

## PLANNING PERFORMANCE FRAMEWORK: 2011-12

### FEEDBACK REPORT: Midlothian Council



Date performance report due: 30 September 2012

Date of receipt of report: 25 September 2012

### National Headline Indicators

- We note that while your local plan remains less than 5 years old, it will not be replaced within the 5-year cycle. This is unfortunate, as an up-to-date development plan is essential in giving a clear lead and certainty for future investment in development. We recognise that timescales have been affected by issues connected with the Strategic Development Plan (SDP), but the constituent authorities in SESplan also need to bear some responsibility for the progress of the SDP. We want to see good progress with LDPs, project-planned through to adoption.
- Your data in relation to land supply and delivery is noted, as is the supporting contextual information. Heads of Planning Scotland (HOPS) is currently preparing definitions for recording 'employment land' and 'commercial floorspace' for the second round of reports to bring consistency to these measures.
- We note your statistic on applications having been subject to pre-application advice (8.1%) following introduction of this as a service in 2010. Given the improvements this has brought, you could explain in your next report what steps you are taking to publicise availability and the benefits of this early engagement to encourage higher take-up.
- We note that 8 major developments were decided during 2011-12, but that none were subject to processing agreements – although you mention that applicants were advised of timetabling. Processing agreements can be a major contributor to increasing certainty and more efficient planning processes, and perhaps could have assisted with your major applications, timescales for which averaged well over a year (see comments below). You will be aware that the Scottish Government has recently published a processing agreement template, which we hope will act as a good starting point.
- Your average decision-making timescales for local developments were broadly in keeping with national averages across most categories of development, although decisions on local housing developments took longer than across Scotland as a whole. We want to see the average timescales reduced across the country.
- There appears to be a particular issue with decisions being reached on major developments. There was a discrepancy in your statistics for these cases: the

average timescale showing as 71 weeks in the National Headline indicators, but as 94 weeks in the table in Appendix I. Whichever is correct, it has taken too long to make decisions on major applications and this needs to be addressed urgently. Again, housing developments stood out as a very real concern, your 4 cases taking on average 3 years to decide. We note you have taken a targeted approach to reducing the backlog of long-running cases during the year, which we support.

- The statistics also show that the time to conclude legal agreements has been a significant contributor to delay; something which you have recognised as a particular issue of concern to applicants and on which you have committed to improve during 2012-13. Processing agreements can also help to give focus to this stage of an application.
- Effective enforcement is an essential element in securing public confidence in the planning system. Your enforcement charter was over 2 years old at the end of the reporting year but we note that you have since updated it. The statistics show a good balance of breaches identified to cases resolved, including taking formal enforcement action where necessary.

### **Defining and Measuring a High Quality Planning Service**

- We are encouraged to see good links forming between planning and economic development under a single team. You could demonstrate in future reports how this has helped to support developer confidence and investment, perhaps with some customer feedback. For example you have referred in several places to the benefits you and customers have realised from an up-to-date policy framework, and also to a positive response from Homes for Scotland in relation to SPG, which perhaps could have been supplemented with quotes or testimonies.
- We welcome your recognition of the need for awareness of economic conditions and the effect on development viability, which you have illustrated through impacts on delivery of the Shawfair development. We hope that your SPG on affordable housing and developer contributions will help to progress cases subject to legal agreements more effectively.
- It is good to see how the council has worked with its policy and design guidance in the delivery of its own social housing programme, setting an example and also a benchmark for design standards that will be expected and supported in other development. Future reports could explain any steps you take to review how planning has added value to recently completed development to influence future involvement.
- You have produced evidence as to how your up-to-date local plan and a range of published documents support certainty in relation to the council's policy position. Future reports should include evidence on how you project manage your application processes to also give some degree of certainty of timescales and progress; such as through internal protocols and working arrangements, and through advice and proportionality in expected standards for application submissions and necessary supporting information.
- You have recognised that you need to do more to engage with customers to obtain the essential feedback on your service standards. We welcome your improvement commitments relating to the use of local forums and customer

surveys, regular operation of which will help you to understand what people think of your service and inform continuous improvement priorities.

- We also welcome your commitment of increased resources to support the roll-out and increased use of ePlanning and the benefits it brings to customers and authorities alike.
- You appear to have internal structures and systems in place that can support efficient handling of your business; notably through a flexibility in the workforce to adapt to priorities and through your approach to handling matters around developer contributions, which you have recognised as a particular priority.

### **Service Improvement Commitments 2012-13**

- You have made several commitments that are clearly linked to improvement needs identified in your performance report; particularly around better customer engagement and conclusion of legal agreements. We look forward to following progress in your next report. It was felt, however, that service improvements could have been provided to address decision making timescales and encourage the take-up of pre-application advice.

### **Service Improvements 2011-12: Delivery**

- You have noted some decent progress in relation to previous improvement commitments.
- Some of those previous commitments had related to matters of core business – such as preparation of your LDP – rather than being about specific improvements to service delivery. Core business actions do not need to feature in this section of the report.

### **Conclusion**

- Overall, a fair report displaying an understanding of steps that still need to be taken by the authority to complete a shift towards a planning reform and performance culture.
- As far as possible your LDP now needs to remain on course to ensure the benefits you have recognised from an up-to-date policy framework continue.
- You have recognised your need to address lengthy decision-making timescales and to bring long-running cases to a conclusion. We would like to see you work with stakeholders to find efficiencies that will reduce average timescales across the board. Use of processing agreements where appropriate will help to focus all parties' involvement in application processes.

*The feedback in this report is based solely on the information provided to us within your Planning Performance Framework Report covering the period April 2011 to March 2012.*

*If you need to clarify any aspect of the report please contact us on 0131 244 7076 or email [andy.kinnaird@scotland.gsi.gov.uk](mailto:andy.kinnaird@scotland.gsi.gov.uk).*

*We hope that this feedback will be of use to you in the preparation of your next report which covers the period April 2012 to March 2013. Please note that the next reports are due to be submitted to us at [sgplanning@scotland.gsi.gov.uk](mailto:sgplanning@scotland.gsi.gov.uk) **before 30 September 2013.***

The Scottish Government, Planning and Architecture Division  
June 2013