

Agenda Item	7
Report No	EDI 03/19

HIGHLAND COUNCIL

Committee: Environment, Development and Infrastructure

Date: 31 January 2019

Report Title: Planning Performance Framework and Quarter 3 Performance Review

Report By: Director of Development and Infrastructure

1. Purpose/Executive Summary

- 1.1 The report advises Members on the delivery and performance of the Planning and Environment Service (Development Management, Building Standards, Development Planning, Transport Planning, Performance and Environment team) for the third Quarter of 2018/2019.

2. Recommendations

- 2.1 Members are asked to note the performance updates for the Development Management, Building Standards, Development Plans, Transport Planning, Performance and Environment teams.

3. Development Management

- 3.1 During Q3 (see **Appendix 1**) 66 % of **all** local planning applications were dealt with within two months against a target of 70%, a drop on the previous quarter (72%). Local Householder applications continue to see improvement with almost 92% of all applications dealt with within 6 weeks, remaining well below the Scottish average of 7.3 weeks. The small but disappointing drop in performance relates to local developments and can be attributed to ICT problems encountered in September, staff changes across the service, vacancy control and a spike in renewable applications which have directed resources to meet demand. The situation will be kept under review and reported to Committee at the next meeting.
- 3.2 Major applications - 6 majors were determined in Q3, 4 of which had processing agreements in place. All of those with processing agreements were determined within the agreed timescales.
- 3.3 With reference to enforcement the level of activity remains high with 103 cases being opened and are currently being investigated. This has resulted in 13 notices being served to date

4. Development Plans

- 4.1 In November, the Developer Contributions Supplementary Guidance was adopted following clearance by Scottish Ministers.
- 4.2 The Action Programme for the Caithness and Sutherland Local Development Plan was agreed by Local Committees following adoption of the plan in August.
- 4.3 The Housing Delivery Team has concluded the determination of the first applications referred to it during this quarter and is continuing to develop the skills of staff in contributing to the Council's caseload of applications.
- 4.4 Public engagement on the Fort William 2040 project continued with consultation workshops held with Community Council Associations in the Fort William and South Lochaber areas. Members of the Lochaber Committee have requested that Community Council representatives be invited to work with them in monitoring the FW2040 Delivery Programme on an annual basis, with public consultation feeding into the review process. This approach is to be finalised at the 23rd January Lochaber Committee meeting
- 4.5 Public consultation on an updated draft Development Brief for the Torvean area commenced in December and an exhibition is being held on 10th January including workshops with local Primary School pupils.

5. Planning performance Framework - 17/18 Feedback

- 5.1 On 10 January 2018, the Council received feedback from Scottish Government on its performance against the key markers of good performance for the period 2017/18. The Service received feedback showing that 10 markers were scored green, 2 were marked amber and 1 marked red. A copy of the letter and scorecard is attached as **Appendix 4**. This is an excellent report overall and reflects the improvements that have been made since the 16/17 report which included 3 red and 3 amber markers.

5.2 The 2017/18 amber RAG ratings relate to:

- **Performance Indicator 6 – Continuous Improvement:**
As highlighted in the PPF submission we have agreed not to progress the review of our Highland-wide Local Development Plan until more is known about the implications of the Planning Bill.
- **Performance Indicator 8 – Development Plan Scheme (and 15 – Developer Contributions):-**
The explanatory text is inaccurate in stating that we are “delaying the implementation of the LDP” for the Planning Bill and nor are we awaiting the Planning Bill to progress our Developer Contributions Supplementary Guidance as noted in commentary on performance indicator 15. We are in fact awaiting further information on the Planning Bill implications – particularly the scope and content of the new SPP - before we carry out a comprehensive review of our Highland-wide Local Development Plan. Meanwhile, the Developer Contributions Supplementary Guidance was adopted in November 2018 and good progress is being made in the review of our Area Local Development Plans as noted in the commentary.

5.3 The 2017/18 red RAG ratings relate to:

- **Performance Indicator 14 Stalled sites /Legacy cases**
The one red cited related to legacy cases which is particularly disappointing given that 62 legacy cases were cleared, an improvement on the previous period. There are a variety of factors that can influence the time taken to determine an application. This can include the requirement for further information essential before an application can be determined such as contaminated land surveys, flood risk or traffic impact assessments, habitat survey. Other factors can arise once a decision to approve has arisen where a legal section 75 agreement may be required for affordable housing etc. where it involves more than two parties etc. A recent example where significant further information was sought was in relation to a residential development for 50 units at Greenside Farm Fortrose where significant public concerns were raised and further technical information sought with regard to flood risk, transport planning and road safety concerns. The development was also subject to a S75 legal agreement to secure the delivery of affordable housing.

