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## PLANNING PERFORMANCE FRAMEWORK ANNUAL REPORT 2020/21

Report by Chief Officer Place

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### 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 2020/21.

### 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 2020/21 was submitted to Scottish Government in July 2021. 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. It also highlights the

position that Midlothian's Planning Service has continued to provide a full frontline service during the pandemic.

### **3 FEEDBACK ON THE 2020/21 SUBMISSION**

- 3.1 Formal written feedback was received 29 November 2021 by way of a letter from the Minister for Public Finance, Planning and Community Wealth, 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, 10 were rated as 'green' giving no cause for concern and the remaining five were rated as 'amber' where areas for improvement are identified (measure 8 has been counted as amber, not green as coloured). None were rated as 'red', this being used to indicate where some specific attention is required. The feedback on ratings will help to inform the content of the 2021/22 return, which will be due in July 2022.
- 3.3 The ratings demonstrate a comparable level of performance with the previous two years and show a consistency of good service.
- 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 2020/21 was 13.3 weeks, slower than the Scottish average of 12.4 weeks. The average time to determine householder developments for 2020/21 was 6.9 weeks, better than the Scottish average of 8.1 weeks and the statutory timescale of 8 weeks. The average time to determine major developments for 2020/21 is 76.2 weeks and is greater than the Scottish average of 41.3 weeks. It should be noted that with few major applications determined (15 in 2020/21), one or two complex applications can result in the overall average timescale of determination being disproportionately skewed upwards.
- 3.5 The main reasons why the average time to determine major developments is greater than the Scottish average are as follows:
  - the time taken to conclude a legal agreement to secure developer contributions;
  - the applicant amending the scheme during the processing of the application;
  - awaiting additional information from applicants and/or consultees;
  - on the request from the applicant; and
  - the volume of major applications (including matters specified in conditions applications).

## **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 2020/21.

**Peter Arnsdorf**  
**Planning, Sustainable Growth and Investment Manager**

**Date:** 23 December 2021  
**Contact Person:** Peter Arnsdorf  
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**Background Paper:** 1) Midlothian's PPF (2020/21) submission available in the Members library and on the Council's website; and 2) Ministers feedback on Midlothian's PPF (2020/21) submission attached as Appendix A.

# Appendix A

Minister for Public Finance, Planning and Community  
Wealth  
Tom Arthur MSP



Scottish Government  
Riaghaltas na h-Alba  
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Dr Grace Vickers  
Midlothian Council

29 November 2021

Dear Dr Grace Vickers

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](mailto: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: Peter Arnsdorf**

## PERFORMANCE MARKERS REPORT 2019-20

Name of planning authority: **Midlothian**

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	<b>Decision-making:</b> continuous reduction of average timescales for all development categories [Q1 - Q4]	Amber	<p><b>Major Applications</b> Your average timescale of 76.2 weeks is slower than the previous year and is slower than the Scottish average of 41.3 weeks. <b>RAG = Red</b></p> <p><b>Local (Non-Householder) Applications</b> Your average timescale of 13.3 weeks is faster than the previous year but is slower than the Scottish average of 12.4 weeks. <b>RAG = Amber</b></p> <p><b>Householder Applications</b> Your average timescale of 6.9 weeks is slower than the previous year but is faster than the Scottish average of 8.1 weeks. However, this is faster than the statutory timescale. <b>RAG = Green</b> <b>Overall RAG = Amber</b></p>
2	<b>Processing agreements:</b> <ul style="list-style-type: none"> <li>offer to all prospective applicants for major development planning applications; and</li> <li>availability publicised on website</li> </ul>	Green	<p>You encourage processing agreements for all major applications as one way in which identify as a way to achieve the best planning outcomes. With recruitment of another planner due to be undertaken in the current reporting period it is expected that use of processing agreements will be promoted even more to allow a more project managed approach to major applications to be taken. <b>RAG = Green</b></p> <p>Processing agreement information is available through your website including a template and expectations with regards to conditions and developer contributions. <b>RAG = Green</b> <b>Overall RAG = Green</b></p>

