



PLANNING AND ACCESS COMMITTEE

MEETING: Monday 27th April 2020

SUBMITTED BY:	Director of Rural Development and Planning
SUBJECT:	Planning Performance Framework 8 2018/2019: Feedback from Scottish Government

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1 SUMMARY AND REASON FOR PRESENTATION

- 1.1 This paper provides Members with feedback from the Scottish Government on our 8th annual Planning Performance Framework (PPF) Report, which was submitted in July 2019 and reported to this committee on Monday 25th November 2019. It also provides an update on progress with the Service Improvements for PPF 9 (2019-20).

2 RECOMMENDATION

That Members:

- 1. Consider and note** the content of this report.

3 PLANNING PERFORMANCE FRAMEWORK 8 FEEDBACK

- 3.1 The Scottish Government provides feedback to each local planning authority on their PPF report each year. They provide a table marking performance against 'Key Markers'. The highlights for last year's report (PPF 8 2018/19 – see Appendix 1), are summarised in the table overleaf, together with the previous year's result for comparison:

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Marker		2012-13	2013-14	2014-15	2015-16	2016-17	2017-18	2018-19
1	Decision making timescales	Red	Green	Red	Red	Yellow	Yellow	Red
2	Processing agreements	Green	Yellow	Green	Yellow	Green	Green	Yellow
3	Early collaboration	Green	Green	Green	Green	Green	Green	Green
4	Legal agreements	Green	Green	Yellow	Yellow	Green	Green	Yellow
5	Enforcement charter	Green	Green	Green	Red	Green	Green	Green
6	Continuous improvement	Yellow	Green	Green	Yellow	Yellow	Yellow	Yellow
7	Local development plan	Green	Green	Green	Green	Green	Green	Green
8	Development plan scheme	Green	Yellow	Green	Green	Green	Yellow	Yellow
9	Elected members engaged early	N/A	Red	N/A	N/A	N/A	N/A	N/A
10	Stakeholders engaged early	N/A	Green	N/A	N/A	N/A	N/A	N/A
11	Regular and proportionate advice to support applications	Green	Yellow	Green	Green	Green	Green	Green
12	Corporate working across services	Yellow	Yellow	Green	Green	Green	Green	Green
13	Sharing good practice, skills and knowledge	Green	Green	Green	Green	Green	Green	Green
14	Stalled sites/legacy cases	Yellow	Green	Green	Green	Green	Yellow	Yellow
15	Developer contributions	Red	Yellow	Yellow	Yellow	Yellow	Green	Green

3.2 Overall in 2018-19 we have been assessed with one 'red' rating for Decision making timescales, and five 'amber' ratings. This compares with four 'amber' ratings last year. The background to each of the red and amber ratings is provided below:

3.3 Decision making timescales – red – A 'red' rating was given as both Local (non-householder) and householder application determination timescales were slower than the Scottish Average, and slower than the previous year. Measures have already been put in place to work on improving this during the current financial year – see service improvement 3 in section 4 below.

Processing agreements – amber – In total 6 processing agreements were set up and of these 50% were determined within agreed timescales. This is not an improvement on last year where 100% were determined within agreed timescales. Also, although we offer processing agreements and publish guidance on this on our website (<https://www.lochlomond-trossachs.org/planning/planning-applications/make-an-application/helpful-resources/planning-processing-agreements/>) this was not explicitly mentioned in the PPF text, and so an 'amber' rating was given. In PPF9 we can state this more clearly.

Legal agreements – amber – There was only one application subject to a legal agreement approved in 2018-19, which was subject to a degree of negotiation with the applicants. This took 24 weeks in total to determine and was faster than the Scottish Average (36.7 weeks). However 24 weeks was slower than the previous year (2017-18) results – again only one application which took a total of 18 weeks to determine. As this is not a continuous improvement an amber rating was given.

Continuous improvement – amber – Decision making timescales were slower than the year before. The LDP will not be replaced within the required timescale and the number of legacy cases remained the same. Therefore an amber rating was given. It was also noted – in the feedback from Scottish Government - that we had completed 5 out of 6 of the service improvement commitments and identified a good range of improvements to take forward in 2019-20.

