

THE HIGHLAND COUNCIL

PLANNING, ENVIRONMENT & DEVELOPMENT COMMITTEE

14 August 2013

Agenda Item	7
Report No	PED 46/13

PLANNING PERFORMANCE FRAMEWORK AND QUARTER 1 PERFORMANCE REVIEW

Report by Director of Planning and Development

Summary

This report advises Members on the delivery of the Development Management, Building Standards and the Development Plan services for the 1st Quarter of 2013/2014. The report also sets out the proposed Service Improvement Plan, which will be submitted to Scottish Government. One key piece of work for the year is to speed up the delivery of planning obligations, and approval is also sought for action to expedite the conclusion of outstanding legal agreements.

1.0 Introduction

- 1.1 Key performance indicator information is reported to committee every Quarter and the outturn figures for the first Quarter of 2013/14 are now available.
- 1.2 This report also sets out the Planning Service Improvement Plan for 2013/14, following feedback from Scottish Government on last year's Planning Performance Framework. Approval is sought for the actions contained within it.

2.0 Development Management

- 2.1 The total number of applications received during this quarter was 844, which is a reduction on recent periods. Fee income has however increased, reflecting the 20% increase in planning fees which was put in place from April 2013.
- 2.2 It is encouraging that the performance over the first quarter has continued to build on the improved performance demonstrated during last year. The figures set out in Appendix 1 demonstrate that 69% of all planning applications were determined within the 2 month period. This is in line with the local target for 2013/14 of 68%.
- 2.3 Pre-application advice for local and major planning applications has been steady over the last three months. The major developments pre-application advice service continues to deliver 100% of packs within four weeks. The local pre-applications advice service is however still operating below the target figure of 80% within 6 weeks. Quarter 1 performance stood at 58%.

2.4 Enforcement information is shown in Appendix 1b. For Quarter 1, 109 enforcement complaints were received. 72 of these were taken up, with a significant proportion (44) resolved through negotiation. Work is continuing on improving enforcement procedures, with an additional enforcement officer having been appointed during July 2013.

3.0 Building Standards

3.1 It is pleasing to report Key Performance Indicators (Appendix 2) continue to deliver above target performance levels, averaging 93%, where the targets are between 80 – 85%. The number of building warrant applications received during Q1 was 825. This is an increase of 27 (3%) when compared with Q1 of 12/13, and 188 (23%) more than in Q4 12/13

3.2 Fee income for building warrants was £478k, an increase of £59k (12%) from the same period last year.

4.0 Development Plans

4.1 During Quarter 1, the team made good progress on the preparation of the Torvean and Ness-side Development Brief , with the draft being approved by City of Inverness Area Committee in April. Following consultation, comments on the draft were summarised and the final version of the Guidance was considered by the City of Inverness Area Committee in August. The Development Brief will provide the land use planning framework for creating high quality development and a new gateway to the City alongside the new West Link Road.

4.2 Following the Wick and Thurso Charrette events held in February 2013, the Development Plans team have been collaborating again with local communities in the towns to prioritise the projects and outcomes identified during the Charrette events. They have also been preparing for a Call for Sites and Ideas for the wider Caithness & Sutherland Plan Area. This is likely to begin in August and will create a focus for the vision and projects to be identified in the Caithness & Sutherland Main Issues Report – the first stage of the new Local Development Plan for the area.

5.0 Planning Performance Framework - Service Improvement Plan

5.1 The Council is required to submit a Planning Performance Framework (PPF) to Scottish Government by end September 2013. The most important element of this document is a Service Improvement Plan, given the focus being placed on performance improvement by Scottish Government and COSLA. Feedback on last year's PPF has been received from Scottish Government and is attached as Appendix 3 for information.

5.2 As can be seen, feedback is generally very good, and a number of our initiatives have been very well received. The feedback does highlight a number of improvement actions, and these have been integrated into the Service Improvement Plan for 2013/14 which is attached to this report as Appendix 4. The actions are divided under the headings set out in the Planning Performance

Framework as markers of good performance.

