

The Highland Council
Planning, Development and Infrastructure Committee

17 February 2016

Agenda Item	5
Report No	PDI 03/16

Planning Performance Framework and Quarter 3 Performance Review

Report by Director of Development and Infrastructure

Summary

This report advises Members on the delivery of the Development Management, Building Standards, and the Development Plan services for the 3rd Quarter of 2015/2016. The report also seeks homologation of the Council's response to the ongoing Scottish Government Review of the Planning System.

1. Introduction

- 1.1 Key performance indicator information is reported to committee every quarter, and the figures for the third quarter of 2015/16 are now available.

2. Development Management

- 2.1 The figures set out in **Appendix 1** demonstrate that 66% of all local planning applications were determined within 2 months. The Year to Date figure stands at 69%, against the Service target for 2015/16 of 70%.
- 2.2 Five major planning applications were determined during this period, including two relatively straightforward S42 planning applications. Two of the remaining major applications had Processing Agreements, which met the timescales contained within them. The remaining one was a legacy case which was refused planning permission, and no agreement had been reached with the applicant on the determination date.
- 2.3 The pre-application advice service for local and major planning applications has continued to operate well over the last three months. The major developments pre-application advice service continues to deliver 100% of packs within four weeks. The local pre-application advice service has improved from last quarter, with 72% of the packs being delivered within the target 6 week period.
- 2.4 Enforcement information is also shown in **Appendix 1**. For Quarter 3, 82 enforcement complaints were received. Over the course of the quarter a total of 6 formal Notices were served.

3. Building Standards

- 3.1 Performance for responding to an application for building warrant (KPI1) for Q3 recorded 84.6%. This was a 0.5% improvement on last year but slightly lower than last quarter (86%). The target is 90%. The proportion of completion certificates responded to within 10 days was also below target during the last quarter (**See Appendix 2**).
- 3.2 The total number of building warrant applications received during Q3 was 638; almost 100 (13%) less than Q3 last year and almost 200 less than last quarter. The big number of applications last quarter was due to applications being submitted prior to new building regulations coming into force on 1 October 2015.
- 3.3 The value of work submitted for building warrant during Q3 was £50m; this is £100m (63%) less than last year, and £150m (76%) less than the previous quarter. Building Warrant fee income for Q3 was £582k; this represents a significant increase in income of £190k (33%), and a £220k (38%) increase when compared to last quarter. The increased fee income is related to the significant number of applications submitted ahead of the changes to the regulations in October 2015.
- 3.4 There were 5 applications received in Q3 where the value of the proposed work was in excess of £1m. Three of these were for residential buildings, one was for a storage building, and one for a Converter Station at Wick valued at £11m.
- 3.5 The eDevelopment Programme continues progressing to target, however Scottish Government have confirmed that the eBuilding Standards launch will be delayed to August 2016.

4. Development Plans

- 4.1 A series of nine consultation events were held across Highland following the launch of joint consultations on the Highland-wide Local Development Plan Main Issues Report, the draft Onshore Wind Supplementary Guidance and the Housing Team's Local Housing Strategy. This included a demonstration of the Council's new online consultation portal for development plans. Officers from housing associations joined members of the team in discussing these important documents through daytime exhibitions and evening workshops.
- 4.2 In November, the Caithness and Sutherland Proposed Local Development Plan was approved for publication by the Planning, Development and Infrastructure Committee, along with an accompanying Action Programme. The CPP Board also provided their endorsement of the Proposed Plan. An Action Programme for the adopted Inner Moray Firth LDP was published following approval by PDI and CPP Board.
- 4.3 Other work included for the team included a review of the Inverness City Centre Development Brief, working with Highlife Highland on a consultation on the future of Inverness castle and surrounds and contributing to the final stages in preparing the Pentland Firth and Orkney Waters Pilot Marine Spatial Plan.

5. Review of the Planning System

5.1 In September 2015, Alex Neil MSP, Cabinet Secretary for Social Justice, Communities and Pensioners' Rights announced that he had appointed an independent panel to undertake a review of the Scottish planning system. The panel is chaired by Crawford Beveridge, and also includes Petra Biberbach and John Hamilton. The Panel is providing a strategic perspective of the planning system and is open to 'game changing' views and ideas about how it could be improved.

5.2 The review is focusing on 6 key issues:

- development planning;
- housing delivery;
- planning for infrastructure;
- further improvements to development management;
- leadership, resourcing and skills; and
- community engagement.

