



## Planning and Access Committee

Meeting: Monday 28 February 2022

### Agenda item: 5

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**SUBMITTED BY:** Director of Place

<b>SUBJECT:</b>	Planning Performance Framework 10 2020/21 – feedback from the Scottish Government
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#### 1. Summary and reason for presentation

1.1. This paper provides Members with an update on the 10<sup>th</sup> annual Planning Performance Framework (PPF) report, which was submitted to the Scottish Government in July 2021. It includes feedback from the Scottish Government received in November 2021 and a summary of progress on the service improvements identified for the year 2021/22.

#### 2. Recommendation

2.1. That Members:

**CONSIDER and NOTE** the content of this report.

#### 3. Planning Performance Framework 10 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', together with the previous year's results for comparison. We received this in November 2021:

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

Marker		13-14	14-15	15-16	16-17	17-18	18-19	19-20	20-21
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		N/A	N/A	N/A	N/A	N/A	N/A	N/A
10	Stakeholders engaged early		N/A	N/A	N/A	N/A	N/A	N/A	N/A
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								

3.2. In 2020-21 we have been assessed with one 'red' rating and five 'amber' ratings. This compares with three 'amber' ratings in 2019-20 (the amber shown for 'Development plan scheme in the table above is an error). The background to each 'red' and 'amber' rating is provided below:

3.3. Decision making timescales (red) For Major, Local (non-householder) and Householder applications the timescales for determination were both slower than the previous year and slower than the Scottish average. The reasons for this were highlighted in the report which was presented to the Planning and Access Committee in August 2021 and at the briefing for members on the morning of the November Planning Committee meeting:

3.4. *PPF10 covers the period from April 2020 to March 2021, during the Covid-19 pandemic. Page 20 of the report sets out the particular challenges which the pandemic restrictions brought and how we adapted. This includes a recap of when the offices were completely closed and statutory neighbour notification could not be carried out. Once the office reopened for essential tasks which could not be performed at home we were able to recommence publicity, however this led to longer determination times for some cases.*

3.5. *Particular challenges we had at the park authority included:*

- *The closure of all National Park offices – some Councils which provided essential services were able to keep open and functioning through the first lockdown.*
- *IT limitations – we use spatial databases and a document management system for our DM function and access to this was limited due to the number of licences as well as due to network capacity. This meant that we were not able to work as normal and had a rota for access.*
- *Impact on staff availability due to school and nursery closures*

- *Restricted site visits – did not carry out regular DM site visits between March and June 2020 – which led to a backlog in determinations. Authorities in cities had better remit to carry out virtual site visits etc with Google Street view, not available for sites in rural areas off private tracks.*
- 3.6. Measures are now in place to improve determination times, including the use of processing agreements and agreeing extensions in time with applicants. See section 3.12 (4) below for further details.
  - 3.7. Legal agreements (amber) The three applications determined subject to a legal agreement were slower than the previous year and slower than the Scottish average. There was one major application which took 66.4 weeks and 2 local applications which took 49.1 weeks. The Scottish average determination time for major development with legal agreements is 66.9 weeks and for local applications it is 32.6 weeks.
  - 3.8. Enforcement charter (amber) The Enforcement Charter should be updated every two years, however this was not done due to focus on other service delivery. The Enforcement Charter will be reviewed and updated and brought to the Planning and Access Committee within the current year (2021-22). See section 3.12 (5) below for further details.
  - 3.9. Continuous improvement (amber) As the decision making timescales were slower than the previous year an amber rating has been given for this. It was noted that three out of four service improvements have been completed and a range identified to take forward in 2021-22.
  - 3.10. Development Plan Scheme (amber) As the LDP is not on course to be adopted within a five year timeframe an amber is given for this.
  - 3.11. Stalled sites/legacy cases (amber) Although 4 cases were cleared there were still 26 cases awaiting conclusion and as this is an increase from the year before an amber rating was given. This has been identified as an improvement commitment for 2021-22. See section 3.12 (4) below for further details.

### **Update on Service Improvements**

- 3.12. Each PPF sets out Service Improvements for the coming year. Part 3 of PPF 10 sets out the five service improvements for 2021/22. These are:
  - 1) Engagement with Community Councils to inform Local Development Planning and Decision Making. Stakeholder Engagement Programme being devised with Park wide and Area networking opportunities being identified'. Building on survey and informal engagement with community organisations staff have led two Park-wide events; the first was on Place Plans and the second was on the emerging Future Nature work. Both virtual events were well attended. Smaller follow up engagement and discussion meetings was also undertaken on specific topics or area based. This is in addition the wider engagement with stakeholders on Visitor Infrastructure in East and West Loch Lomond, ongoing work with the Strathard Community on the new Framework and engagement with community representatives on an updated Callander South Masterplan which will all contribute to this improvement area.
  - 2) Implement findings of Audit report on Planning Application Process *'An internal audit is being carried out to gain assurance that the current arrangements for managing planning applications received by the Park Authority are adequate. The service*

*improvement is to implement the findings of this report, due to be published at the end of Q2.* The audit findings published in November 2021 (see Appendix 4) and were reported to the Audit and Risk Committee on 7<sup>th</sup> December 2021. This service improvement is to track progress on recommendations from the report. There were two recommendations:

a) **Senior management should ensure that the Staff Register of Interest Policy is updated, approved and communicated to all relevant staff.**

The Staff Register of Interest (SROI) policy is currently under review in line with our Corporate Policy Review Schedule. Once updated and approved, this will be circulated across the business. Within the planned review, we will consider inclusion of the recommendation set out, as well as other best practise in the area.

