

**The Highland Council**

**Planning, Development and Infrastructure Committee  
4 November 2015**

|             |              |
|-------------|--------------|
| Agenda Item | 7            |
| Report No   | PDI<br>62/15 |

**Planning Performance Framework and Quarter 2 Performance Review**

**Report by Director of Development and Infrastructure**

**Summary**

This report advises Members on the delivery of the Development Management, Building Standards, and Development Plan services for the 2nd Quarter of 2015/2016. The report also updates Members on feedback received from Scottish Government on the Council's Planning Performance Framework, which was submitted in July of this year.

**1. Introduction**

1.1 Key performance indicator information is reported to committee every Quarter and the outturn figures for the second Quarter of 2014/15 are now available.

**2. Development Management**

2.1 The total number of applications of all types validated during quarter 2 was 1019. Fee income was £589k.

2.2 During Q2 68.3% of all local planning applications were determined within 2 months, taking an average time of 13.6 weeks. The year to date figure for all planning applications now stands at 68.2% determined within 2 months, against a target of 70%.

2.3 7 major planning applications were determined during this period, including the new golf course and clubhouse at Torvean, a 30 house development at Culbokie, and the Beinn Mhor Wind Farm. All seven of these major applications had Processing Agreements. Unfortunately 2 of these missed the targets agreed with the developer. Case officers have been reminded of the need to agree revised dates if timescales are likely to be missed, particularly where legal agreements are being negotiated.

2.4 The major developments pre-application advice service continues to deliver 100% of packs within four weeks. Performance of the local pre-applications advice service has dipped this quarter, with only 48% of the packs being delivered within the target 6 week period. Whilst the quarter has included the summer holiday period, the team is committed to improving the pre-application response times for Q3.

2.5 Enforcement information is shown in Appendix 1. For Quarter 2, 56 new cases were taken up, with 16 formal notices having been served. During the quarter a total of 67 breaches were resolved.

### **3. Building Standards**

- 3.1 The total number of building warrant applications received during Q2 was 993; this is 212 (21%) more applications when compared to last quarter, and 185 (19%) more than Q2 last year. A significant number of these applications will have been submitted by developers, mainly in the housing sector, attempting to have their applications registered for Building Warrant before the regulations changed on 1st October. Changes to the Energy section of the regulations will see an increase in construction costs for new builds.
- 3.2 The number of completion certificates accepted during Q1 was 795; this is 64 (8%) more when compared to last quarter, and 64 (8%) more than Q2 last year.
- 3.3 The performance recorded in responding to an application for building warrant (KPI1), improved by 5% when compared to Quarter 1 rising to 86.5% (appendix 2). The target for KPI1 is 90%. KPIs 2 to 6 remain consistently high recording an average 97%. These are consistent with last quarter and last year. The target level for these KPIs is 90%.
- 3.4 The eDevelopment Programme is progressing to target. Pilot schemes for eBuilding Standards will be operating in selected area offices in the coming months where some local agents will submit their applications direct to the EPC. These applications will then be dealt with electronically by the BS surveyors. The service is testing mobile devices in the expectation that eBuilding Standards will be a fully electronic service following the 'go-live' date in spring/summer 2016. Significant work is underway and will continue in communicating the service changes to customers and stakeholders.

### **4. Development Plans**

- 4.1 The Highland-wide Local Development Plan Main Issues Report was presented to the PDI Committee in August and published for consultation on 25th September for a 12 week consultation. Alongside, a draft Onshore Wind Energy Supplementary Guidance was published for consultation taking account of views submitted on a consultation paper earlier this year.
- 4.2 The team has started to prepare an Action Programme for the Inner Moray Firth LDP, adopted in June, setting out how the plan will be implemented. The Proposed Caithness & Sutherland LDP is being prepared for presentation to Committee in November, while work continues to prepare the West Highland and Islands LDP Main Issues Report.
- 4.3 In September the City of Inverness Area Committee approved the Muirtown and South Kessock Development Brief PDI for adoption as Supplementary Guidance to the new IMFLDP. In addition, the Highland Community Planning Partners agreed to take greater ownership of the process of preparing and implementing Local Development Plans. The Chief Officers Group and CPP Board both agreed to this new partnership approach, with the HwLDP MIR and emerging Proposed CaSPlan documents both approved by these groups.