Development plan scheme – amber – page 33 of our PPF report states:

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“This year we are reporting that we will not be meeting our target for replacing the plan within 5 years. The section above on the Development Plan Scheme (see page 13) explains that this was an informed decision taken by Members of our Planning and Access Committee. It was based on an assessment of the risks associated with proceeding with the previously identified Development Plan Scheme timeline and the strong likelihood that this would result in abandoned work. Furthermore this decision was taken on the basis that the Local Development Plan strategy and vision remain robust and relevant, with there being a good supply of land and flexibility within the plan’s strategy to guide and inform development activity beyond the five year timespan of the Plan”.

As the replacement plan is not on course for adoption within 5 years of the current LDP’s adoption an amber rating has been given. Members will recall this was highlighted at the Committee’s discussion on the decision and was expected.

Stalled sites/legacy cases – amber - The number of legacy cases, taking more than a year to determine, was 23 in 2017-18 and 23 in 2018-19. Although 9 cases were cleared 9 additional planning applications became ‘legacy’ cases. This is service improvement 1 in section 4 below.

- 3.4 It is important to note that all six key markers above are based on quantitative data rather than assessment of the quality of the development on the ground or customer satisfaction with our approach to determination (perhaps taking slightly longer to achieve an improved design). PPF8 covered the period from April 2018 to March 2019. During that time the team was dealing with two major applications (West Riverside tourism proposal and housing proposed at Gartness Road, Drymen), plus significant local applications including the Cameron House Hotel planning applications, eight housing applications at Luss, Wards Estate tourism proposal and the discharge of conditions and commencement of development at Cononish Gold mine. It was therefore a very busy time in terms of dealing with high profile applications and resource allocation had to be prioritised which has had an impact on overall decision making timescales. The increase in the number of ambers, and particularly the red for Decision making timescales must be considered in this context/background.
- 3.5 The table in Appendix 3 shows the feedback on all planning authorities across Scotland, and the total number of red and amber ratings for each. As you can see from this table, our performance is similar to some other local authorities, especially in terms of Marker 4 – Legal agreements, Marker 6 – Continuous Improvement, Marker 9 Development Plan Scheme and Marker 14 – Stalled Cases columns which have a high number of amber and red ratings.

4 UPDATE ON SERVICE IMPROVEMENTS

- 4.1 Taking on board the feedback on the key marker areas, the PPF sets out 6 service improvements for the current financial year (2019-20). Progress is underway in each of these areas as follows:

1. Legacy Cases

The definition of a ‘legacy case’ is any planning application which remains undetermined 12 months after its registration as a ‘valid’ planning application. This delay in determination can occur for a number of reasons, including renegotiation of the detail of a proposal or to secure essential supporting information – such as to overcome an objection from a consultee, for example the preparation of a flood risk assessment in response to a SEPA objection. Applications which are subject to a legal agreement invariably fall into the legacy category – and there can be many reasons for delay outwith the control of the planning authority, such as the resolution of title issues. Numbers of legacy cases are typically low – less than 10% of the total number of applications ‘live’ at any time. Actions to minimise the number of legacy cases include

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encouragement to applicants to withdraw applications that require significant redesign or significant additional supporting information – with a new submission to follow on resolution. A factor in our currently relatively high percentage of legacy cases are the 8 interlinked applications for housing development in and around Luss which were considered at the Planning and Access Committee in October of last year. These amount to 1/3 of the current legacy total. These cases required complex negotiation to enable them to be presented as a package with a recommendation to the Committee and they are now awaiting the conclusion of the associated legal agreement. Once this is finalised and the planning permissions are issued, our legacy balance will be significantly reduced and we continue to seek to minimise these cases.

2. Procedures

Development Management procedures are constantly under review, looking for improvements in dealing with applications more efficiently. Through the year various procedures and templates have been amended, taking on board a Service Design approach – improving the clarity of correspondence with agents and members of the public. In addition Service Design training sessions have been led by board member Sarah Drummond which have included planning staff. The outcome of this is a greater awareness of Service Design techniques which we will employ in further procedure development work.

