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

Report by Head of Communities and Economy

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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 2014/15.

### **2 BACKGROUND**

- 2.1 Members may recall an initial report to Committee in November 2012 explaining that from October 2012 the Scottish Government's Minister for Local Government and Planning 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 PPF reports for 2011/12, 2012/13, 2013/14 and 2014/15 on which it has received feedback.
- 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 2014/15 was submitted to Scottish Government on 31 July 2015. Given its size copies of the document were circulated to the Groups and a further copy placed in the Members' Library. It provides a comprehensive review of progress during the year and highlights steady improvement in a number of areas, most notably increased performance on the time taken to deal with planning

applications; as well as continued good progress in the preparation of the Midlothian Local Development Plan.

### **3 FEEDBACK ON THE 2014/15 SUBMISSION**

- 3.1 Formal written feedback was received in October 2015 by way of a letter from the Cabinet Secretary for Social Justice, Communities and Pensioners' Rights, and enclosing a specific report on a total of fifteen 'performance markers'. A copy of the feedback is attached to this report.
- 3.2 In the feedback report on the fifteen performance matters, five were rated as 'green' giving no cause for concern, five were rated as 'amber' where areas for improvement are identified, and the following three areas were rated as 'red' where some specific attention is required:-
- i) legal agreements – the time taken to conclude a legal agreement after resolving to grant permission;
  - ii) local development plan – less than 5 years since adoption; and
  - iii) development plan scheme – project plan for next local plan.
- 3.3 This compares to five performance matters being rated as green, eight rated as amber and two rated as red in 2013/14.
- 3.4 It may be helpful to advise members of comments on each of the three matters rated as 'red':
- The delay in concluding legal agreements was in part due to the Section 75 Officer post (the Section 75 Officer negotiates and secures developer contributions associated with planning applications, primarily housing developments) being vacant for nine months following a management review in the summer of 2014. Following this review the responsibility for negotiating and securing developer contributions has transferred into the Planning team and the vacant post has been back filled. Furthermore, changes in internal procedures are triggering early discussions with applicants with regard to developer contributions, which in turn is speeding up the legal agreement process. An improved performance should be reflected in the 2015/16 and 2016/17 PPF submissions.
  - Concerning the progress on local development plan preparation, in summary the position is that the timetable for preparation of the Midlothian Local Development Plan is dependent upon that of the Strategic Development Plan (SDP) for South East Scotland. Although Scottish Ministers' approval of the SDP was in June 2013 it was subject to a requirement that the six SESplan Councils jointly prepare supplementary guidance on housing land, and this process was concluded in Summer 2014. This delay impacted on the preparation of the proposed Midlothian Local Development Plan (MLDP). Notwithstanding this delay the MLDP has been taken to an advanced stage and the 'Proposed Plan' was published for consultation in May 2015 and the 2,607 comments, in 835 representations, submitted in response are currently being considered. In addition it is important to note that the adopted

Midlothian Local Plan (2008) remains as a relevant and robust basis for promoting economic development, meeting housing need, and protecting/enhancing the environment in Midlothian.

- 3.5 Two performance matters relating to engagement on the Main Issues Report (MIR) were scored as not applicable because of the stage of Midlothian's Proposed Plan. These measures had previously been scored as green in 2013/14.

#### **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 2014/15.

**Ian Johnson**  
**Head of Communities and Economy**

**Date:** 10 November 2015  
**Contact Person:** Peter Arnsdorf, Planning Manager  
**Tel No:** 0131 271 3310  
**Background Paper:** Council's PPF (2014/15) submission



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

T: 0300 244 4000  
E: scottish.ministers@gov.scot



Mr Kenneth Lawrie  
Chief Executive  
Midlothian Council



5<sup>th</sup> October 2015

Dear Mr Lawrie

#### **PLANNING PERFORMANCE FRAMEWORK 2014-15**

Thank you for submitting your authority's annual Planning Performance Framework (PPF) report covering the period April 2014 to March 2015.

Please find enclosed your authority's feedback on the 15 performance markers. I intend to share the performance ratings with the High Level Group on Performance when we next meet at the end of October.