- 5.3 One important area to be addressed over the coming year is to reduce the average times taken to determine major developments, particularly where there is an associated legal agreement (planning obligation). It is intended to work with applicants and colleagues in legal services to ensure that legal agreements are concluded within 4 months following a minded to grant decision. This will be applicable both to current and future undetermined planning applications, but also for those that are “legacy” cases and remain unresolved.
- 5.4 Members are asked to agree that the Service write to applicants where legal agreements are still to be finalised and set out a requirement to have matters resolved within a four month period from the date of the letter. It is hoped that this approach will lead to a conclusion to these legal agreements, which in turn will reduce the average time being taken for major developments such as housing developments or renewable energy schemes.
- 5.5 Other important Service Improvement Actions include putting in place better procedures around enforcement, benchmarking with other large rural local authorities and improving our communications, engagement and customer service. In particular there will be further community council training held later this year, and further efforts to engage with hard to reach groups, such as younger people.

6.0 Implications

- 6.1 There are no direct Resource, Legal, Equalities, Climate Change or Risk Implications arising from this report.

Recommendation

That the Committee:

1. notes the performance updates across the Development Management, Building Standards and the Development Plans teams;
2. agrees the Service improvement Plan for submission to Scottish Government; and
3. agrees that procedures to speed up the delivery of legal agreements be implemented with immediate effect by writing to applicants setting out a four month timescale for conclusion of outstanding matters.

Designation: Director of Planning and Development

Author: Malcolm Macleod, Head of Planning and Building Standards (Ext: 2506)

Date: 5 August 2013

APPENDIX 1

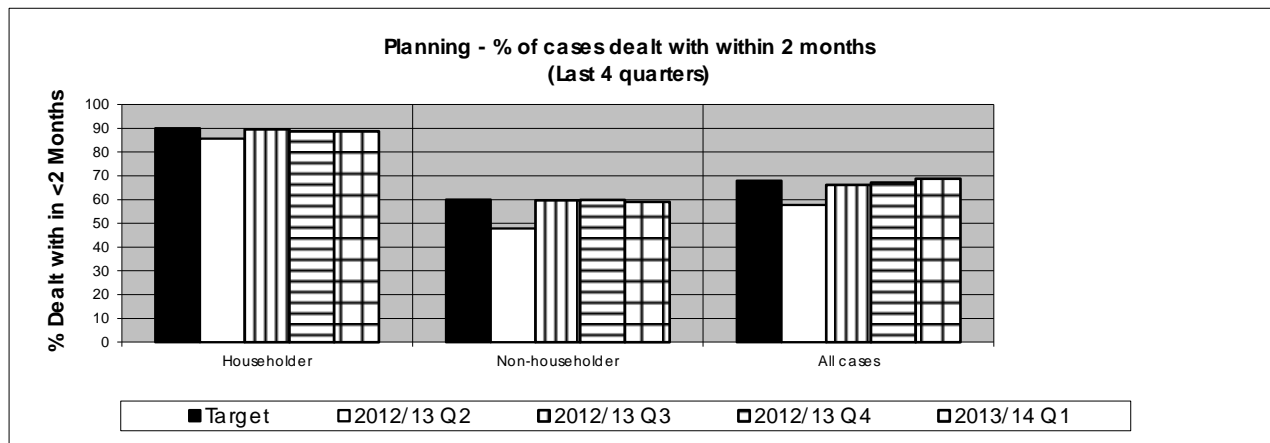
Development Management Performance

i) Development Management Volumes and Income (Last four Quarters)

	21012/13 Q2	2012/13 Q3	2012/13 Q4	2013/14 Q1
Applications	1120	1054	1119	884
Income (£000)	458	443	510	591