5.3 The independent panel is due to produce its report in Spring 2016. Thereafter Scottish Ministers will respond to its recommendations with a programme of work to take forward further improvements to the planning system. Highland Council submitted a response to the call for written evidence in November 2015, and it is shown in **Appendix 3** for homologation. The Head of Planning and Building Standards has been invited to give oral evidence to the panel on 23 February 2016, so if there are any additional points that Members would like to raise, these can still be considered.

6. Implications

6.1 There are no direct resource, legal, equality, climate change/Carbon Clever, rural, or Gaelic implications arising from this report.

Recommendation

That the Committee:

- notes the performance updates across the Development Management, Building Standards and the Development Plans teams; and
- homologates the Council's response to the Review of Planning and considers whether there are any further points that should be raised during the oral evidence session.

Designation: Director of Development and Infrastructure

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Date: 3 February 2015

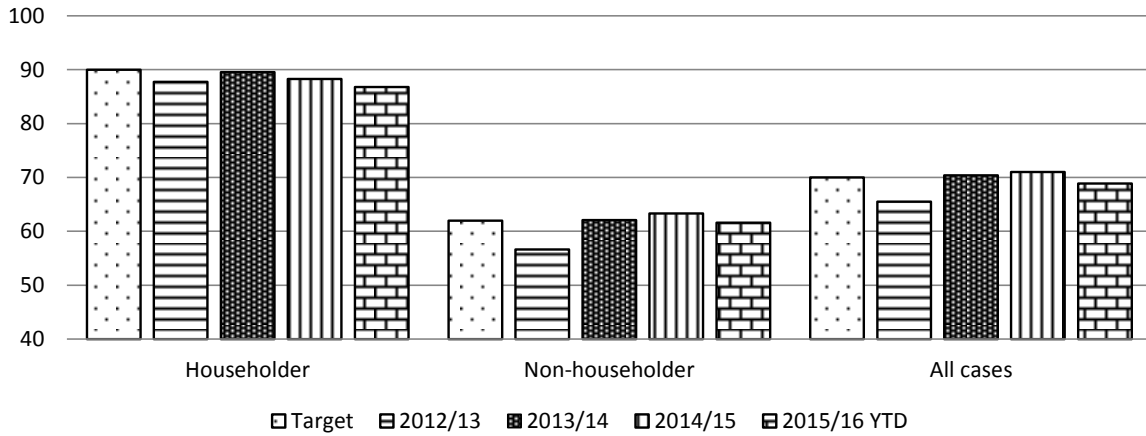
Appendix 1
Performance Statistics

Highland
Quarter 3 2015/16

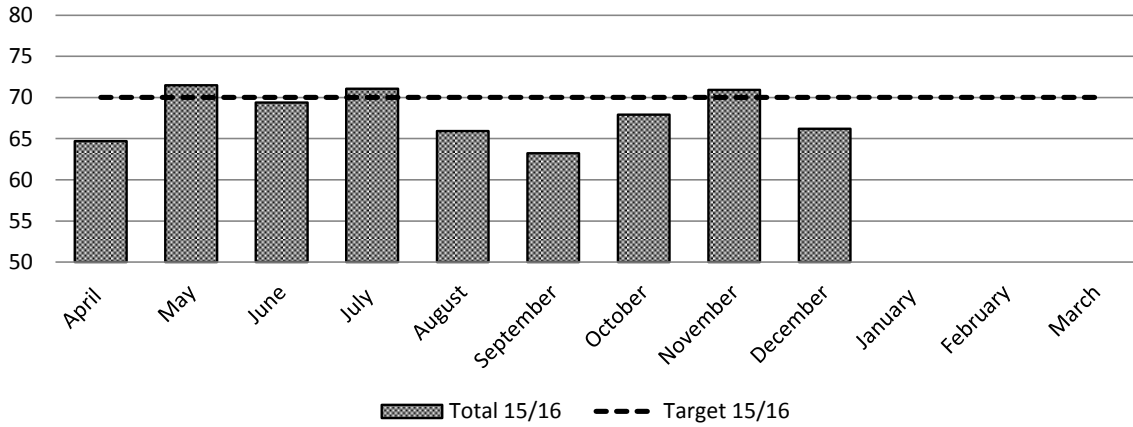
Planning Applications			
Category	Total Number of Decisions	% Within Agreed Timescales	
Processing Agreements	3	66.0%	
Major Applications	3	66.0%	
Local Applications			
EIA developments			
Other Applications			
	Total Number of Decisions	% within timescales*	Average Time (Weeks)
All Major Developments	5	40.0%	57.5
All Local Developments	572		12.0
Local: less than 2 months	390	68.2%	
Local: more than 2 months	182	31.8%	
Local developments (non-householder)	406		13.6
Local: less than 2 months	253	62.3%	
Local: more than 2 months	153	37.7%	
Local developments (householder)	166		7.5
Local: less than 2 months	137	82.5%	
Local: more than 2 months	29	17.5%	
Other Consents	75		9.2
Other : Less than 2 months	53	70.7%	
Enforcement Activity			
	Number		
Cases Taken Up	82		
Notices Served	6		
Reports to Procurator Fiscal	0		
Prosecutions	0		
Pre-Application Advice			
Major Packs within 4 weeks	100.0%		
Local Packs within 6 weeks	71.8%		

