



Planning and Access Committee

Meeting: Monday 25th January 2021

Agenda item: 5

SUBMITTED BY: Director of Rural Development and Planning

SUBJECT:	Planning Performance Framework 9 2019/20
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1. Summary and reason for presentation

1.1. This paper provides Members with an update on the 9th annual Planning Performance Framework (PPF) report, which was submitted to the Scottish Government in July 2020. It also includes feedback from the Scottish Government received in December 2020 and a summary of work on the service improvements identified for the year 2020/21.

2. Recommendation

2.1. That Members:

CONSIDER and NOTE the content of this report

3. Planning Performance Framework 9

3.1. The Planning Performance Framework (PPF) document is submitted in July each year covering our work across our statutory planning functions. Its purpose is to demonstrate the continuous improvement of our planning service in the National Park Authority and is a requirement for all planning authorities in Scotland. It became a statutory requirement in the Planning (Scotland) Act 2019. The 'Framework' approach is provided by guidance from the Heads of Planning Scotland (HoPS), so that there is a consistency in format, layout and content included across planning authorities, with a range of qualitative and quantitative indicators.

3.2. The highlights of the 2019 / 20 report include:

In-depth case studies on:

- New Housing and Village Green for West Loch Lomondside Communities (see page 8 of Appendix 1)
- Cameron House, Large-scale expansion of 5 star resort (page 10)
- Strathard Framework (page 16)
- Community Place Plans (page 18)
- Cononish Gold and Silver Mine (page 23)
- Continuous Improvement – Telling the Planning Story (page 25)

New improvements

- New approach to validation of applications (page 15)
- New approach to assessing application and negotiating changes – encouraging proposals to be withdrawn (page 27)
- Improving frontline complaint recording and monitoring (page 15).

Updates

- Major Applications team update on housing approvals at Callander South Masterplan area and Stirling Road, Drymen (page 20).

3.3. PPF 9 covers the period from April 2019 to March 2020. During this period the Development Management team were dealing with the West Riverside planning application which was withdrawn in Q2 just before a Hearing and Board meeting at which it was to be considered. Also the team was dealing with the discharge of pre-start planning conditions and then monitoring Cononish gold mine which commenced on site in Q4. There were two further major planning applications brought to the Planning and Access Committee in Q2. The impact of these major applications were that they took up much of the time of three planning officers and this had a resultant impact on the capacity of the remainder of the team. The Performance Improvement Project was managed throughout the year and led to a significant improvement in household determination times down to 7.4 weeks from 9.1 weeks, however local non-householder determination times (12.7 weeks) remain above (but within two weeks) of the Scottish Average (10.9 weeks). Considering some turnover in staffing during this period and the high profile major applications, delivering an improvement in determination times was a significant achievement.

4. Planning Performance Framework 9 Feedback

4.1. 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', together with the previous year's results for comparison. We received this in December 2020:

LOCH LOMOND AND THE TROSSACHS NATIONAL PARK AUTHORITY
Performance against Key Markers

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

4.2. In 2019-20 we have been assessed with no 'red' ratings, and three 'amber' ratings (the amber shown for 'Development plan scheme' in the table above is an error). This compares with one 'red' rating and five 'amber' ratings in 2018-19. The background to each 'amber' rating is provided below:

4.3. Legal agreements – this key marker looks for planning authorities to conclude applications after resolving to grant permission, reducing the number of live applications more than 6 months after resolution to grant (from the last reporting period). The timescale of determining the two applications subject to a legal agreement was faster than last year (18.7 weeks compared with 24 weeks) and faster than the Scottish average (25.4 weeks). The feedback noted that the major application team included legal colleagues who advised on the content of legal agreements during determination of an application so they could be signed swiftly after reaching the minded to grant stage. They also note the completion of our improvement commitment to streamline communication between planning and legal colleagues. It is not clear why this was given an 'amber' rating, however this may be related to the number of legacy cases (planning applications which take more than 12 months to determine) waiting for a legal agreement to be concluded (see 4.5 below).

4.4. Continuous improvement – this key marker looks for progress/improvement in relation to PPF National Headline Indicators; and progressing ambitious and relevant service improvement commitments identified through the PPF report. In relation to the first of these an 'amber' rating was awarded. Although decision making timescales, including legal agreements, were faster than the previous year the lack of progress on reducing legacy cases was highlighted. A 'green' was awarded for service improvement commitments, noting that 3 out of 7 were achieved and the rest partially completed. The feedback states that a good range of improvements have been identified to take forward this year.