Officer Responsible for Implementation: Corporate Performance Manager  
Timescale for Implementation: 31 May 2022

b) **Management should review and approve the draft procedures as soon as possible**

Due to focussing staff time on maintaining the core planning function during the pandemic, we have not been able to allocate as much resource to updating, testing and approving procedures. A programme for the review and approval of all DM procedures will be prepared, together with a timetable for implementation. Officer Responsible for Implementation: Development and Support Manager  
Timescale for Implementation: 31 March 2022, with key procedures being approved first, before working through to procedures which are required less frequently.

Work is underway in relation to working through the draft procedures and finalising them.

- 3) Added Value – Monitoring Report Recording *‘Our monitoring reports have flagged some areas where recording the use of policies, and the added value around biodiversity, sustainable transport and climate change, needs improved so we can better capture the added value.’* The process of producing the monitoring report has highlighted opportunities for adjustments that have led enhancements in the use and recording of policies. It acts as a layer of quality control and furthers close liaison between the Development Management and Development Planning teams. Whilst working within the constraints of existing resource and systems, improvements have been made which allow for more comprehensive data capture and streamlining of reporting. Each report is informed by the previous one and is continuously evolving. This allows it to be adapted by, for example, further investigating areas where monitoring has highlighted potential development trends and “pressure testing” of policy areas. Each iteration critically reviews whether the collected data and analysis delivers on the report’s aim to give a transparent overview of policy use and function, capturing the added value delivered by the planning service and “direction of travel” towards LDP vision and strategy.
- 4) Determination times, which have increased due to pandemic impacts *‘Identify causes of delays in determining planning applications by looking at the lifecycle of cases and develop an action program to address these issues, including improvements to paperless workflows. This will include improved performance reporting and mechanisms to target and reduce the number of legacy cases running at any one time, carried forward (see service improvements 1, 3 and 4 on page 30).’*

A 'Performance Improvement' Project has been set up and the two Development Management managers are meeting regularly with the Director of Place to develop and implement improvements. Performance statistics have been shared with the team and a toolkit of measures have been developed. These include:

- Using processing agreements, particularly for larger more complex cases and agreeing extension of time with agents where cases are likely to take longer than the two month period
- Use of 'Regulation 24' letters to ensure timely submission of required additional information, or refusal
- Carrying out a review of newly allocated applications by the case officer within 5 days of receipt to ensure all required is on the file; that consultees have been consulted; neighbours have been notified; any site notices or adverts needed have been prepared.
- Making use of 'Stop-the-Clock' where necessary - keeping a note of dates when the assessment cannot progress due to waiting for information to be submitted etc.

An analysis of the causes of delay is being carried out on a random selection of applications which have gone over the statutory time period for determination. A meeting has been set up with the GIS team to discuss improvements to the paperless workflow which came into effect on the move to remote working.

Good progress has been made in terms of legacy cases as the 8 linked cases for housing in Luss have now had their section 75 legal agreements concluded and the decisions were issued in Q2.

It is expected that over the course of Q3 and Q4 the determination times will decrease, although they will still be higher in 2020-21 than prior to the pandemic, as the backlog of cases are determined.

- 5) Enforcement Charter 'Review and update the Enforcement Charter, carried forward (see service improvement 2 on page 30).' Enforcement Charter review is overdue but the focus of our staff resources has been on maintaining our essential statutory functions. The review and updated charter will be reported to Committee during the year.

#### 4. Conclusion

- 4.1. The PPF feedback from the Scottish Government highlights areas for improvement, with a particular focus on determination timescales, which have lengthened due to impacts of the pandemic restrictions.
- 4.2. 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.

#### 5. List of Appendices

5.1. Appendix 1 Planning Performance Framework 10 (2020-21)  
[https://www.lochlomond-trossachs.org/wp-content/uploads/2021/08/Loch-Lomond-and-Trossachs-NPA-PPF-2020\\_21-Accessibility-checked\\_v2-web-version.pdf](https://www.lochlomond-trossachs.org/wp-content/uploads/2021/08/Loch-Lomond-and-Trossachs-NPA-PPF-2020_21-Accessibility-checked_v2-web-version.pdf)

5.2. Appendix 2 Report to Planning and Access Committee August 2021

[https://www.lochlomond-trossachs.org/wp-content/uploads/2021/08/5.-Agenda-Item-6\\_PPF-10-report.pdf](https://www.lochlomond-trossachs.org/wp-content/uploads/2021/08/5.-Agenda-Item-6_PPF-10-report.pdf)

5.3. Appendix 3 Enforcement Charter

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

5.4. Appendix 4 Audit report – Planning Application Management

<https://www.lochlomond-trossachs.org/wp-content/uploads/2021/11/5-Agenda-Item-6-Review-of-Planning-Application-Management.pdf>