* 4 months for major developments and 2 months for local developments and other consents

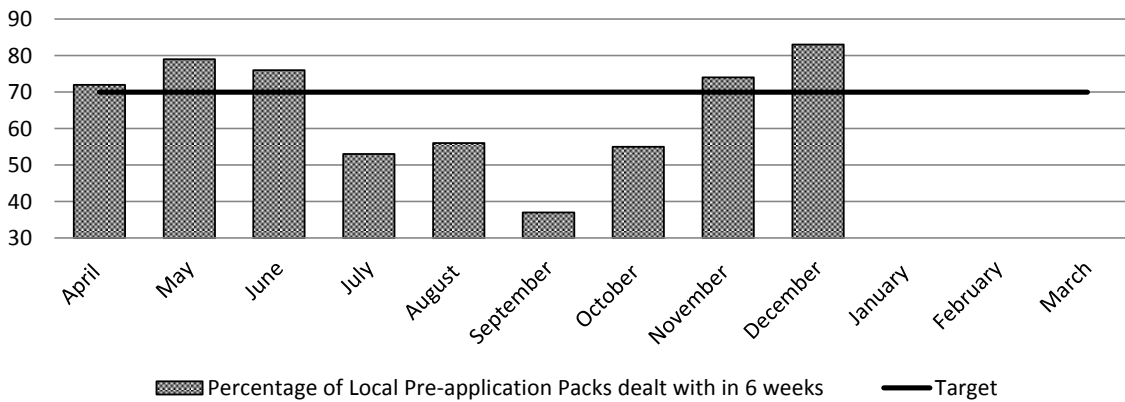
Development Management Performance - % of local planning applications dealt with in 2 months (Year to Date)



Development Management Performance - % of all planning applications dealt with in 2 months

