported figure of circa 304.94ha is the sum of the designated employment sites within East Ayrshire while the current figure of 125.04ha represents the sum of the areas of available employment land within designated employment sites.

### **Development Management Overview**

During the 2014/15 period, the Development Management Section was restructured due to the significance of the workloads experienced to create three specialist teams- [i] Renewables (The Wind Team) [ii] Coal and Minerals (The Coal Team) and [iii] The General Development Team (catering for both major and local developments). The Wind Team was been introduced to cater for the increased application demand from local and major Onshore Wind applications, and in particular Section 36 Electricity Act applications. The Coal team undertakes work on all Coal and Mineral applications within the district and is tasked with the restoration of the abandoned opencast coal sites as well as the delivery of the restoration of the operational coal, quarry and landfill sites. Within the accounting period up to 31<sup>st</sup> March 2016 the service has 21 windfarms, 10 opencast coal complexes, 7 quarries, 3 land fill sites and 1 gasification plant under various stages of assessment, deployment and operation.

Both teams have a detailed compliance monitoring regime in place to monitor these sites and utilise independent compliance assessors (Planning Monitoring Officers (PMO's)) to support the compliant delivery of planning conditions and obligations during the operation of the projects. The General Development Team covers all other Major and Local Development application types and the enforcement and during the period is progressing an increased number of public and private sector residential educational and recreational projects. All teams provide general and detailed enquiries to the public and stakeholders and with the increased planning resources noted below there is an increased priority to deliver greater pre-application advice on all planning matters prior to the submission of the application to increase the performance on applications and approval rate when submitted.

During 2015 and extensive review of the Planning Services workload was carried out in relation to Development Planning; Development Management and also the Admin and Technical Support Services which underpin the LDP and Planning applications processes. The review having considered the existing staff resource and current and projected workloads identified that the staffing resources required to be increased throughout the entire Service to increase productivity and performance to ensure the Planning Service was able to respond efficiently to the changing demands within the economy and through up to date LDP's and short turn-around times for Planning Applications increase economic investment and delivery within East Ayrshire. This level of unprecedented investment is fully outlined within the PPF evidence but in summary the October 2015 Cabinet agreed to the increase of resources at all areas of the front line Service from Graduate Planning, Officer to Team Leader level. Following Cabinet approval a Job Evaluation and Recruitment exercise was undertaken and the first new recruits started in March 2016 with the remaining posts being filled during 2016-17. The investment raises the Services ability to meet and delivery all its planning priorities. A summary of the new posts created are illustrated below:-

### **Additional Planning Posts**

#### **Development Planning:**

|                              |             |
|------------------------------|-------------|
| Senior Planning Officer      | 2 New Posts |
| Planning Officer             | 2 New Posts |
| Regeneration Project Officer | 1 New Post  |

#### **Development Management:**

|                         |             |
|-------------------------|-------------|
| Team Leader             | 1 New Post  |
| Senior Planning Officer | 2 New Posts |
| Mineral project Officer | 1 New Post  |
| Planning Officer        | 5 New Posts |
| Trainee Planner         | 1 New Post  |
| Assistant Technician    | 1 New Post  |
| Admin Officer           | 1 New Post  |

Therefore, over the accounting period with the existing core of staff there has been an increased effort to increase pre-application advice which has assisted with the increased application approval rate. Also increased applicant/agent take up on the numbers of Processing Agreements (PA's) which are also in place with the majority of cases linked to

the more complex applications which are under assessment. An increased numbers of PA's will feature in forthcoming returns. The Council also has a Planning Committee Schedule which is now set at a three weekly cycle to allow Development Management to prepare reports to get them to the first available Planning Committee and this has also aided in reduction of timelines for applicants and assisted to clear a number of legacy cases.

The figures for the average timescale for assessing Major Planning applications (without stopping the clock) continues to increase due to the complexity of the developments and the on-going drive to deal with legacy applications. The adverse impact on the Council's overall performance is anticipated to reduce following the increased resources to assist with the clearance of the majority of the major legacy applications with a target set of March 2017 to reduce to 20 cases. While noting that clearance of these applications will raise the overall annual performance figures over the longer term, the work continues to affect performance for 2016/17. At the 31<sup>st</sup> March 2016, 47 pending local and major development applications remain to be determined and are considered as legacy applications, the majority out with the two year period. However, the targeted resources saw excellent results in reducing the 124 legacy cases to 47, however the remaining cases are complex in their nature and many have outstanding Section 75's to be agreed or have enforcement history linked to the cases and therefore requiring detailed analysis to resolve these matters. Notwithstanding, the task will be to clear these major and non householder applications down to 20 by March 2017 and 10 by March 2018. In terms householder developments which accounts for the major number of applications within the service, performance has increased from 8.8 weeks down to 8.1 weeks. With the additional resources long term goals are to maintain all householder decisions below the 8 week target.

## **PART 2: DEFINING AND MEASURING A HIGH-QUALITY PLANNING SERVICE**

The Council considered the response from the Scottish Government in relation to the 2014/15 PPF at the Governance and Scrutiny Committee on 25 February 2016 and agreed the Action Plan within Appendix 1 which linked to the Performance RAG rating to the Service Improvement Plan and provides an overview of the actions taken to improve future markers.

The Actions Plan included with Appendix 1 outline the appropriate measures necessary to increase the staff resource; target the legacy applications and achieve a stable, robust planning service that will enable delivery of the following objectives:-

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

- Deliver an adopted Local Development Plan for East Ayrshire.

The link details the Committee Report and Action Plan.

[Item 6 - Planning Performance Framework.pdf](#)

***The following statements are examples of High Quality Planning Outcomes***

***High Quality Development on the Ground:- Kilmarnock Town Centre***

### **SURF Award**

In December 2015, Kilmarnock was awarded a SURF Award for Scotland's Most Improved Large Town. SURF (Scottish Urban Regeneration Forum) is the independent regeneration network for Scotland. Its overall objective is to improve the health and wellbeing of residents in Scotland's disadvantaged communities. The award's purpose is to highlight the positive impacts of participative planning and regeneration processes on town centres across Scotland. East Ayrshire Council was recognised for the implementation of its Integrated Urban Development Plan which continues to revitalise the town centre of Kilmarnock through a 'town centre first' approach, which in turn acts as a driver for wider social and economic change.





## Testimonials

Following the award, the President of the RTPI, Phil Williamson, visited Kilmarnock and stated:

***"I can fully understand why Kilmarnock has been named Most Improved Town in Scotland. Its politicians have worked hand in hand with officials to take a long-term and strategic approach to the area. This has meant taking some bold decisions and bringing different functions together to serve communities. Planning has a key role to play in this."***

## High Quality Development on the Ground:- Kilmarnock Conservation Area Regeneration Scheme (CARS) and Kilmarnock Townscape Heritage Initiative (THI)

The Kilmarnock Conservation Area Regeneration Scheme (CARS) and Kilmarnock Townscape Heritage Initiative (THI) is a heritage led regeneration project which has seen over £19m of investment on the repair and refurbishment of 17 properties within the John Finnie Street and Bank Street, Kilmarnock Conservation Area. Of the 17 properties improved under both schemes, 7 priority buildings have been repaired and new uses have been found for 4 vacant properties/sites. The Grant Expiry Deadline for the Kilmarnock THI has been extended to 31 July 2017 to enable the conversion of 30-38 John Finnie Street to a business enterprise hub to be completed. A 52 week contract was let on 29<sup>th</sup> February 2016 at a value of £3.2M to CCG. The development of this project will increase the Economic Development opportunities for first time and small business and create a centre of excellence for small starter East Ayrshire businesses. Whilst the start date was delayed until the 13 June 2016 the project is now progressing well, and it is expected that the project will be complete prior to the THI grant expiry deadline.

The CARS/THI project has been a key element of the Council's Town Centre strategy that has successfully helped to regenerate Kilmarnock. The strategy was approved in December 2005 to provide a framework for the regeneration of Kilmarnock town centre. It was subsequently incorporated into the East Ayrshire Local Plan 2010.

For East Ayrshire Council the CARS/THI schemes were seen as essential components of the Council's asset management strategy. Anticipating the recommendations of the national Review of Town Centres the strategy focused attention on using existing and establishing new office accommodation in vacant town centre buildings within the CARS/THI boundary. Indeed the Town Centre Review was launched from one of Kilmarnock's famous landmarks; the Opera House which was one of the key priority schemes.

A Conservation Area Management Plan (CAMP) was also prepared early in the life of the project. It set out proposals and guidance to steer future development whilst conserving the character of the conservation area. The CAMP was adopted as supplementary planning guidance by the Council and Kilmarnock THI Partnership in November 2007.

Importantly, the lessons learnt from this first scheme in East Ayrshire have been passed on to other towns. CARS schemes have been successfully applied in Cumnock and Galston with the latest bid being prepared for Dalmellington. Under the Cumnock CARS, £1,594,153 of public funding was provided to property owners in Cumnock, this resulted in a total project investment of £4,524,688, by public/private funding. This investment has resulted in the completion of a total of 25 building repair projects including The Dumfries Arms Hotel, The Royal Hotel, and the Cumnock Town Hall all within the Cumnock Conservation area, and the improvements to the public realm/streetscape, at Blackbull close. The Council through the Cumnock CARS extension, approved by Cabinet in May 2015, has allocated an additional £0.16M to a further 3 projects including The Mercat Hotel which when complete will result in a total project investment in excess of £0.4M.