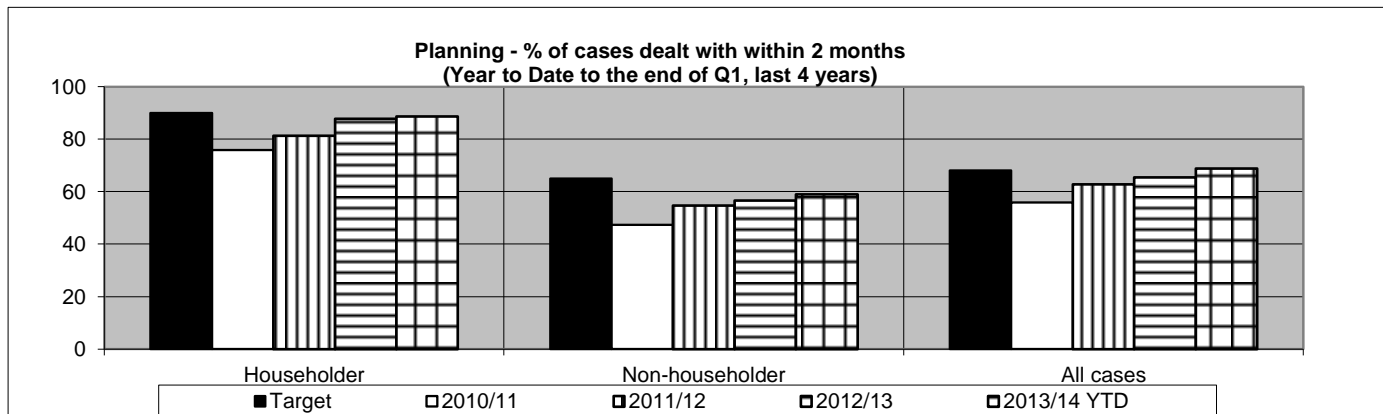
ii) Percentage of Cases Dealt with Within 2 Months (last 4 Quarters):-

	Target	2012/13 Q2	2012/13 Q3	2012/13 Q4	2013/14 Q1
Householder	90	85.70	89.57	88.67	88.74
Non-householder	60	47.91	59.70	59.84	58.98
All cases	68	57.67	66.20	67.12	68.83



iii) Percentage of Cases Dealt with Within 2 Months (Annual):-

	Target	2010/11	2011/12	2012/13	2013/14 YTD
Householder	90	75.83	81.40	87.76	88.74
Non-householder	65	47.32	54.80	56.66	58.98
All cases	68	55.91	62.80	65.49	68.83



Appendix 1b - Enforcement Cases for 2013/14 Quarter 1

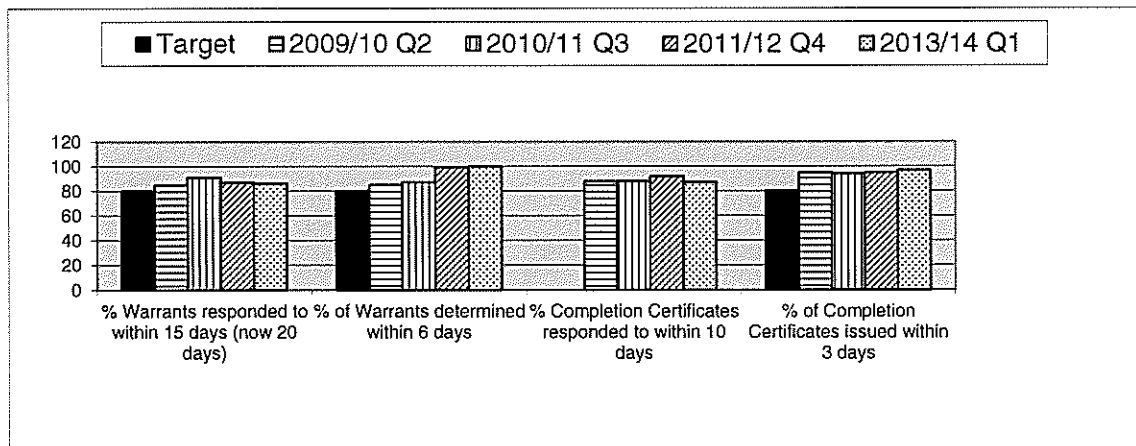
Office	No of Enforcement Complaints Received	No of Cases Taken Up (Breaches)	No of Breaches Resolved (through negotiation - No Notice Served)	Total No of Notices Served (All Types)	No of Cases Outstanding	No of Enforcement Notices	No of Breach Notices	No of Contrav. Notices	No of Stop Notices	No of Temp Stop Notice	No of Fixed Penalty Notices	No of Section 33 Notices
Dingwall	13	0	0	0	0	0	0	0	0	0	0	0
Drummuie	0	0	0	0	0	0	0	0	0	0	0	0
Fort William	5	5	3	0	2	0	0	0	0	0	0	0
Inverness	47	44	29	3	12	0	1	1	0	1	0	0
Kingussie	5	5	2	0	3	0	0	0	0	0	0	0
Skye	39	18	10	0	8	0	0	0	0	0	0	0
Wick	0	0	0	0	0	0	0	0	0	0	0	0
TOTAL	109	72	44	3	25	0	1	1	0	1	0	0

