



PLANNING PERFORMANCE FRAMEWORK ANNUAL REPORT 2022/23

Report by Chief Officer Place

1 PURPOSE OF REPORT

- 1.1 This report provides an update on the progress of work undertaken on the Planning Performance Framework (PPF) for Midlothian. Specifically, it provides feedback from Scottish Government on the Council's submitted PPF for 2022/23.

2 BACKGROUND

- 2.1 An initial report to Committee in November 2012 explained that from October 2012 the Scottish Government's Minister for Local Government and Planning (now Public Finance, Planning and Community Wealth) had instigated a new Planning Performance Framework system under which each local planning authority in Scotland would be required to submit annually a report to Scottish Government on its performance across a range of quantitative and qualitative measures, including the long-standing indicators of age of local plan(s) and speed of handling planning applications. Accordingly, this Council has prepared and submitted an annual PPF report every year since 2011/12. The feedback from Scottish Government has been reported to the Committee (except for the 2019/20 submission).
- 2.2 As reported to Committee in November 2012 it remains the case that Scottish Government officials have made clear that the primary purpose of the PPF is to provide Ministers, Councils and the public with a much better understanding of how a particular planning authority is performing. Whilst it is inevitable that comparisons across planning authorities will be made, Scottish Government is advising that it is not a 'name and shame' exercise: where particular authorities may be underperforming the Scottish Government officials through normal liaison with officers in the relevant authorities will seek to assist and support improvement.
- 2.3 The Council's PPF for 2022/23 was submitted to Scottish Government in July 2023. A copy of the document has been placed in the Members' Library and on the Council's website. It provides a comprehensive review of progress during the year and highlights steady improvement in a number of areas and examples of good quality development taking place on the ground.

3 FEEDBACK ON THE 2022/23 SUBMISSION

- 3.1 Formal written feedback was received 20 October 2023 by way of a letter from the Minister for Local Government Empowerment and Planning, and enclosing a specific report on a total of fifteen 'performance markers'. A copy of the feedback is attached to this report as Appendix A.
- 3.2 In the feedback report on the fifteen performance markers, 13 were rated as 'green' giving no cause for concern, none were rated as 'amber' where areas for improvement are identified and two were rated as 'red', this being used to indicate where some specific attention is required. The ratings demonstrate a high level of performance and reflects the team's commitment to delivering a good service. The feedback on ratings will help to inform the content of the 2023/24 return, which will be due in July 2024.
- 3.3 The red markers relate to performance criteria 4) legal agreements and 7) local development plan. With regard to legal agreements the average time to determine a planning application with a legal agreement for 2022/23 was 45.1 weeks, slower than the Scottish average of 41.1 weeks – this reflects the complexity of the legal agreements in Midlothian, the teams commitment to secure as high a contribution as possible from applicants (which results in extended negotiations) and the legal processes involved. With regard the age of the local development plan (the Midlothian Local Development Plan was adopted in December 2017), it is now more than five years old, this is in part because of the delays in the Scottish Government adopting the National Planning Framework No.4 (NPF4) for Scotland and for the delay in the Scottish Government publishing the local development plan regulations (both published in 2023) which delayed the commencement of Midlothian's review of its local development plan. The pre NPF4 target was to review a local development plan within five years of adoption – the target for post NPF4 local development plans is 10 years.
- 3.4 The PPF feedback also sets out the timescales for the determination of planning applications. The average time to determine local (non-householder) developments for 2022/23 was 13.5 weeks, quicker than the Scottish average of 14.4 weeks. The average time to determine householder developments for 2022/23 was 7.2 weeks, quicker than the Scottish average of 8.9 weeks. The average time to determine major developments for 2022/23 was 43.7 weeks and was slower than the Scottish average of 39.5 weeks. The reasons why some planning applications take an extended time period to conclude are as follows:
- High workloads and competing priorities in the Planning Service;
 - Negotiations to improve a development proposal or to resolve outstanding matters;
 - Delays in receiving consultation responses from internal and external services and organisations;
 - The conclusion of a planning obligation to secure developer contributions – both the negotiations and legal processes; and

- Awaiting for the applicant to submit the required information to conclude the assessment of a planning application.

4 RECOMMENDATION

- 4.1 It is recommended that the Committee notes the feedback from Scottish Government on the Council's submitted Planning Performance Framework (PPF) for 2022/23.

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Background Paper: 1) Midlothian's PPF (2022/23) submission available in the Members library and on the Council's website; and 2) Ministers feedback on Midlothian's PPF (2022/23) submission attached as Appendix A.

