



Planning and Access Committee

Meeting: Monday 18th December 2023

Agenda item 7

SUBMITTED BY: Director of Place

SUBJECT:	Planning Performance Framework 12 2022/23 - 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 National Park's 12th annual Planning Performance Framework (PPF) report, which was submitted to the Scottish Government in July 2023. It includes feedback from the Scottish Government received in October 2023 and a summary of progress so far on the service improvements identified for the year 2023/24.

2. Recommendation

2.1. That Members: **CONSIDER and NOTE** the content of this report.

3. Planning Performance Framework: Background

3.1. The Planning Performance Framework (PPF) document is submitted annually and covers our work across our statutory planning functions including Development Management and Development Planning. Its purpose is to demonstrate the continuous improvement of our planning service in the National Park Authority and is a statutory requirement for all planning authorities in Scotland. 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. There are four overall measures against which our performance is assessed in the PPF and the report is split into four sections covering these:

- Quality of outcomes – demonstrating the added value delivered by planning,
- Quality of service and engagement,
- Governance – ensuring that our structures and processes were proportionate, effective, and fit for purpose; and
- Culture of continuous improvement.

3.3. PPF 12 (Appendix 1) which was submitted in July 2023 and covers the period from April 2022 to March 2023. The highlights of the 2022/23 report included in-depth case studies on:

- Passivhaus development in Drymen
- National Park Place Programme – Tarbet
- Board Member and staff training – induction and NPF4
- Performance Improvement project – continuing our work to improve determination times.

3.4. The PPF report is a useful record of the work of the National Park Authority through selected representative case-studies. It demonstrates the ongoing commitment to continuous improvement and sets out the service improvement areas for the year ahead. Past and current PPFs are available on the National Park website <https://www.lochlomond-trossachs.org/planning/our-planning-team/our-performance/>.

3.5. The Planning (Scotland) Act 2019 places annual performance reporting by planning authorities on a statutory basis. Under these provisions, planning authorities are obliged to “*prepare a report on the performance of their functions*” which is submitted to Ministers and published. This formalises the established practice of producing annual Planning Performance Frameworks initiated by Heads of Planning Scotland (HOPS) in 2012 whereby planning authorities voluntarily published a Planning Performance Framework each year, which included a number of key performance markers that the Scottish Government graded.

3.6. In September 2023 Craig McLaren was appointed as Scotland's new National Planning Improvement Champion, a new provision in the 2019 Act. The Improvement champion will be looking to work with planning authorities in creating a high-performance planning system. ‘Good performance’ will be assessed in terms of positive outcomes, such as:

- The planning system enabling the delivery of sustainable, liveable and productive places,

- Planning services working effectively and efficiently, embedding continuous improvement,
- Service users being able to engage constructively with the planning system and planning service.

3.7. Craig McLaren has already been in touch with the National Park Authority and invited us to feed back our views on how best to define and measure future planning performance and any improvements that could be made to the previous reporting system. The Development Management Manager has attended a workshop chaired by Craig and involving a range of contributors from various backgrounds connected to the Planning system to inform as this information gathering process. As a result of this process, future iterations of the PPF may look different.

4. Planning Performance Framework 12: Feedback

4.1. Scottish Government provides feedback to each local planning authority on their PPF report each year. Feedback on our PPF12 was provided by the Scottish Government in October 2023 (see the Performance Markers Report at Appendix 2).

4.2. The feedback is summarised in a table marking performance against 'Key Markers', together with the previous year's results for comparison (below extract from Appendix 2).

