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**Report to Enterprise and Environment Committee**

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**Date of Meeting: 8 November 2012**

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**Subject: Planning Performance Framework 2011/2012**

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**Report by: Head of Community & Regulatory Services**

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**1.0 Purpose**

- 1.1. The Scottish Government has introduced a new format and procedure for recording and assessing the performance of local planning authorities. The purpose of this paper is to seek approval of the Council's first Planning Performance Framework (PPF), for the period 1st April 2011 to 31st March 2012.

**2.0 Recommendations**

- 2.1. The Committee is asked to note, comment on and challenge this report prior to submission to the Scottish Government.

**3.0 Background**

- 3.1. Up until now, the measurement of the performance of planning authorities by the Scottish Government has focussed on two main areas:
- (i) The speed of decision making on planning applications.
  - (ii) The Local Plan coverage in the Council's geographic area.
- 3.2. However, there has been a gradual and increasing recognition that these very limited parameters do not provide a meaningful or wide-ranging measure of how well planning authorities deliver their planning function. On the back of this, Heads of Planning Scotland has worked with the Government and other stakeholders to provide a "balanced scorecard" approach to performance, enabling each authority to demonstrate its achievements, success and individuality. Whilst the speed of decision making still features as an important factor, and we as officers, would want to ensure that speed of decision making on planning applications remains central to the quality of our work, this will be set within a wider supporting context of quality, resources and outcomes on the ground.

3.3. The main component parts of the PPF consist of:

Part 1 - National Headline Indicators

Part 2 - The performance assessment across 8 areas of agreed activity - defining and measuring a high quality planning service

Part 3 - Supporting evidence and links to the related reports and studies

Part 4 - Service improvements and timescales for the delivery of improvements

#### 4.0 Considerations

4.1. Part 1 of the PPF largely provides statistical analysis of the breadth of service activities we carry out. The notable headline figures in these indicators are as follows:

- (i) The First Alteration to the Clackmannanshire Council Local Plan was adopted in October 2011.
- (ii) 95% of all planning applications were approved in the period. We would expect to maintain this standard in the forthcoming periods.
- (iii) 94% of all applications were decided by the Council's Appointed Officers under its Scheme of Delegation for Local Developments. This has contributed to high standards of performance for these types of application, and reflects the expectation of the Scottish Government that most planning applications are delegated to officers, for decision making.
- (iv) Decision making timescales are now measured by average number of weeks to decision. Previously, it was measured by the percentage of applications decided within 2 months. For major applications, the figure of 77 weeks is abnormally high, and can be explained by decisions on two major planning applications, namely the proposed new village at Forestmill, and the long term expansion development at Coalsnaughton. The former was called in by the Scottish Government for a public local enquiry, but following legal challenge and material changes in the development planning position, the call in Direction was eventually reversed, and the application returned to the Council for decision. That process took over five years. The latter was "suspended" at the applicant's request, due to legal constraints. It therefore sat undetermined for many years before being effectively resurrected, re-publicised and approved by Council. That application, too, took over five years. These two applications have skewed the performance figure, and we are entirely confident that this and the other two average period figures will improve year on year from this baseline starting position.

4.2. Part 2 of the PPF introduces a new set of parameters for measuring the quality of the planning service within Development Services. The categories which the Government has identified are:

- Open for Business

- High Quality Development on the Ground
  - Certainty
  - Communications, Engagement and Customer Service
  - Efficient and Effective Decision Making
  - Effective Management Structures
  - Financial Management and Local Governance
  - Culture of Continuous Improvement
- 4.3. Throughout each section, we have identified a series of practices and outcomes that demonstrate the breadth of work in the Development Plan and Development Quality teams, and how these collectively contribute to the robustness of service delivery, the engagement with customers, efficiency of work practice and the contribution these ultimately make to process and development outcomes.
- 4.4. These parameters will now be used to develop and refine the use of Covalent for performance management of the service.
- 4.5. Part 3 of the PPF is a relatively straightforward, concise and self-explanatory list of sources that have been used to assist in compiling the evidence in the Framework.
- 4.6. And finally, Part 4 of the PPF highlights our proposed Service Improvements which are being implemented during 2012/13. This is based on a culture of continuous improvement as expressed in the Clackmannanshire Improvement Model and is captured in action plans which are supplementary to the Community and Regulatory Service Business Plan. Each improvement is itemised to aid understanding and analysis. Progress on improvements will be monitored through the normal management and reporting arrangements.

