

Cabinet Secretary for Social Justice, Communities and Pensioners' Rights  
Alex Neil MSP

T: 0300 244 4000  
E: [scottish.ministers@scotland.gsi.gov.uk](mailto:scottish.ministers@scotland.gsi.gov.uk)



Mr Kenneth Lawrie  
Chief Executive  
Midlothian Council

In 2014 Scotland Welcomes the  
World



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11 December 2014

Dear Mr Lawrie

## **PLANNING PERFORMANCE FRAMEWORK 2013/14**

Thank you for submitting your authority's annual Planning Performance Framework (PPF) report covering the period April 2013 to March 2014.

I am delighted to have planning within my portfolio and I am pleased to see that continued progress is generally being made across the country to improve planning performance.

Please find enclosed feedback on your 2013/14 PPF, which has been prepared by a Scottish Government contractor, and is based on the evidence provided within your report. Contact details for my officials are available in the feedback report should you wish to clarify any element of the contractors commentary. We will be publishing an Annual Performance Report in the new year which will summarise performance across the country against the key markers of performance.

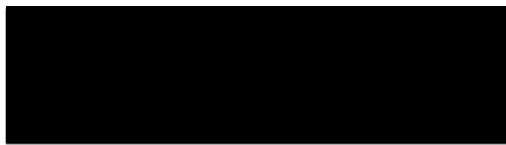
The quality of PPF reporting has significantly improved with many PPF reports setting out a very clear story of how the service is operating and their priority actions for improvement. There is still some inconsistency in planning authority decision making timescales across the country and I look forward to seeing progress in the next set of performance statistics.

You will be aware that Section 55 of the Regulatory Reform (Scotland) Act commenced on 30 June 2014. It provides Scottish Ministers with powers to vary the planning application fee payable to different planning authorities where the functions of a planning authority are not being, or have not been, satisfactorily performed. The High Level Group on Performance has been considering the process which would be used to determine if any authorities have not satisfactorily performed. It is hoped to

finalise that process at our next meeting in February 2015. Please note that following the last meeting, the preferred option was to base the process on decision making statistics alone using the annual statistics for the period 2014/15. I shall write again to planning authority Heads of Planning in February to update them on discussions at the High Level meeting. COSLA, HOPS, SOLACE, SOLAR, the RTPi and key agencies are all represented on this group.

I am determined to keep up the momentum with the performance agenda, maintaining continual improvement and enhancing the reputation of our planning service. I look forward to working with you to achieve this shared goal.

Yours sincerely

A large black rectangular box used to redact the signature of Alex Neil.

**ALEX NEIL**

**Cc:** Ian Johnson, Head of Planning and Development

## PLANNING PERFORMANCE FRAMEWORK: 2013-14

### FEEDBACK REPORT: Midlothian Council

Date performance report due: 30 September 2014

Date of receipt of report: 26 September 2014

#### National Headline Indicators

- Your Local Plan is now 5 years old. There has been some slippage in moving towards the Proposed Plan stage due to finalisation of the Strategic Development Plan for South East Scotland and the requirement to prepare Supplementary Guidance to determine the scale of the housing requirements to be delivered through site allocations. We note your comments that the impact of the delay on the achievement of planning aims and objectives is minimal. Now that SESplan has been approved we hope to see good progress maintained with your Local Development Plan, which is now due to be approved in Autumn/ Winter 2014. We were pleased to see that consultation on the MIR went ahead in May 2013 in order to minimise delays.
- There has been a slight increase in the proportion of applications that have been subject to pre-application advice, although the overall figure remains low at a level of only 9.8%. It is good to see that you have reviewed your pre-application advice service in 2014 and that processes put in place now allow you to improve the management of this service and the advice given. You also publicise this service on your website.
- Again this year, none of your major applications have been subject to a processing agreement, although they are offered to all applicants, and you state that this is because of your good track record of reporting major applications to the Planning Committee in good time. Your next report could give details of actions you have taken to publicise processing agreements.
- Decision making timescales for major developments are worse this year from an average of 42.8 weeks in 2012-13 to 60.5 weeks this year, although we acknowledge that this increase is due to one specific application that took 193 weeks to determine.
- We are pleased to see that decision making timescales for local developments (non-householder) and householder developments have improved, and are now better than the national figure. Your figure of 6.9 weeks for householder applications is lower than the national average of 7.7 weeks.
- However, your average figure of 19.7 weeks for local (non-householder) applications has increased and is now significantly higher than the national average of 14.3 weeks. Your report would benefit from reasons for this increase and the steps you are taking to further reduce
- We are pleased with the work you have undertaken to reduce the number of legacy cases. Your next report should provide information on how you have approached your remaining cases and details of any improvements you have introduced.
- Your delegation rate (96.5%) has increased slightly again this year and continues to remain above the national figure.