6. Building Standards

- 6.1 Performance for responding to warrant applications (**Appendix 2**) remains high and is above target at 90.2%. Performance in respect of responding to completion certificate submissions is currently sitting at 78.2%. There has been a slight drop in performance here but the service is progressing the establishment of 2 Modern Apprentices which should improve current stats.
- 6.2 KPI outputs over the 6 internal indicators averaged at 94%; this is similar to last year but slightly less than last quarter (95%). The target to be achieved is 90%.
- 6.3 The number of Building Warrant applications received is 718; this is slightly more than last year (699) but less than last quarter (773). The number of warrant determined is 717; this is significantly more than last year (557) and more than last quarter (709).

- 6.4 Building warrant fee income remains high at £737k; this is more than last year (£658) and slightly less than last quarter (£768).
- 6.5 The service received a visit from the Scottish Government Building Standard Division (BSD) in December to discuss staffing; reinvestment of fee income; staff training and; looking ahead to Highland Council being reappointed as Verifier in 2020. A report on the outcomes of the meeting from BSD is awaited and will be reported to Committee in due course.
- 6.6 The Scottish Government 2018 National Customer Survey results were published in Q3. Highland scored an average of 7.4; which remains above the national average of 7.0.

7. Performance Systems

- 7.1 Mobile Working – Since the last report ICT refresh has not yet moved forward but the Service continues to trial 5 x sim-enabled laptops across the areas as proof of concept. This trial is proving successful with case officers having the ability to transfer and upload photos to the back office and update Uniform while out on-site, immediately after doing site visits.
- 7.2 Developer Contributions -This project is delivered with the Developer Contributions Officer and case officers now fully utilising the Development Conditions Monitoring module of Uniform to manage the collection of Developer Contributions. A key benefit that has been achieved is the use of the same system for the management of spend of contributions. Other authorities have purchased an additional piece of software for this purpose or are using separate monitoring tools, whereas in Highland we have produced a joined up solution within the one existing application.
- 7.3 System Re-procurement & Business Continuity - Focus is shifting towards the re-procurement of the contract for the Planning case and document managements systems, which covers several functions within the service and is currently hosted and managed by Idox Plc. The current five year contract ends on 31 March 2019. Due to a national project currently underway by Scottish Government's Digital Planning Team, the Service has taken up a one year extension to the existing contract for the Idox Hosted Platform.

8. Transport Planning

- 8.1 The Transport Planning Team carries out statutory duties on behalf of the Council in relation to Roads Authority consultations on development management, development planning, and processes the first stage of road construction consent (RCC) applications. The team has responded/processed 206 consultations for Q3, the vast majority of which were local planning applications.
- 8.2 Ongoing liaison with HITRANS and Transport Scotland has taken place across a range of strategic transport initiatives (e.g. A9 Dualling; A96 Dualling; Longman; Far North Line Review; West Highland Lines Review; Skye Air Services; Fort William STAG).
- 8.3 The team is currently managing a series of externally funded active travel initiatives, including infrastructure enhancements and feasibility studies. Updates are typically provided to the relevant Ward Members. After positive negotiations with land owners, available developer contributions were used to get a funding award from the

Community Links Programme for the Stoneyfield Active Travel Bridge and Path. It was formally opened in November 2018.

9. Environment

9.1 Planning and Advice – See **Appendix 3**. In Q3 specialist planning advice has been provided in relation to:

- 298 Planning, Listed Building and Conservation Area Consent applications. The figures represent the number of applications that can be assessed with the resources currently available, rather than the number of applications that would benefit from specialist input;
- 18 Tree Work Applications. The number of Tree Work Applications is known to fluctuate and Q3 saw a slight drop in number from the previous quarter; and
- 1 Access Exemption Order was granted for the Strathpuffer 24 MTB race in Contin.

9.2 Strategy, Policy and Guidance

9.2.1 The Highland Forest and Woodland Strategy Statutory Supplementary Guidance was adopted at the November EDI committee and is currently being prepared for clearance by Scottish Ministers. The Climate Change Public Duty Paper and Single Use Plastics strategy were reported to and approved by the November EDI committee. Stratton Tree Preservation Order (TPO) was Confirmed under delegated powers in November.

9.2.2 Grantown-on-Spey Conservation Area Appraisal will be reported to the relevant Badenoch and Strathspey Committee in early 2019. The Caithness and Sutherland Core Path Plan (amended and modified) will be subject to a final public consultation before submission to Scottish Government. The West Highland and Islands Core Path Plan (amended) will be presented to the relevant Area Committees (Ross and Cromarty, Isle of Skye and Raasay and Lochaber) in January and February.

