

Agenda Item	9
Report No	ECI/5/2022

HIGHLAND COUNCIL

Committee: Environment and Economy

Date: 2 February 2022

Report Title: Planning Performance Framework Report 2020/21

Report By: Executive Chief Officer Infrastructure, Environment & Economy

1 Purpose/Executive Summary

- 1.1 This report presents the 2020/21 Planning Performance Framework (PPF) Report from Scottish Ministers. All Planning Authorities in Scotland are required to submit an annual Planning Performance review to the Scottish Government, setting out how they have performed over the previous financial year.

2 Recommendations

- 2.1 Note the findings of the 2020/21 Planning Performance Framework (PPF) Report from Scottish Government.

3. Implications

- 3.1 **Resource** – the delivery of the services outlined within this report are contained within the overall Service budget.
- 3.2 **Legal** – There are no implications arising as a result of this report.
- 3.3 **Community (Equality, Poverty, Rural and Island)** – There are no implications arising as a result of this report.
- 3.4 **Climate Change / Carbon Clever** – There are no implications as a result of this report.
- 3.5 **Risk** – There are no implications arising as a result of this report.
- 3.6 **Gaelic** – There are no implications arising as a result of this report.

4. Planning Performance Framework - Submission

- 4.1 Every year the Council submits a Planning Performance Framework to the Scottish Government which sets out how the Council have performed against a series of agreed categories.
- 4.2 The Planning Performance Framework for 2020/21 was submitted to the Scottish Government for assessment on 6 August 2021 (in compliance with an extension agreed by Scottish Government) and is available [here](#).
- 4.3 This Framework reflects the good work of the Service over the course of the last year, illustrated through case studies, and highlights some key improvements the teams will be progressing during this year. The Planning Performance Framework (PPF) outlines our continued commitment to improving performance, meeting customer needs, trialling innovative approaches and helping deliver high quality development across the Highlands.
- 4.4 The focus of the PPF this year was around the Service's response to the impact of COVID. The team made a significant contribution in responding to the immediate impacts of the pandemic and supported the economic recovery phase which very much remains ongoing. The impact of the pandemic has resulted in a dip in some of our key performance indicators, and a reduction of income. Over the last 18 months however there has been a significant growth in the number of applications, some 20% higher than before the pandemic.
- 4.5 As the Council continues to plan for Highland's future there has been wide-ranging engagement as evidenced elsewhere on the agenda on the new National Planning Framework 4(NPF) and to the significant contribution that Highland can continue to make to national outcomes.
- 4.6 The focus for 2021/22 will be around economic recovery both in terms of strategy and enabling development with the aim of returning performance and income to pre-COVID levels.

5. Planning Performance Framework - Response

- 5.1 The response received from Scottish Government (**Appendix 1**) acknowledged the hard work and commitment of the Authority in continuing to undertake its duties during the pandemic and to aid the economic recovery. The findings were very positive in terms of the Red Amber Green (RAG) ratings, with the Council increased the number of green ratings overall by two from 8 to 10. The number of amber ratings remained the same with the only red rating being in relation to legacy cases.
- 5.2 In terms of performance, the Council determined major applications on average in 27.8 weeks, faster than the previous year and well below the Scottish average of 41.3 weeks. The timescale for determining non householder applications rose slightly to 13.4 weeks, above the Scottish average of 12.4 weeks. Whilst the timescales for determining householder applications rose slightly to 7.6 weeks it remained below the Scottish average of 8.1 weeks.

- 5.3 The one area where we a red rating was received was for “legacy” cases, which are applications more than 1 year old. Undoubtedly the primary factor in this increase was the pandemic as developers, applicants and consultees alike were unable in a large number of cases to undertake essential survey work which can be seasonal in nature for developments.
- 5.4 It is undoubtedly the case that planning performance and service delivery was impacted as a consequence of the pandemic. The PPF Report has reflected well on the Planning Service illustrating how adaptable and effective it has been in responding positively to the challenges brought and the pressures raised whilst continuing to provide a high standard of service in trying times and helping to facilitate the wider economic recovery.