3. Performance

In Q1 2019-20 performance was analysed and possible causes and solutions were considered by the DM Planning Managers. As stated above one of the key causes was the impact on the team of handling a major application (West Riverside) and monitoring the development of another major application (Cononish gold mine) and the resultant impact on availability of staff time within the team. Then a workshop/brainstorming session was held with both DM teams to identify improvements and a number of strategies have been implemented. Additional resource within the team was recruited in Q2 and other vacancies were filled in September 2019. In Q4 there is one vacancy in the team and one member on maternity leave.

Figures from the Scottish Government show an improvement in householder determination times through Q1-Q2, however local non-householder determination times remain above the Scottish Average – see Appendix 4.

4. Engagement

This service improvement relates specifically to maintaining a feedback loop with the wide ranging users of the planning service. A planning agent's forum has been an effective method of two way communication for many years. It is planned to revive this informal meeting with an event programmed for the end of March 2020. All those agents who are regular users of the planning application system have been invited.

5. Place Based Plans

We have been working with Killin and Strathfillan communities to develop local place plans with the Community Partnership. The workshops were undertaken late 2019 and plans are now being developed. Both plans have involved youth engagement with the primary and secondary school.

The work at Strathard has also been progressing well with the steering group meeting regularly, designing the process in a co-production approach. PAS was appointed as consultant working with Architecture and Design Scotland to research and facilitate the workshops. The research and baseline reporting has been completed and workshops are being undertaken in March and the framework is due to be drafted for consultation

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in June/July 2020. There is a good mix of stakeholders attending the events from all the different groups – the community, landowners, businesses, key agencies, the council and ourselves.

6. Complaint Handling

A new system for recording frontline complaints has been developed. This is in a spreadsheet format, stored centrally so that it can be viewed by all staff members. Recording of complaints has meant that recurring themes can be identified and measures put in place to avoid such complaints in future.

5 CONCLUSION

5.1 The period which PPF8 covered was exceptionally busy within the Development Management team and other teams which support the team. Challenges of dealing with two major applications and a number of high profile applications led to longer determination times. However as the PPF demonstrates through case studies high quality development was delivered on the ground. The feedback from Scottish Government on the 'green' key marker areas included noting our continued provision of free pre-application advice, our up-to-date Local Development Plan, supplementary guidance and design-led approach. Corporate working with other local authorities was praised including sharing good practice, skills and knowledge between authorities with the example of our communications officer working with Fife Council singled out.

5.2 The next PPF document shall be prepared for submission in July 2020.

List of Appendices: **Appendix 1 Planning Performance Framework 8 (2018 – 2019)**
<https://www.lochlomond-trossachs.org/wp-content/uploads/2019/07/Planning-Performance-Framework-2018-19-Loch-Lomond-and-the-Trossachs-final.pdf>

Appendix 2 Planning & Access Committee Agenda Item 4 25th November 2019
<https://www.lochlomond-trossachs.org/park-authority/our-board-committees/meetings/planning-access-committee-25th-november-2019-3/>

Appendix 3 PPF 8 Feedback, all planning authorities

Appendix 4 Planning Performance Statistics Summary Q1-Q3 2019-20

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Appendix 3 PPF 8 Feedback, all planning authorities