APPENDIX 2

Building Standards Performance

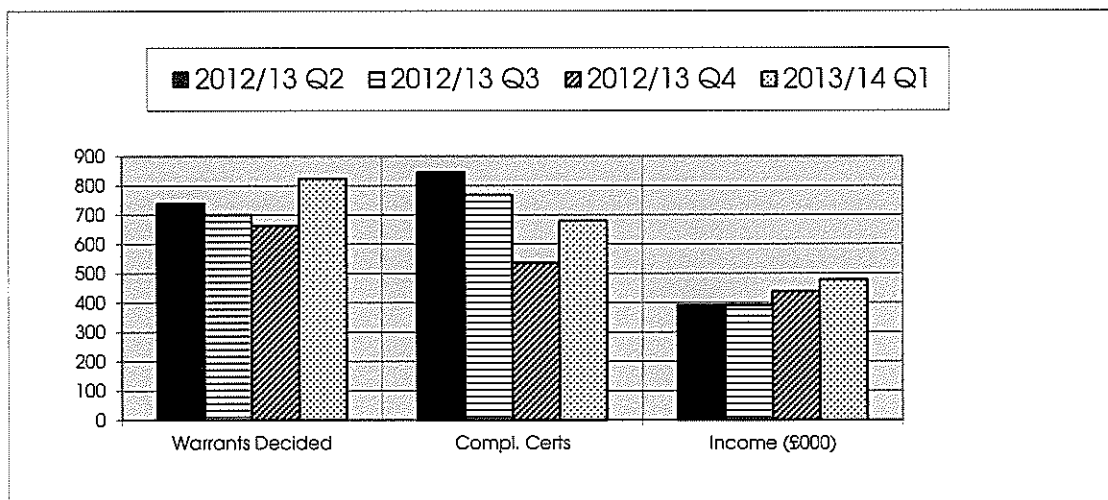
i) Performance against targets, fourth quarter

	Target	2009/10 Q2	2010/11 Q3	2011/12 Q4	2013/14 Q1
% Warrants responded to within 15 days (now 20 days)	80	85.00	91.00	86.80	86.40
% of Warrants determined within 6 days	80	85.00	87.00	99.30	100.00
% Completion Certificates responded to within 10 days	n/a	88.00	88.00	91.80	87.20
% of Completion Certificates issued within 3 days	80	95.00	94.00	94.80	96.60



ii) Building Standards Volumes and Income (Last 4 Quarters)

	2012/13 Q2	2012/13 Q3	2012/13 Q4	2013/14 Q1
Warrants Decided	738	700	663	824
Compl. Certs	844	768	536	680
Income (£000)	390	392	439	478



Minister for Local Government and Planning
Ministear airson Riaghaltas Ionadail agus Dealbhadh
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Alistair Dodds
Chief Executive
Highland Council



10 June 2013

Dear Mr Dodds

COUNCIL PERFORMANCE: THE PLANNING PERFORMANCE FRAMEWORK

I am writing to thank you for your authority's first annual report under the new Planning Performance Framework. I have enclosed a feedback report for your authority, and I would ask you to consider this with your planning officials as part of the approach to pursuing continuous performance improvement together.

You will know that I am committed to ensuring that the planning system in Scotland does all it can to facilitate sustainable economic growth for Scotland. I strongly believe that this should not be dependent solely on legislative and procedural change. Changes in culture and service delivery, by all sectors involved in planning, will improve the reputation and effectiveness of our planning system and are consistent with our shared commitments to Delivering Planning Reform.

The Planning Performance Framework, which was developed by Heads of Planning Scotland, presents a more holistic framework for assessing planning authority performance and improvement. While I am encouraged by this first round of performance reports, I would ask that you ensure that the focus on performance and service culture is firmly embedded throughout your authority, by all who play a part in delivering the planning service, so that planning can achieve its' potential in supporting the Government's Economic Strategy.

Performance is not just the responsibility of planning authority planners. The development sector, agents, agencies, communities and other Council services all need to work together to improve delivery. There are some key areas where I want to see a particular focus on improvements across Scotland.

