

Agenda Item	6
Report No	EDI/03/18

HIGHLAND COUNCIL

Committee: Environment, Development and Infrastructure

Date: 1 February 2018

Report Title: Planning Performance Framework and Quarter 3 Performance Review

Report By: Director of Development and Infrastructure

1 Purpose/Executive Summary

1.1 This report advises Members on the delivery of the Development Management, Building Standards, and the Development Plan services for the 3rd Quarter of 2017/2018.

2 Recommendations

2.1 Members are asked to:

- note the performance updates for the Development Management, Building Standards and the Development Plans teams; and
- agree that a response is made to the Local Government and Communities Committee by the Director of the Development and Infrastructure in consultation with the Chair and Vice Chairs.

3 Background

- 3.1 Key performance indicator information is reported to committee every Quarter and the outturn figures for the third Quarter of 2017/18 are now available.

4 Development Management

- 4.1 During Q3, 66% of all local planning applications were determined within 2 months, taking an average time of 12.3 weeks. The year to date figure for all planning applications now stands at 62% determined within 2 months, against a target of 70% (see **Appendix 1**). Work continues to improve performance by introducing more efficient processes.
- 4.2 The improvement in performance from Quarters 1 and 2 is encouraging, and is a result of changes made to the team structure to set up a team dedicated to the determination of householder (generally small scale, non-controversial) and other small scale planning applications and enquiries. This has had the double benefit of firstly allowing a focus on these applications to ensure they are dealt with in timescale and secondly freeing up the time of the wider team to deal with other planning applications. The Small Applications Team was formally put in place in mid-November and it is anticipated that this encouraging performance will continue through Q4.
- 4.3 The major developments pre-application advice service continues to deliver 100% of packs within four weeks. Performance of the local pre-application advice service has improved from last quarter, with 56% of the packs being delivered within the target period.
- 4.4 On 25 November 2016, the Council received feedback from Scottish Government on performance against the key markers of good performance for the period 2016/17. The Service received feedback showing that eight markers were scored green, four were marked amber and three were marked red. A copy of the letter and scorecard is attached as **Appendix 2**.
- 4.5 Whilst the majority of the markers were green, it is important to explain the context to the red markers. The first relates to the speed of determination of planning applications. Whilst decision timescales on major applications were faster than the national average, the timescales for Householder and Non Householder applications were below the national average and higher than the previous year. The Small Applications Team described above will go some way to addressing the issue, although it should be recognised that the Council is the busiest planning authority in terms of planning application numbers.
- 4.6 The second red marker relates to the Development Plan Scheme. The main issue is that the Highland wide Local Development Plan is not on course to be adopted within the required 5 year period. Whilst this is correct, the fact is that a new Planning Bill is before Parliament and that will put in place new arrangements for preparing Local Development Plans and Supplementary Guidance. The decision was taken not to prepare a new Highland wide Plan until it is clear what these new arrangements will be – the focus has been, and will continue to be, the completion of the current Caithness and Sutherland, and West Highland and Islands Area Local Development Plans, as well as the Supplementary Guidance currently under preparation. The feedback also states that it is unclear how the Council is using project management techniques to ensure we are meeting timescales. Members should be assured that monthly Development Plan Project Boards are held to review progress and make decisions

about work prioritisation in respect of changing circumstances and available resources.

- 4.7 The third red marker relates to the performance measure covering the engagement of cross sector stakeholders early in the plan preparation process (at Main Issues report stage). The simple fact is that no Main Issues Reports were being prepared during the reporting period, so there was no engagement in that respect. Notwithstanding this, the Service has strong links with agencies and other partners in the preparation of Development Plans and Supplementary Guidance, in preparing pre-application advice for major developments and in dealing with individual projects (such as in respect of the Lochaber Smelter investment proposals). It is therefore felt that this red marker is not justified.
- 4.8 The Council received a Scottish Award for Quality in Planning at a ceremony held in November 2017 for the Nucleus Nuclear Archive Building in Wick.