4.4 Officers continued to progress several projects relating to Inverness City Centre including placemaking, streetscape and heritage improvements along Academy Street and a wayfinding study. In August, the Lochaber Area Committee approved two community plans for the Isle of Rum Community Trust and a masterplan for Aonach Mor for the Forestry Commission. Town Centre Action for Fort William and Nairn were finalised and then approved by NBS and Lochaber Area Committees.

## 5. Planning Performance Framework Feedback

5.1 In July 2015, every Planning Authority in Scotland submitted a Planning Performance Framework covering the period April 2014 to March 2015 to Scottish Government. The report is available on the council web-site [here](#). Feedback has now been received on 15 performance markers and this is attached as Appendix 3.

5.2 Members will note that performance has been good overall with 12 of the markers being scored as green, 2 as amber and 1 as red. The red score in relation to developer contributions was given as Scottish Government felt that there was not enough evidence on the report on the guidance we have available to developers as to the likely levels of developer contributions that will be expected. Whilst the report did briefly refer to the role of the developer contributions working group, it would have benefited from referring in more detail to the guidance we have available in the form of:

- individual developer requirements on sites allocated in Local Development Plans;
- more detailed requirements set out in Development Briefs (e.g. Torvean and Ness-side Development Brief); and
- Supplementary Guidance specifically on Developer Contributions (available on the Council web-site [here](#)).

## 6. Implications

6.1 There are no direct Resource, Legal, Equalities, Climate Change/Carbon Clever Rural, Gaelic or Risk Implications arising from this report.

### Recommendation

The Committee is asked to note the performance updates across the Development Management, Building Standards and Development Plans teams, as well as the feedback on the markers of good performance.

Designation: Director of Development and Infrastructure

Author: Malcolm Macleod, Head of Planning and Building Standards (Ext: 2506)