	Decision making	Processing agreements	Early collaboration	Legal Agreements	Enforcement charter	Continuous Improvement	Local Development plan	Development plan scheme	Reg & Proportionate Policy Advice	Corporate working across services	Sharing good practice, Skills and knowledge	Stalled sites/legacy cases	Developer contributions	Red	Amber	Green
	2018-19	2018-19	2018-19	2018-19	2018-19	2018-19	2018-19	2018-19	2018-19	2018-19	2018-19	2018-19	2018-19	Red	Amber	Green
Aberdeen City	g	a	g	g	g	g	g	a	g	g	g	g	g	0	2	11
Aberdeenshire	a	g	g	g	g	g	g	g	g	g	g	a	g	0	2	11
Angus	g	a	g	g	g	g	g	g	g	g	g	a	g	0	2	11
Argyll and Bute	g	g	g	g	g	a	g	a	g	g	g	a	g	0	3	10
Cairngorms NP	r	g	g	g	g	g	g	g	g	g	g	a	g	1	0	12
Clackmannanshire	a	a	g	g	g	a	g	a	g	g	g	a	g	0	5	8
Comhairle nan Eilean Siar	g	g	g	g	g	g	g	g	g	g	g	a	g	0	1	12
Dumfries and Galloway	a	g	g	a	g	a	g	g	g	g	g	a	g	0	4	9
Dundee City	g	g	g	g	g	a	g	g	g	g	g	a	g	0	2	11
East Ayrshire	a	g	a	a	g	a	g	g	g	g	g	a	a	0	6	7
East Dunbartonshire	a	g	g	r	r	a	g	g	g	g	g	a	g	2	3	8
East Lothian	g	g	g	g	g	a	g	g	g	g	g	r	g	1	1	11
East Renfrewshire	r	g	g	g	g	a	g	a	g	g	g	a	g	1	3	9
Edinburgh, City of	r	g	a	r	g	a	g	a	g	g	g	r	a	3	4	6
Falkirk	g	g	g	a	g	a	g	g	g	g	g	a	g	0	3	10
Fife	a	g	g	a	g	a	g	g	g	g	g	r	g	1	3	9
Glasgow City	g	g	g	a	g	a	g	a	g	g	g	r	g	1	3	9
Highland	a	a	g	a	g	a	r	a	g	g	g	r	g	2	5	6
Inverclyde	g	g	g	g	g	g	g	g	g	g	g	r	g	1	0	12
LLTNP	r	a	g	a	g	a	g	a	g	g	g	a	g	1	5	7
Midlothian	a	g	g	g	g	a	g	g	g	g	g	r	g	1	2	10
Moray	g	g	g	g	g	g	g	g	g	g	g	g	g	0	0	13
North Ayrshire	g	g	g	g	g	g	g	a	g	g	g	g	g	0	1	12
North Lanarkshire	a	g	g	r	g	a	r	a	g	g	g	a	g	2	4	7
Orkney	g	g	g	g	g	g	g	a	g	g	g	a	g	0	2	11
Perth and Kinross	g	g	g	a	g	a	r	a	g	g	g	a	g	1	4	8
Renfrewshire	a	g	g	r	g	a	g	a	g	g	g	g	a	1	4	8
Scottish Borders	g	g	g	r	g	a	g	g	g	g	g	g	g	1	1	11
Shetland	r	r	r	g	g	a	g	r	g	g	g	g	a	4	2	7
South Ayrshire	g	a	g	g	g	g	g	g	g	g	g	g	a	0	2	11
South Lanarkshire	a	g	g	a	g	a	g	g	g	g	g	r	a	1	3	9
Stirling	a	g	g	r	g	a	g	g	g	g	a	a	a	1	5	7
West Dunbartonshire	r	g	g	g	g	a	r	a	g	g	g	a	g	2	3	8
West Lothian	a	g	a	r	g	a	g	g	g	g	g	a	g	1	4	8
Totals	6	1	1	7	1	0	4	1	0	0	0	8	0			
Red	13	6	3	9	0	24	0	14	0	0	1	18	6			
Amber	15	27	30	18	33	10	30	19	34	34	33	8	28			
Green																

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Appendix 4 Planning Performance Statistics Summary Q1-Q3 2019-20

STATISTICS	2018/19 actual					
Category of Application	No. of Applications	Average No. of weeks taken	Scottish Average			
Major	0			Comparison w ith Scottish Average		
Local Non-Householder	155	13.2	10.7	Faster		
Local Householder	62	9.1	7.2	Within 2 weeks		
EIA	0			Slower		
Other consents	61	8.3	7.7			
Subject to a Legal Agreement	1	24.1	36.7			

STATISTICS	2019/20 Quarter 1			2019/20 Quarter 2			2019/20 Quarter 3 estimated		
Category of Application	No. of Applications	Average No. of weeks taken	Scottish Average	No. of Applications	Average No. of weeks taken	Scottish Average	No. of Applications	Average No. of weeks taken	Scottish Average
Major									
Local Non-Householder	30	13.3	10.6	34	15	11	33	13.2	
Local Householder	16	6.2	7.2	8	8.1	7.4	18	7.1	
EIA									
Other consents	8	7.4	7.5	7	13.9	7.7	15	11.7	
Subject to a Legal Agreement							1	28.3	