5 Building Standards

- 5.1 Performance for responding to warrant applications (**Appendix 3**) has seen a very welcome improvement over the last quarter. This is as a result of changes made to working procedures by the Building Standards management team. Measures are in place to maintain resources, manage workloads and to continue to improve performance, particularly in respect of the measure related to completion certificates which has slightly dropped during this quarter.
- 5.2 The level of electronic submissions to the eBuilding Standards portal remains one of the highest in the country, averaging around 90%. This, along with the work being done on ePlanning, eRoad Construction Consent and improvements to mobile working arrangements, resulted in the Service being awarded a second Scottish Award for Quality in Planning in November 2017.

6 Development Plans

- 6.1 During Q3 preparation has continued on the West Highland and Islands Proposed Local Development Plan. Whilst it was intended to report the outcomes of consultation to the first cycle of Area Committees, given the amount of work being undertaken in Lochaber with respect to the Smelter investment, the Plan will now be reported to the April cycle. The Inverness City Centre Development Brief was approved and the Draft Development Brief for East Inverness was approved for public consultation. A revised Developer Contributions Supplementary Guidance was also approved for public consultation.
- 6.2 Work continues on the delivery of important transport projects through partnership working with Transport Scotland on the Inverness East Link and Longman Interchange.

7. The Planning (Scotland) Bill

- 7.1 The Scottish Parliament's Local Government and Communities Committee launched a call for written evidence on Friday 15 December on the Planning (Scotland) Bill.
- 7.2 The Planning (Scotland) Bill was introduced into Parliament by the Scottish Government on 4 December. The Scottish Government explains that the Bill will improve the system of development planning, giving people a greater say in the future of their places and support delivery of planned development.

7.3 The documents accompanying the Bill set out more information on how the Bill will work, the consultation and consideration of alternatives undertaken in relation to the Bills proposals, and the costs of the Bill. There are 5 key parts to the Bill which are summarised as:

- Part 1 relates to development planning and includes changes to the National Planning Framework, Scottish Planning Policy, Strategic Development Plans, Local Development Plans and includes a new right for communities to produce their own plans for their places;
- Part 2 makes provision for simplified development zones, which will front load scrutiny of potential development sites, delivering consents through zoning of land;
- Part 3 makes changes to the development management process (such as changes to the planning application process, appropriate local consultations and local decision making);
- Part 4 deals with changes required to support effective performance across a range of planning functions including enforcement, charging of fees, performance improvement and training; and
- Part 5 makes provision for the introduction of an infrastructure levy payable to local authorities and linked to development.

7.4 The Scottish Government has provided simplified flowcharts to help explain how the Bill proposes to change development planning and the preparation of local development plans. These can be found here: [Scottish Government Flowcharts](#)

7.5 Other documents include:

[Accompanying Documents](#)

[Financial Memorandum](#)

[Equality Impact Assessment](#)

[Islands Proofing Statement](#)

[Children's Rights and Welfare Impact Assessment](#)

7.6 It is intended to submit a response to the Committee, which sets out a Highland perspective to the changes set out within the Bill. A short presentation at the Committee meeting will set out the key issues and a response will be submitted by the Director of Development and Infrastructure in consultation with the Chair and Vice Chairs.

8 Implications

8.1 Resource – the delivery of the services outlined within this report are contained within the overall Service budget.

8.2 Legal, Community (Equality, Poverty and Rural), Climate Change/Carbon Clever, Risk and Gaelic – none expected as a result of this report.