Date: 19 October 2015

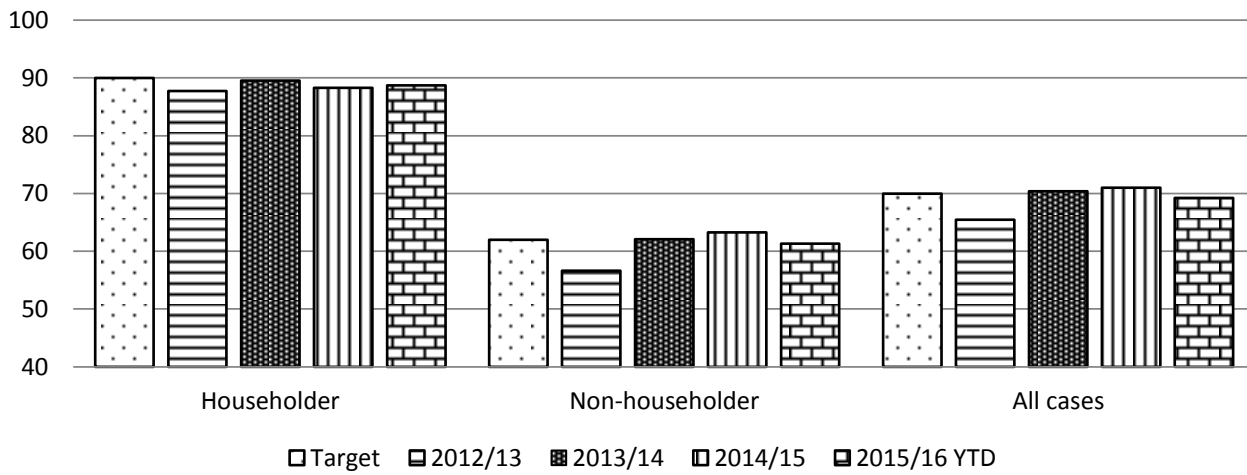
**Appendix 1  
Performance Statistics**

**Highland  
Quarter 2 2015/16**

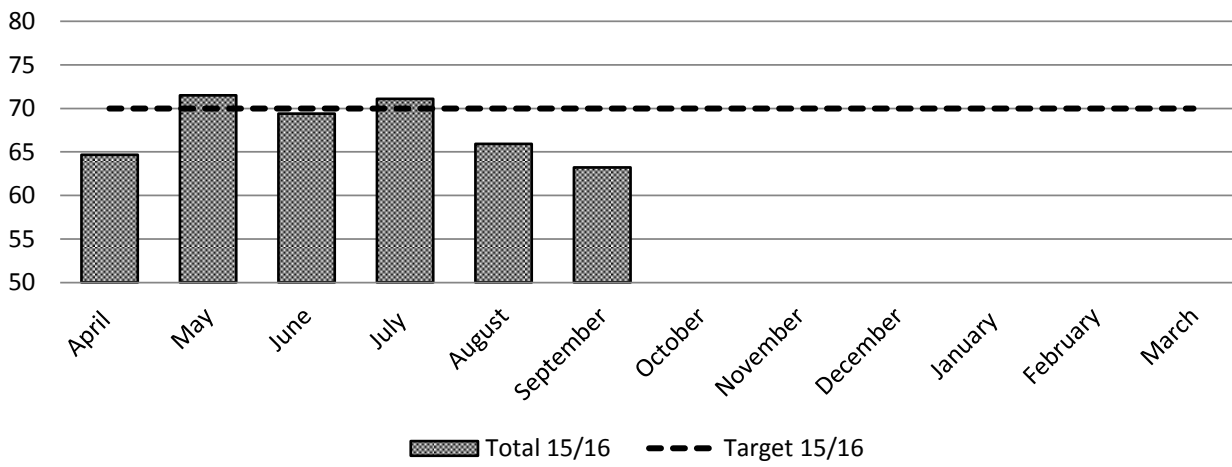
| <b>Planning Applications</b>                |                                  |                                   |                             |
|---------------------------------------------|----------------------------------|-----------------------------------|-----------------------------|
| <b>Category</b>                             | <b>Total Number of Decisions</b> | <b>% Within Agreed Timescales</b> |                             |
| <b>Processing Agreements</b>                | 7                                | 71.4%                             |                             |
| Major Applications                          | 7                                | 71.4%                             |                             |
| Local Applications                          |                                  |                                   |                             |
| EIA developments                            |                                  |                                   |                             |
| Other Applications                          |                                  |                                   |                             |
|                                             | <b>Total Number of Decisions</b> | <b>% within timescales*</b>       | <b>Average Time (Weeks)</b> |
| <b>All Major Developments</b>               | 7                                | 14.3%                             | 31.1                        |
| <b>All Local Developments</b>               | 641                              |                                   | 12.2                        |
| Local: less than 2 months                   | 438                              | 68.3%                             |                             |
| Local: more than 2 months                   | 203                              | 31.7%                             |                             |
| <b>Local developments (non-householder)</b> | 461                              |                                   | 13.6                        |
| Local: less than 2 months                   | 280                              | 60.7%                             |                             |
| Local: more than 2 months                   | 181                              | 39.3%                             |                             |
| <b>Local developments (householder)</b>     | 180                              |                                   | 7.3                         |
| Local: less than 2 months                   | 158                              | 87.8%                             |                             |
| Local: more than 2 months                   | 22                               | 12.2%                             |                             |
| <b>Other Consents</b>                       | 67                               |                                   | 9.9                         |
| Other : Less than 2 months                  | 40                               | 59.7%                             |                             |
| <b>Enforcement Activity</b>                 |                                  |                                   |                             |
|                                             | <b>Number</b>                    |                                   |                             |
| Cases Taken Up                              | 56                               |                                   |                             |
| Notices Served                              | 16                               |                                   |                             |
| Reports to Procurator Fiscal                | 0                                |                                   |                             |
| Prosecutions                                | 0                                |                                   |                             |
| <b>Pre-Application Advice</b>               |                                  |                                   |                             |
| Major Packs within 4 weeks                  | 100.0%                           |                                   |                             |
| Local Packs within 6 weeks                  | 48.0%                            |                                   |                             |