3	<b>Early collaboration</b> with applicants and consultees <ul style="list-style-type: none"> <li>availability and promotion of pre-application discussions for all prospective applications; and</li> <li>clear and proportionate requests for supporting information</li> </ul>	Green	<p>You provide a free pre-application advice service which is promoted through the website and by case officers engaging with prospective applications. You also have a pre-app guide available on your website. <b>RAG = Green</b></p> <p>You have proportionate and clear processes for requesting supporting information including checklists for 21 development types outlining the likely information required to be submitted to support an application. <b>RAG = Green</b> <b>Overall RAG = Green</b></p>
4	<b>Legal agreements:</b> 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	<p>Your average timescale for determining applications with legal agreements is faster than last year but remains slower than the Scottish average. We noted in previous years that you have adopted a 6 month timescale for completing a legal agreement which is obviously having an impact in reducing timescales.</p>
5	<b>Enforcement charter</b> updated / re-published within last 2 years	Green	<p>Your enforcement charter was 3 months old at the end of the reporting year.</p>
6	<b>Continuous improvement:</b> <ul style="list-style-type: none"> <li>progress/improvement in relation to PPF National Headline Indicators; and</li> <li>progress ambitious and relevant service improvement commitments identified through PPF report</li> </ul>	Amber	<p>You your LDP and enforcement charter are up to date. Clear timescales exist for adopting the next LDP. Your decision making timescales, for major, and householder applications are slower than last year however non-householder and applications with legal agreements are faster. There has been some progress on reducing your number of legacy cases. <b>RAG = Amber</b></p> <p>You have completed 7 out of 9 of your improvement commitments with the remaining partially complete and ongoing. You have identified 12 improvement commitments for the coming year. <b>RAG = Green</b> <b>Overall RAG = Amber</b></p>
7	<b>Local development plan</b> less than 5 years since adoption	Green	<p>Your LDP was 3 years and 4 months old at the time of reporting.</p>
8	<b>Development plan scheme</b> – next LDP: <ul style="list-style-type: none"> <li>on course for adoption within 5 years of current plan(s) adoption; and</li> <li>project planned and expected to be delivered to planned timescale</li> </ul>	Amber	<p>LDP2 will not be adopted within the required 5 years . It is noted that the delay is due to the rejection of SESplan SDP2, the proposed changes in the Planning Act 2019, the timetable for preparing NPF4 and delays due to the pandemic. Your next LDP will be produced under the new Development Planning regulations. <b>RAG = Amber</b></p> <p>Your project plan for the delivery of the development plan is set out in an Development Plan Scheme. <b>RAG = Green</b> <b>Overall RAG = Amber</b></p>
9	<b>Elected members engaged early</b> (pre-MIR) in development plan preparation – <i>if plan has been at pre-MIR stage during reporting year</i>	Green	<p>Your DPS is a key part of your engagement with elected members by outlining where and when they can engage in the process as well as being required to approve the DPS for publication.</p>
10	<b>Cross sector stakeholders*</b> engaged early (pre-MIR) in development plan preparation – <i>if</i>	Green	<p>You have continued to have regular meetings with key agencies which is helping to inform your MIR, although the pandemic did have an impact on these. Other events have</p>

	<i>plan has been at pre-MIR stage during reporting year</i>		also enabled stakeholders to provide input to the LDP. You have also undertaken engagement with various industries including utility providers, housebuilders and renewable energy developers.
11	<b>Regular and proportionate policy advice</b> produced on information required to support applications; and	Green	You have produced a number of guidance documents during the reporting year including Housing in the Countryside, and Green Belt. You have also produced guidance on Nature conservation which will be published in the 2020-21 reporting period. Conservation Area and Management Plans have also been prepared which are a material consideration in the determination of planning applications.
12	<b>Corporate working across services</b> 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 examples of how you work with other council services such as with Education on their Learning Estates Strategy. Your pre-app and duty planner service is another example of providing a single point of contact to coordinate responses to enquiries and provide advice to applicants. You GIS team also provides services to other council departments.
13	<b>Sharing good practice, skills and knowledge</b> between authorities	Green	You have provided good examples of the learning you have undertaken with other councils such as West Dunbartonshire on their LDP, Highland on their use of Objective, Moray on their LDP Evidence Report and Glasgow on their digital dashboard for planning and spatial information. You also participate in various groups such as HOPS and using the Knowledge Hub.
14	<b>Stalled sites / legacy cases:</b> conclusion or withdrawal of old planning applications and reducing number of live applications more than one year old	Amber	You have cleared 3 cases during the reporting year, with 13 cases still awaiting conclusion. This is a slight improvement from last year.
15	<b>Developer contributions:</b> clear and proportionate expectations <ul style="list-style-type: none"> <li>• set out in development plan (and/or emerging plan); and</li> <li>• in pre-application discussions</li> </ul>	Green	<p>Your LDP, supported by supplementary guidance, sets out expectations for developer contributions. <b>RAG = Green</b></p> <p>Your pre-application discussions involve setting out the expectations for developer contributions. <b>RAG = Green</b> <b>Overall RAG = Green</b></p>



**MIDLOTHIAN 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				
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)**

<b>2012-13</b>	3	8	4
<b>2013-14</b>	2	8	5
<b>2014-15</b>	3	5	5
<b>2015-16</b>	5	4	4
<b>2016-17</b>	2	4	7
<b>2017-18</b>	0	3	12
<b>2018-19</b>	1	2	12
<b>2019-20</b>	1	3	11
<b>2020-21</b>	0	4	11

**Decision Making Timescales (weeks)**

	13-14	14-15	15-16	16-17	17-18	18-19	19-20	20-21	20-21 Scottish Average
Major Development	60.5	77.4	47.8	84.7	91.5	45.8	65.6	76.2	41.3
Local (Non-Householder) Development	19.7	11.0	10.7	11	12.1	11.1	15.0	13.3	12.4
Householder Development	6.9	6.7	6.9	6.8	6.9	6.4	6.6	6.9	8.1