Designation: Director of Development and Infrastructure

Date: 16 January 2018

Author: Malcolm Macleod, Head of Planning and Environment

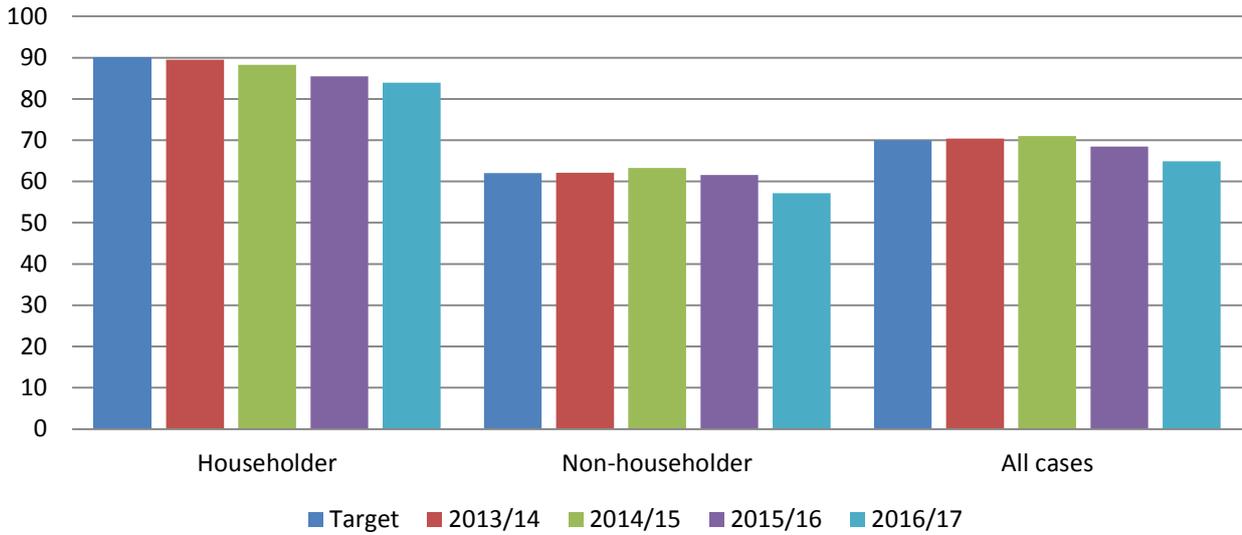
**Appendix 1
Performance Statistics**

**Highland
Quarter 3 2017/18**

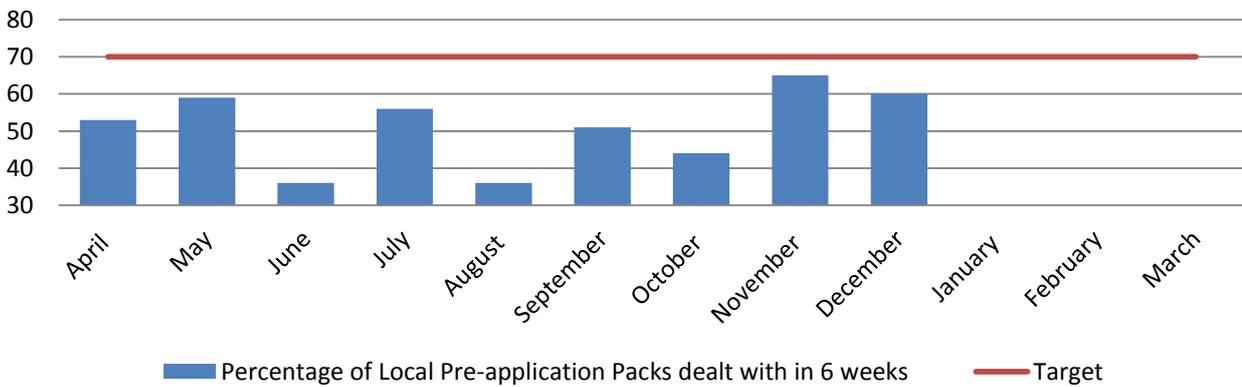
Planning Applications			
Category	Total Number of Decisions	% Within Agreed Timescales	
Processing Agreements	4	75.0%	
Major Applications	4	75.0%	
Local Applications			
EIA developments			
Other Applications			
	Total Number of Decisions	% within timescales*	Average Time (Weeks)
All Major Developments	6	16.6%	35.0
All Local Developments	653		12.3
Local: less than 2 months	433	66.3%	
Local: more than 2 months	220	33.7%	
Local developments (non-householder)	461		14.4
Local: less than 2 months	265	57.5%	
Local: more than 2 months	196	42.5%	
Local developments (householder)	192		6.9
Local: less than 2 months	168	87.5%	
Local: more than 2 months	24	12.5%	
Other Consents	78		9.9
Other : Less than 2 months	62	79.5%	
Enforcement Activity			
	Number		
Cases Taken Up	28		
Notices Served	15		
Reports to Procurator Fiscal	0		
Prosecutions	0		
Pre-Application Advice			
Major Packs within 4 weeks	100.0%		
Local Packs within 6 weeks	56.0%		