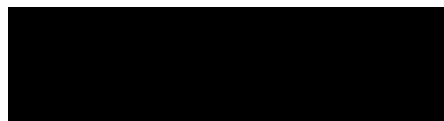
You will note that this year we have only provided feedback on the performance markers. I am encouraged to hear that supported by Heads of Planning Scotland, you will be providing wider feedback to other authorities through your benchmarking groups. I am grateful to HOPS for taking this proactive approach and I very much hope that it will help communication and better support the sharing of practice amongst authorities.

I am pleased to report that Scotland-wide performance is improving and the number of red markings has reduced considerably over the last 3 reporting periods. Overall, I am impressed with the commitment to improvement and the good position that many authorities are now in. There are however, a small number of authorities where progress in delivering the markers has been slower. I will be encouraging COSLA and Heads of Planning Scotland at the next High Level meeting to ensure that those authorities are supported.

I would also like to thank those of you who submitted information on your live applications which are over a year old. The study shows that there are over 1800 legacy cases, dating as far back as 1983. I accept that there are circumstances where applications will take an extended amount of time and that withdrawal or

refusal is not in the best interests of either the applicant or authority. However, it is critical that action is taken to reduce the number of legacy cases and I would again encourage you all to put strategies in place to prevent cases reaching legacy status. I will discuss legacy cases at the next High Level Group and the Chief Planner will also set up a meeting to discuss the situation with HOPS and the development industry.

You will be aware of my recent announcement to hold a review of the planning system. The review will depend on the co-operation, expertise and input of all those with an interest in the planning system. There will be opportunities to provide evidence to the panel and I strongly encourage planning authorities to actively participate. We will communicate further information through our website, e-alerts and twitter feeds as soon as the panel confirm the process and timetable.



**ALEX NEIL**

**CC:** Ian Johnson, Head of Planning

## PERFORMANCE MARKERS REPORT 2014-15

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	<p><b>Major Applications</b></p> <p>At 77.4 weeks your timescales have increased from 60.5 weeks and remain well above the national average of 46.4 weeks.</p> <p>RAG = Red</p> <p><b>Local (Non-Householder) Applications</b></p> <p>At 11 weeks, your average timescales have reduced significantly since last year and are now better than the national average of 12.9.</p> <p>RAG = Green</p> <p><b>Householder</b></p> <p>At 6.7 weeks your timescales have continued to reduce from 6.9 weeks last year and remain better than the 7.5 national average.</p> <p>RAG = Green</p> <p><b>TOTAL RAG = Amber</b></p>
2	<p><b>Processing agreements:</b></p> <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>Processing agreements are offered to all prospective applicants. 7 applications were subject to a processing agreement during the reporting year with a success rate of 85.7%.</p> <p>The stats you have provided do not match those in the National Planning Performance Statistics published in July 2015. You should ensure that the correct statistics are used within your PPF report.</p> <p>Availability of processing agreements is made</p>

			on your website alongside other services such as duty officers and pre-application discussions.
3	<b>Early collaboration with applicants and consultees</b> <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>Good evidence provided of early engagement with applicants. Publication of validation checklists and up-to-date planning policies are ensuring that the correct information is submitted to support applications. We welcome the pro-active approach you are taking to pre-application discussion on sites allocated in your LDP.</p> <p>Feedback from developers is provided which evidences a clear and proportionate approach to supporting information requests.</p>
4	<b>Legal agreements: conclude (or reconsider) applications after resolving to grant permission</b> <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>	Red	<p>The official statistics show that you have almost doubled the time taken to conclude major applications with a legal agreement from 84.9 weeks last year to 162.6 weeks this year.</p> <p>The three local applications decided have also seen an increase from 55.3 weeks last year to 73 weeks this year. Both sets of figures are much higher than the national average.</p> <p>We note that your S75 officer post was vacant for most of the period but that you filled the post in March. We look forward to seeing improvement in the coming year now that you have a dedicated officer in post.</p>
5	<b>Enforcement charter updated / re-published within last 2 years</b>	Green	March 2014
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>Significant increase in timescales for major applications. Improvement in non-householder and householder applications. The Local Plan is over 5 years old.</p> <p>A number of your service improvement commitments could be considered as core business. In future you should ensure that you focus on service improvement related actions. Good progress made on last year's commitments with only 2 remaining incomplete. You have not indicated whether these will be completed in the coming year.</p>