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	21-22	22-23
1	Decision making timescales	Green	Red	Red	Yellow	Yellow	Red	Green	Red	Yellow	Red
2	Processing agreements	Yellow	Green	Yellow	Green	Green	Yellow	Green	Green	Green	Green
3	Early collaboration	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green
4	Legal agreements	Green	Yellow	Yellow	Yellow	Yellow	Yellow	Yellow	Yellow	Yellow	Green
5	Enforcement charter	Green	Green	Red	Green	Green	Green	Green	Yellow	Green	Green
6	Continuous improvement	Green	Green	Yellow	Yellow	Yellow	Yellow	Yellow	Yellow	Green	Green
7	Local development plan	Green	Green	Green	Green	Green	Green	Green	Green	Red	Red
8	Development plan scheme	Yellow	Green	Green	Green	Yellow	Yellow	Yellow	Yellow	Yellow	Green
9 & 10	LDP Early Engagement	Red	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	Green
11	Regular and proportionate advice to support applications	Yellow	Green	Green	Green	Green	Green	Green	Green	Green	Green
12	Corporate working across services	Yellow	Green	Green	Green	Green	Green	Green	Green	Green	Green
13	Sharing good practice, skills and knowledge	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green
14	Stalled sites/legacy cases	Green	Green	Green	Green	Yellow	Yellow	Yellow	Yellow	Green	Green
15	Developer contributions	Yellow	Yellow	Yellow	Yellow	Green	Green	Green	Green	Green	Green

4.3. In the 2022-23 feedback we have been given two 'red' ratings, with the remaining markers all being rated as 'green'. The background to the 'red' rating is provided below.

- 4.4. Local Development Plan (red): Criteria for achieving a 'green' rating on this is: Local Development Plan less than 5 years since adoption. Our plan was 6 years and 3 months since adoption at the end of the reporting period of PPF12 (2022-23) so we anticipated this scoring. Delaying the preparation of the new Local Development Plan was an informed decision, agreed in 2020 by the Planning and Access Committee. The report of that decision can be accessed here: [Planning and Access Meeting 31st August 2020](#). The reason for delay was also explained in PPF 11, PPF12 and the [Development Plan Scheme](#). In summary, the plan period has extended beyond the 5-year period to ensure alignment with the enactment of the 2019 Planning Act and, importantly to ensure that preparation of the new Plan can take account of National Planning Framework 4 and new development planning guidance and regulations (expected imminently). The Scottish Government were aware that numerous planning authorities would, for similar reasons, have Development Plans running beyond their five-year lifespan. National Planning Framework 4 was approved by parliament in late 2022 and became part of the statutory Development Plan in February 2023.
- 4.5. As explained in PPF 12, the focus of our work during 2023 was on further community engagement with regards to Local Place Plans and preparing the Evidence Report for the Gate-check stage. We also demonstrated that research had already begun on selected policy themes and have shared the new and updated Planning Guidance that has been adopted since the last PPF. This evidenced our continued efforts to ensure that planning guidance in support of the Local Development Plan remains relevant and up to date especially with regards to themes around sustainability, placemaking, health and wellbeing.
- 4.6. Furthermore, it is worth highlighting that we decided to progress our suite of strategic plans in a more streamlined manner to create efficiencies and avoid duplication. These plans include the National Park Partnership Plan and Regional Spatial Strategy (which will both form the same plan for the National Park), the Local Development Plan and anticipated Regional Land Use Framework. An update on this work was provided in PPF12 under the Improvement Priorities. The research and engagement on key strategic issues for the NPPP, and the support to communities on Local Place Plans, are highly relevant to the forthcoming preparation of the Local Development Plan and alignment across all of our strategic plans.
- 4.7. Decision making timescales: For major, local (non-householder) and householder applications we have been given a red rating. Improvement of the determination timeframes has been an ongoing improvement priority, with a dedicated case study detailing the actions we have taken over the years included in PPF 12 as well as in the previous PPF. This marker had received an amber rating in the previous year, as despite the significant improvements in reducing the timescales for determination, it was nevertheless slower than the Scottish Average both for local applications and householder applications (no major applications were determined the previous year).

4.8. This year, we have further reduced determination times in most application types, notably achieving faster average determination times for Local applications – which comprises the bulk of our application handling – and faster than the Scottish average for these types of applications. This year, however, did include the determination of one major application, with a slower determination time than the Scottish average and our householder application handling was marginally slower – and just above the Scottish average - hence the red rating.