* 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



Percentage of Local Pre-application packs in 6 weeks



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Mr Steve Barron
Chief Executive
Highland Council

21 December 2017

Dear Mr Barron

PLANNING PERFORMANCE FRAMEWORK FEEDBACK 2016/17

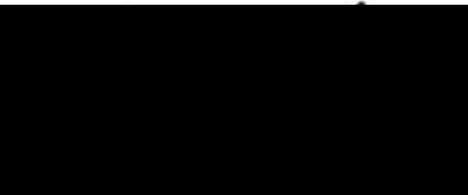
Please find attached feedback on your planning performance framework report for the period April 2016 to March 2017.

You will be aware that we recently introduced the Planning Bill to the Scottish Parliament. The Bill aims to support effective performance across a range of planning functions. It includes specific provisions to strengthen and improve performance monitoring; to appoint a national performance co-ordinator to provide advice and recommendations; and powers to conduct assessments and if necessary require improvements to be made. This structured approach is essential to improving the reputation of the system across the country. It aims to provide better support to authorities, whilst recognising that other factors and stakeholders, impact on your performance.

I appreciate that resourcing is a critical issue for you, and the Bill includes provisions for discretionary charging to allow greater local flexibility. Following the Bill, we will consult on revising the fee regime to better reflect the developments which are being brought forward.

We will continue to liaise with COSLA, SOLACE and Heads of Planning Scotland as the Bill progresses through the Parliamentary process. I would like to take this opportunity to encourage you all to actively engage - this is a fantastic opportunity to make our system work better to enable planners to deliver the high-quality development our communities need, and it is important that voices from all viewpoints are heard. You can monitor the progress of the Bill on the Parliament website at: www.parliament.scot/parliamentarybusiness/Bills/106768.aspx

Kind Regards



KEVIN STEWART

CC: Malcolm MacLeod, Head of Planning and Building Standards

PERFORMANCE MARKERS REPORT 2016/17

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	Decision-making: continuous reduction of average timescales for all development categories [Q1 - Q4]	Red	<p>Major Applications Your timescales of 22.8 weeks are slower than the previous year but are faster than the Scottish average of 37.1 weeks. RAG = Amber</p> <p>Local (Non-Householder) Applications Your timescales of 12.4 weeks are slower than the previous year and are slower than the Scottish average of 11.1 weeks. RAG = Red</p> <p>Householder Applications Your timescales of 7.7 weeks are slower than the previous year and are slower than the Scottish average of 7.3 weeks. RAG = Red</p> <p>Overall RAG = Red</p>
2	<p>Processing agreements:</p> <ul style="list-style-type: none"> offer to all prospective applicants for major development planning applications; and availability publicised on website 	Amber	<p>You promote the use of processing agreements to all prospective applicants and have provided an example of when they have been used effectively and the majority of your major applications are subject to a processing agreement. RAG = Green</p> <p>It is not clear from your report if processing agreements are promoted through your website. RAG = Red</p> <p>Overall RAG = Amber</p>
3	<p>Early collaboration with applicants and consultees</p> <ul style="list-style-type: none"> availability and promotion of pre-application discussions for all prospective applications; and clear and proportionate requests for supporting information 	Green	<p>The number of applications subject to pre-application discussions has increased from the previous year, increasing to 598. The examples provided within your report highlight the value which you add through pre-application discussion. RAG = Green</p> <p>You have introduced guidance on new windows and doors in conservation areas which clarifies the requirements for prospective applicants and you have also introduced a street engineering review into the process. RAG = Green</p> <p>Overall RAG = Green</p>