9.3 Consultancy

9.3.1 The team is on profile to meet its £51,259 annual target with £27,451 of income generated in Q3. During this period 40 consultations were received from utility companies (including water, electricity and trunk roads) and commercial companies seeking archaeological information and advice (a moderate rise from Q2 where 34 consultations were recorded).

9.3.2 The team is involved in a number of Council infrastructure and housing projects across Highland. There continues to be high demand for the ecological advice service which has limited capacity at the present time. Demand for ecological/tree advice is set to increase as new infrastructure projects come on line and other pressures, including Dutch Elm disease, come to the fore. A business case is currently being developed to expand the team on a cost-recovery basis to help meet wider Council demand.

10. Implications

10.1 Resource - the delivery of the services outlined within this report are currently contained within the overall Service budget.

10.2 Legal – No implications.

- 10.3 Community (Equality, Poverty and Rural) - No implications.
- 10.4 Climate Change / Carbon Clever - No implications.
- 10.5 Risk - No implications.
- 10.6 Gaelic - No implications.

Designation: Director of Development and Infrastructure

Date: 11 January 2019

Author: Nicole Wallace, Acting Head of Planning and Environment

Performance Statistics

Appendix 1
Highland
Quarter 3
2018/19

Planning Applications			
Category	Total Number of Decisions	% Within Agreed Timescales	
Processing Agreements			
Major Applications	4	100%	
Local Applications			
EIA developments			
Other Applications			
	Total Number of Decisions	% within timescales*	Average Time (Weeks)
All Major Developments	6	0.00	38.6
All Local Developments	622		11.8
Local: less than 2 months	412	66.24	
Local: more than 2 months	210	33.76	
Local developments (non-householder)	448		13.9
Local: less than 2 months	252	56.25	
Local: more than 2 months	196	43.75	
Local developments (householder)	174		6.2
Local: less than 2 months	160	91.95	
Local: more than 2 months	14	8.05	
Other Consents	83		11.6
Other : Less than 2 months	64	77.11	
Enforcement Activity			
	Number		
Cases Taken Up	103		
Notices Served	13		
Reports to Procurator Fiscal	0		
Prosecutions	0		
Pre-Application Advice			
Major Packs within 4 weeks	88.89	%	
Local Packs within 6 weeks	61.68	%	

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

Building Standards Performance 2018/19 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
2018/19 Q3	90.2	100	78.2	97.8	90
2018/19 Q2	94.1	100	88.5	99.2	90
2018/19 Q1	92.8	99	87	99	90
2017/18 Q4	91.3	99	84	99	90

Building Standards Volumes and Income (Last 4 Quarters)

	2017/18 Q4	2018/19 Q1	2018/19 Q2	2018/19 Q3
Warrants Decided	636	826	709	717
Compl. Certs	541	784	1186	796
Income (£000)	723	786	768	737

Q3 Environment Consultations

ENVIRONMENT TEAM PLANNING WORK	Planning Applications / PNOs	Listed Building Consent Applications	Conservation Area Consent Applications	Tree Work Applications	TOTAL
Archaeology	92	0	0	-	92
Forestry	114	-	-	18	132
Conservation	38	7	5	-	50
Access	42	-	-	-	42
TOTAL	286	7	5	18	316

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Ms Donna Manson
Chief Executive
Highland Council
10 January 2019

Dear Ms Manson

PLANNING PERFORMANCE FRAMEWORK FEEDBACK 2017/18

I am pleased to enclose feedback on your authority's 7th PPF Report for the period April 2017 to March 2018. Considerable progress has been made since the introduction of the Planning Performance Framework and key markers, although performance still remains variable over some authorities and markers.

As you may be aware, the Planning Bill has recently passed through the second stage of parliamentary consideration, during which the Local Government and Communities Committee voted to remove the proposed provisions on planning performance, provisions to make training for elected members mandatory, and the existing penalty clause provisions. We expect Stage 3 of the bill process to begin in the new year.

Whatever the outcome of the Planning Bill, I believe now is the time to look again at how we measure the performance of the planning system. The High Level Group on Planning Performance recently met to discuss performance measurement and other improvements. I very much hope that we can continue to support ongoing improvements in our planning service and further demonstrate the value which the planning system can add to people's lives. Ministers see an important connection between performance and fees and I am aware that any proposals to increase fees will raise applicants' expectations of an efficient and effective service.

We need to be able to measure performance to provide that crucial evidence to support any increases in fees, to help ensure that authorities are appropriately resourced to deliver on our ambitions. With this in mind, we will continue to liaise with COSLA, SOLACE and Heads of Planning Scotland on matters of the Bill's implementation and planning performance measures going forward.

If you would like to discuss any of the markings awarded below, please email chief.planner@gov.scot and a member of the team will be happy to discuss these with you.