- We have a plan-led system and I am determined that development plans should be relevant and up to date, reviewed and replaced on a rolling 5-year cycle.

- I want to see evidence that clear arrangements are in place for pre-application discussion and that strong project management arrangements support determinations on significant developments. My officials are separately leading work on promotion of processing agreements in this regard.
- I want to ensure that requests for information are clear and proportionate. We need to reduce some of the emphasis on process where value is not being added, and to maintain a focus on positive outcomes and quality of place.
- There is a need to increase pace in planning decision-making. While there have been some recent improvements by some authorities, this has been variable across the country and it is still taking too long to determine some planning applications.
- There are some long-running 'legacy' cases which, when decided after several years, are distorting the performance statistics and damaging planning's reputation. These old cases need to be withdrawn or concluded as soon as possible.
- I want to improve performance on managing the negotiation, conclusion, and delivery of section 75/legal agreements.

All of this in turn should lead to reduced and more predictable decision-making timescales and help to get important development up and running as early as possible.

Turning to your authority's performance report, you have shown good evidence of a commitment to deliver the culture envisaged through planning reform. I was pleased to learn of your recent adoption of your local plan. This up-to-date policy framework should encourage those looking to invest in the area to come forward with a degree of confidence and allows you to work closely with industry representatives to deliver the plan's intentions and to support our shared drive for sustainable economic growth. You have demonstrated a range of activity to improve overall customer experience with your planning service, and I look forward to following your progress. I want you to now focus on breaking through the causes of delay in application-handling that have impacted on your performance statistics, and I am pleased to see your commitment to increased use of processing agreements to bring a shared focus to progressing applications.

In addition to the progress being made through the framework, you will likely be aware that we have recently convened a High-Level Group on Planning Performance, which I co-chair with Councillor Stephen Hagan, COSLA Spokesperson for Development, Economy and Sustainability. The group is reviewing performance across Scotland and is bringing a shared focus to key areas for improvement and I have enclosed a copy of a Performance Markers Paper which the group have agreed.

It is identifying the markers of good performance that will link to any future reform of planning fees, as well as looking at the process that will be used for setting different fee levels for individual authorities based on their performance under powers proposed through the Regulatory Reform (Scotland) Bill.

I am hosting a series of events across Scotland for local authority and agency officers to discuss my views and expectations of performance within the planning service. I would be pleased if you would encourage staff from across your authority who have a role to play in planning to attend their nearest event.

In the meantime I look forward to hearing about your authority's progress with delivering your service improvements and to your next annual performance report.

DEREK MACKAY

cc. Malcolm MacLeod

PLANNING PERFORMANCE FRAMEWORK: 2011-12

FEEDBACK REPORT: The Highland Council



Date performance report due: 30 September 2012

Date of receipt of report: 1 October 2012

National Headline Indicators

- We welcome the very recent adoption of your Highland-wide Local Development Plan (LDP), albeit falling just after the end of the year being reported on. Prior to that, several of your local plans had been considerably older than 5 years – up to 14 years, which is too long to spend without an up-to-date policy framework. Updating on the 5-year cycle is essential in giving a clear lead and certainty for future investment in development. Good progress must now be maintained with your subsequent LDPs, with good project management applied through to adoption.
- The figures you were able to provide on land supply are noted. As discussed following the submission of the report, data around approvals should refer to those made during the period the report covers. Heads of Planning Scotland (HOPS) are currently preparing definitions for recording 'employment land' and 'commercial floorspace' for the second round of reports to bring consistency to these measures.
- A number of authorities have not been in a position to accurately report pre-application discussion rates, and we note you have provided estimated figures which show a decent rate. We welcome your commitment to record this for inclusion in your next report.
- We note the use of processing agreements for 2 applications during the year and welcome your commitment to use these for major applications going forward, alongside your pre-application advice service. The certainty that comes with this approach will encourage developers to work with the council in project planning their applications in this way, embedding it as normal working practice.
- Both approval and delegation rates were slightly higher than the Scotland averages.
- For local developments, your average decision-making timescales were broadly consistent with Scottish figures across the different categories of development. We note and understand your comments about the impact of locational circumstances across a large area. However, there remains scope to seek out efficiencies in application handling and we welcome your commitment to make progress with this.
- We are particularly concerned about the timescales involved in deciding major applications; for example taking on average nearly 3 years to decide major housing applications. The council must fully understand the barriers to quicker

decision-making and implement mitigation measures to address them. Your use of processing agreements should certainly be able to focus all parties involved to make better progress with these cases.

