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## PLANNING PERFORMANCE FRAMEWORK ANNUAL REPORT 2017/18

Report by Director of Education, 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 2017/18.

### 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 Local Government and Housing) 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.
- 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 2017/18 was submitted to Scottish Government in July 2018. A copy of the document has been placed in the Members' Library. It provides a comprehensive review of progress during the year and highlights steady improvement in a number of areas, examples of good quality development taking place on the

ground; as well as achievements related to the adoption of the Midlothian Local Development Plan.

### **3 FEEDBACK ON THE 2017/18 SUBMISSION**

- 3.1 Formal written feedback was received on the 10 of January 2019 by way of a letter from the Minister for Local Government and Housing, 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 markers, 12 were rated as 'green' giving no cause for concern and the remaining three were rated as 'amber' where areas for improvement are identified. 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 2018/19 return, which will be due in July 2019.
- 3.3 The ratings demonstrate an improvement on the previous year's submission, where two were red, four were amber and the remaining nine were either green or not applicable. The two former red ratings have now turned to green following the adoption of the Midlothian Local Development Plan during the reporting year. This year's PPF 'score' is the best Midlothian has achieved in the six years the framework has been the primary performance monitoring methodology. It is the first time Midlothian has had no red markers and 12 green markers is the most Midlothian has achieved.
- 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 2017/18 was 12.1 weeks, slower than the Scottish average of 10.7 weeks. The average time to determine householder developments for 2017/18 was 6.9 weeks, better than the Scottish average of 7.3 weeks and the statutory timescale of 8 weeks. The average time to determine major developments for 2017/18 is 91.5 weeks and is greater than the Scottish average of 33.6 weeks. It should be noted that with few major applications determined (seven in 2017/18), 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 PLANNING APPLICATION PERFORMANCE**

- 4.1 The Statutory Performance Indicators (SPI's) for the determination of planning applications are set by the Town and Country Planning (Scotland) Act 1997 (as amended by the 2006 Act). The target is for local planning authorities to determine 90% of householder applications within 2 months, 80% of other local applications within 2 months and 80% of major applications within 4 months. Overall, the target is to determine 80% of applications within target.
- 4.2 Overall performance (how many applications have been determined within target) continues to be maintained at a high level. In 2017/18 86% of planning applications have been determined within target, this compares to a Scottish average of approximately 74%. In 2017/18 95% of householder applications, 83% of other local applications (for example, developments less than 50 dwellings) and 17% of major applications (for example, developments more than 49 dwellings) were determined within target.
- 4.3 973 applications (this includes 225 formal pre application enquiries) were received in 2017/18; approximately 60% of applications are submitted online and 78% of comments made by representors and consultees are done so online. The Council received 131 formal planning enforcement complaints and issued four notices in 2017/18.

## **5 RECOMMENDATION**

- 5.1 It is recommended that the Committee notes the feedback from Scottish Government on the Council's submitted Planning Performance Framework (PPF) for 2017/18.

**Peter Arnsdorf**  
**Planning Manager**

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**Background Paper:** Council's PPF (2017/18) submission



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Dr Grace Vickers  
Chief Executive  
Midlothian Council  
10 January 2019

Dear Dr Vickers

## **PLANNING PERFORMANCE FRAMEWORK FEEDBACK 2017/18**

I am pleased to enclose feedback on your authority's 7<sup>th</sup> PPF Report for the period April 2017 to March 2018. Considerable progress has been made since the introduction of the Planning Performance Framework and key markers, although performance still remains variable over some authorities and markers.

As you may be aware, the Planning Bill has recently passed through the second stage of parliamentary consideration, during which the Local Government and Communities Committee voted to remove the proposed provisions on planning performance, provisions to make training for elected members mandatory, and the existing penalty clause provisions. We expect Stage 3 of the bill process to begin in the new year.

Whatever the outcome of the Planning Bill, I believe now is the time to look again at how we measure the performance of the planning system. The High Level Group on Planning Performance recently met to discuss performance measurement and other improvements. I very much hope that we can continue to support ongoing improvements in our planning service and further demonstrate the value which the planning system can add to people's lives. Ministers see an important connection between performance and fees and I am aware that any proposals to increase fees will raise applicants' expectations of an efficient and effective service.

We need to be able to measure performance to provide that crucial evidence to support any increases in fees, to help ensure that authorities are appropriately resourced to deliver on our ambitions. With this in mind, we will continue to liaise with COSLA, SOLACE and Heads of Planning Scotland on matters of the Bill's implementation and planning performance measures going forward.

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.