7	<p><b>Local development plan less than 5 years since adoption</b></p>	Red	<p>Local Plan is over 6 years old at the end of the reporting year.</p>
8	<p><b>Development plan scheme – next LDP:</b></p> <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	<p>LDP will not be adopted within 5 years of the current plan.</p> <p>Your programme is on track with the latest Scheme but has slipped in relation to previous 6 schemes. Other than discussing in team meetings, you have not provided enough evidence of how you have project planned your approach. Further evidence is required in future reports.</p>
9	<p><b>Elected members engaged early (pre-MIR) in development plan preparation – if plan has been at pre-MIR stage during reporting year</b></p>	n/a	
10	<p><b>Cross sector stakeholders* engaged early (pre-MIR) in development plan preparation – if plan has been at pre-MIR stage during reporting year</b></p> <p><i>*including industry, agencies and Scottish Government</i></p>	n/a	
11	<p><b>Regular and proportionate policy advice produced on:</b></p> <ul style="list-style-type: none"> <li>• information required to support applications; and</li> <li>• expected developer contributions</li> </ul>	Amber	<p>Little evidence is provided outlining your approach to providing regular and proportionate advice on the information required to support applications other than to state that developers are content with the policies outlined in your Local Plan.</p> <p>RAG = Amber</p> <p>Developer contributions SPG in place and will be reviewed in the coming year. You have a dedicated officer in place to handle negotiations and you state that you take a proportionate approach to requesting contributions.</p> <p>RAG = Green</p>
12	<p><b>Corporate working across services to improve outputs and services for customer benefit (for example: protocols; joined-up</b></p>	Green	<p>A wide range of examples are provided of working with other council services. Your restructure has brought a number of areas together fostering a culture of working</p>

	services; single contact arrangements; joint pre-application advice)		together. Single points of contact are allocated for each application and duty officer service offered.
13	<b>Sharing good practice, skills and knowledge between authorities</b>	Amber	You have mentioned that you participate in benchmarking, however, your report does not go into any detail on this. Next year's report would benefit from a better description of the types of good practice shared and the issues discussed with your benchmarking group and the outcomes.
14	<b>Stalled sites / legacy cases: conclusion or withdrawal of old planning applications and reducing number of live applications more than one year old</b>	Amber	<p>6 legacy cases were decided during the reporting year, however, no information is provided about how many cases remain.</p> <p>You have not provided the required information on legacy cases within the NHI table. Please use the HOPS template in future reports.</p> <p>The recruitment of a dedicated section 75 officer should help prevent some instances of cases becoming overly drawn out but your report would benefit from explaining what other action you propose to take. It is noted that you have made a commitment within your service improvement plan to reduce the number of legacy applications by 5%. We would expect to see more than this cleared given the number of cases dealt with.</p>
15	<b>Developer contributions: clear and proportionate expectations</b> <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>Guidance in place and due to be updated following adoption of your new LDP.</p> <p>RAG = Green</p> <p>You front load the process by encouraging the agreement of heads of terms by the time the application reaches the minded to grant stage. The recruitment of a dedicated officer will help to maintain momentum on applications from minded to grant to conclusion.</p> <p>RAG = Green</p>

**MIDLOTHIAN COUNCIL**  
**Performance against Key Markers**

Marker		2012-13	2013-14	2014-15
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
10	Stakeholders engaged early (pre-MIR)			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)**

	Red	Amber	Green
<b>2012-13</b>	3	8	4
<b>2013-14</b>	2	8	5
<b>2014-15</b>	3	5	5

**Decision Making Timescales (weeks)**

	2012-13	2013-14	2014-15	<b>2014-15 Scottish Average</b>
Major Development	42.8	60.5	77.4	46.4
Local Householder) (Non- Development	21.5	19.7	11.0	12.9
Householder Development	7.5	6.9	6.7	7.5