4.5. Stalled sites/legacy cases – this key marker requires the conclusion or withdrawal of old planning applications and reducing the number of live applications more than

one year old. The feedback notes that although 12 cases were cleared during the reporting year, 22 cases were still awaiting conclusion – a reduction of 1 overall since the previous year.

- 4.6. In conclusion, the Scottish Government feedback shows significant improvements on the previous year – particularly in regard to decision making timescales. There is a common factor across all three key markers where we received an ‘amber’ rating – the number of legacy cases. This was identified as an area for service improvement during 2020-21 and an update is provided in section 5.1 below.

5. Update on Service Improvements

- 5.1. Part 3 of the PPF sets out the Service Improvements for the current financial year (2020-21). Progress updates on each of these areas is as follows:

1. Legacy Cases

Further develop mechanisms to target and reduce the number of legacy cases running at any one time.

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. At the time of preparing this report there are 29 legacy cases. Actions to minimise the number of legacy cases include 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 2019. These amount to one quarter 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 still awaiting the conclusion of the associated legal agreement although this is at an advanced stage. 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. Planning Service Charter and Enforcement Charter

Review and update the Planning Service and Enforcement Charters, including how we can better engage with agents and communities.

The Planning Service Charter and Enforcement Charters can be found on the National Park website (see links in Appendix 2 and 3 below). The Planning Service Charter has not been reviewed since 2014, and some of the service standards are not currently able to be met due to Covid-19 restrictions. For example we may not be able to carry out a site visit within 20 working days of receiving a valid planning application – careful consideration needs to be given to the requirement to carry out the visit and to group it, where possible, with other cases in the same area. A note has been placed on the webpage to advise that not all service standards may be met at the current time,

and that a review will be carried out in 2021. It may not be possible to carry out a full review whilst Covid-19 restrictions are in place. The Enforcement Charter was last updated at the Planning and Access Committee on 19th October 2018. We plan to return the charter to Committee for an update in the course of this year.

3. Delivering a planning service under Covid-19 restrictions

Continuing service delivery under exceptional circumstances caused by the COVID-19 pandemic; implementing paper-free workflows, paper free site visits etc. Reducing determination times following pandemic impacts.

From the outset of the first lockdown and implementation of all staff working from home we have implemented paper-free work practices. We have developed Covid-safe working practices for site visits and are in the process of rolling out tablets for use on site. These will be able to have plans downloaded onto them for reference on site, take photographs and be used as an emergency mobile phone. It will remain challenging to reduce determination times during the ongoing pandemic impacts – particularly with a further lockdown and resulting impacts on staff with childcare responsibilities from school closures. We have worked through an initial backlog of cases which were put on hold when there was no access to HQ for printing and posting letters. Some delays were also caused by inability to carry out site visits between March and July. Further work is being done by IT to increase access to planning systems.

4. Improved performance reporting

Further development of ICT software/databases to help manage current caseload better and reporting on current/past performance.

An updated database has been developed by the GIS team to help planners manage their current caseload. This includes a more easily accessible list of invalid applications which are assigned to each case officer, applications pending consideration and applications pending determination which combined give the total number of planning cases. The database also includes any pre application enquiries, outstanding prior approval applications and enforcement caseload. Work on reporting on current and past performance has been started, by developing a spreadsheet which can calculate performance across the team. Ideally this would be developed into a database where individual or sub-team performance could be calculated.

6. Conclusion

6.1 The PPF report is a useful record highlighting some of the work of the National Park Planning Authority. It demonstrates our ongoing commitment to progress the quality of our planning service and customer experience and sets out our target improvement areas for the year ahead. The feedback from the Scottish Government on PPF9 shows an improvement from the previous year.

6.2 Work is underway in relation to this year's performance improvements. The next report (PPF 10 2020-21) will be submitted to the Scottish Government in July 2021. The government have advised that in the assessment of next year's report planning authorities will not be unfairly criticised due to pandemic circumstances outwith their control.

7. List of Appendices

7.1. Appendix 1 Planning Performance Framework 9 (2019-2020)

<https://www.lochlomond-trossachs.org/wp-content/uploads/2020/08/Loch-Lomond-and-Trossachs-PPF-2019-20-FINAL.pdf>

7.2. Appendix 2 Planning Service Charter

<https://www.lochlomond-trossachs.org/planning/planning-applications/planning-service-charter/>

7.3. Appendix 3 Enforcement Charter

<https://www.lochlomond-trossachs.org/planning/planning-applications/make-an-application/helpful-resources/planning-enforcement-monitoring/>