- Your enforcement charter is now 19 months old and we would expect that this will be updated in the coming year.
- Your enforcement figures show a good record of resolving planning breaches, with almost all cases being resolved during the period.

### **Defining and measuring a high-quality planning service**

- The recognition of having an up to date development plan to provide certainty and predictability for developers and investors is welcomed. You have been using your LDP process to stimulate economic growth and business opportunities.
- We welcome your alignment of the Midlothian Economic Recovery Plan (MERP) and the partnership Action Plan with the LDP Main Issues report. Feedback on engagement events held with stakeholders is very positive. It is also good to see that your Economic Development team has engaged with other member councils and Scottish Enterprise. However, it would be useful for your next report to provide a more detailed description of how the alignment of your LDP with the MERP has brought specific improvements to your service.
- It is encouraging to see that you have provided examples of how you are providing a service that demonstrates your Open for Business approach. Examples such as improvements to your website planning content, pre-application advice and validation checklists are positive steps forward. We would like to see more information on how you ensure clear and proportionate supporting information requests through collaborative working with internal Council services and key agencies.
- Your ongoing commitment to promoting high quality design is welcomed, as is the provision of specific examples of developments that have been subject to design improvements through the planning process. The drafting of a 'good design' guide for your housing programme to supplement the design policies in your adopted Local Plan is a positive commitment to promoting high quality design.
- The availability of a duty officer and encouragement of pre-application discussions also show your officers are adding value to your service.
- You have undertaken further engagement with a wide range of stakeholders to build upon that undertaken in previous years. For example, you have demonstrated your commitment to providing a good quality service by conducting research among users of your new planning portal. You have also responded to requests from your Community Council Forum to set up a 'Major Applications' web page with up-to-date access on strategic developments. Your engagement with local schools and the wider community on the Townscape Heritage Initiative demonstrates the priority you place upon quality of place and development of the local economy.
- It is disappointing that you have been able to realise your commitment to undertaking customer satisfaction surveys in the past year due to staffing issues. Future reports should aim to provide evidence of what your customers think of your engagement and service provision, perhaps supported by quotes and testimonies from your customer satisfaction surveys once you have been able to progress these.

- Again, you mention that decision making timescales have been reduced as a result of improved performance management, and the introduction of new processes and procedures. It would have been useful if you had described these in more detail to supplement your approach under the 'efficient and effective decision making' section of your report.
- Your report refers to significant transformational change during 2013-15. It would be useful to hear how this has impacted on service delivery in your next report.
- There has been a wider management restructure within Midlothian and it is planned for the merger of the planning teams into a single integrated planning service. Future reports should aim to provide information on improvements that have been delivered as a result of changes in the management structure, along with details of the impact on service delivery.
- You have continued to work alongside other authorities, which can help with the sharing of good practice, knowledge and skills.
- The Competency Framework programme which you introduced has proved to be too cumbersome and time-consuming, although a new programme will be introduced under the Midlothian Excellence Framework in the coming year. It is encouraging that you review the success or otherwise of staff performance programmes, and are willing to introduce a new programme if required. We look forward to hearing about the impact of this new performance measurement in your next report, along with examples of training delivered to staff. It would be useful if your next report provides feedback from staff outlining their views on this performance management programme.

#### **Service improvements 2013-14: delivery**

- You have made good progress on delivering previously identified improvement actions, with the commitment to undertaking customer satisfaction surveys being the only outstanding commitment. We look forward to seeing the results of this in your next report.

#### **Service improvement commitments 2014-15**

- You have again committed to a range of activities geared towards continuous improvement.

#### **Conclusion**

- You have provided good evidence of a service that has a well-developed communications strategy for engagement through your LDP, including your online portal, the involvement of community councils and development plan to provide certainty and predictability for developers and investors.
- Your report has provided an outline of a service that is committed to driving improved performance and securing investment through your local plan and emerging LDP. It is therefore important that your LDP continues to be project managed through to adoption and avoids further slippage.

- It is good to see that you have described actions and behaviours in more detail this year and the use of case studies, examples and quotes are welcomed.
- Where possible, future reports should continue to supplement your description with the provision of customer feedback and case study examples to demonstrate how you have put your performance and service principles into practice over the course of the year.

*The feedback in this report is based solely on the information provided within your Planning Performance Framework Report covering the period April 2013 to March 2014.*

*If you need to clarify any aspect of the report please contact us on 0131 244 7148 or email [Chief.Planner@scotland.gsi.gov.uk](mailto:Chief.Planner@scotland.gsi.gov.uk)*

**Please note that Planning Performance Framework Reports covering the period April 2014 to March 2015 are due to be submitted to the Scottish Government by 31 July 2015.**