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

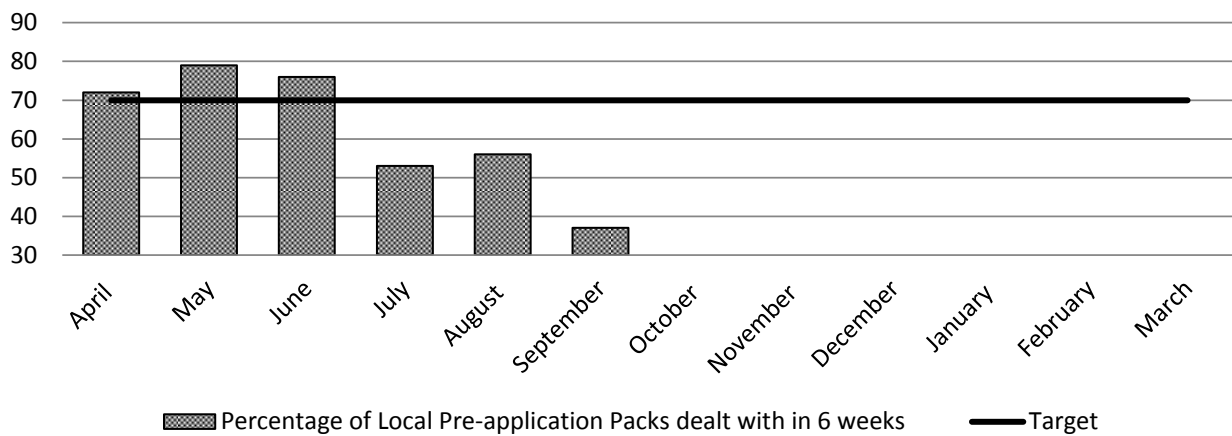
**Development Management Performance - % of local planning applications dealt with in 2 months (Year to Date)**



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

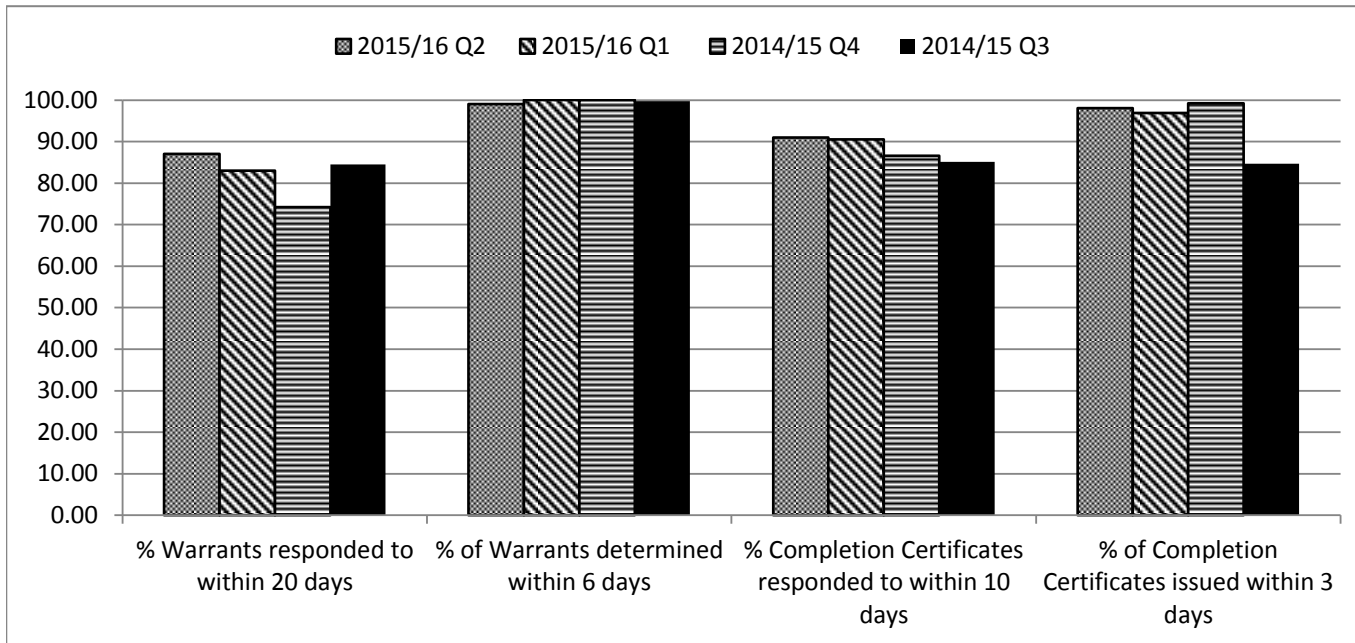


**Development Management Performance - Local Pre-application**



**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 |
|-------------------|----------------------------------------|----------------------------------------|-------------------------------------------------------|---------------------------------------------------|--------|
| <b>2015/16 Q2</b> | 87.00                                  | 99.00                                  | 91.00                                                 | 98.00                                             | 90     |
| <b>2015/16 Q1</b> | 83.00                                  | 100.00                                 | 90.50                                                 | 96.90                                             | 90     |
| <b>2014/15 Q4</b> | 74.17                                  | 100.00                                 | 86.60                                                 | 99.20                                             | 90     |
| <b>2014/15 Q3</b> | 84.50                                  | 99.70                                  | 85.10                                                 | 84.70                                             | 90     |