PERFORMANCE MARKERS REPORT 2022-23

Name of planning authority: **Midlothian 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 average timescale is 43.7 weeks which is faster than the previous year but slower than the Scottish average of 39.5 weeks. RAG = Green</p> <p>Local (Non-Householder) Applications Your average timescale is 13.5 weeks which is slower than the previous year but faster than the Scottish average of 14.4 weeks. RAG = Amber</p> <p>Householder Applications Your average timescale is 7.2 weeks which is faster than the previous year and faster than the Scottish average of 8.9 weeks and within the statutory timescale. RAG = Green</p> <p>Overall RAG = Green</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>You have set out how processing agreements are offered for all major developments. RAG = Green</p> <p>You have set out information on processing agreements on your website which includes a link to the form, instructions for additional information and sets out expectations on what the agreement will involve. 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>You offer pre-application discussions for all types of applications and also meet regularly with applicants, developers and landowners to inform them of the Councils approach to future developments. RAG = Green</p> <p>You have a pre-application guide on your website which includes further guidance on additional supporting information that will be required. 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)	Red	<p>Your average timescale for legal agreement applications is 45.1 weeks which is slower than the previous year and slower than the Scottish average of 41.1 weeks.</p> <p>You set out in your committee reports the requirement to conclude agreements within 6 months and list the projects and infrastructure associated. You have noted that this process has helped conclude agreements faster, issue</p>

			permissions sooner and reduce the likelihood of legacy cases.
5	Enforcement charter updated / re-published within last 2 years	Green	You have updated your enforcement charter on October 2022 which is within the last 2 years.
6	Continuous improvement: <ul style="list-style-type: none"> progress ambitious and relevant service improvement commitments identified through PPF report 	Green	You have completed 9 out of 11 improvement commitments which were identified last year, with one other partially achieved and another carried over to this year. You have identified a further 9 for the coming year.
7	Local development plan less than 5 years since adoption	Red	Your LDP was 5 years and 4 months at the end of the reporting period which is more than 5 years since adoption.
8	Development plan scheme – next LDP: <ul style="list-style-type: none"> project planned and expected to be delivered to planned timescale 	Green	You updated your Development Plan Scheme in March 2023 which sets out that your next LDP will be adopted within 5 years, by end of 2026. Your latest Development Plan Scheme includes timescales for each key stage and has outlined activities and engagement which will need to be carried out.
9 & 10	LDP Engagement: stakeholders including Elected Members, industry, agencies, the public and Scottish Government are engaged appropriately through all key stages of development plan preparation.	Green	You have commenced early preparations on the next LDP and have undertaken a wide range of engagement for elected members, industry and key agencies. Some of the engagement includes preparing a series of workshops regarding NPF4 as well as meeting with industry to discuss housing targets and input into the new LDP policies.
11	Policy Advice: Production of relevant and up to date policy advice	Green	You have continued to produce relevant policy advice during the reporting period including commencing work on the Fala Conservation Area Character Appraisal and Management Plan as well as adopting supplementary guidance on Low Density Rural Housing.
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 a range of examples of corporate working across services. This includes housing, education, financial and community services working together on Developer Contributions.
13	Sharing good practice, skills and knowledge between authorities	Green	You have provided a range of examples of sharing good practice during the reporting period. This includes discussions with Fife and Glasgow City Council on best practice to implement Strategic Environmental Assessment based on the new LDP process as well as collaborating with Fife, East Lothian Council and West Lothian Council on work involving the City Region Deal and Regional Spatial Strategy.
14	Stalled sites / legacy cases: conclusion or withdrawal of old planning applications and reducing number of live applications more than one year old	Green	You have cleared 2 cases during the reporting period, the same as last year. The number of cases remaining has decreased from 9 to 7.
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	You have stated that clear expectations relating to developer contributions are set out in the the Development Plan. RAG = Green You have provided numerous examples where developer contributions were set out and were part of the pre-application discussions. For example, discussions were held during the pre-application stage regarding possible developer contributions to help deliver solutions to traffic issues associated with a proposed school and community facility. RAG = Green Overall RAG = Green

MIDLOTHIAN COUNCIL
Performance against Key Markers

Marker		13-14	14-15	15-16	16-17	17-18	18-19	19-20	20-21	21-22	22-23
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 & 10	LDP Early Engagement		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	3	8	4
2013-14	2	8	5
2014-15	3	5	5
2015-16	5	4	4
2016-17	2	4	7
2017-18	0	3	12
2018-19	1	2	12
2019-20	1	3	11
2020-21	0	4	11
2021-22	0	0	14
2022-23	2	0	12

Decision Making Timescales (weeks)

	13-14	14-15	15-16	16-17	17-18	18-19	19-20	20-21	21-22	22-23	2022-23 Scottish Average
Major Development	60.5	77.4	47.8	84.7	91.5	45.8	65.6	76.2	44.6	43.7	39.5
Local (Non-Householder) Development	19.7	11.0	10.7	11	12.1	11.1	15.0	13.3	10.5	13.5	14.4
Householder Development	6.9	6.7	6.9	6.8	6.9	6.4	6.6	6.9	8.2	7.2	8.9