With such extensive schemes for restoring our rich heritage, the opportunity to enhance opportunities for training in traditional building skills has also been developed, most recently through the Galston CARS The Regeneration Team has also provided support to the THI Project Board set up to deliver the regeneration projects.

During the 2015/16 period the following heritage projects were committed/commenced on site:-

- 1) 30-38 John Finnie Street, Kilmarnock – A Comprehensive scheme of Conservation and Repairs, and the Conversion to a business hub, to be named the Ingram Enterprise Centre after the architect who designed the building.
- 2) 1-3 Ayr Road, Cumnock – A comprehensive scheme of repairs to slate roof, cast iron rainwater goods and general repairs to masonry, sash and case windows and repainting of external doors– commenced.
- 3) 8-12 Bridge Street, Galston (The Bucks Head) – A comprehensive scheme of repairs to the slate roof, walls and windows, lead and cast iron rain water goods, repointing, indenting, and installation of a new traditional shop front – nearing completion. Approximate Total Value £146,000.
- 4) 33-35 Bridge Street, Galston – A comprehensive scheme of repair including complete re-slating and rot repairs to the roof structure, leadwork, and new cast iron rainwater goods. Original sash and case windows restored and replacements fabricated and installed where necessary. Masonry work including indenting, repointing and removal of cementitious render and application of lime render to all walls. Chimneys restored and ventilated. Approximate Total Value £160,000.

*Illustrative examples of the ongoing regeneration works are noted below*



33-35 Bridge Street, Galston:- Complete reslating and rot repairs to the roof structure. To be completed August 2016.



8-12 Bridge Street, Galston (The Bucks Head) - External improvements and conservation of the building fabric. Shopfront still to be completed August 2016.



1-3 Ayr Road, Cumnock - A comprehensive scheme of repairs to slate roof, cast iron rainwater goods and general repairs to masonry is currently on site.

One of the other successful projects linked to the Heritage Led Regeneration initiatives in Kilmarnock is the Kilmarnock Town Trail. Its author Graham Boyd from the Kilmarnock and District History Group won the Civic Champions Award in March 2014 from Derek Mackay, Minister for Local Government and Planning, as part of the Scottish Civic Trust's "My Place Awards 2014". This year Graham has been preparing a Galston Town Trail with assistance from teachers from the primary & secondary schools in Galston, and the wider community of Galston. The final document is due for publication and launch in September 2016.





### **Galston's CARS project – Design a sign competition**

Loudoun Academy pupils forged new links with the Galston Conservation Area Regeneration Scheme (CARS) on a recent visit to the Ratho Byres Forge in West Lothian, to learn more about the production of the prizewinning hanging sign, designed by them as part of the plan to restore the town's historic buildings.

Hosted by Pete Hill, Master Artist Blacksmith partner and founder member of P. Johnston and Company, four pupils: Megan Berry, Jay Campbell, Jamie Muir and Allison McCall spent a day learning all about the processes involved in production of the new sign for the Stag's Head pub, which is currently undergoing extensive renovations thanks to grant funding from CARS.

The pupils were accompanied by Claire Paterson of Napier University and George Paterson, Technical teacher from Loudoun Academy who has been working with Pete Hill and the pupils to teach them all aspects of metalwork, design and traditional skills. The group, whose whole class have participated in a year project which has involved hands on workshops, meeting building owners to take design briefings, design and metalwork sessions and an exhibition of winning ideas, spent a whole day at Ratho, learning all about the work of craft blacksmiths like Pete and his partners.

### High Quality Development on the Ground:- Catrine Environmental Heritage Project.

The Regeneration Team have also been working in partnership with Catrine Community Trust on the **Catrine Environmental Heritage Project**. This has seen the completion of the restoration of the Catrine Weir which is a Scheduled Monument in September 2014, the completion of a business centre and Community Education & Visitor Interpretation Centre (CEVIC) at No 14 Ballochmyle Street, Catrine in 2015, and the restoration of two of the three GILKES turbines and the reintroduction of the hydro power scheme exporting 200 KW to the national grid, providing a regular income to the Catrine Community Trust. Due for completion in September 2016. Below are photographs of the works in progress at the Turbine House to enable the reintroduction of the Hydro Power Scheme, and the inside of the completed CEVIC.



Catrine Community Education & Visitor Interpretation Centre

## **Quality of Service and Engagement**

### **Open for Business**

#### **Green Infrastructure Strategy**

In line with the development of the East Ayrshire Local Development Plan, the open space strategy and audit has been reviewed and updated to reflect current provision and current policy around Green Infrastructure. This aims to provide a co-ordinated approach to the provision of protected open space, development of local green space initiatives and the core path plan. Open space requirements within the document, linked to the Proposed Local Development Plan, will help to contribute to the Settlement Green Infrastructure/Open Space standards and also towards improving the quality of places. The minimum standards will also help to address deficiencies within certain settlements. The Green Infrastructure and Green Network Strategy will integrate with the Local Development Plan and will contribute to delivery of the Community Plan outcomes, particularly within the strategic objectives, local outcomes and priority actions outlined within the Wellbeing Theme.

#### **Minerals Local Development Plan**

The Council has embarked on an ambitious development plan scheme for the Minerals Local Development Plan which includes engagement well beyond the statutory requirements. We embarked on early consultation at pre MIR stage including a workshop to which a wide range of stakeholders were invited, including communities. This workshop attracted positive feedback. Malcom Spaven, Chair of the Scottish Opencast Communities Alliance stated:

**“I just wanted to say thank you to you, Karen and the team for today's workshop. It's very positive that you are making the effort to engage the community, particularly when your resources are already stretched doing the day-to-day work. I think we all felt it was a really worthwhile afternoon and we look forward to seeing how the plan develops.”**

The Council has also undertaken a ‘Call for Priorities, Issues and Proposals’ (19th February - 1<sup>st</sup> April 2016) which allowed landowners and prospective developers to put forward for consideration sites for which they had an aspiration for development. In addition, any issues or priorities that any stakeholder felt should be addressed in the Plan could be put forward.

In June, using the consultation and workshop responses received, we published a Draft MIR which gives stakeholders an additional opportunity to let us know their views. We will shortly embark on a series of workshops to explore the Spatial Strategy which will inform the final MIR.



## **Vacant and Derelict Land**

East Ayrshire Council has worked throughout the 2015/16 period to gain acknowledgement of the vast areas of derelict land in the Council area as a result of the liquidation of Scottish Coal and ATH Resources in 2013. This involved working with the other Scottish Councils to review and revise the principles for defining vacant and derelict land, thereby contributing to a culture of continuous improvement at a national level. East Ayrshire Council worked through a number of scenarios to demonstrate problems with the existing definitions and to suggest changes which would make the survey robust in its assessment of the scale of vacant and derelict land in Scotland. The work was accepted by the working group and the Scottish Government. This has resulted in a total of 2,217 hectares of former surface coal mines in East Ayrshire being identified as derelict, and these sites have been included in the SVDLS publication results for the years 2014 and 2015.

## ***Development Management***

As highlighted within the last year PPF East Ayrshire the Council's Planning and Economic Development Service deliver a 'one door' approach to major and complex development. Throughout 2014/15 progress was made with a number of expanding East Ayrshire companies and this detailed work has continued. However, the constraints in resources during 2015 resulted in the Development Management Service working to an appointment system for members of the public and agents whereby a Planning Officer was available Monday – Friday 09:00am to 13:00pm.

The purpose of this temporary reduced access was to enable planning enquiries to be dealt with at specific appointed times by a specified officer and allow Planning staff to focus on the assessment of Planning Applications, thereby increasing performance. While this operationally was successful from a performance position it was acknowledged through customer feedback that members of the public preferred access to a Planning Officer while the Planning Offices were open. This factor was also considered when reviewing staff resources and as a direct result of customer feedback the implementation of the staff recruitment strategy has seen the duty cover now provided for the entire duration of the office being open to the public. To deliver certainty to the customer the additional staff resource will deliver increased productivity, remove the legacy cases, and increase both performance and customer satisfaction.

When a planning application is registered the applicant/agent is notified of a single point of contact with all correspondence providing contact details. When the application is assessed by the Planning Officer any areas of potential conflict with the Development Plan or the design of development are raised at an early juncture with the applicant/agent to allow response to the enquiry prior to finalising the assessment. Applications which include the advice from the pre-application meetings are better placed to be determined within the statutory period. However, it is proposed that the increased staff resource within Development Management will enable a higher number of preliminary discussions and thus assist to reduce assessment periods and increase performance.

In the last PPF the inward investment was highlighted as the Service promote its own strategic business and employment site at Moorfield Park on the western edge of Kilmarnock. The 9ha site has been developed with full infrastructure in place and with a major unit completed a number of other advanced factory units are being developed onsite through the planning process to ensure that high quality facilities are in place to accommodate new business expansion to the area. Furthermore, provision has been made within the proposed LDP for phase 3 which will provide the facilities and infrastructure for developing both local and new business opportunities.