4	Legal agreements: conclude (or reconsider) applications after resolving to grant permission reducing number of live applications more than 6 months after resolution to grant (from last reporting period)	Amber	The timescales for both major and local applications with legal agreements attached were longer than last year's figures. For major applications, the figure of 44 weeks is shorter the national average, but timescales for local applications, which comprise the majority, are longer than the Scottish average.
5	Enforcement charter updated / re-published within last 2 years	Green	Your enforcement charter is 21 months old and is due to be reviewed in the current reporting year.
6	Continuous improvement: <ul style="list-style-type: none"> • progress/improvement in relation to PPF National Headline Indicators; and • progress ambitious and relevant service improvement commitments identified through PPF report 	Amber	You timescales for major, non-householder and householder applications have all increase with only major applications remaining below the national average. Your LDP and enforcement charter are up to date. RAG = Amber You have completed all your improvement commitments during the reporting year and identified a good range of commitments to take forward. RAG = Green Overall RAG = Amber
7	Local development plan less than 5 years since adoption	Green	Your LDP was 3 years and 4 months old at the end of the reporting period.
8	Development plan scheme – next LDP: <ul style="list-style-type: none"> • on course for adoption within 5 years of current plan(s) adoption; and • project planned and expected to be delivered to planned timescale 	Red	Your Highland wide LDP is not on course to be adopted within the required 5 year period. RAG = Red It is not clear from your report how you are using project management techniques to ensure your LDPs are produced within the required timescales. RAG = Red Overall RAG = Red
9	Elected members engaged early (pre-MIR) in development plan preparation – <i>if plan has been at pre-MIR stage during reporting year</i>	Green	You have set up fortnightly ward meetings with elected members to brief them on issues and to seek ideas for inclusion in your LDPs.
10	Cross sector stakeholders* engaged early (pre-MIR) in development plan preparation – <i>if plan has been at pre-MIR stage during reporting year</i> <i>*including industry, agencies and Scottish Government</i>	Red	It is not clear from your report how you have engaged with stakeholders on the preparation of your MIRs.
11	Regular and proportionate policy advice produced on information required to support applications.	Green	You have produced guidance on the replacement of windows and doors in conservation areas and also prepared the East Inverness Development Brief for consultation which will set out your vision for the eastern expansion of the city.
12	Corporate working across services to improve outputs and services for customer benefit (for example: protocols; joined-up services; single contact arrangements; joint pre-application advice)	Green	You have provided good examples of projects where you have worked in collaboration with other council services to deliver development such as the Aluminium Smelter in Fort William. You have also introduced procedures to help streamline planning and roads construction consent and introduced a virtual validation team.

13	Sharing good practice, skills and knowledge between authorities	Green	You have provided some good examples of how you have worked with other councils such as through your Design Review Panel, North of Scotland DP Forum and regular meetings with your neighbouring authorities.
14	Stalled sites / legacy cases: conclusion or withdrawal of old planning applications and reducing number of live applications more than one year old	Amber	You have managed to clear 49 legacy cases during the reporting period which leaves 43 remaining. This has meant that 53 cases have reached legacy status during the reporting year. You are proactively managing this through fortnightly meetings with the development management managers and report progress to your area committees.
15	Developer contributions: clear and proportionate expectations <ul style="list-style-type: none"> • set out in development plan (and/or emerging plan); and • in pre-application discussions 	Green	<p>You have refreshed your approach to developer contributions supplementary guidance. It is hoped that this and further changes will lead to improvements in the next reporting cycle. RAG = Green</p> <p>There is a new protocol for dealing with developer contributions starting from initial pre-application inquiries. RAG = Green</p> <p>Overall RAG = Green</p>