Designation: Executive Chief Officer Infrastructure, Environment & Economy

Date: 17 January 2022

Author: Dafydd Jones, Acting Head of Development Management
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Background Papers: Highland Council Planning Performance Framework 2020-21

Minister for Public Finance, Planning and Community
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Donna Manson
Highland Council

29 November 2021

Dear Donna Manson

I am pleased to enclose feedback on your authority's tenth Planning Performance Framework (PPF) Report, for the period April 2020 to March 2021.

This is the first time I have written to you individually in my capacity as Planning Minister since my appointment earlier this year. I am very grateful for the support and welcome I have received and look forward to working with you.

This year has continued to present challenges for people working within planning, in the development sector and across Scotland's communities. We know people are doing the best they can to engage and operate, sometimes in ways and circumstances that may not be ideal, and with many still predominantly working from home. I appreciate that many of you will have had to make difficult choices in what work is prioritised, in much the same way the Government and Planning and Architecture Division has had to. However, we should all be very proud of how planning has responded to the coronavirus pandemic, adjusting as necessary to keep going and supporting recovery. I want to take this opportunity to thank you and your staff for all the work that has been done during the pandemic and to support our ongoing recovery.

When my predecessor wrote to you last year he indicated that the pandemic had required a rethink about the timing and prioritisation of our planning work programme. A number of our workstreams were paused or delayed as a result, including the review of the planning performance and fee regimes, which had been the subject of a detailed consultation that concluded in early 2020. However, in October 2021 we published a revised planning implementation programme (<https://www.gov.scot/publications/transforming-planning-practice-updated-planning->

reform-implementation-programme/). You will note that we have now recommenced our planning performance and fees review, which reflects the importance Scottish Government attaches to this work. We are currently finalising proposals and intend to lay regulations before the end of the year to introduce increased fees, providing a boost to planning authorities' resources. We also intend to commence the recruitment of the National Planning Improvement Coordinator early in 2022.

Turning to the 2020-21 PPF reporting year, although, as expected, there have been some small changes overall in the markings awarded, the figures indicate that performance has remained relatively stable. This is a testament to the hard work and flexibility of authorities during these very difficult times and I believe that overall good progress continues to be made by Scotland's planning authorities.

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.

