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## **PLANNING PERFORMANCE FRAMEWORK 2014/15**

**Report by Service Director Regulatory Services**

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### **PLANNING & BUILDING STANDARDS**

**29 JUNE 2015**

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#### **1 PURPOSE AND SUMMARY**

- 1.1 This report proposes that Members grant delegated authority to enable the preparation of the full version of the Planning Performance Framework 2014/15 for submission to Scottish Ministers by 31 July 2015.**
- 1.2 The Planning Performance Framework is an annual performance report submitted to Scottish Government by all planning authorities in Scotland. This report seeks authority to submit the Council's fourth PPF to Scottish Government.
- 1.3 The PPF highlights how the planning service has delivered continuous improvement in service delivery, how it has performed when tested against 15 national performance markers and how it has responded to last year's RAG report from Scottish Government.
- 1.4 Due to time constraints imposed by Scottish Government to submit the document this year, it is proposed that Members grant delegated powers to allow the production within this limited timeframe available.

#### **2 STATUS OF REPORT**

- 2.1 This is an annual report to Scottish Government on the performance of the Council's Planning Service.

#### **3 RECOMMENDATIONS**

- 3.1 I recommend that the Planning and Building Standards Committee:-**
  - (a) Grant delegated powers to the Service Director Regulatory Services and the Chairman of the Planning & Building Standards Committee to finalise the production of the Planning Performance Framework 2014/15 for submission to Scottish Ministers by 31 July 2015.**

#### **4 PLANNING PERFORMANCE FRAMEWORK 2014/15**

- 4.1 The Planning Performance Framework provides a comprehensive and co-ordinated approach to performance assessment across all 34 Local Planning Authorities and 4 Strategic Development Planning Authorities in Scotland. It provides a mechanism to benchmark our performance with other local authorities in Scotland and to demonstrate the achievements and successes of the Planning Service, how we are improving service delivery and sharing good practice.
- 4.2 The Scottish Government has brought forward the date the PPF must be submitted this year by 3 months to 31 July. It has proven difficult to gather all of the required information and statistics (including critically the performance figures for applications from Scottish Government itself) to enable the finalised report to be compiled in time for the committee meeting on 29 June (the closest meeting prior to the submission deadline). It is therefore proposed to outline how we are responding to some of the key performance markers for Members information and outline the case studies that we will be featuring as evidence of good practice. It is requested that members grant officers delegated powers, in association with the chairman of the Committee, to finalise and submit the document to Scottish Ministers. This is considered the most effective way to ensure that the deadline is met. Scottish Government has indicated very strongly that it will not accept submissions after the specified date and there are serious reputational implications should we fail to meet our obligations in this regard.
- 4.3 The feedback received from Alex Neil, Cabinet Secretary for Social Justice, Communities and Pensioners' Rights, on last year's Planning Performance Framework was accompanied by a Performance Markers report that provided a RAG (Red, Amber, Green) ratings for 15 identified Performance Markers. The report acknowledged the Planning Service's commitment to an "Open for Business" approach and especially to quality of place and that there has been a significant reduction in number of outstanding planning applications more than a year old (known as legacy cases). It stressed the need to reduce average decision making timescales but acknowledged that quality of Placemaking was important for the service.
- 4.4 The Minister's report gave Scottish Borders Planning Service 1 red, 3 amber and 9 green RAG ratings (2 Markers being excluded as not applicable for that year's report). This was a significant improvement on the report for 2012/13 PPF, when the service was subject to 4 red and 3 amber markers. The RAG Report set out the Government's performance markers, the service's RAG rating and a commentary on the performance of the authority.
- 4.5 In response to this feedback report, the service identified a series of priority actions to address the red and amber ratings and these are set out table below, along with a commentary on the outcome of implementing the actions:

<b>Performance Marker 1 - Decision making: (Red Marker)</b>	
<b>SBC Actions:</b> <ol style="list-style-type: none"> <li>1. Implement Development Management Improvement Plan</li> <li>2. Implement and monitor Development Contributions protocols &amp; streamlined legal processes</li> <li>3. Encourage the use of Processing Agreements to manage major applications</li> <li>4. Proactive and thorough case management</li> </ol>	<b>Action Outcomes:</b> <p>Whilst the figures have yet to be finalised by Scottish Government an early estimate is that good progress has been made in terms of local development applications (Householder and non-householder categories) and that there has been a significant reduction in the time taken to deal with major applications. Whilst the performance figures will be adversely influenced by the requirement to clear legacy cases and the requirement for legal agreements to secure development contributions, it must be acknowledged that significant efforts have been made to reduce timescales and it is anticipated that this performance marker will move to Amber this year.</p>
<b>Performance Marker 4 - Legal Agreements - within 6 months of minded to grant (Amber Marker)</b>	
<b>SBC Actions:</b> <ol style="list-style-type: none"> <li>1. Implement and monitor Development Contributions protocols &amp; streamlined legal processes</li> <li>2. Further integration of the working practices between legal and Planning services</li> <li>3. Encourage the use of Processing Agreements to manage major applications</li> <li>4. Proactive and thorough case management</li> </ol>	<b>Action Outcomes:</b> <p>As indicated in PM 1 above, the figures are still to be finalised but it is anticipated that these will show a marked improvement in times to conclude legal agreements. The work carried out already and reported last year showed a steady downward trajectory in timescales. It is anticipated that this will remain Amber this year but that our on-going efforts will bring us closer to achieving a Green rating in subsequent years.</p>
<b>Performance Marker 6 - Continuous Improvement (Amber Marker)</b>	
<b>SBC Actions:</b> <ol style="list-style-type: none"> <li>1. Continue to drive delivery of key service improvement actions in last year's PPF</li> <li>2. Use Priority Action Report to monitor progress on improvement actions</li> </ol>	<b>Action Outcomes:</b> <p>The service has completed 4 of the 6 improvement actions identified in last year's PPF in terms of implementing the Development Management Improvement Plan, reviewing the management of applications for windfarms and turbines, developing customer feedback forms and developing and implementing Local View Fusion. There is on-going work in the remaining actions relating to a design Review of a range of scale of development and work relating to stakeholder engagement. It is anticipated that this will remain Amber this year</p>
<b>Performance Marker 14 - Stalled /legacy Sites (Amber)</b>	
<b>SBC Actions:</b> <ol style="list-style-type: none"> <li>1. Continue efforts to clear legacy cases and identify where "stop the clock" mechanism can be used.</li> <li>2. Encourage the use of Processing Agreements to manage legacy applications</li> <li>3. Pursue withdrawal /final disposal of legacy applications</li> <li>4. Proactive and thorough case management</li> </ol>	<b>Action Outcomes:</b> <p>A total of 197 legacy cases were removed from the system in 2013/14, an increase of 15% over the number of cases handled in the previous year. This demonstrates that the service is focussed on the continued aggressive management of such cases. There are 203 legacy cases remaining in the system. It is anticipated that we will move to a Green rating this year.</p>

- 4.6 It is anticipated that, on the basis of the work we have undertaken and the performance we have delivered, this year's RAG rating will have eliminated the remaining Red rating and moved the service to 3 Amber and 12 Green ratings.
- 4.7 The Services continues to direct its efforts to retaining Green ratings for the remainder of the Performance Markers in respect of; the use of processing agreements, proving effective pre-application advice, maintaining an up-to-date enforcement charter, having an up-to-date Development Plan and delivering on the Development Plan Scheme, ensuring positive engagement with stakeholders, providing regular and proportionate policy advice, illustrating corporate working across services, sharing good practice and setting out clear and proportionate expectations for developer contributions.
- 4.8 It is proposed to feature a number of case studies in this year's PPF relating service delivery and improvement. These are:
- Kelso THI project (which has just been short listed for a Quality in Planning Award)
  - Development Management Improvement Plan Implementation - Internal Consultation
  - Development Management Improvement Plan Implementation - Traffic Light Management System
  - High Quality Development on the Ground - Development Management – Negotiated Improvements
  - Local View Fusion

## **5 IMPLICATIONS**

### **5.1 Financial**

- (a) There are no direct costs attached to any of the recommendations contained in this report. However, the provisions of Section 55 of the Regulatory Reform (Scotland) Act 2014 give power to Scottish Ministers to impose a penalty for poor performance by planning authorities. The focus for the first year of the "penalty clause" is speed of processing applications and the inability to deliver the key service improvements outlined in the PPF could result in a reduction in planning fee income.
- (b) It is not possible at this stage to give a definitive estimate of potential lost income. This would have significant reputation implications as well as implications for service delivery and staff.

### **5.2 Risk and Mitigations**

- (a) There are reputational implications should the Council not deliver on the improvement objectives set out in the Framework. The Services ensures that it has effective monitoring and reporting on key performance indicators set out in the PPF to deliver on these objectives.
- (b) As specified in 5.1, there is a potentially minor financial risk. The key mitigation is to deliver the service improvements identified in the PPF.

### 5.3 Equalities

- (a) An Equalities Impact Assessment has been carried out on this proposal and it is anticipated that there are no adverse equality implications.
- (b) It is anticipated that there are no adverse impact due to race, disability, gender, age, sexual orientation or religion/belief arising from the proposals in this report.

### 5.4 Acting Sustainably

The implementation of the improvements outlines in the framework will assist the Council to deliver appropriate sustainable economic development and more streamlined processes and procedures. There are no significant impacts on the economy, community or environment arising from the proposals contained in this report.

### 5.5 Carbon Management

The implementation of the improvements outlines in the framework will assist the Council to deliver appropriate sustainable economic development and more streamlined processes and procedures. There are no significant effects on carbon emissions arising from the proposals contained in this report.

### 5.6 Rural Proofing

This report does not relate to new or amended policy or strategy and as a result rural proofing is not an applicable consideration.

### 5.7 Changes to Scheme of Administration or Scheme of Delegation

There are no changes to be made to either the Scheme of Administration or the Scheme of Delegation as a result of the proposals contained in this report.

## 6 CONSULTATION

- 6.1 The Chief Financial Officer, the Monitoring Officer, the Chief Legal Officer, the Service Director Strategy and Policy, the Chief Officer Audit and Risk, the Chief Officer HR, and the Clerk to the Council have been consulted and their comments have been incorporated into the final report.

### Approved by

**Brian Frater**  
**Service Director Regulatory services**

**Signature.....**

### Author(s)

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**Background Papers:** None  
**Previous Minute Reference:** None

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