HIGHLAND COUNCIL
Performance against Key Markers

Marker		2012-13	2013-14	2014-15	2015-16	2016-17
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)

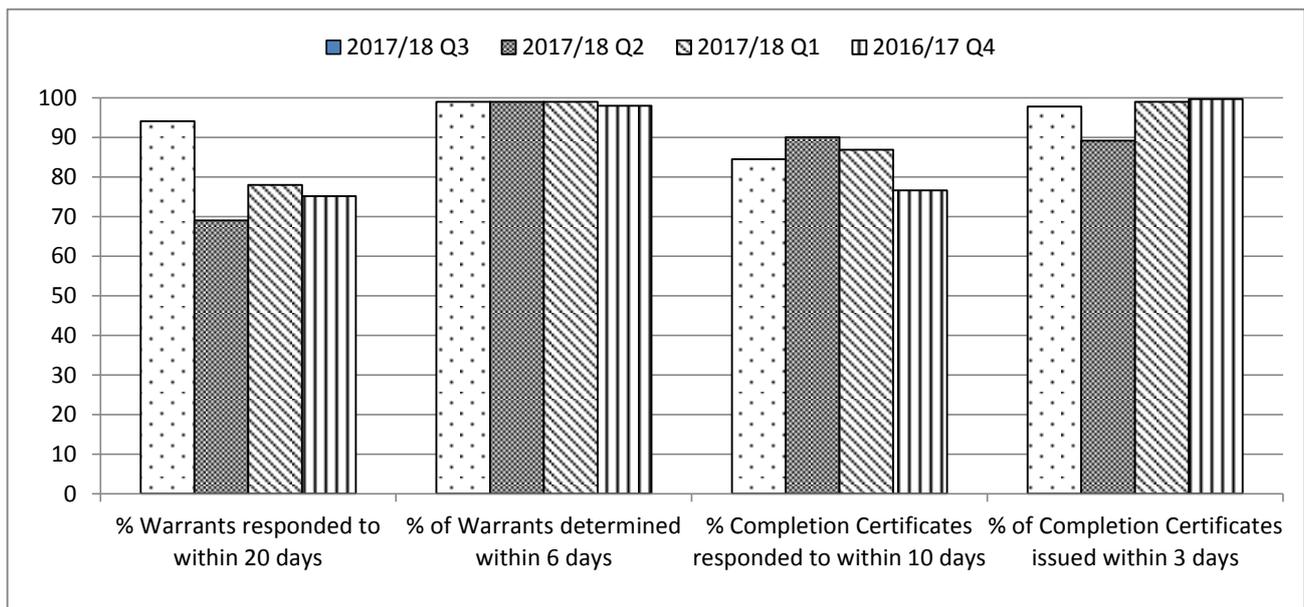
2012-13	0	4	9
2013-14	1	1	11
2014-15	1	2	12
2015-16	0	2	13
2016-17	3	4	8

Decision Making Timescales (weeks)

	2012-13	2013-14	2014-15	2015-16	2016-17	2016-17 Scottish Average
Major Development	29.4	31.6	24.9	20.6	22.8	37.1
Local (Non-Householder) Development	15.0	12.2	12.3	11.9	12.4	11.1
Householder Development	7.4	7.0	7.1	7.3	7.7	7.3

Appendix 3 Building Standards Performance 2017/18 Quarter 3

	% 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
2017/18 Q3	94.1	99	84.5	97.8	90
2017/18 Q2	69	99	90	89.2	90
2017/18 Q1	78	99	86.9	99	90
2016/17 Q4	75.2	98	76.6	99.7	90



Building Standards Volumes and Income (Last 4 Quarters)

	2016/17 Q4	2017/18 Q1	2017/18 Q2	2017/18 Q3
Warrants Decided	789	767	682	557
Compl. Certs	550	696	941	588
Income (£000)	521	554	515	429