- The statistics show that the time to conclude legal agreements has been a significant contributor to delay. We note your appointment of a planning gain negotiator, which brings an opportunity for efficiently coordinating any reasonable and proportionate contributions through the planning process. Again, including this activity within the scope of processing agreements would help.
- Effective enforcement is an essential element in securing public confidence in the planning system. Your enforcement charter was 2 years old at the end of the reporting year and we note your intention to review this and to develop a monitoring and recording system for enforcement activity that can feed into future reports. You should ensure a rolling programme of reviewing/ updating your enforcement charter within the statutory 2-year cycle.

Defining and Measuring a High Quality Planning Service

- You have demonstrated the very successful operation, expansion and growing reputation of your authority's pre-application advice service; also illustrated through the range of awards you have received for that service. This is a good example of how a planning authority can give out a positive signal that it is open for business.
- Future reports could perhaps explain how this early engagement across sectors and the advice provided can ensure that any requests for supporting information from applicants are reasonable and proportionate, helping to save time and costs for all.
- We note your LDP Action Programme has seen the delivery of a policy framework that can support future development and sustainable economic growth. Your next report could perhaps describe how this is now being used in partnership with prospective developers to ensure development priorities identified in the LDP are brought forward.
- We welcome your recent and developing policy support for quality placemaking, also backed up with use of the charrette technique in Nairn which can lead to better design and placemaking as well as securing local buy-in for good development.
- We note your promotion of positive examples of design and quality places through award schemes. It is important to reflect and understand how planning has added value to completed developments, to influence planning involvement and promotion of good design in the future. We also welcome your involvement in an annual local design awards scheme and a local design review panel.
- We are encouraged by your work in various areas to improve certainty to applicants, including your production of the UNIFORM manual for application handling, which we are very pleased to see you have shared with neighbouring authorities. Are you obtaining feedback from your own staff and those from the other authorities on the success of this, and is it worth sharing more widely?

- You have provided useful information on how you engage and communicate with occasional and regular customers. We welcome your regular sessions with local agents for two-way dialogue and also your use of customer surveys, both of which can provide invaluable feedback about your service and improvement needs. Future reports could provide some examples of the issues involved in the 9% of complaints that were upheld, including how you have reacted to make necessary improvements.
- Your efforts to improve your website and use of social media options, and to increase the submission of applications through ePlanning, are all welcome and particularly important in a large council area.
- You have provided good evidence of efforts to find efficiencies in application handling; for example using ePlanning as a means to bring flexibility in handling workloads across long distances between your 8 offices. We are also interested in your approach to recording reasons for delays in applications that have taken longer than 2 months and it would be good to see some outcomes from that monitoring in future to help understand where applications are becoming blocked.
- We note your expected role in implementing the protocols for enterprise areas, much of which will be consistent with the positive service culture also envisaged through the Planning Performance Framework (PPF). We look forward to hearing of progress and any lessons that can see practices being adopted more widely across your planning service.
- We are also interested in your proposal to develop a protocol with other bodies for delivery of joint consents. The Scottish Government supports improved handling arrangements between planning and other consenting regimes and is working with several authorities on pilots in this area; you might be able to feed in to this work with your experiences.
- We welcome your commitment to staff development through the Personal Development Plan process. Future reports could include more detail on staff training needs, which have been identified through targeted staff training and your service training plan.

Service Improvement Commitments 2012-13

- You have made a good range of commitments that reflect aspects of a quality planning service as envisaged through the PPF and are mostly linked to improvement needs identified in your performance report. It is also encouraging to note that a number of your service improvements are specific and measurable. We look forward to following progress in your next report.
- We suggest that improvements on decision-making timescales should include a focus on 'average' timescales, as work on the PPF has found these to be a stronger indicator of past and future performance.

Service Improvements 2011-12: Delivery

- We welcome your completion of a number of improvements committed in your previous service improvement plan, while noting that some actions have been

rolled forward through your Public Service Improvement Framework action plan.