## **5.0 Resource Implications**

### **5.1. *Financial Details***

There are no additional financial implications arising from this report.

## **6.0 Exempt Reports**

6.1. Is this report exempt?    Yes ☐ (please detail the reasons for exemption below)    No ☒

## **7.0 Declarations**

The recommendations contained within this report support or implement our Corporate Priorities and Council Policies.

(1) **Our Priorities** (Please double click on the check box ☒)

- |  |                                     |
|--|-------------------------------------|
| The area has a positive image and attracts people and businesses         | <input checked="" type="checkbox"/> |
| Our communities are more cohesive and inclusive                          | <input type="checkbox"/>            |
| People are better skilled, trained and ready for learning and employment | <input type="checkbox"/>            |
| Our communities are safer  | <input type="checkbox"/>            |
| Vulnerable people and families are supported                             | <input type="checkbox"/>            |
| Substance misuse and its effects are reduced                             | <input type="checkbox"/>            |
| Health is improving and health inequalities are reducing                 | <input type="checkbox"/>            |
| The environment is protected and enhanced for all                        | <input checked="" type="checkbox"/> |
| The Council is effective, efficient and recognised for excellence        | <input checked="" type="checkbox"/> |

(2) **Council Policies** (Please detail)

**8.0 Equalities Impact**

8.1 Have you undertaken the required equalities impact assessment to ensure that no groups are adversely affected by the recommendations?

Yes ☐ No ☒

**9.0 Legality**

9.1 It has been confirmed that in adopting the recommendations contained in this report, the Council is acting within its legal powers. Yes ☒

**10.0 Appendices**

10.1 Please list any appendices attached to this report. If there are no appendices, please state "none".

Appendix 1 - Planning Performance Framework

**11.0 Background Papers**

11.1 Have you used other documents to compile your report? (All documents must be kept available by the author for public inspection for four years from the date of meeting at which the report is considered)

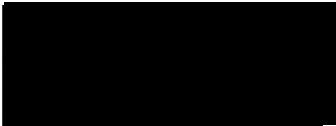
Yes ☐ (please list the documents below) No ☒

**REPORT TO ENTERPRISE & ENVIRONMENT COMMITTEE OF 8 NOV 12 (con't)**

**Author(s)**

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**Approved by**

<b>NAME</b>	<b>DESIGNATION</b>	<b>SIGNATURE</b>
John Gillespie	Head of Community and Regulatory	
Garry Dallas	Director of Services to Communities	



## APPENDIX 1 - PLANNING PERFORMANCE FRAMEWORK

### PLANNING PERFORMANCE FRAMEWORK ANNUAL REPORT 2011-2012

#### 1. National Headline Indicators (NHIs)

Key outcomes	2011-2012	
<b>Development Planning:</b> <ul style="list-style-type: none"> <li>age of local/strategic development plan(s) (full years) <i>Requirement: less than 5 years</i></li> <li>development plan scheme: on track? (Y/N)</li> </ul>	1  Y	
<b>Effective Land Supply and Delivery of Outputs</b> <ul style="list-style-type: none"> <li>effective housing land: years supply</li> <li>effective housing land supply<sup>1</sup></li> <li>housing approvals<sup>3</sup></li> <li>effective employment land supply<sup>2</sup></li> <li>employment land take-up</li> <li>effective commercial floor space supply<sup>2</sup></li> <li>commercial floor space delivered</li> </ul>	5 years 1218 units 139 units 109.26 ha 9 ha 14,000 m <sup>2</sup> 380 m <sup>2</sup>	
<b>Development Management</b> <b>Project Planning</b> <ul style="list-style-type: none"> <li>percentage of applications subject to pre-application advice</li> <li>number of major applications subject to processing agreement or other project plan</li> <li>percentage planned timescales met</li> </ul> <b>Decision-making</b> <ul style="list-style-type: none"> <li>application approval rate</li> <li>delegation rate</li> </ul>	3% 0 n/a  95% 94%	
<b>Decision-making timescales</b> Average number of weeks to decision: <ul style="list-style-type: none"> <li>major developments</li> <li>local developments (non-householder)</li> <li>householder developments</li> </ul>	77 weeks 10 weeks 6 weeks	
<b>Enforcement</b> <ul style="list-style-type: none"> <li>time since enforcement charter published /</li> </ul>	18 months	