**Building Standards Volumes and Income (Last 4 Quarters)**

|                  | 2014/15 Q3 | 2014/15 Q4 | 2015/16 Q1 | 2015/16 Q2 |
|------------------|------------|------------|------------|------------|
| Warrants Decided | 612        | 606        | 730        | 876        |
| Compl. Certs     | 738        | 623        | 731        | 795        |
| Income (£000)    | 392        | 421        | 458        | 363        |

Cabinet Secretary for Social Justice, Communities and Pensioners' Rights  
Alex Neil MSP

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Mr Steve Barron  
Chief Executive  
Highland Council



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5<sup>th</sup> October 2015

Dear Mr Barron

### **PLANNING PERFORMANCE FRAMEWORK 2014-15**

Thank you for submitting your authority's annual Planning Performance Framework (PPF) report covering the period April 2014 to March 2015.

Please find enclosed your authority's feedback on the 15 performance markers. I intend to share the performance ratings with the High Level Group on Performance when we next meet at the end of October.

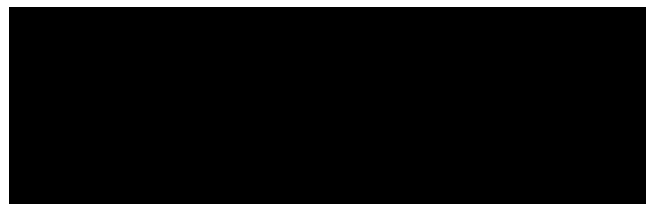
You will note that this year we have only provided feedback on the performance markers. I am encouraged to hear that supported by Heads of Planning Scotland, you will be providing wider feedback to other authorities through your benchmarking groups. I am grateful to HOPS for taking this proactive approach and I very much hope that it will help communication and better support the sharing of practice amongst authorities.

I am pleased to report that Scotland-wide performance is improving and the number of red markings has reduced considerably over the last 3 reporting periods. Overall, I am impressed with the commitment to improvement and the good position that many authorities are now in. There are however, a small number of authorities where progress in delivering the markers has been slower. I will be encouraging COSLA and Heads of Planning Scotland at the next High Level meeting to ensure that those authorities are supported.

I would also like to thank those of you who submitted information on your live applications which are over a year old. The study shows that there are over 1800 legacy cases, dating as far back as 1983. I accept that there are circumstances where applications will take an extended amount of time and that withdrawal or

refusal is not in the best interests of either the applicant or authority. However, it is critical that action is taken to reduce the number of legacy cases and I would again encourage you all to put strategies in place to prevent cases reaching legacy status. I will discuss legacy cases at the next High Level Group and the Chief Planner will also set up a meeting to discuss the situation with HOPS and the development industry.

You will be aware of my recent announcement to hold a review of the planning system. The review will depend on the co-operation, expertise and input of all those with an interest in the planning system. There will be opportunities to provide evidence to the panel and I strongly encourage planning authorities to actively participate. We will communicate further information through our website, e-alerts and twitter feeds as soon as the panel confirm the process and timetable.



**ALEX NEIL**

**CC:** Malcolm MacLeod, Head of Planning



## PERFORMANCE MARKERS REPORT 2014-15

Name of planning authority: **Highland Council**

The High Level Group on Performance agreed a set of performance markers. We have assessed your report against those markers to give an indication of priority areas for improvement action. The high level group will monitor and evaluate how the key markers have been reported and the value which they have added.