Kind Regards



KEVIN STEWART

CC: Ms Nicole Wallace, Head of Planning and Building Standards

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PERFORMANCE MARKERS REPORT 2017-18

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]	Green	<p>Major Applications Your timescales of 14.7 weeks is faster than the previous year and are faster than the Scottish average of 33.6 weeks. RAG = Green</p> <p>Local (Non-Householder) Applications Your timescales of 11.7 weeks is faster than the previous year but is slower than the Scottish average of 10.7 weeks. RAG = Amber</p> <p>Householder Applications Your timescales of 6.9 weeks is faster than the previous year and is faster than the Scottish average of 7.3 weeks. RAG = Green</p> <p>Overall RAG = Green</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 	Green	<p>All of your pre-application advice packs offer processing agreements to applicants and case studies support this has been effective. RAG = Green</p> <p>Processing agreements are set out on your major developments web-page. RAG = Green</p> <p>Overall RAG = Green</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 to 505. Discussions have been promoted through customer feedback events and elsewhere. RAG = Green</p> <p>You case studies demonstrate proportionate pre-application advice and supplementary guidance that responds to customer needs. New guidance on developer contributions is due to be finalised in response. 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)	Green	Your average timescales for both major and local applications are faster than the last year and the national average. Your policy of seeking completion of legal agreements within 4 months and regular monitoring demonstrate a commitment to bringing this figure down.
5	Enforcement charter updated / re-published within last 2 years	Green	Your enforcement charter was 8 months old at the end of the 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	Your decision-making timescales are faster than last year, while local applications are below the national average. Your LDP and enforcement charter are up to date. However, you are not on track to replace your LDP and there is a significant amount of stalled sites awaiting clearance. RAG = Amber All five of your improvement commitments were completed and you have identified several key service improvements for the next reporting year. RAG = Green Overall RAG = Amber
7	Local development plan less than 5 years since adoption	Green	Your LDP was 4 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 	Amber	Your Highland wide LDP remains behind schedule for adoption within the 5 year period. Although it is noted that you have carried out a monitoring exercise and established that your LDP remains fit for purpose. It is also noted that you have 3 area based plans which are in various stages of adoption and examination. RAG = Amber We note you are delaying the implementation of the LDP until the implications of the Planning Bill are clear. However, it is not clear how you are preparing its development and implementation once this becomes clear. RAG = Amber Overall RAG = Amber
9	Elected members engaged early (pre-MIR) in development plan preparation – <i>if plan has been at pre-MIR stage during reporting year</i>	N/A	
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>	N/A	
11	Regular and proportionate policy advice produced on information required to support applications.	Green	Your revised supplementary guidance is evidence of providing regular policy advice. We note you are delaying other publications until the new Planning Bill is implemented. The Housing Delivery Team case study demonstrates evidence of responding to the need for policy advice in a proportionate manner.
12	Corporate working across services to improve outputs and services for customer benefit (for	Green	Through streamlining the Road Construction Consent process you have demonstrated commitment to more joined-up services, especially in pre-application discussions. There

	example: protocols; joined-up services; single contact arrangements; joint pre-application advice)		is clear evidence of processes being modernised to meet customer requirements.
13	Sharing good practice, skills and knowledge between authorities	Green	You share best practice at the North of Scotland Development Plan Forum and HOPS. The work on the Uniform system for managing developer contributions demonstrates a clear commitment to sharing with other authorities has been demonstrated.
14	Stalled sites / legacy cases: conclusion or withdrawal of old planning applications and reducing number of live applications more than one year old	Red	You have cleared 62 cases during the reporting year, with 33 cases still awaiting conclusion. Based on this and last year's figures, 52 reached legacy status during the reporting year.
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	Your Developer Contributions Supplementary Guidance is under review and you are waiting on the implications of the Planning Bill before it is implemented. RAG = Green Last year's protocol has been implemented and monitored with a focus on a transparent process for monitoring contributions for applications at all stages. RAG = Green Overall RAG = Green

HIGHLAND COUNCIL
Performance against Key Markers

Marker		2012-13	2013-14	2014-15	2015-16	2016-17	2017-18
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				N/A
10	Stakeholders engaged early (pre-MIR)	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						

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
2017-18	1	1	11

Decision Making Timescales (weeks)

	2012-13	2013-14	2014-15	2015-16	2016-17	2017-18	2017-18 Scottish Average
Major Development	29.4	31.6	24.9	20.6	22.8	14.7	33.6
Local (Non-Householder) Development	15.0	12.2	12.3	11.9	12.4	11.7	10.7
Householder Development	7.4	7.0	7.1	7.3	7.7	6.9	7.3