reviewed (months) <i>Requirement: review every 2 years</i> • number of breaches identified / resolved	61/53	
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<sup>1</sup> Supply for 2011/2012 - 2015/2016 from 2011 HLA

<sup>2</sup> From sites allocated in the adopted Development Plan minus any taken up since adoption

<sup>3</sup> This figure excludes any housing approved as part of an application for Planning Permission in Principle

### Project Planning

The percentage of applications subject to pre-application advice is misrepresentative, as it excludes:

(i) advice on householder developments - this is not recorded on our management system

(ii) verbal advice to customers, again not recorded on our system

### Decision Making Timescales

The average number of weeks for decisions on major applications has been overly influenced by two applications; one called in by the Scottish Government only for the Direction to be revoked, and the other delayed for 6 years at the applicant's request to deal with legal constraints.

Evidence indicates that decisions on a small number of local developments (non householder) were delayed for abnormal periods of time for a variety of reasons, invariably associated with protected species surveys and scrutiny of technical data. The result has been an average number of weeks which significantly exceeds the figure for 90% of these applications.

### Enforcement

The figure provided for cases resolved includes breaches of planning control where no action is deemed necessary, as set out in the Council's Enforcement Strategy. This may involve circumstances where the development only marginally exceeds permitted development thresholds, or where planning permission would be granted with necessary conditions.



## PLANNING PERFORMANCE FRAMEWORK

### 2. Defining and measuring a high-quality planning service

<i>Open for business</i>	<ul style="list-style-type: none"> <li>• Development Quality (DQ) team structured with a customer focus. The three case officers deal with: residential, commercial and householder developments</li> <li>• There is no separate enforcement or monitoring officer. DQ Officers provide a "cradle to grave" service, from pre-application advice through to monitoring the implementation of development.</li> <li>• Free pre-application advice available to all prospective applicants. This message is set out on Council's website, and widely known to all regular agents.</li> <li>• Advice will include an indication of infrastructure requirements, and the information to be provided to accompany the application.</li> <li>• Appropriate internal consultation at pre-application stage, including Roads, Env Health, Land Services</li> <li>• Efficient handing of planning applications - see Part 1 for decision making timescales.</li> </ul>
<i>High quality development on the ground</i>	<ul style="list-style-type: none"> <li>• Planning Service (DQ) representation on local civic trust bi-annual design awards panel for residential, commercial and householder developments.</li> <li>• DQ provide a joint pre-application advice service with the Council's Roads Service to help deliver the Government's objectives in Designing Streets and ensure a seamless transition through the planning and road construction consent regimes</li> <li>• Officers committed to securing design improvements through the planning process, and now recorded on the planning application management system performance targets.</li> <li>• Inclusion of Development Guidelines in Development Plan to guide quality outcomes..</li> <li>• Commitment through development plan to the preparation of briefs or masterplans for certain sites.</li> </ul>
<i>Certainty</i>	<ul style="list-style-type: none"> <li>• Almost all planning applications decided in accordance</li> </ul>