4.9. Below is a table giving an overview of the determination times from the last three reporting periods:

Average Determination time in weeks						
Reporting Period	Major Applications		Local Applications		Householder Applications	
	LLTNPA	Scotland	LLTNPA	Scotland	LLTNPA	Scotland
2020-21	66.4	41.3	22.2	12.4	16.3	8.1
2021-22	n/a	44.6	16.3	13.5	9.1	8.7
2022-23	54.3	39.5	13.2	14.4	9.3	8.9

- 4.10. The table above shows overall direction of travel to improved determination times, despite the challenges such as COVID-19, staff capacity, an increase in significant local and major applications and transitioning to a new Development Management team structure.
- 4.11. The major application in 22/23 was the Fish Farm at Beinn Reithe, Loch Long. Board members will be aware of this particularly challenging and complex planning application. A separate case study was dedicated in the PPF on this case, setting out the process involved in determination and to provide context to the major application statistics.
- 4.12. The Planning Application Determination Times project has been carried over in our Improvement priorities for the following year, emphasising the continued importance we place on this.
- 4.13. Improvements on the previous year: The following markers have moved from amber to green since the previous PPF.
- 4.14. Legal agreements: In PPF 11 we demonstrated the steps we took to reduce the time for processing of applications subject to legal agreements. However, that improvement was marked amber because it was still slower than the Scottish average.
- 4.15. A further reduction in our determination time for applications subject to legal agreements was achieved in reporting period 22/23 from 38.6 to 28.7 weeks. The Scottish average within the same reporting period was 41.1 weeks. Therefore, this marker has now moved from amber to green. In brief, we have improved our internal monitoring of planning applications subject to a Section 75 legal agreement, and we will aim to continue our efforts to improve.

4.16. Development Plan Scheme (DPS): The [Development Plan Scheme](#) was published during the reporting period of PPF 12, and clearly laid out the anticipated timescale for preparing the next Local Development Plan. In the previous year this was marked amber, as we had noted in PPF11 (2021/22) that we were waiting on firm dates on the publication and enactment of the regulations. An updated DPS had since been published as is reflected in this year's scoring.

PPF scoring compared to previous years

4.17. The table below shows how we have scored over the previous years. Despite being marked down for the Local Development Plan and the Determination times, we have nevertheless succeeded in the highest number of green markers since 2014-2015.

Overall Markings (total numbers for red, amber and green)

	Red	Amber	Green
2013-14	1	5	9
2014-15	1	2	10
2015-16	2	4	7
2016-17	0	4	9
2017-18	0	4	9
2018-19	1	5	7
2019-20	0	4	9
2020-21	1	5	7
2021-22	1	3	10
2022-23	2	0	12

Update on Service Improvements

4.18. Each PPF sets out Service Improvements for the coming year. Part 3 of PPF 12 sets out the five service improvements for 2023/24. These are:

No.	Area for Improvement	Planned Action
1.	Planning application determination times - phase III	<p>Implement a restructure of the Development Management Team – which, through enhanced management capacity, support to other staff and efficiencies, will deliver reduced determination times.</p> <p>Continue to develop and implement enhanced caseload management and reporting tools to enable monitoring of determination times on a monthly basis.</p>
2.	Deliver planning / governance efficiencies	<p>Prepare our first Planning Fee Charter (covering discretionary charging and exceptions).</p> <p>Deliver LDP Act requirements.</p> <p>Local Review Body Member training and develop options for an independent Planning Advisor to become involved in hearings when necessary.</p> <p>Scheme of Delegation Review.</p>
3.	Progress towards Digital Transformation	<p>Active participation in the Scottish Government’s development and trialling of the forthcoming Digital Planning platform.</p> <p>Skilling up on new developments in our in-house software (e.g. Microsoft 365, Sharepoint) to maximise efficiencies</p>
4.	Local Place Plan requirements	<p>Prepare and implement a procedure to disseminate Local Place Plans internally amongst staff, to Board Members and with partner organisations.</p> <p>Establish a monitoring programme to collect data that will inform Scottish Ministers’ 7-year Review of the impacts of Local Place Plan as required by the Planning (Scotland) Act 2019.</p>

Updates:

1. Planning application determination times - phase III

4.19. In May we commenced a formal trial of a new staff management structure within the development management team. Three senior planner posts have been created under Bob Cook, the Development Manager, each with line management duties for a small team including planners and planning assistants. We also created a Senior Support co-ordinator role to line manage the development management support team. All roles were filled by promoted existing staff. The vacant second Development Manager role has not been filled and would not be needed with this new structure.