The Red, Amber, Green ratings are based on the evidence provided within the PPF reports. Where no information or insufficient evidence has been provided, a 'red' marking has been allocated.

| No. | Performance Marker                                                                                          | RAG rating | Comments                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
|-----|-------------------------------------------------------------------------------------------------------------|------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1   | <b>Decision-making:</b> continuous reduction of average timescales for all development categories [Q1 - Q4] | Amber      | <p><b>Major Applications</b></p> <p>Your average timescale of 24.9 weeks is both an improvement on last year and almost twice as quick as the national average of 46.4 weeks.</p> <p>RAG = Green</p> <p><b>Local (Non-Householder) Applications</b></p> <p>These have dipped very slightly this year from 12.2 weeks to 12.3 weeks but this is still quicker than the national average of 12.9 weeks.</p> <p>RAG = Amber</p> <p><b>Householder Applications</b></p> <p>Again these have dipped very slightly from 7.0 weeks to 7.1 weeks, however this is still better than the national average of 7.5 weeks</p> <p>RAG = Amber</p> <p><b>TOTAL RAG = Amber</b></p> <p>The amber rating that has been given for both local and householder has been awarded due to the dip in performance. We do note however, that the increase was very small for both these categories and that both are better than the national average. Whilst we are required to award an amber to ensure consistency of scoring, we recognise that overall decision making performance has been very good.</p> |

|   |                                                                                                                                                                                                                                                                                         |       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
|---|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 2 | <p><b>Processing agreements:</b></p> <ul style="list-style-type: none"> <li>offer to all prospective applicants for major development planning applications; and</li> <li>availability publicised on website</li> </ul>                                                                 | Green | <p>Processing agreements are both offered and publicised on your website.</p> <p>It is good to see the use of a relatively high number of processing agreements being used between the authority and developer and that all were concluded within the agreed timescales.</p> <p>However, the stats you have provided do not match those in the National Planning Performance Statistics published in July 2015. You should ensure that the correct statistics are used within your PPF report.</p>   |
| 3 | <p><b>Early collaboration</b> with applicants and consultees</p> <ul style="list-style-type: none"> <li>availability and promotion of pre-application discussions for all prospective applications; and</li> <li>clear and proportionate requests for supporting information</li> </ul> | Green | <p>You have provided evidence of early collaboration through your formal major pre-application advice service. However, you have not provided enough evidence of how you offer pre-application for all prospective applications.</p> <p>Case studies provide evidence of how requests are proportionate, particularly taking Proposal of Application Notice to committee to allow Members to identify early on whether there is any further information they require as part of the application.</p> |
| 4 | <p><b>Legal agreements:</b> conclude (or reconsider) applications after resolving to grant permission</p> <ul style="list-style-type: none"> <li>reducing number of live applications more than 6 months after resolution to grant (from last reporting period)</li> </ul>              | Green | <p>We note there is a slight increase to 34.1 weeks for local applications with a legal agreement, however this remains well below the national average of 49.9 weeks. Your timescales for major applications has also increased slightly to 34.1 weeks but remains well below the national average.</p> <p>You have introduced a new system to monitor the use of section 75s and their timescales. We look forward to seeing how this impacts on timescales.</p>                                   |
| 5 | <p><b>Enforcement charter</b> updated / re-published within last 2 years</p>                                                                                                                                                                                                            | Green | <p>At the end of the reporting period, the enforcement charter was 1 year and 10 months old. We note that since the end of the reporting period you have published your updated charter.</p>                                                                                                                                                                                                                                                                                                         |