	<p>with the balance of Local Plan policies or in accordance with allocations on the Local Plan Proposals Map.</p> <ul style="list-style-type: none"> <li>• Protocol established with Central Scotland Police to secure consistent consultation arrangements and provide added confidence to the development sector on compliance with Secured by Design objectives</li> <li>• High proportion of applications (see Table 1) decided by Appointed Officer in accordance with Scheme of Delegation for Local Developments. This provides customers (applicant, agents and third parties) with added certainty in decision making arrangements. This eliminates risk of change and provides confidence in decision making on appeal at a local level.</li> <li>• All third parties receive a written notification of Council decision on applications. This includes the decision, any conditions and reasons, a summary of objections and an explanation of the planning service response that has contributed to the outcome.</li> <li>• Notification letter to notifiable neighbours includes a message on the envelope that the communication includes important information about development planned in their area. This helps to eliminate uncertainty regarding the execution of process and the status of planning decisions that might otherwise be subject to challenge</li> <li>• LDP - Main Issues Report workshops arranged with targeted groups, including housebuilders, local businesses, local community groups.</li> </ul>
<i>Communications, engagement and customer service</i>	<ul style="list-style-type: none"> <li>• The Council provides an on-line customer advice service, with ease of access to our Planning Information Service and advice on various procedures, including: pre-application consultation, pre-application advice, the need for planning permission, information required for different types of application, the application process and publicity, decision making arrangements, including our Scheme of Delegation, decisions, appeals and reviews.</li> <li>• A DQ Customer Forum was held in February 2012, which focussed on planning reform and new householder permitted development rights. Calls for repeat events will now be accommodated on an annual basis.</li> <li>• Customer feedback from the Forum will be reviewed and actioned in 2012/13. Work on this is already well advanced.</li> <li>• The Service monitors use of the online Planning</li> </ul>

	<p>Information Service on a month by month basis. During the period, the frequency of monthly hits to the planning pages ranged from 1472 to 1999. We will bring forward web site improvements in accordance with the recommendations in the Pendleton Report.</p> <ul style="list-style-type: none"> <li>• Written or electronic communication from the Service provide direct call telephone numbers to officers. All incoming calls are answered by an officer or by support staff. A customer should never need to leave a recorded message.</li> <li>• The Services recognises the differing needs of customers at the pre-application, application, appeal, monitoring and enforcement stages of the regulatory process and has officers dedicated to residential, commercial and householder development. For occasional customers, officers understand the need to "take their hand" through the planning process and in particular, householders who are largely unfamiliar with the profession.</li> <li>• All staff have been trained to deal with difficult customers</li> <li>• Ability to comment on Development Plan and Main Issues Report electronically.</li> <li>• Online LDP information regularly updated.</li> <li>• LDP - Main Issues Report public drop-in sessions.</li> <li>• LDP - Main Issues Report workshops arranged with targeted groups, including housebuilders, local businesses, local community groups.</li> <li>• LDP - visit to local secondary school to engage with pupils, who were considered 'harder to reach'.</li> <li>• Publication of 'Local Development Plan News' (June 2011).</li> <li>• Met with Community Council to advise and input to their development of a 'Community Plan'.</li> </ul>
<i>Efficient and effective decision-making</i>	<ul style="list-style-type: none"> <li>• The Council's Scheme of Delegation on Local Developments is being reviewed. The indications from 2011/12 are that the Scheme has been an aid to decision making, bringing greater certainty to the process and without apparent prejudice to 3rd party interests.</li> <li>• Committee decision making structures are fit for purpose. Key efficiency features include</li> </ul>

	<ul style="list-style-type: none"> <li>(i) Confidential draft agendas issued to management team and councillors as an "early warning system"</li> <li>(ii) Member site visits convened <u>before</u> committee meetings to avoid unnecessary delays</li> <li>(iii) Scheme of Oral Representations provides opportunity for officer, applicants, objectors and community councils to address the committee. Well structured and well received.</li> <li>(iv) Decisions issued immediately after committee meetings.</li> <li>• Monthly Enforcement Group convened to monitor progress on casework and agree decisions on need for formal action.</li> </ul>
<i>Effective management structures</i>	<ul style="list-style-type: none"> <li>• Development Services has an effective management structure in place throughout the period. This includes: <ul style="list-style-type: none"> <li>(i) Monthly Team Leaders' Meeting focussing on key major/ strategic/cross-cutting issues, applications or proposals. This meeting, for example, will update the forward planning list of Committee and Council reports.</li> <li>(ii) One to One Manager/Team Leader meetings on a fortnightly basis, agendas for such meeting based on major applications, those to have attracted representations, forthcoming committee items and significant enforcement action</li> <li>(iii) Diarised one to one weekly meetings between Team Leader and Case Officers</li> </ul> </li> <li>• Monthly performance reports submitted to DS management team which: <ul style="list-style-type: none"> <li>(i) itemises applications received and decided by officer</li> <li>(ii) identifies any application decided outwith the performance target period</li> <li>(iii) explains the particular circumstances to have contributed to those identified in Item (ii) above</li> </ul> </li> </ul>