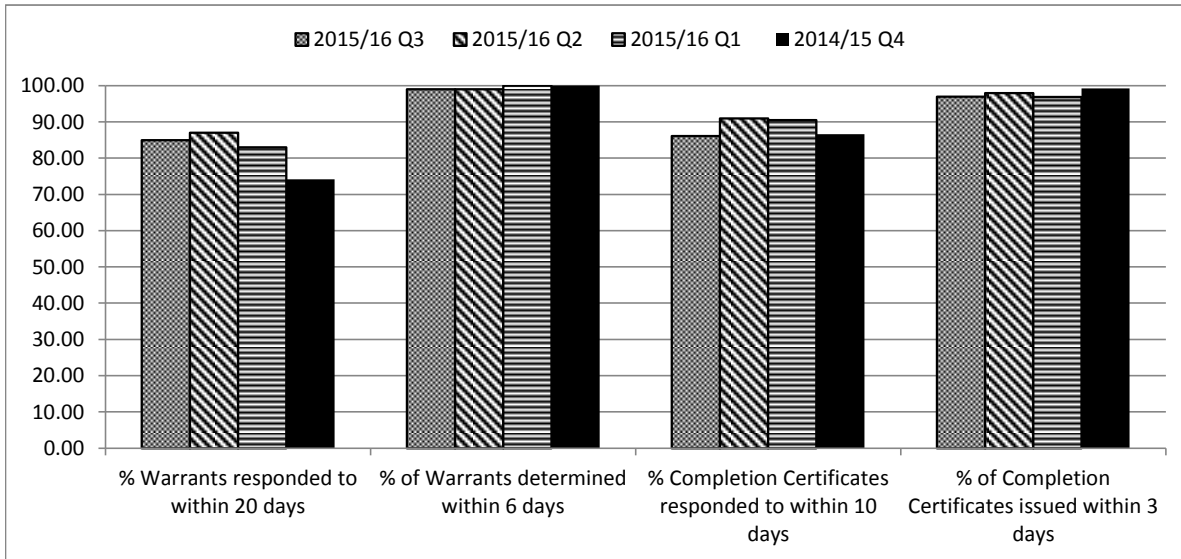


Development Management Performance - Local Pre-application



Appendix 2
Building Standards Performance 2015/16 Quarter 2

	% Warrants responded to within 20 days	% of Warrants determined within 6 days	% Completion Certificates responded to within 10 days	% of Completion Certificates issued within 3 days	Target
2015/16 Q3	85.00	99.04	86.10	97.00	90
2015/16 Q2	87.00	99.00	91.00	98.00	90
2015/16 Q1	83.00	100.00	90.50	96.90	90
2014/15 Q4	74.17	100.00	86.60	99.20	90



Building Standards Volumes and Income (Last 4 Quarters)

	2014/15 Q4	2015/16 Q1	2015/16 Q2	2015/16 Q3
Warrants Decided	606	730	876	677
Compl. Certs	623	731	795	743
Income (£000)	421	458	363	582

Appendix 3 – Response to the Scottish Government Review of Planning

This is a response from Highland Council to the review of the planning system. Given the timing of the consultation, the response has not been agreed with elected members at Committee, so the response below is an officer level response. It will be homologated at a Planning Development and Infrastructure Committee on 17 February 2016, and any additional comments will be passed to Scottish Government at that time in the hope that they will be considered in the ongoing work arising from the review.

Local Development Plans

Local Development Plans provide the basis of the planning system and allow the opportunity for community involvement in their preparation. It remains true that there are huge benefits in having a Plan-led system in Scotland.

However, there are a number of issues which the review may wish to take into account:

- The procedure for preparing **Local Development Plans** is still cumbersome and resource intensive. A five year timescale is relatively short and perhaps a longer timeframe (as long as action programmes are approved, implemented, reported on and monitored) will free up time for planners to focus in on delivery – particularly the case where development rates are lower (see below).
- The Proposed Plan stage is often too far down the process for real meaningful engagement, and much more emphasis should be placed on the **Main Issues Report** – including the requirement for neighbour notification at this stage rather than at proposed plan stage (note: Highland Council already chooses to neighbour notify at Main Issues Report stage).
- The need for **Strategic Environmental Assessment** (SEA) is understood. However, the Review could usefully focus in on whether some of the process and steps involved in SEA can be lightened/ removed. There is also some duplication between Habitats Regulation Assessment (HRA) and SEA.
- **Action Programmes** were a very useful addition to the LDP process, but have as yet been relatively untried. We would wish to see the emphasis move from the plan preparation process to the implementation of Action Programmes – building on the duty for Key Agencies to fully involve themselves in the process and align investment plans. Action Programmes should be seen as partnership documents. In addition, these action programmes should reflect the Community Planning priorities in different localities – to provide a truly joined up place-based development strategy. Highland Council's Outcome Based Approach provides an

illustration of how this can be achieved. The Development Plan must be more closely integrated with the priorities of partner organisations and the SOA.

- The **LDP Examination** process is another area we would like to have some scrutiny through the review. There are very significant resource and time implications for the Examination process for local authorities and we would ask that consideration is given to whether greater local input in decision making can be achieved as part of any new changes to the planning system.
- Large parts of Highland do not see significant scales of development between plan periods – **updates to LDPs are required at different times**. The planning system needs to reflect the difference between more rural areas and urban centres like Inverness and Fort William, which may need more urgent updates to the planning frameworks. Although the current process allows for light touch reviews, in reality the LDP effectively requires a full review (i.e. through a Main Issues Report and Proposed Plan stage for the plan area as a whole).
- Our key objective in respect of Development Planning is to reduce the “process” burden placed on our planning teams, and move towards a much more meaningful place-based focus on **implementation**. We want to work with communities to prepare community masterplans which can be adopted as Supplementary Guidance as plan periods progress. In our view, not enough time is being spent on these initiatives at present given the focus on five year reviews.