Similarly the Planning and Economic Development Service plays an important and central role in delivering the Councils Community Plan and in particular the Delivering Community Regeneration Action Plan. The 2014/15 performance report is also attached for information.

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

### **Superfast Broadband**

In respect of the provision of key infrastructure resources as part of the Council objective and included within the proposed LDP to support our businesses the Council contributed £1.2m during 2014/15 provided for the roll out of superfast Broadband under the 2015 Step Change project. This partnership with BT and the Scottish Government and other contributory Councils will enable 98% of premises within East Ayrshire by 2017 to access superfast broadband. Fibre coverage as of 31st March 2016 is at 85% for speeds of more than 24 (Mbps). The combination of the Rest of Scotland project, including the Council's additional investment, and existing commercial rollout plans will ensure that approximately 98% of premises within East Ayrshire will have access to fibre broadband by the end of 2017.

### **Developer Contributions**

During 2015/16 there has been an upward trend in residential development planning applications within the Council area and the Supplementary Planning Guidance to support the implementation of the developer contributions policy (RES29) is generating additional income for local LDP projects. However, as with Section 75 determination periods (requiring conclusion within a 6 month period) it is now apparent that developers having received a minded to grant decision at Planning Committee without a legal agreement are not paying the developer contribution until they are close to their development commencement date. This matter will be picked up when revising internal procedures on Developer Contributions whereby the minded to grant decision will have a qualification in that this must be completed within 6 months of the Planning Committee date otherwise the decision will require to be reconsidered by Planning Committee as this is causing a delay in the decision making process. A link to the current guidance is attached below.

Link no longer available.

The guidance provides information on how the Council applies policy RES 29 and the procedures that have been adopted. Additionally the guidance provides information as to how the contribution is calculated (this is dependent on the scale and location of the residential development proposed) as well as worked examples to help users understand the policy and what it means for their development. The Planning Officer will fully outline the keys factors for consideration at the pre-application meeting. All contributions on receipt are acknowledged and recorded within the budgetary control. There are clear procedures in place to reduce or waive the contribution in certain circumstances by Senior Managers such as an affordable or enabling housing development. The procedures and policy has been assessed and audited by the Councils internal audit service and found to be fully operational.

Contributions from windfarm developers in line with policy CS15 of the adopted East Ayrshire (2010) Local Plan have also been obtained. Contributions are retained by the Council in a ring fenced budget (the Renewable Energy Fund (REF)) and can be accessed only by community groups in support of community projects. The Council has updated its eligibility criteria for projects under the fund – a link to the approved EAC Cabinet Report is provided below.

[Renewable Energy Fund.pdf](#)

### **Planning Committee**

The Scheme of Delegation allows for all major developments and local developments subject to more than 10 Objections being referred to Planning Committee. Additionally, environmental developments which do not fall within the above bracket which have an impact on site restoration will also be referred to Planning Committee. During the accounting period meetings with the Chair of Planning considered ways to enhance the Planning Committee for the applicant, the objector and the public gallery. The Chair of Planning and Planning Officers visited a number of west Scotland Planning Offices to review the workings of the Planning Committee and Local Review Body. The outcome of benchmarking and internal discussions identified the following areas for improvement:-

- Greater use of Customer Feedback at Planning Committees through the introduction of customer questionnaires from April to July 2015 to establish service improvements;
- Increased use of visual maps on the overhead screens to detail all Planning Application submission including plans, maps and pictures of the site;
- Reduce the amount of jargon within Planning Reports and ensure all acronyms within the reports are clearly defined. An example of this is SEPA which will read as “Scottish Environment Protection Agency (SEPA)”. The process adopted ensures that the reader had an explanation of the acronym at the point of reading the text rather than to flick back and forth to a separate glossary.

Following review of the customer questionnaires a number of matters were raised by the public which covered the following matters

- Introduction of Officers at the top table.
- Hearing Councillors Discussions of Planning matters;
- Clear announcement of the Decision

These matters were considered at the time of the feedback being received and quickly resolved by the Chair of Planning ensuring that all members of the Planning Committee and Officers are introduced at the meeting; all persons talking at the Planning Committee use the designated microphones and this is supported by video on the large screens and the Clerk to the Committee will clearly announce all decisions. Since these minor changes have been introduced there has been no further matters raised.

### **Certainty, Communications Engagement and customer service**

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

#### **Opencast Coal:- Case Studies**

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

The affected Communities in these areas were disappointed and angry with the Coal Companies for the failure to properly operate and restore the sites and with the Council for our failure to regulate sites.

Following negotiation with the Restoration Guarantee providers the Planning Authority managed to secure a limited amount of finance to facilitate the restoration of these sites. The main focus of the Council in relation to these sites has been to facilitate operations which will address primarily the health and safety issues, the environmental issues and if possible return the land an acceptable use. (Ref Chief Executive Report 19th September 2013)

To that end, with the money secured from the Bond Providers, the Planning Authority engaged with Local Communities, Statutory Agencies/consultees and relevant voluntary bodies to identify issues which required to be addressed for each site. Thereafter either a public tender process was carried out or a negotiated contract was established to secure the best restoration scheme for four of the complexes – Dunstonhill by Patna, Netherton by Skares, Areas C and D by Skares Village and Ponesk by Muirkirk. The link illustrates the sites spatially:-

#### **[EA Rural Land Use map February 2025](#)**

The following outlines the key aspects of each site, the interdisciplinary working and the community engagement process which East Ayrshire Planning Authority has engaged in to achieve the best restoration solution available for each site. The sites

are at various stages of the restoration process and we are constantly learning and evolving our restoration methods and communication engagement.

### **Dunstonhill Opencast Coal Site**

Restoration Liability - £10.4million

Bond Money Secured - £3million

3 Landowners – Poll Estate , Mines Restoration Limited & Forestry Commission  
Tender Process

The public Tender process for this site was judged by a Panel which included, the land owners, Reps from the Community Council, SNH, SEPA, the Planning Authority and the Council's Independent Compliance Monitors Dalgleish Associates.

Details of the site restoration proposals can be found at:-

Link no longer available.

The Planning Committee Report on the Enforcement Notice can be viewed at:-

[Enforcement Notice - Dunstonhill Site Opencast Coal Mine.pdf](#)

**Community Liaison Committee** – A Community Liaison Committee originally for the opencast coal site, but which rarely met, was re- established in September 2015 to provide an open and frank dialogue between the Planning Authority and the local community. This Group has been well attended by both the local community, the land owners, local Elected Members and the Planning Authority. The meetings are chaired by the Planning Authority with a clear agenda. Minutes of the meeting are posted on the Council Web site as noted above. Each meeting involves a site visit as well as a formal meeting and the membership is open to any member of the local community. This flexibility has resulted in some regular members however has also allowed interested parties to attend one or two meetings to find out what is occurring.

### **Technical Working Groups**

A Technical Working Group originally for the opencast coal site, but which rarely met, was re-established in October 2015 to provide technical advice through the length of the restoration contract. The membership of the group includes SNH, SEPA, RSPB, Ramblers Association, EAC Countryside Access Officer, Forestry Commission, Dalgleish Associates, landowners, the Contractor and the Planning Authority. The meetings are Chaired by the Planning Authority and the Agendas and minutes are published on the Council Web site as noted above.

### **Restoration Works**

The collaborative nature of the Community Liaison Committee and the Technical Working Group has ensured that the restoration project has been able to evolve to address more specific community needs such as footpath locations and surface finishes.





Dunstonhill void June 2013



Dunstonhill Void March 2016

### **Joined up thinking**

Due to the lack of available top and subsoils at the former opencast sites, the Planning Authority has been engaging with all developers and businesses in the locality to discuss the possibility of excess material which is suitable as soil forming materials such as topsoils peat or composts being imported to the opencast complexes to help reduce the topsoil deficit. This joined up thinking is sustainable as it reduces material going to landfill sites while assisting greatly in the regeneration of the abandoned opencast coal sites. Much of the peat which has been sourced for the site comes from the excess amount of peat realised within the nearby interconnector development operated by Scottish Power Energy Networks whereby the excess peat would have been transferred as a waste product to landfill under SEPA requirements had the material not been identified for restoration purposes at Open Cast Coal sites. In Planning context the Transport Management Plan was revised as noted below:-

[Item 7 -TMP Transmisison lines.pdf](#)

**Ponesk Opencast Coal Site**

Restoration Liability £13.726 Million

Bond Money £3 million

Landowner – Mines Restoration Limited

The Planning Committee Report on the Enforcement Notice can be viewed at:-

[Item 5 - Ponesk Site Opencast Coal Mine, Muirkirk.pdf](#)

**Restoration Tender**

The Contract for this restoration work is due to start on site in July 2016, the consideration of the tender submissions was consider by a tender panel, consisting of the Planning Authority the land owner, SNH SEPA and Dalgleish Associates. This collaborative working ensures that the scope of the works address all areas of concern for the complex.

**Technical Working Group**

A Technical Working Group originally for the opencast coal site, but which rarely met, will be re-established in July to provide technical advice through the length of the restoration contract. The membership of the group includes SNH, SEPA, RSPB, Ramblers Association, EAC Countryside Access Officer, Dalgleish Associates, landowners, the Contractor and the Planning Authority. The meetings will be Chaired by the Planning Authority and the Agendas and minutes will published on the Council Web site as noted.