	<ul style="list-style-type: none"> <li>• Pre-Committee convenor briefing on committee agenda items, with updates on information received, site visit by members and any other potential barriers to decision making</li> <li>• Secondment of Development Management staff into LDP production team and input from Sustainability team members.</li> </ul>
<i>Financial management and local governance</i>	<ul style="list-style-type: none"> <li>• Monthly report produced to monitor planning application fee income against target income</li> <li>• Within a relatively small Service, flexible staff resource management arrangements are in place to provide opportunities to broaden skills, knowledge and experience, but more importantly, to react positively to fluctuating demand on resources from planning application casework, local plan production and enforcement</li> </ul>
<i>Culture of continuous improvement</i>	<ul style="list-style-type: none"> <li>• Staff within the Planning Service undertake a Performance Review and Development (PRD) programme on an annual basis. The exercise focuses on behavioural competencies such as commitment to quality, developing people and excellence in customer service. This model of staff development is designed to improve performance and service delivery</li> <li>• The PRD identified training and development opportunities which are aligned to the officers' job profile and key tasks</li> <li>• The Service Action Plan, which forms part of a wider Business Plan, is monitored quarterly throughout the year</li> <li>• A review of development monitoring has identified one key area of customer feedback, associated with land management and maintenance. The Service will improve its use of conditions and monitoring arrangements to remedy this problem.</li> </ul>

### **3. Supporting evidence**

Part 2 of this report was compiled, drawing on evidence from the following sources:

- 2011/2012 Community and Regulatory Business Plan
- 2011/2012 Development Quality Action Plan
- Clackmannanshire Council Competency Framework
- Internal Performance Management Monthly Reports
- Clacksweb - Planning and Building Standards

### **4. Service improvements: 2012-13**

In the coming year we will:

- Implement where appropriate the recommendations from the 2011-2012 DQ Customer Forum feedback on Service Improvements
- Improve our web site content and layout in accordance with the findings and recommendations in the Pendleton Report
- Undertake a peer group review of approved and implemented housing developments, examined against government guidance on place making and emerging Local Development Plan policy on design and layout of developments
- Review and update the Service portfolio of development briefs for sites in the Local Development Plan
- Improve performance on project planning indicators for 2011/2012
- Review the Council's Scheme of Oral Representations at the Planning Committee by surveying key users and identifying areas for change
- Review Scheme of Delegation on local developments and implement agreed recommendations
- Undertake customer satisfaction survey, identify any areas of weakness in service delivery and examine areas for improvement
- Convene a DQ Customer Forum with a focus on a continuing programme of Planning reform
- Increase the use of Planning Contravention Notices, Section 33A Notices and Fixed Penalty Notices to speed up enforcement decision making

Delivery of our service improvement actions in 2011-12:

<b>Committed improvements and actions</b>	<b>Complete?</b>
<i><b>[Commitment]</b></i>	<i>[Yes/No]</i>
<ul style="list-style-type: none"> <li>• Convene DQ Customer Forum</li> </ul>	Yes
<i><b>[Commitment]</b></i>	<i>[Yes/No]</i>
<ul style="list-style-type: none"> <li>• Renewable Energy Strategy - to be included in forthcoming LDP</li> </ul>	No
<i><b>[Commitment]</b></i>	<i>[Yes/No]</i>
<ul style="list-style-type: none"> <li>• Developer Contribution Strategy to be included in forthcoming LDP</li> </ul>	No
<i><b>[Commitment]</b></i>	<i>[Yes/No]</i>
<ul style="list-style-type: none"> <li>• Maintain performance in top quartile of planning authorities</li> </ul>	Yes