Housing Delivery and Planning for Infrastructure

- Housing Delivery and Planning for Infrastructure are very closely related. In respect of housing delivery **there is a need to ensure that sites remain capable of being delivered** and, if not delivered within specified timescales, replacements can be brought forward. This requires a more flexible Development Plan position, which does allow for changes to be taken forward in particular areas if it is clear that housing delivery is being stifled for whatever reason. With that there is a requirement for the private sector to be more open about reasons for sites not coming forward.
- Whilst the **Housing Needs and Demand Assessment (HNDA)** is a useful tool in setting up broad targets for housing delivery, there is a need to ensure that there is enough local scope to provide choice – particularly where land is being held by a small number of larger landowners or developers. The HNDA process is drawn out and could be simplified.
- Infrastructure provision remains key – innovative approaches such as local **Infrastructure Loan Funds** may be a very useful way of delivering local priority sites, and close working arrangements between local authorities, landowners, developers and communities is integral to this. There are some good examples of partnership working already happening. Absolutely critical to this is the **pro-active involvement of key agencies** such as Scottish

Water, SEPA and Transport Scotland, as well as the utility companies. The continued and enhanced role of Action programmes is a very obvious way of ensuring this happens. In addition, measures need to be put in place to allow more control over ransom strips – which can lead to many years delay in the delivery of much needed infrastructure.

Development Management

Many of the changes made to the Development Management process have been positive and welcome. Performance has improved over the last few years in Highland and across Scotland. There is of course still scope for improvement:

- The major development process has been improved with the need to undertake community consultation as part of the **pre-application** process. This should be retained and could be strengthened by ensuring that the developer has a requirement to undertake two stages of consultation before submission of a planning application – one at the time of submission of Proposal of Application notice and one just before the submission of the planning application – highlighting any changes that have been made to the proposal following the initial consultation. Thought should also be given to reducing the 12 week period for Proposal of Application Notices.
- Streamlining consents is an obvious improvement that could be brought forward – **the need for separate planning, conservation area and listed building consents is wasteful** and one single application should be considered. Equally the ability for linked consents – planning permission, building warrants and road construction consents - should be brought through new arrangements – particularly for development proposals that are supported by the Local Development Plans.
- Highland Council has strengthened the **enforcement** side of the planning service, and the benefits of a more pro-active approach have been significant in terms of reducing complaints and being able to take direct action. The review should however consider whether stronger powers are required to encourage more compliance with Enforcement Notices – whether in respect of Fixed Penalties or utilising Charging Orders.
- A significant piece of work has been undertaken by this Council on **Legacy cases** (cases more than a year old). Whilst many have been reactivated and determined or withdrawn by the applicant following discussion, consideration should be given to a unilateral power to withdraw applications.
- The submission of **Environmental Impact Assessments** focussed purely on significant effects would be a major improvement to the efficiency and speed of decisions made. A move to a certification system for particular types of assessments would also be worth considering.
- As we have one application form for Scotland it is considered there is significant merit in the introduction of a **minimum national standard for**

validation for all applications. This would ensure consistency for applicants, neighbours and developers in what information is required and help reduce unnecessary double handling in the processing of applications. It would speed up the determination of planning applications as it would help reduce public concerns often related to the lack of information and reduce the number of applications required to go to committee. The requirement for this information during the course of the application can cause delays through the need for re-notification for neighbours and/or advertising. This can also help reduce the need for conditions and submission of information post decision, saving time and money for all concerned.

Leadership, Resourcing and Skills

- **Planning fees should reflect the whole cost of delivering the planning system.** Recent work undertaken on behalf of all planning authorities by the Improvement Service recognised that there is a shortfall. Highland Council already charge for pre-application advice for major and local planning applications, and customer feedback has been generally positive. Putting in place an incentive scheme for those that do seek formal pre-application, for example, a discount against the application fee, could be a useful way forward.

Community Engagement

- The key to more effective engagement in the planning process is to involve people at the local level. By **simplifying and streamlining the development plan process**, resources can be freed up to focus on truly local engagement, with the full involvement of community interests groups such as Community Councils. The tie in to Community Planning and Action Programmes is critical in this respect.
- The prescriptive wording of neighbour notification for both Development Management and Development Plans makes it difficult for people to engage – much more flexibility should be introduced to allow notices to be made in plain English and using methods other than prescribed adverts in newspapers. Whilst these may have some benefit, there are many more ways that people engage with public services as technology and lifestyles change – planning needs to move with the times.