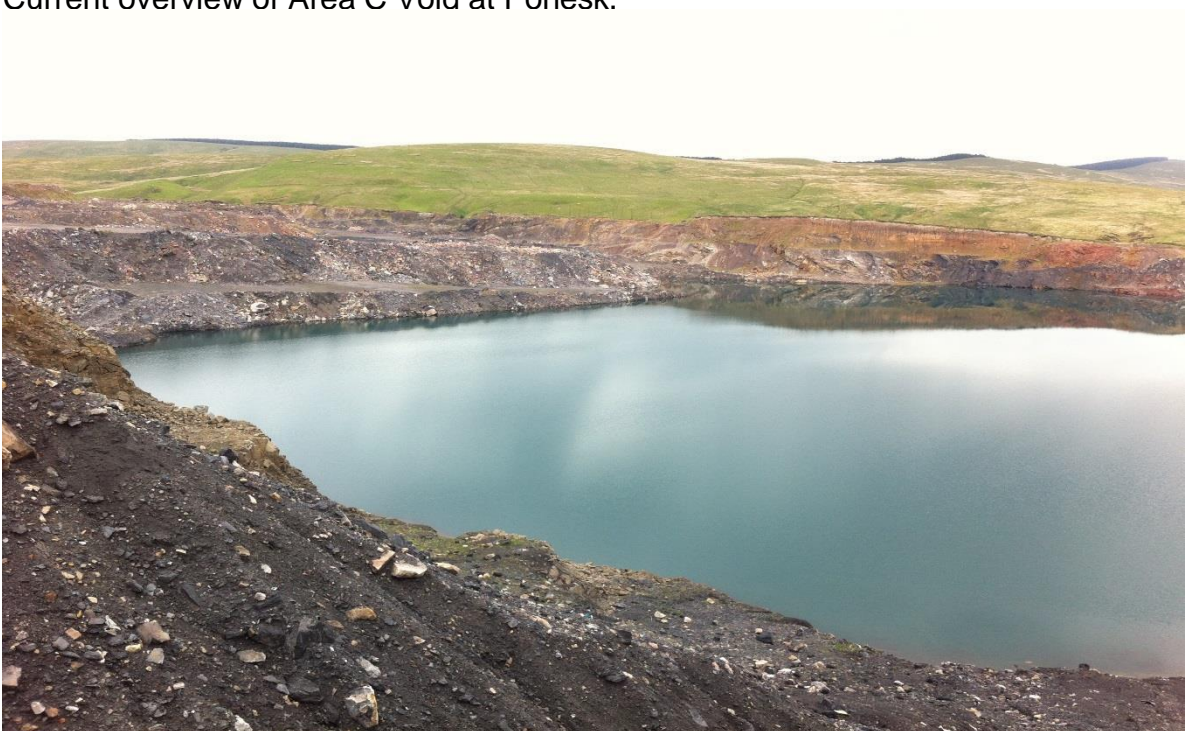
**Community Liaison Committee**

Due to the lack of Community Council in Muirkirk the nearest Village, we have been unable to establish a Community Liaison Committee for this project at this current time. However prior to the consideration of the Tender Submissions, a public exhibition was held in Muirkirk, in conjunction with an exhibition on a project at Powharnal. Public feedback was gained on the key issues for the site and area which required to be addressed. Given the restoration operations will be commencing in July we have sent out invitations to various community Groups to gain membership for the Community Liaison Committee. Democratic Service, have advised that the formation of the new Community Council is in its final stages and it is anticipated that this will be completed by August 2016.





Current overview of Area C Void at Ponesk.



Grasshill void with Ponesk open cast cola site.

### **Skares Area D**

Restoration Liability £6 million

Bond Money available £400,000

Landowner – Land disclaimed by KPMG

This area of land was disclaimed by KPMG, the Liquidators for ATH, in 2013, therefore the site has no legal owner. Unfortunately the Restoration Guarantee for this site did not match the £6 million restoration liability for this site. However, the risk to the local community was recognised both by the Planning Authority's assessment of the site and through the feed-back from the Community Representatives at the Community Liaison Committee for the Netherton Opencast coal site it was recognised that this site could not be left in its current condition.

The Planning Committee Report on the Enforcement Notice can be viewed at:-

[Item 6 - Enforcement Notice - Skares Area D.pdf](#)

Skares Area D Void with Overburden profiled on the landscape at Netherton OCCS.



Having assessed all the risks in relation to this site the Council took the view that this water filled void could not be left in its current state due to the safety and stability issues of the void in close proximity to the Skares village, and determined that given there was no finance available from the Scottish or the United Kingdom



Governments the Council would be required to fund the shortfall in the restoration moneys. Therefore the Council has redistributed bond monies from other opencast coal sites and committed £4million of the Council's Capital programme to fund this restoration project.

Following initial consultation with the Community Representatives the Planning Authority identified a schemes to restore the site to a scheme similar to the approved planning permission, which included a water body, however at the public meeting attended by most of the residents of the Village of Skares it was clear that that solution was not acceptable to the locals. Therefore a revised scheme, acceptable to the local community, has been identified which can be delivered for the total value of £5.5million budget. The Scheme is scheduled to commence October 2016.

#### **Community Liaison Committee –**

The Planning Authority has engaged with the local Community of Skares through the existing Netherton Community Liaison Committee and a separate public meeting held to set out the options available. As this project progresses, a Community Liaison Committee will be established to provide an open and frank dialogue between the Planning Authority and the local community. Each meeting will involve a site visit as well as a formal meeting and the membership is open to any member of the local community.

#### **Technical Working Groups**

A Technical Working Group originally for the opencast coal site, has been re-established in July 2016 to provide technical advice throughout the length of the restoration contract. The membership of the group includes SNH, SEPA, RSPB, Ramblers Association, EAC Countryside Access Officer, Forestry Commission, Dalglish Associates, landowners, the Contractor and the Planning Authority. The meetings are Chaired by the Planning Authority and the Agendas and minutes are published on the Council Web site as noted above.

Similarly a team approach has been developed with the Scottish Government, SNH, RSPB, land owners, MRL and the Planning Authority to take forward an action plan to secure an alternative restoration scheme which can be delivered at the former opencast coal sites at Powharnal; Dalfad and Grievehill which are partially located within the Special Protection area (SPA). This project will commence September 2016 with proactive restoration work carried out to regularise enforcement matters on the site with the main work subject to a Major Planning Application which will be subject to a processing agreement and has been subject to monthly pre-application meetings with SEPA, SNH, RSPB, MRL and the Scottish Government.

While the increased staff resource will not be met until into the 2016-17 accounting period the Council still as reported in previous PPF's utilises independent mining and environmental consultants to support the compliance monitoring on all the onshore wind, opencast coal, quarries, landfill and gasification projects. The compliance monitoring arrangements are reported to Planning Committee on a quarterly basis as noted below to deliver openness and transparency and a level of certainty to the public on the progress of all major environmental operations.

Planning Committee 24th April 2015

[Compliance Monitoring Update of Major Developments in East Ayrshire.pdf](#)

Planning Committee 21 August 2015

[Compliance Report update of Major Developments Quarterly Report August 2015](#)

Planning Committee 18 December 2015

[Compliance Monitoring Update of Major Developments in East Ayrshire - December 2015](#)

Planning Committee 22 April 2016

[Compliance Monitoring Update - April 2016](#)

### ***Certainty:- Processing Agreements***

Processing Agreements were identified within the PPF as an areas when the Planning Service aimed to get an increased number within Major and complex developments. While the Councils has detailed guidance on the website on Processing Agreements and is fully supportive of the processing agreements for both major developments and complex local development and encourages these agreements at all pre-application discussions, developer take up has been low. Previous examples of the Opencast Coal developers not taking up Processing Agreements was down to the developers expectation that the applications would be determined by the Planning authority when they had completed the Section 75 legal agreement and did not see fit for another process. However, a range of Processing agreements are in place for Section 36 Windfarm developments and for residential developments as well as complex local developments and these will feature in future returns. Currently we have applications adopting the use of Processing Agreements on education and wind energy developments.

### ***The Planning Process***

Consistency and reliability of officer advice is essential within the Planning Service and therefore there are a number of key protocols and processes adopted to minimise inconsistencies and misinterpretation. All planning enquiries are registered on the *Uniform* planning system with a unique reference number against the site property address to ensure that the planning history of the site enquiry is recorded. The case officer will review the enquiry and if the matters raised highlight a contentious planning

matter these issues will be discussed with the section team leader. In cases where there is varying policy interpretations, the matter will be escalated to the Operations Manager for a view. In complex cases the planning enquiry can require the matter to be fully discussed between the managers in Development Management and Development Planning and the Head of Service. On conclusion of the view the enquirer will receive a written response from the case officer detailing the planning response. This data is held against the planning history and allows any other officer considering a future enquiry or application to review the planning history of the land or property to ensure a consistent approach is undertaken.

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

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

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

In respect of applications considered by the 19 Planning Committee meetings held during the period considering 42 applications with no contrary decision to the recommendation by the Head of Planning. During the period no major applications were submitted or determined by the Planning committee which were significantly contrary to the Local Development Plan and therefore would have required to be referred to the Planning Committee for a pre-determination prior to consideration by the full Council as defined in the scheme of delegation.