4.20. The new structure provides each senior planner delegated authority to review and sign off on delegated planning decisions. In the previous structure this was undertaken by the two Development Manager roles. We anticipate we will see an improvement in determination timeframes as this new structure will reduce the time taken to review and issue decisions across the team by increasing capacity at this part of the decision making while working closely with the Development Manager and Director as appropriate. Senior planners are also an additional support to more junior staff, providing point of contact to resolve issues arising in casework discussions which we anticipate will provide working efficiencies and assist move applications forward in a more expedient fashion.

This structure has been in place for 6 months and is due to be reviewed in the new year, in consultation with planning staff, to assess its effectiveness and make any adjustments.

2. Deliver planning / governance efficiencies.

4.21. We have yet to commence preparation of our Planning Fee Charter, but this will be a priority project for the New Year. Progress so far on the Local Development Plan requirements are covered elsewhere in this report – at para 4.4 and the Local Place Plan update (see para. 4.25). The latter two items are primarily to be led by the Governance team and relate directly to the work of Members of the Planning and Access Committee – namely the operation of the Local Review Body and our scheme of delegation. Further updates can be provided as this work progresses.

3. Progress towards Digital Transformation

4.22. Alongside our GIS colleagues we have been participating as a partner (along with Stirling and Glasgow Councils) in the Scottish Government's 'Digital Planning Payments Project'. This pilot is looking at improving the national e-planning portal's online 'ePayments' system which accepts and processes payments of planning application fees. The present system has some technical shortcomings which contribute to delays in planning application validation because of both difficulties experienced by users attempting to pay their fees online. The project aims to make this process, simple and

streamlined to improve user experience and integrate better with the back-office systems required to administer the payments.

4.23. The new system is expected to be tested in Q4 2023/2024 with a 'go live' date sometime in early 2024/25.

4.24. We are also participating, along with other local authorities, in the Scottish Government's 'Smart Applications Discovery Project'. The focus of this separate workstream is on improving the online application experience for users with the benefit for planning authorities receiving improved quality of application information, resulting in fewer invalid planning applications (those currently recorded as 'invalid upon receipt'). Our role is to input into the research carried out by the working group via periodic workshops, to inform the technical system changes required and providing feedback.

4. Local Place Plan requirements

4.25. The Park Authority Board and Planning & Access Sub Committee received an [update in September](#) on the four [Local Place Plans \(LPP\)](#) that were registered in 2023/24. We also shared the four registered LPPs and LPP procedures with our four partner Local Authorities. In addition, we shared a LPP update via the Park Authority staff bulletin board and held a LPP awareness session for all staff on the preparation process, the support we offer and the value of LPPs. We initiated the development of a LPP monitoring process delivered by our Student Planner intern, which will continue to evolve and be piloted in 2024/25.

5. Conclusion

4.26. The PPF feedback from the Scottish Government highlights areas where our performance has demonstrated improvement, including the determination of planning applications with Section 75 legal agreements and in relation to our Development Plan Scheme. It has also highlighted areas for improvement in the coming year. Work is underway on preparing the next Local Development Plan to address performance in this area. In addition, we expect the action steps implemented for the determination timescale improvement project, including the staff restructure, to have a positive effect on reducing determination timeframes moving forward.

4.27. The Scottish Government's appointment of a National Planning Improvement Champion will see engagement with all Planning Authorities on how to support service improvement and review the ways in which performance will be measured in future. As a result, we anticipate potential changes in the established performance reporting format of the Planning Performance Framework for the next PPF.

5. List of Appendices

1. Planning Performance Framework 12 (2022-23)
2. Scottish Government PPF12 – Performance Markers Report