|    |                                                                                                                                                                                                                                                                              |       |                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
|----|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 6  | <p><b>Continuous improvement:</b></p> <ul style="list-style-type: none"> <li>• progress/improvement in relation to PPF National Headline Indicators; and</li> <li>• progress ambitious and relevant service improvement commitments identified through PPF report</li> </ul> | Green | <p>Decision timescales have reduced for major and remained steady for local and householder. Your Highland-Wide Development Plan is less than 5 years old although the other 3 are older than 5 years. Your DPS is on track. Your enforcement charter is up to date.</p> <p>You have made good progress on delivering the service improvements identified in 2014/15. Your improvements identified in this year's report are clear and focussed.</p> |
| 7  | <p><b>Local development plan</b> less than 5 years since adoption</p>                                                                                                                                                                                                        | Green | <p>Your Highland Wide Development Plan was adopted in 2012 and is 3 years old.</p>                                                                                                                                                                                                                                                                                                                                                                   |
| 8  | <p><b>Development plan scheme</b> – next LDP:</p> <ul style="list-style-type: none"> <li>• on course for adoption within 5 years of current plan(s) adoption; and</li> <li>• project planned and expected to be delivered to planned timescale</li> </ul>                    | Green | <p>We note that the DPS for all 4 LDPs is on track, although these replace a number of outdated plans.</p> <p>You should continue to project manage these efficiently to ensure there is no slippage.</p>                                                                                                                                                                                                                                            |
| 9  | <p><b>Elected members engaged early</b> (pre-MIR) in development plan preparation – <i>if plan has been at pre-MIR stage during reporting year</i></p>                                                                                                                       | Green | <p>Members engaged through Ward Business meetings for CaSplan MIR and policy workshops for HWLDP.</p>                                                                                                                                                                                                                                                                                                                                                |
| 10 | <p><b>Cross sector stakeholders*</b> engaged early (pre-MIR) in development plan preparation – <i>if plan has been at pre-MIR stage during reporting year</i></p> <p><i>*including industry, agencies and Scottish Government</i></p>                                        | Green | <p>Extensive use of digital engagement platforms and drop in session and workshops resulted in high level of interest and engagement.</p>                                                                                                                                                                                                                                                                                                            |
| 11 | <p><b>Regular and proportionate policy advice</b> produced on:</p> <ul style="list-style-type: none"> <li>• information required to support applications; and</li> <li>• expected developer contributions</li> </ul>                                                         | Amber | <p>We note the successful new practice of taking the Proposal of Application Notice to committee to identify any further pre-application requirements they may have.</p> <p>RAG = Green</p> <p>Report lacks evidence of regular and proportionate expectations for developer contributions.</p> <p>RAG = Amber</p>                                                                                                                                   |

|    |                                                                                                                                                                                                                                   |       |                                                                                                                                                                                                                                                                                          |
|----|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 12 | <p><b>Corporate working across services</b> to improve outputs and services for customer benefit (for example: protocols; joined-up services; single contact arrangements; joint pre-application advice)</p>                      | Green | <p>Strong evidence of good cross-service working especially around housing and the monitoring of developer contributions. Your pre-application service provides input from across council service areas.</p> <p>We note that you also hold regular Council cross-service meetings.</p>   |
| 13 | <p><b>Sharing good practice, skills and knowledge</b> between authorities</p>                                                                                                                                                     | Green | <p>Report notes the sharing of skills and knowledge across a number of neighbouring authorities and through benchmarking groups.</p>                                                                                                                                                     |
| 14 | <p><b>Stalled sites / legacy cases:</b> conclusion or withdrawal of old planning applications and reducing number of live applications more than one year old</p>                                                                 | Green | <p>You have a very clear procedure in place for the continued clearance/withdrawal of these cases. We note that you had 37 cases remaining at the end of March. We hope that these will be actively managed and that you can report a further overall reduction in your next report.</p> |
| 15 | <p><b>Developer contributions:</b> clear and proportionate expectations</p> <ul style="list-style-type: none"> <li>• set out in development plan (and/or emerging plan); and</li> <li>• in pre-application discussions</li> </ul> | Red   | <p>There is little evidence provided in the report on either requirements of this marker.</p>                                                                                                                                                                                            |

**HIGHLAND COUNCIL**  
**Performance against Key Markers**

| Marker |                                                          | 2012-13 | 2013-14 | 2014-15 |
|--------|----------------------------------------------------------|---------|---------|---------|
| 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 (pre-MIR)                  | N/A     | N/A     |         |
| 10     | Stakeholders engaged early (pre-MIR)                     | 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                                  |         |         |         |

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

|                | Red | Amber | Green |
|----------------|-----|-------|-------|
| <b>2012-13</b> | 0   | 4     | 9     |
| <b>2013-14</b> | 1   | 1     | 11    |
| <b>2014-15</b> | 1   | 2     | 12    |

**Decision Making Timescales (weeks)**

|                                     | 2012-13 | 2013-14 | 2014-15 | 2014-15<br>Scottish<br>Average |
|-------------------------------------|---------|---------|---------|--------------------------------|
| Major Development                   | 29.4    | 31.6    | 24.9    | 46.4                           |
| Local (Non-Householder) Development | 15.0    | 12.2    | 12.3    | 12.9                           |
| Householder Development             | 7.4     | 7.0     | 7.1     | 7.5                            |