During the period a concerted review of the validation process has been undertaken resulting in liaison with applicant/agents identified as repeat offenders has taken place to reduce and clear the invalid applications within the system. At the end of the period 54

cases remain invalid for a number of reason but primarily the lack of the statutory fee or insufficient drawings. Applicants are being reminded a pre-application stages of the minimum information necessary to register the application.

### ***Communications, engagement and customer service***

The Planning Service within East Ayrshire Council operates from the refurbished former Johnnie Walker Whisky Bond and Grade B Listed Building within the Kilmarnock Town Centre. The staffing resource is located within one office, alongside colleagues in Building Standards and Ayrshire Roads Alliance, and Environmental Health Service will be incorporated within the Services from 1<sup>st</sup> April 2016. This greatly assists the Council to deliver a comprehensive one stop shop for developers. Staff will however, meet applicants, developers etc in one of the Council's network of local offices where the meeting is requested close to the development. Additionally the work carried out by Development Planning and Development Management as noted throughout the report outlines the various levels of customer engagement.

It is our aim to deliver a one stop shop for development and facilitate the development through the Planning system to encourage economic development within the area. Pre application meetings are now compulsory for all major developments and are encouraged for local developments, to discuss the key issues of the application prior to any formal submission. This is particularly relevant where the development is contrary to the Local Plan.

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

### **[Contact us - East Ayrshire Council](#)**

The information available to the public on the Council's website is frequently reviewed and is continually updated. Recent enhancements include provision of a dedicated webpage for all Compliance Monitoring of Environmental Projects as viewed by the link below:-

Link no longer available.

The webpage has been populated with the Compliance Monitoring; Technical Working groups and Community Council reports for the opencast coal and quarry developments. As further developments commence these will be populated in this location as a central location to source the information as well as on the e-planning system referenced under the parent planning application. The land use map detailing all environmental developments is located on the website and is updated on a monthly basis detailing the



relevant status of all major environmental developments including onshore wind; coal; quarries; landfill; and solar farms.

### [Onshore Wind Visual Register - East Ayrshire Council](#)

Customer questionnaires are issued with every planning decision to every correspondent. While the service issued 946 postal/electronic questionnaires throughout the year to its customer's 37 responses were submitted which amounts 3.9%. The overall results of the questionnaires show that service that 69% of respondents rated the overall impression of the service as excellent or very good. This is down by 10% since the previous accounting period and from review of feedback is linked to the time taken to determine the application which is directly attributed to the resources in place over this period.

The Council's 2 stage complaints system is now firmly embedded within the Planning Service. In 2015/16, 11 complaints were received which were deemed to be justified and responses provided which warranted service improvements; A summary of the complaints relate to:-

- The Planning Authorities interpretation of planning policy and the decision taken on a Planning Application for a Change of Business.
- The decision taken by the Planning authority to refuse an application;
- The delay in issuing correspondence;
- The delay in determining an Enforcement issue;
- Acknowledgement letter/email issued containing the wrong information and the delay in the objection appearing on the online planning system
- Delays in the administration process for the LRB Notice.
- The Planning interpretation in regards to the submission of an application for a
- Delays in the validation period over the Christmas holidays.

While each case was fully investigated by Senior management and a number of elements of the complaints not supported each matter was considered and service improvements identified where necessary to prevent the issues arising again. The Customer Complaints and Improvement Actions are both considered at Departmental and Planning Service Management Teams and the service improvements are linked through the ISO Quality Management System.

### ***Efficient and effective decision-making***

As mentioned above the Development Management Teams are split into three sections to ensure that the service focuses its attention to determine the allocated caseload. Despite the challenges of the open cast coal situation and the significant onshore wind farm workload, the Development Management staff have focused on the effective determination of the general workload applications during periods with limited resources. This can be seen by the decision approval rate against the delegated rate of applications. The issue which impact on the Service continue to be in relation to the clearance of the legacy cases and while the service now applies a 6 month maximum period for the conclusion of legal agreements on new applications there are a number of cases within the system which legal agreements are yet to be concluded after a period of time of

negotiation. Where these cases are not resolved the cases will be redirected back to Planning Committee to seek an ultimate decision based on the lack of agreement and failure to comply with policy.

The Scheme of Delegation was amended on the 26 June 2014 to reduce the number of Council interest applications being considered by Planning Committee and the Scheme of Delegation has been considered to establish whether there was any element that required to be updated. The review of the Scheme of Delegation in May 2015 identified that the system was operating satisfactorily at that time and as noted above the Planning committee is scheduled on a three week cycle to deliver a faster response to decisions and clear the legacy cases.

Planning Applications continue to be categorised on receipt in major or local developments and then during the assessment process the local developments which fall out with delegated authority are introduced to the Planning Committee Scheduler which details the application and the committee schedule proposed.

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

In review of the legacy cases there are a number of applications which are stalled at the legal stage due to a number of reasons including the recession; liquidation etc work is ongoing to clear these stalled cases and a new protocol has been introduced for all new cases subject to a legal agreement to limit the period to 6 months to conclude otherwise the case will be referred back to Planning Committee. Significant resources within Development management have been targeted at the general development, coal and onshore wind sectors due to the unprecedented workloads. This has resulted in the clearance of 77 legacy applications with 47 currently remaining at 31<sup>st</sup> March 2016.

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

[Decommissioning, restoration, aftercare and mitigation financial guarantees.pdf](#)

### ***Effective management structures***

The Planning and Economic Development Service is split into four strategic sections consisting of Operations (Development Management, Building Standards with Administration and Technical Support), Development Planning (Local Plans) and

Regeneration, Economic Development incorporating Employability and regulatory Services from 1<sup>st</sup> April 2016 (including Environmental Health and trading Standards). The Service is managed by the Head of Planning and Economic Development with a manager servicing each of the three functions. The structure provides a joint service approach with the Head of Planning having a span of control to provide a one stop shop for development.

As previously noted the comprehensive resource review of Development Planning and Development Management has seen the introduction of 17 new posts Planning Posts as defined above to deliver an effective management structure to cater for the Planning workloads currently experienced in both sections. The phased introduction of these posts during 2016/17 will assist to clear the legacy workload over both services and a full benefit expected to be realised during 2017/18 PPF.

## **Governance**

### **Staff Resource**

As noted above the review and realignment of staff resources within the 2016/17 period will enable a balanced approach to be taken for the Service to allow move from reactive to proactive and thereafter continuously meet the challenges on time, each time. The new staff will be recruited over the coming months and training delivered as necessary to ensure each person has the relevant competencies to meet the daily challenges of the post. This will complement the existing staff base who are undertaking both corporate training through the Council's electronic training academy and specialist training as necessary.

The specialism developed within the Wind and Coal teams has enhanced the Council's ability to assess and project manage all major environmental projects. The joint working arrangements with the external independent compliance monitoring consultants have increased the team's knowledge base on environmental matters which has assisted to increase the service ability to compliance monitor these projects to ensure that planning conditions and obligations are being met. Additionally the Council's capacity to proactively project manage Wind Farm PLI's at Whitelee Phase 3, Glenmount, Glenouther, Blair Farm, South Kyle, Kiers Hill and Sneddow Law has increased the knowledge and experience of the team which has been cascaded internally to other Planning staff to increase their own knowledge and experience. The project management of the cases includes the coordination of planning, legal and finance statements with the QC and external consultants such as for noise; landscape, private water supply and restoration/decommissioning quantum's etc.

### **Collaboration between services**

Planning (policy and regeneration) and Vibrant Communities

East Ayrshire Council's planning policy and regeneration team have been successfully engaging with the Council's Vibrant Communities service in relation to the development plan process. For example, the service has been fully involved in the preparation of supplementary guidance on Community Benefits from Onshore Wind Energy Developments, in particular the sections of the guidance in relation to the Council's renewable energy fund and funds that are allocated directly to communities. Once

approved by Scottish Ministers, the guidance will form as part of the local development plan for East Ayrshire supporting policy RE8 of the Plan.

As a result of consulting with Vibrant Communities and Elected Members, the guidance now contains a section relating to participatory budgeting and how it could be used by communities that are directly allocated community benefit funding from wind energy operators. Vibrant Communities have so far been working with communities and partners to pilot the approach locally with funding from other sources. Once established support and assistance could be provided by Vibrant Communities to community groups managing community benefit monies, to develop a model for their area through the implementation of the supplementary guidance.

Additionally as detailed above in the general planning process, coal site restoration, proposed LPD/MLDP and that of the restoration projects partnership working is ongoing at all levels of the Planning Service.

### **Contribution to Planning Review**

East Ayrshire Council responded to the recent review of the Scottish Planning System instructed by Alex Neil MSP, Cabinet Secretary for Social Justice, Communities and Pensioner Rights. Our response covered a range of subjects including:

- Development Planning;
- Housing;
- Infrastructure;
- Engagement;
- Leadership, Resources and Skills in Development Planning; and
- Development Management

East Ayrshire Council were pleased to see their comments taken on board in the Kevin Murray Associates / University of Dundee 'Analysis of Written Evidence' of the review including the following quotation on page 32:

*The introduction of a suite of national policies should be considered to reduce time taken negotiating policy wording with key agencies. For example, policy on flooding, drainage, nature conservation, and heritage are broadly the same across Scotland. If each DP carried the same policies there would be greater certainty for investors, architects, developers etc.*

Participant 158 B2 Local Authority

### **Financial monitoring**

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

establish timescales for warrant applications, income peaks and planning resource deployment to assess the applications.