Kind Regards

**KEVIN STEWART**

CC: Mr Ian Johnson, Head of Planning and Development

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## PERFORMANCE MARKERS REPORT 2017-18

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 timescales of 91.5 weeks are slower than the previous year and are slower than the Scottish average of 33.6 weeks. <b>RAG = Red</b></p> <p><b>Local (Non-Householder) Applications</b> Your timescales of 12.1 weeks are slower than the previous year and are slower than the Scottish average of 10.7 weeks. <b>RAG = Red</b></p> <p><b>Householder Applications</b> Your timescales of 6.9 weeks are slower than the previous year but are faster than the Scottish average of 7.3 weeks and the statutory timescale of 8 weeks. <b>RAG = Green</b></p> <p><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 to applicants for all major developments. However, no applications were subject to a major processing agreement this reporting year. <b>RAG = Green</b></p> <p>Processing agreement information is available through your website. <b>RAG = Green</b></p> <p><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. We note that you receive a low number of applications, however you adequately promote the service. <b>RAG = Green</b></p> <p>You have proportionate and clear processes for requesting supporting information which is set out in planning policy documents and in pre-application discussions. <b>RAG = Green</b></p> <p><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	Your average timescales for determining major applications with legal agreements are slower than last year and the Scottish average. Local applications with legal agreements are determined faster than last year and slower than the Scottish average. We noted that you have adopted a 6 month timescale for completing a legal agreement and we hope to see the impact of this in next year's report.
5	<b>Enforcement charter</b> updated / re-published within last 2 years	Green	Your enforcement charter was 6 months old at the end of the reporting year.
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 renewed your LDP and enforcement charter this year. Clear timescales exist for adopting the next LDP. However, your decision making timescales, including legal agreements are slower than last years and there has not been progress on reducing your number of legacy cases. <b>RAG = Amber</b></p> <p>You have completed 2 out of 5 of your improvement commitments with the remaining to be continued over the next reporting year. You have identified 6 improvement commitments for the coming year. Future reports should set out your progress in a clearer fashion as demonstrated in the PPF report guidance notes. <b>RAG = Amber</b></p> <p><b>Overall RAG = Amber</b></p>
7	<b>Local development plan</b> less than 5 years since adoption	Green	Your LDP was 4 months old at the time of reporting.
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>	Green	<p>Although you have noted some slippage, your LDP2 is on track for adoption within the five year cycle. <b>RAG = Green</b></p> <p>Your project plan for the delivery of the development plan is set out in an Development Plan Scheme, published this reporting year. Emphasis has been placed on elected members assessing the progress of the plan to avoid slippage in timescales. <b>RAG = Green</b></p> <p><b>Overall RAG = Green</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	You engage with elected members during regular committee meetings for the pre-MIR stage. Discussions have included your approach to engaging with the public. This began in June 2017 and continued throughout the reporting year, offering clear opportunities for feedback to be given.
10	<b>Cross sector stakeholders* engaged early</b> (pre-MIR) in development plan preparation – <i>if plan has been at pre-MIR stage during reporting year</i>	Green	You sought feedback from Scottish Water and NHS Lothian early in the pre-MIR stage. A Participation Statement sets out how people can engage early in the plan preparation.
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 to aid applicants such as the validation checklists document to outline what is required when setting out different applications. You regularly meet with developers to seek feedback on service improvements and guidance.
12	<b>Corporate working across services</b> to improve outputs and services for customer benefit (for example: protocols; joined-up	Green	You provide evidence of building internal partnerships across a variety of departments, more efficient processes for joined-up guidance and a single contact arrangement. All of which demonstrate you are working to improve services to respond

	services; single contact arrangements; joint pre-application advice)		to the needs of customers.
13	<b>Sharing good practice, skills and knowledge</b> between authorities	Green	Your staff regularly participate in national skill sharing events. Elsewhere your staff share good practice working with neighbouring councils, such as on a joint archaeological service with East Lothian and a Geo-Conservation Group.
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	Green	You have cleared 7 cases during the reporting year, with 21 cases still awaiting conclusion. Based on this and last year's figures, no cases reached legacy status during the reporting year. This shows a commitment to reducing the number of stalled sites in your area.
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	Your LDP, supported by supplementary guidance, sets out expectations for developer contributions. <b>RAG = Green</b>  Your pre-application discussions involve setting out the expectations for developer contributions. This can be seen in case studies, including the Craigiefield Hotel development. <b>RAG = Green</b>  <b>Overall RAG = Green</b>

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

Marker		2012-13	2013-14	2014-15	2015-16	2016-17	2017-18
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

**Decision Making Timescales (weeks)**

	2012-13	2013-14	2014-15	2015-16	2016-17	2017-18	2017-18 Scottish Average
Major Development	42.8	60.5	77.4	47.8	84.7	91.5	33.6
Local (Non-Householder) Development	21.5	19.7	11.0	10.7	11	12.1	10.7
Householder Development	7.5	6.9	6.7	6.9	6.8	6.9	7.3