Yours faithfully

Tom Arthur
Minister for Public Finance, Planning and Community Wealth

CC: Nicole Wallace
Malcolm MacLeod

PERFORMANCE MARKERS REPORT 2020-21

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]	Amber	<p>Major Applications Your timescales of 27.8 weeks are faster than the previous year and the Scottish average of 41.3 weeks. RAG = Green</p> <p>Local (Non-Householder) Applications Your timescales of 13.4 weeks are slower than the previous year and slower than the Scottish average of 12.4 weeks. RAG = Red</p> <p>Householder Applications Your timescales of 7.6 weeks are slower than the previous year but faster than the Scottish average of 8.1 weeks and the statutory timescale. RAG = Green</p> <p>Overall RAG = Amber</p>
2	Processing agreements: <ul style="list-style-type: none"> offer to all prospective applicants for major development planning applications; and availability publicised on website 	Green	<p>Processing agreements are offered to all applicants for major developments and those which are locally significant. 26 processing agreements were agreed during the reporting year, of which 10 related to major developments. RAG = Green</p> <p>Information about processing agreements is available online and is provided in pre-application advice packs. RAG = Green</p> <p>Overall RAG = Green</p>
3	Early collaboration with applicants and consultees <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>Your report indicates that the provision of pre-application advice is the key component of the planning service. The pre-application service is tailored according to whether the proposed development is major, small scale local or medium local. Pre-application advice has been introduced for listed building consent applications RAG = Green</p> <p>The pre-application process for major development involves the views of internal and external consultees in order to identify issues and clarify information requirements early in 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)	Green	Your average timescales for applications with legal agreements are slower than last year but faster than the national average. A further 8 applications were determined using processing agreements with 6 of those being determined within agreed timescales. Although an adapted process has been introduced, it is acknowledged that the anticipated improvements in turnaround times has not materialised due to staff shortages.
5	Enforcement charter updated / re-published within last 2 years	Green	Your enforcement charter was published in August 2019.
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 for major applications have improved since last year and are faster than the Scottish average, as they are for householder applications. Your enforcement charter is up to date. However, your LDP is more than 5 years old and you are not on track to replace your LDP and there are a large number of legacy cases awaiting clearance. RAG = Amber You have completed 5 out of 11 of your improvement commitments, with remainder ongoing. You have identified a good range of improvements for the next reporting year. RAG = Green Overall RAG = Amber
7	Local development plan less than 5 years since adoption	Amber	Your Highland wide LDP was 9 years and 3 months old at the end of the reporting period. It is noted that the average age of your four LDPs is 4 years and 9 months.
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	The Highland wide LDP remains behind schedule for adoption within the 5 year period. It is noted that the review of this plan remains paused pending publication of NPF4 The review of the Inner Moray Firth LDP is underway, with the Main Issues report subject to consultation between January and April 2021. RAG = Amber Although it is noted that your Development Plan Scheme has been updated, it is not clear from the report how you are project managing the replacement to ensure that additional delay is minimised. 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>	Green	Your PPF report outlines how elected members have been involved in the development of the Inner Moray Firth LDP, as well as the Council's engagement with the preparation of NPF4.
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>	Green	You have provided evidence of engaging stakeholders on a range of plans, issues and strategies – including the Cromarty Firth greenport/Freeport bid, the Highland IRSS, PDR consultation and guidance, Flow Country World Heritage Site and Draft Food Strategy.
11	Regular and proportionate policy advice produced on information required to support applications.	Green	You have provided good examples of your approach to providing up to date and proportionate policy advice. These include conservation area appraisals and management plans and guidance on EV charging infrastructure.

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	Your report provides several examples of how a cross-service approach, including with environmental health, building standards, housing, licensing and transport, has helped to improve outcomes. This includes work on short term lets, the Skye and Raasay Investment Plan, motorhome guidance and the HNDA.
13	Sharing good practice, skills and knowledge between authorities	Green	You are an active participant in benchmarking activity with other rural authorities: Dumfries and Galloway, Argyll and Bute, Aberdeenshire, Border, Orkney, Moray, Shetland and Cairngorms National Park Authority. You have engaged with authorities to share knowledge and good practice on issue-specific matters such as appeals and public inquiries. Officers also regularly attend and participate in HOPS Executive and subcommittee meetings.
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 72 cases during the reporting year, with 99 cases still awaiting conclusion, which represents a substantial increase on last year's figure of 53.
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 outlines the methodology for each type of development and remains up to date and accurately reflects costs. RAG = Green Developer contributions are included in pre-app discussions. RAG = Green Overall RAG = Green

HIGHLAND COUNCIL
Performance against Key Markers

Marker		13-14	14-15	15-16	16-17	17-18	18-19	19-20	20-21
1	Decision making timescales								
2	Processing agreements								
3	Early collaboration								
4	Legal agreements								
5	Enforcement charter								
6	Continuous improvement								
7	Local development plan								
8	Development plan scheme								
9	Elected members engaged early (pre-MIR)	N/A				N/A	N/A	N/A	
10	Stakeholders engaged early (pre-MIR)	N/A				N/A	N/A	N/A	
11	Regular and proportionate advice to support applications								
12	Corporate working across services								
13	Sharing good practice, skills and knowledge								
14	Stalled sites/legacy cases								
15	Developer contributions								

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

	13-14	14-15	15-16	16-17	17-18	18-19	19-20	20-21
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	
2018-19	2		5				6	
2019-20	1		4				8	
2020-21	1		4				10	

Decision Making Timescales (weeks)

	13-14	14-15	15-16	16-17	17-18	18-19	19-20	20-21	2020-21 Scottish Average
Major Development	31.6	24.9	20.6	22.8	14.7	18.7	33.3	27.8	41.3
Local (Non-Householder) Development	12.2	12.3	11.9	12.4	11.7	11.5	12.3	13.4	12.4
Householder Development	7.0	7.1	7.3	7.7	6.9	6.8	7.5	7.6	8.1