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

There has been an increase in planning income during the accounting period to £580,815. This income is below the costs of running the whole Planning Service particularly given the expenditure does not reflect the additional resources and expert advice and legal costs that have been employed to assess the environmental issues with the open cast coal and onshore wind which also has required Council support to enable the additional costs to be funded out of the Planning budget. However, the Council is committed to invest in the Planning Service to review and redefine the Planning Service to clear all legacy issues and to promote sustainable economic development.

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

[Planning Enforcement Listed Building Consent Appeal Decisions and LRB 2015](#)

### **Culture of Continuous Improvement**

Complaints and Improvement Actions are discussed on a weekly basis at the Departmental Management Team and reviewed outcomes at the monthly Planning and Economic Development Management Team. At a local level service improvements are considered at the weekly Development Management meetings. The other main strategic document which is significant in maintaining a culture of continuous improvement is the Service Improvement Plan (SIP) and the East Ayrshire General Employment Review (EAGER), all of which are updated on an annual basis.

The Council's Occupational Development Strategy requires each member of staff to undertake an annual competency based review of their performance and development for the preceding year and also to plan for the forthcoming year. The East Ayrshire General Employee Review (EAGER) allows staff members to reflect on their competencies and meet with their line manager to establish areas of strength and any area where the staff member would benefit from additional training and development to deliver results within the workplace. The process also delivers a Personal Development Plan (PDP) for each member of staff. To assist, the Council has defined mandatory areas



for training and these are currently being mapped across to the existing staff training data base to identify any gaps. Additionally, continuous professional development requirements are identified both through the EAGER process where legislative or policy changes have taken place.

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

- Minerals Planning by the Institute of Quarrying;
- Shadowing compliance monitors to raise competency in Environmental Projects;
- Managing Major Projects;
- SNH and Visual Representation of wind farms guidance
- Aligning Roads and Planning Consents
- Place Standard
- Historic environment regulations
- E-development
- Noise training
- Management Development Course
- Compliance Monitoring in the Environment;
- ISO 9001 auditor training
- RIPS Training

Also in house occupational development e-learning academy is mandatory training courses. Also during 2015/16, the new Elected Members received training on the following topics:-

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

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

As part of the continuous development of the Development Management function, planning processes and procedures are being reviewed systematically to finalise an overall review. This process has been delayed due to the limited resource however, with the new staffing arrangements noted above the detailed review will be rolled out during 2016/17 to allow the Service to apply for ISO 9001 Accreditation. BM TRADA will now undertake the audit of the Quality Management System (QMS) to verify compliance with ISO 9001: 2008 Accreditation Standard.

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

Performance Framework to deliver a link from the strategic plan to the operational activity of the service.

### [Planning and Economic Development Service Improvement Plan](#)

#### ***Benchmarking and Partnership Work***

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

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

The comparison of the statistical information clearly area where best practice is in operation and further dialogue has been undertaken with authorities to establish the practices adopted to facilitate the higher performance.

#### **Part 3: Supporting Evidence**

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

##### **Planning Review**

Kevin Murray Associates / University of Dundee 'Analysis of Written Evidence'

##### **SURF Awards**

Link no longer available.

##### **Green Infrastructure Strategy**

[Finalised Green Infrastructure and Green Network Strategy](#)

**OPENCAST MINING IN EAST AYRSHIRE – UPDATE**

(report dated 24 May 2013)

[EAST AYRSHIRE COUNCIL](#)

**EAST AYRSHIRE LOCAL DEVELOPMENT PLAN MAIN ISSUES REPORT:  
RESPONSES RECEIVED TO PUBLIC CONSULTATION EXERCISE,  
DEVELOPMENT PLAN SCHEME AND A NEW FORESTRY AND WOODLAND  
STRATEGY FOR AYRSHIRE AND ARRAN**

(Report dated 28 August 2013)

[REPORT FOR CORPORATE MANAGEMENT TEAM](#)

**OPENCAST MINING IN EAST AYRSHIRE - STEPS TO RECOVERY**

(Report dated 19 September 2013)

[Open Cast Mining Report.pdf](#)

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

(Reports dated 28 January 2014)

[Item 1 - Independent Review - - Coal Report -January 2014 \(4\).pdf](#)

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

(Reports dated 28 January 2014)

[Item 5 - Independent Review CE Response - 22 January 2014.pdf](#)

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

(Reports dated 28 January 2014)

[Item 6 - Progress Update on Recommendations from Council - Final.pdf](#)

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

(Reports dated 26 June 2014)

[Opencast Coal Mining in East Ayrshire - 26 June 2014.pdf](#)

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

[Decommissioning, restoration, aftercare and mitigation financial guarantees.pdf](#)

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

(Reports dated 26 June 2014)

[Proposed Revisions to the Scheme of Delegation - Planning Applications.pdf](#)

**UPDATE ON OPERATIONAL OPENCAST COAL SITES IN EAST AYRSHIRE**

(Reports dated 12 December 2013)

[East Ayrshire Council](#)

**OPENCAST MINING IN EAST AYRSHIRE - COMPLIANCE MONITORING  
UPDATE**

(Reports dated 4 April 2014)

[EAST AYRSHIRE COUNCIL](#)

**OPENCAST MINING IN EAST AYRSHIRE - COMPLIANCE MONITORING  
UPDATE REPORT**

(Reports dated 27 June 2014)

[EAST AYRSHIRE COUNCIL](#)

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

[Opencast Coal Mining in East Ayrshire - 26 June 2014.pdf](#)

**COMPLIANCE MONITORING UPDATE OF MAJOR DEVELOPMENTS IN  
EAST AYRSHIRE:- REPORT 24<sup>TH</sup> OCTOBER 2014**

[Compliance Monitoring Update.pdf](#)

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

[Compliance Monitoring Update of Major Developments in East Ayrshire.pdf](#)

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

[Compliance Monitoring Update of Major Developments in East Ayrshire.pdf](#)

**PLANNING COMMITTEE AGENDA: REPORTS AND MINUTES**

[Planning Committee](#)

**PLANNING ENFORCEMENT NOTICE – NETHERTON SITE OPENCAST COAL  
MINE, SKARES**

[Enforcement Notice - Netherton Site Opencast Coal Mine.pdf](#)



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

[Employee Attitude Survey 2015](#)

**INTERNAL AUDIT PLAN 2013/14**

[governance and scrutiny committee - 25 april 2013.pdf](#)

**PROCESSING AGREEMENT GUIDANCE**

[Planning Processing Agreements · East Ayrshire Council](#)

**PLANNING AND THE ENVIRONMENT CORE WEB PAGE**

[Planning and the environment · East Ayrshire Council](#)

**CUMULATIVE ENVIRONMENTAL PROJETS**

[EA Rural Land Use map February 2025](#)

**ONSHORE WIND VISUAL REGISTER**

[Onshore Wind Visual Register · East Ayrshire Council](#)

**EAST AYRSHIRE ONSHORE WIND WINDFARM AND TURBINE  
REGISTER**

[Onshore Wind List February 2025](#)

**SURFACE COAL MINING VISUAL REGISTER**

[Surface Coal Mining Visual Register · East Ayrshire Council](#)

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

Link no longer available.

## **TOWN CENTRE REGENERATION**

Links no longer available.

## **DEVELOPMENT PLAN AND SUPPLEMENTARY GUIDANCE**

Links no longer available.

## **SUPPLEMENTARY PLANNING GUIDANCE DEVELOPER CONTRIBUTIONS 2010 LDP**

## **CONSERVATION**

[Conservation in East Ayrshire · East Ayrshire Council](#)

[Kilmarnock conservation area · East Ayrshire Council](#)

## **PLANNING GUIDANCE**

[Guidance on planning applications · East Ayrshire Council](#)

## **PLANNING SERVICE AND PERFORMANCE**

Link no longer available.

[Service and performance · East Ayrshire Council](#)

## **APPLICATION GUIDANCE**

[Planning application forms · East Ayrshire Council](#)

## **OPEN FOR BUSINESS:- ONLINE PLANNING SYSTEM**

Link no longer available.