## APPENDIX

### PERFORMANCE MARKERS REPORT 2013-14

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	<b>Decision-making:</b> continuous reduction of average timescales for all development categories [Q1 - Q4]	Amber	<ul style="list-style-type: none"><li>• <b>Major developments</b> Average timescales have increased since last year from 42.8 weeks to 60.5 weeks. This is worse than the national average of 53.8 weeks. It is noted that this increase is attributed to one specific application.  RAG = Red</li><li>• <b>Local (non-householder) developments</b> Average timescales have improved since last year going from 21.5 weeks to 19.7 weeks. However, they remain worse than the national average of 14.3 weeks.  RAG = Amber</li><li>• <b>Householder developments</b> Average timescales have improved since last year from 7.5 weeks to 6.9 weeks which is better than the national average of 7.7 weeks.  RAG = Green</li></ul> <p>TOTAL RAG = Amber</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>	Amber	<p>Processing agreements offered for major developments.</p> <p>Report lacks evidence of how they are made available to prospective applicants and publicised.</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>	Amber	<p>Pre-application service in place and online, although less than 10% of applicants have taken up this service. Staff encouraged to notify all applicants of pre-application service.</p> <p>Some good evidence provided of published guidance and collaborative working to aid pre-application discussions, although little evidence provided as to how such requests are proportionate.</p>
4	<b>Legal agreements:</b> conclude (or reconsider) applications after resolving to grant permission <ul style="list-style-type: none"> <li>reducing number of live applications more than 6 months after resolution to grant (from last reporting period)</li> </ul>	Amber	<p>Report (Part 5: Performance Markers) highlights the progress made on reducing the decision making timescales for legal agreements from 81 weeks to 67 weeks. Based upon the Planning Authority Performance Statistics for 'all applications' 2013/14:</p> <ul style="list-style-type: none"> <li>Decision making timescales for major applications has increased from 72.5 weeks to 84.9 weeks, which is slightly better than the Scottish average of 87.5 weeks. This could be a result of determining legacy cases.</li> <li>Decision making timescales for local applications has decreased from 71.1 weeks to 55.3, which is better than the Scottish average of 66.1 weeks.</li> </ul> <p>Report highlights the challenges in concluding major applications subject to legal agreements which are used to secure developer contributions.</p> <p>Work is ongoing to improve efficiency and SPG on developer contributions to be revised in due course.</p> <p>Service improvement commitment for 2014/15 to review and streamline procedures for processing Section 75 Agreements to reduce time taken to conclude.</p>
5	<b>Enforcement charter</b> updated / re-published within last 2 years	Green	19 months since enforcement charter was updated/reviewed.
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>Progress made on reducing some decision making timescales, although increase for major developments, which remains higher than Scottish average.</p> <p>Reasonable progress on delivering service improvement commitments, but one is ongoing or carried forward.</p>



7	<b>Local development plan</b> less than 5 years since adoption	Red	Existing local plan nearing 6yrs old (adopted Dec 2008).
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>	Red	Local Plan will be over 6 years old by time LDP is scheduled to be adopted.  LDP project planned, but there has been slippage in timescales.
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	Report provides evidence of pre-MIR engagement and involvement of elected members through briefings and workshops.
10	<b>Cross sector stakeholders*</b> 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	Report provides evidence of cross sector pre-MIR engagement and involvement with a range of stakeholders.
11	<b>Regular and proportionate policy advice</b> produced on: <ul style="list-style-type: none"> <li>information required to support applications; and</li> <li>expected developer contributions</li> </ul>	Amber	<ul style="list-style-type: none"> <li><b>Information required to support applications.</b></li> </ul> Pre-application and validation checklists in place to aid submission of planning applications. Checklists vary depending on application type.  Report lacks a description of how this advice and other published guidance ensures regular and proportionate supporting information requests.  RAG = Amber  <ul style="list-style-type: none"> <li><b>Developer contributions.</b></li> </ul> Supplementary guidance in place for developer contributions, with useful explanation of how it has been revised to be proportionate and take account of market conditions.  RAG = Green  TOTAL RAG = Amber

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	<p>Report provides evidence and description of what corporate working is in place across Council services to improve outputs and customer benefit.</p> <p>Some examples provided of how collaborative corporate working is delivered through joined-up services, joint pre-application advice.</p>
13	<b>Sharing good practice, skills and knowledge</b> between authorities	Green	<p>Report provides good indication of the proactive sharing of good practice and skills through attendance at forums and workshops.</p> <p>Positive involvement with Lothian Councils on a range of topics.</p> <p>Benchmarking has been taking place and commitment to involvement in further benchmarking activities.</p>
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	<p>Report highlights completion of previous service improvement commitment for 2012-13 to further reduce legacy cases. However, no information is provided to demonstrate the success of this commitment. Future reports need to provide details of the number of legacy cases cleared in the reporting period and the number that remain.</p>
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>	Amber	<p>Supplementary guidance in place for developer contributions, with useful case studies to explain this approach in more detail.</p> <p>RAG = Green</p> <p>No information provided on how pre-application discussions set out developer contribution requirements.</p> <p>RAG = Red</p> <p>TOTAL RAG = Amber</p>