Conclusion

- Overall, a well-structured report displaying a good understanding the authority's strengths and weaknesses and evidence of a shift towards a planning reform and performance culture, with work still progressing across the authority to achieve this objective.
- It is good to see an up-to-date Highland-wide LDP in place, which can allow your council and developers to bring forward plans for good quality developments with confidence. You should ensure a relevant policy framework is maintained by updating all plans within the 5-year cycle.
- You have shown good developing relationships with customers and use of technology to improve service delivery across a wide area.
- A particular priority going forward ought to be on working with stakeholders to bring down some of the longer decision-making timescales, particularly for major developments, and to draw any existing 'legacy' cases to a conclusion. Wider use of processing agreements will bring good focus to handling major developments.

The feedback in this report is based solely on the information provided to us within your Planning Performance Framework Report covering the period April 2011 to March 2012.

If you need to clarify any aspect of the report please contact us on 0131 244 7076 or email andy.kinnaird@scotland.gsi.gov.uk.

*We hope that this feedback will be of use to you in the preparation of your next report which covers the period April 2012 to March 2013. Please note that the next reports are due to be submitted to us at sgplanning@scotland.gsi.gov.uk **before 30 September 2013.***

The Scottish Government, Planning and Architecture Division
June 2013

Appendix 4 - Service Improvement Plan

Planning Performance Framework Criteria							
Open for Business	High Quality Development on the Ground	Certainty	Communications, Engagement and Customer Service	Efficient and Effective Decision Making	Effective Management Structures	Financial Management and Local Governance	Culture of Continuous Improvement
Highland Council Improvement Targets 2013/14							
<p>We will deliver 100% of Major Pre-application packs within 4 weeks.</p> <p>We will deliver at least 80% of Local Pre-application packs within 6 weeks.</p> <p>We will ensure that all Major Development proposals are accompanied by Processing Agreements by end of June 2013.</p>	<p>We will prepare and publicise a presentation of high quality developments supported by the Service by March 2014.</p> <p>We will prepare Development Plans Scheme by April 2013 and prepare a progress report by September 2013.</p> <p>We will prepare our Plan documents in line with the timescales set out in the Development Plans Scheme.</p> <p>We will deliver the actions within Development Plan Action Programmes to stated timescales.</p>	<p>We will deliver at least 70% of Scoping Opinions within 5 Weeks.</p> <p>We will deliver at least 60% of Screening Opinions within 21 Days.</p> <p>We will implement the Protocols for Enterprise Areas and deliver development to stated timescales.</p> <p>We will put in place more effective Monitoring Systems for Development Plans (audits) during 2013/14.</p>	<p>We will deliver Focus Groups for Planning across the Highland area during 2013/14.</p> <p>We will provide Community Council planning training during 2013/14.</p> <p>We will provide evidence of efforts to engage with hard to reach groups during 2013/14.</p> <p>We will carry out a comprehensive customer survey during 2013/14 and prepare an action plan from the results.</p>	<p>We will achieve at least an average of 24 weeks for determination of major planning applications.</p> <p>We will achieve at least an average of 11 weeks for determination of local planning applications.</p> <p>We will achieve at least an average of 9 weeks for determination of Other applications.</p> <p>We will determine at least 68% of all Planning Applications within 2 Months.</p> <p>We will determine at least 90% of Householder Planning Applications within 2 Months .</p> <p>We will determine at least 60% of Non Householder Planning Applications within 2 Months.</p> <p>We will put in place procedures to ensure that legal agreements are concluded within 4 months following a minded to grant decision.</p>	<p>We will ensure that all staff have Employee Review and Development Plans delivered by end June 2013 and the Service Training Plan produced and implemented by end August 2013.</p>	<p>We will contribute to a national project on costs of delivering the planning service.</p>	<p>We will implement a new Enforcement Charter by June 2013.</p> <p>We will prepare and implement a Validation Checklist for use by October 2013.</p> <p>We will implement Development Management for Enterprise by March 2014.</p> <p>We will implement the Uniform Module for Enforcement and new processes for Enforcement by December 2013.</p> <p>We will design and implement new systems for gathering, administering and analysing Development Plan responses by March 2014.</p> <p>We will carry out a benchmarking exercise with other rural planning authorities (Aberdeenshire/Dumfries and Galloway/Scottish Borders/Argyll & We will prepare our Planning Performance Framework for submission to Scottish Government by end September 2013.</p>