## **E-PLANNING WEBSITE**

[Simple Search](#)

#### **Part 4:- Service Improvements 2016-17**

In the coming year we will undertake the following tasks:

- 1) Complete recruitment of staffing Resources in Development Management and Development Planning (PM1, 3, 4, 7, 8, 11, 13, 14);
- 2) Implementation of the Enterprise Uniform Performance Management Monitoring Module (PM1, 6, 13, 14);
- 3) Continue the actions to review, assess and determine the legacy planning cases which remain outstanding in excess of 1 year to reduce legacy applications to 10% by 2018 (PM1, 14);
- 4) Implement the Planning Customer Charter for Development Planning and Development Management (PM1, 2);
- 5) Continue to reduce the number of invalid applications received through positive interaction with our customers on the minimum levels of information to valid an application (PM1, 11, 13);
- 6) Develop a Development Management Focus Group with local agents (PM1, 6);
- 7) Continue to develop the management system and planning procedures for ISO Accreditation (PM1, 6, 13);
- 8) Promotion of Processing Agreements for all complex local and major developments (PM1, 2);
- 9) Maintain and increase Development Management performance of new planning applications (PM 1, 12, 13);
- 10) Project Manage the alternative Restoration Scheme at the former open cast coal Sites at Dunstonhill; Netherton; Skares and Ponesk (PM3, 5, 12);
- 11) Reducing number of live applications more than 6 months after resolution to grant by determination or reconsider of applications. (PM1, 14, 15)
- 12) Complete Annual Review of Enforcement Charter (PM5);
- 13) Set up internal Design Workshops to assist with Placemaking for LDP2 (PM7);
- 14) Develop online page for information on stopping up orders (PM11);
- 15) Implementation of the Draft Local Development Plan (PM7, 11, 15);
- 16) Conclude the Members Officer Working Group for the Draft Minerals LDP (PM9)
- 17) Progression of the Main Issues Report of the Draft Mineral Local Development Plan (PM7, 8, 10,)
- 18) Increase our social media presence and communication materials in order to improve stakeholder engagement for the Minerals Local Development Plan (PM7, 8, 10)
- 19) Maintain and enhance the vitality and viability of Town Centres – through town centre health checks and progression of placemaking maps (PM6, 8)
- 20) Implementation of best practice within the Development Management service through Benchmarking (PM12, 13)
- 21) The completion of the review of the Development Management planning processes (including Benchmarking) to finalise prior to the Council's Internal Audit and external assessment by BM TRADA on behalf of the ISO 9001 accreditation (PM13)

**Legend:- Performance Marker (PM)**

- 1 Decision making timescales
- 2 Processing agreements
- 3 Early collaboration
- 4 Legal agreements
- 5 Enforcement charter
- 6 Continuous improvement
- 7 Local development plan
- 8 Development plan scheme
- 9 Elected members engaged early (pre-MIR)
- 10 Stakeholders engaged early (pre-MIR)
- 11 Regular and proportionate advice to support applications
- 12 Corporate working across services
- 13 Sharing good practice, skills and knowledge
- 14 Stalled sites/legacy cases
- 15 Developer contributions

**Delivery of our service improvements for 2015/16**

**Task 1**

**Implementation of Planning Resources to Development Management and Development Planning;**

**Action**

The report to cabinet on the review of management structure - development management and update on progress relating to the minerals local development plan detail the agreed staffing arrangements.

**Evidence**

[Cabinet - 7 October 2015](#)

[Cabinet - 7 October 2015](#)

[Minerals Local Development Plan](#)

**Status:- Recruitment Strategy being implemented**

**Task 2**

Completion of the review of all Section 75 legal obligations;

**Action**



The work detailed within the Appendix 1 submitted within the 2014/15 PPF was a comprehensive action plan. Work has been significantly completed to review of all Section 75 legal obligations. The existing electronic Compliance Monitoring records have been updated within Uniform Compliance Monitoring Module for the opencast coal; quarry; landfill and onshore wind applications further work is being carried out on the residential, retail and leisure cases

**Evidence:- Internal Audit Report and the Register for the Environmental Projects**

**Status:- Ongoing**

**Task 3**

Upgrading of the existing electronic Compliance Monitoring records to the Uniform Compliance Monitoring Module;

**Action**

Work undertaken to set up the Module to monitor Planning Conditions and Obligations

**Evidence:-** Quarterly Compliance Monitoring Report to Planning Committee

**Status:-** Ongoing

**Task 4**

Implementation of the Enterprise Uniform Performance Management Monitoring Module and e-planning integration in preparation of going live in 2016;

**Actions**

Implementation of the Enterprise Uniform Performance Management Monitoring Module has been delayed due to the work necessary to ensure that the e-planning and e-building standards system was operational

**Evidence:-** NA

**Status:-** Ongoing

**Task 5**

Continue the actions to review, assess and determine the legacy planning cases which remain outstanding in excess of 1 year;

**Actions**

Weekly review of caseloads and redirection of resources has reduced the 124 legacy cases to 47.

**Evidence:-** PPF

**Status:-** Ongoing

**Task 6**

Development of the Customer First Service Commitment into a dedicated Planning customer Charter for Development Planning and Development management.

**Actions**

Draft Customer Charter developed and to be agreed with Chair of Planning

**Evidence:-** NA

**Status:-** Ongoing

**Task 7**

Reduce the number of invalid applications received through positive interaction with our customers on the minimum levels of guidance to submit to validate an application;

**Actions**

Reviewed and reaffirmed to applicants/agents the validation process and discussions held with applicants/agents who repeatedly submit inadequate information

**Evidence:-** Reduction in invalid submissions

**Status:-** Ongoing

**Task 8**

**Develop a Development Management Focus Group with local agents;**

**Actions**

Implementation of Focus Group delayed during period due to workload impact on management resources

**Evidence:-** NA

**Status:-** Ongoing

**Task 9**

Implement the review of all staff competences through the Council's EAGER

**Actions**

Targeted staff training delivered with roll of EAGER e-learning academy.

**Evidence:-** Reported in main report above

**Status:-** Ongoing

**Task 10**

Continue to develop the management system and planning procedures for ISO Accreditation;

**Actions**

Planning processes have been reviewed and process change included, however the Implementation of the ISO management system has been delayed during period due to workload impact on management resources

**Evidence:-** NA

**Status:-** Ongoing

**Task 11**

The reduction of all legacy planning enforcement cases;

**Actions**

Planning enforcement cases are subject to monthly review and cases have been reduced. The provision on the increased staffing resource will free enforcement officers from dealing with minor planning applications and allow for these cases to be cleared.

**Evidence:-** Planning Enforcement Register

**Status:-** Ongoing

**Task 12**

Maintain and increase Development Management performance of the planning applications;

**Actions**

Applications are subject to internal weekly review to target priorities to increase performance.

**Evidence:-** Planning Performance Framework

**Status:-** Ongoing

**Task 13**

The completion of the review of the Development Management planning processes to finalise prior to the Council's Internal Audit and external assessment by BM TRADA on behalf of the ISO 9001 accreditation.

See Task 10

**Task 14**

The implementation of the Draft Local Development Plan

**Actions**

The Local Development Plan was submitted to Scottish Ministers for examination on the 8th October 2015. The Plan is still at examination and this

was expected to conclude on the 8th July 2016 but has been delayed pending a hearing on the 23rd August. The Plan is anticipated to be adopted at the beginning of 2017.

### **Evidence**

<http://www.dpea.scotland.gov.uk/CaseDetails.aspx>

Case reference: LDP-190-2

**Status:-** Ongoing

### **Task 15**

The progression of the main Issues Report of the Draft Mineral Local Development Plan

### **Actions**

A draft Main Issues Report is currently out for consultation and following a six week consultation will be redrafted to take into account stakeholder comments prior to the publication of the Main Issues Report which is scheduled for October 2016.

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

- One to one operator meetings – November 2015 with minerals operators active in East Ayrshire
- 'Topics for discussion' Workshop Cumnock – January 2016 – Community
- State of the Environment consultation – 16th October 2015 – 11th November 2015, 19 February 2016 -1st April 2016 – Public including corporately and with elected members
- Topics for discussion consultation – 7th October 2015 – 31st October 2015 – Community Liaison Groups, Technical Working Groups, Statutory and non-statutory bodies, corporate and with elected members
- Call for Priorities, Issues and Proposals – 19th February 2016 – 1st April 2016 – public including corporately and with elected members
- Draft MIR and Draft Monitoring Statement – 28th June 2016 – 9th August 2016 – public including corporately and with elected members

### **Evidence**

Links no longer available

**Status:-** Ongoing

**Task 16**

The continued development activities and deliverability of restored historic buildings through the Regeneration schemes in Kilmarnock, Cumnock and Galston;

**Actions**

The Planning Service lead on three CARS projects in Kilmarnock, Cumnock and Galston and delivering significant physical restoration to the these town centre listed buildings.

**Evidence**

Links no longer available.

**Status:-** Ongoing

**Task 17**

Continue to implement the Council's Steps to Recovery for all Opencast Coal Sites.

**Actions.**

The Service has implemented a Compliance Monitoring Regime for all major environmental projects and enforcement issues have been radically reduced. The Planning Service lead on four open cast restoration projects in Dunstonhill by Patna, Netherton by Skares, Areas C and D by Skares Village and Ponesk by Muirkirk which will deliver significant physical restoration of these sites. Ongoing work is being undertaken on the restoration at Powharnal, Garleffan and Grievehill and Spireslack in addition to the operational monitoring activity at Greenburn and House of Water open cast coal complexes where coal is active.

**Evidence:-** PPF and Quarterly Planning Committee Reports on Compliance Monitoring of all major environmental projects.

**Status:-** Ongoing



**Task 18**

Promotion of Processing Agreements for all complex local and major developments;

**Actions.**

All major developments and complex local developments are subject to pre-application discussions and Processing Agreements are promoted at these meetings. In addition detailed advice is provided online and covered as part of all pre application discussions.

**Evidence**

[Planning Processing Agreements - East Ayrshire Council](#)

**Status:-** Ongoing

**Task 19**

Implementation of the Public Information Notices Scotland (PINS) System;

**Actions.**

The Service has implemented the PINS systems for all its Planning Notices

[tellmesotland](#)

**Status:-** Completed

**Task 20**

Update the Development Management Procedures for the conclusion of Legal agreements within 6 months of 'resolving to grant' either via the planning Committee or via a Report of Handling

**Actions**

On conclusion of all new minded to grant application with a legal agreement the CORVU Performance Software is updated with the decision details and weekly reviewed and updated to reflect the status of the applications and the legal agreement. Where the application is not concluded within 5 months then the applicant/agent will be advised that the application will be reconsidered by the Planning Committee/Head of Planning to determine based on the application excluding the policy elements where the legal agreement could not be met.

**Evidence:-** CORVU Performance Software

**Status:-** Ongoing

## PLANNING PERFORMANCE FRAMEWORK

### Part 5: Official Statistics

#### A: Decision-making timescales

| Category                                    | Total number of decisions 2015-2016 and % | 2015-2016 Ave Weeks | Average timescale (weeks) |           |            |
|---|---|---------------------|---------------------------|-----------|------------|
|   |   |                     | 2014-2015                 | 2013-2014 | 2012-2013  |
| <b>Major developments</b>                   | 7   | 128                 | 61.2                      | 44.9      | 78.1       |
| <b>Local developments (non-householder)</b> | 258                                       |                     | 16.3                      |           |            |
| • Local: less than 2 months                 | 61.2%                                     | 7.4                 | 7.3                       | 7.1       | 7.2        |
| • Local: more than 2 months                 | 38.8%                                     | 25.6                | 25.9                      | 36.6      | 20.8       |
| <b>Householder developments</b>             | 174                                       |                     |                           |           |            |
| • Local: less than 2 months                 | 81%                                       | 7.2                 | 8.8                       | 6.8       | 8.7        |
| • Local: more than 2 months                 | 19%                                       | 11.4                | 15.4                      | 15.0      | 14.8       |
| <b>Housing developments</b>                 |   |                     |                           |           |            |
| <b>Major</b>                                | 3   | 147                 | 25                        | 70.6      | 142.5      |
| <b>Local housing developments</b>           | 85  |                     | 24.1                      | 25.1      | 13         |
| • Local: less than 2 months                 | 58.8%                                     | 7.5                 | 7.6                       | 7.5       | 7.7 weeks  |
| • Local: more than 2 months                 | 41.2%                                     | 22.5                | 35.3                      | 42.3      | 18.2 weeks |
| <b>Business and industry</b>                |   |                     |                           |           |            |
| <b>Major</b>                                | 0   | 0                   |                           |           | 11.9       |
| <b>Local business and industry</b>          | 67  |                     | 11.4                      | 16.7      |            |
| • Local: less than 2 months                 | 62.7%                                     | 7.4                 | 7.2                       | 23.7      | 6.7        |
| • Local: more than 2 months                 | 37.3%                                     | 22.6                | 18.1                      | 7.3       | 16.9       |
|   |   |                     | 48.7                      |           |            |

|                                    |     |      |      |       |      |
|------------------------------------|-----|------|------|-------|------|
| <b>EIA developments</b>            | 2   | 40.9 | 50   | 16.1  | 65/4 |
| <b>Other consents*</b>             | 124 | 9    |      |       |      |
| Listed bldg.+con.area consents     | 40  | 10.6 | 12.6 |       |      |
| Advertisements                     | 33  | 8    | 7.5  |       |      |
| Hazardous substances consents      | 0   | 0    | N/A  |       |      |
| Other consents and certificates    | 52  | 8.4  | 7.4  |       |      |
| <b>Planning/legal agreements**</b> | 5   | 77.9 | 61.8 | 152.2 | 8    |
| <b>Local reviews</b>               | 10  | 12.2 | 13.5 | 14.6  | 21   |

\* Consents and certificates: Listed buildings and Conservation area consents, Control of Advertisement consents, Hazardous Substances consents, Established Use Certificates, certificates of lawfulness of existing use or development, notification on overhead electricity lines, notifications and directions under GPDO Parts 6 & 7 relating to agricultural and forestry development and applications for prior approval by Coal Authority or licensed operator under classes 60 & 62 of the GPDO.

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

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

| Type                                 | Original decision upheld |      |           |      |           |      |           |      |
|--------------------------------------|--------------------------|------|-----------|------|-----------|------|-----------|------|
|                                      | 2015-2016                |      | 2014-2015 |      | 2013-2014 |      | 2012-2013 |      |
|                                      | No.                      | %    | No.       | %    | No.       | %    | No.       | %    |
| <b>Local reviews</b>                 | 10                       | 50   | 10        | 90.9 | 14        | 66.7 | 13        | 61.9 |
| <b>Appeals to Scottish Ministers</b> | 7                        | 42.9 | 3         | 37.5 | 6         | 60   | 8         | 66.7 |

## C: Enforcement activity

|                                     | 2015-2016 | 2014-2015 | 2013-2014 | 2012-2013 |
|-------------------------------------|-----------|-----------|-----------|-----------|
| <b>Cases taken up</b>               | 193       | 246       | 223       | 191       |
| <b>Breaches identified</b>          | 207       | 221       | 194       | 157       |
| <b>Cases resolved</b>               | 207       | 179       | 190       | 201       |
| <b>Notices served***</b>            | 7         | 4         | 9         | 2         |
| <b>Reports to Procurator Fiscal</b> | 0         | 0         | 0         | 0         |
| <b>Prosecutions</b>                 | 0         | 0         | 0         | 0         |

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

## **D: Context**

In respect of the two major developments being assessed within a 16 week period and the remaining five legacy cases significantly increasing the average week period. While new applications will be dealt within the 4 month period or as defined in the processing agreement the legacy cases will adversely impact on performance until all cases cleared. Householder applications remain high and enhanced from the last accounting period with housing developments also showing increased performance. Business and industry along with other consent application has had performance decline slightly when compared to the last period, again clearance of legacy applications has impacted on this Pi adversely. Local Reviews and LRB decisions number remain constant with the DPEA Appeals increasing to 7. Enforcement activity also remains constant with an increase in cases resolved.

The performance of the Development Management section has remained reasonably constant throughout the year. However, given the unprecedented levels of work which are causing a significant impact, the introduction of new staffing resources during 2016/17 will assist to increase performance and deliver a high quality service to the general public.

**Part 6: Workforce and Financial Information**

*The information below is a snapshot of the position on 31 March 2016.*

|                                 |  |               |               |               |               |
|---------------------------------|--|---------------|---------------|---------------|---------------|
|                                 |  | <b>Tier 1</b> | <b>Tier 2</b> | <b>Tier 3</b> | <b>Tier 4</b> |
| <b>Head of Planning Service</b> |  |               |               | <b>1</b>      |               |

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

|                                    |           | <b>DM</b> | <b>DP</b> | <b>Enforce-<br/>ment</b> | <b>Other</b>                                      |
|------------------------------------|-----------|-----------|-----------|--------------------------|---|
| <b>Managers</b>                    | No. Posts | <b>1</b>  | <b>1</b>  | <b>0</b>                 |   |
|                                    | Vacant    |           |           |                          |   |
| <b>Main grade posts</b>            | No. Posts | <b>12</b> | <b>5</b>  |                          | <b>3 (CARS/<br/>THI<br/>Project<br/>Officers)</b> |
|                                    | Vacant    | <b>6</b>  | <b>1</b>  |                          |   |
| <b>Technician</b>                  | No. Posts | <b>3</b>  | <b>0</b>  | <b>4</b>                 |   |
|                                    | Vacant    | <b>1</b>  |           |                          |   |
| <b>Office<br/>Support/Clerical</b> | No. Posts | <b>6</b>  |           |                          |   |
|                                    | Vacant    | <b>1</b>  |           |                          |   |
| <b>TOTAL</b>                       |           | <b>30</b> | <b>7</b>  | <b>4</b>                 | <b>3</b>  |

|                          | <b>Number</b> |
|--------------------------|---------------|
| <b>Staff Age Profile</b> |               |
| Under 30                 | 3             |
| 30-39                    | 11            |
| 40-49                    | 20            |
| 50 and over              | 10            |



| <b>Committee &amp; Site Visits*</b> | <b>Number per year</b> |
|-------------------------------------|------------------------|
| Full council meetings               | 8                      |
| Planning committees                 | 19                     |
| Area committees (where relevant)    | N/A                    |
| Committee site visits               | 10                     |
| LRB**                               | 13                     |
| LRB site visits                     | 10                     |

## Notes:

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

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

|                        | <b>Total Budget</b> | <b>Costs</b>   |                   | <b>Income***</b> |
|------------------------|---------------------|----------------|-------------------|------------------|
|                        |                     | <b>Direct*</b> | <b>Indirect**</b> |                  |
| Development management | -5,990              | 444,617        | 71,944            | -610,879         |
| Development planning   | 419,450             | 316,005        | 40,998            | 0                |
| Enforcement            | 0                   | 153,936        | 3,519             | 0                |
| Other                  | 0                   | 0              | 0                 | 0                |
| <b>TOTAL</b>           | <b>413,460</b>      | <b>914,559</b> | <b>115,462</b>    | <b>-610,879</b>  |

## Notes:

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

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

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