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Derek Mackay MSP
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Alistair Buchan
Chief Executive
Orkney Islands Council



10 June 2013

Dear Mr Buchan

COUNCIL PERFORMANCE: THE PLANNING PERFORMANCE FRAMEWORK

I am writing to thank you for your authority's first annual report under the new Planning Performance Framework. I have enclosed a feedback report for your authority, and I would ask you to consider this with your planning officials as part of the approach to pursuing continuous performance improvement together.

You will know that I am committed to ensuring that the planning system in Scotland does all it can to facilitate sustainable economic growth for Scotland. I strongly believe that this should not be dependent solely on legislative and procedural change. Changes in culture and service delivery, by all sectors involved in planning, will improve the reputation and effectiveness of our planning system and are consistent with our shared commitments to Delivering Planning Reform.

The Planning Performance Framework, which was developed by Heads of Planning Scotland, presents a more holistic framework for assessing planning authority performance and improvement. While I am encouraged by this first round of performance reports, I would ask that you ensure that the focus on performance and service culture is firmly embedded throughout your authority, by all who play a part in delivering the planning service, so that planning can achieve its' potential in supporting the Government's Economic Strategy.

Performance is not just the responsibility of planning authority planners. The development sector, agents, agencies, communities and other Council services all need to work together to improve delivery. There are some key areas where I want to see a particular focus on improvements across Scotland.

- We have a plan-led system and I am determined that development plans should be relevant and up to date, reviewed and replaced on a rolling 5-year cycle.

- I want to see evidence that clear arrangements are in place for pre-application discussion and that strong project management arrangements support determinations on significant developments. My officials are separately leading work on promotion of processing agreements in this regard.
- I want to ensure that requests for information are clear and proportionate. We need to reduce some of the emphasis on process where value is not being added, and to maintain a focus on positive outcomes and quality of place.
- There is a need to increase pace in planning decision-making. While there have been some recent improvements by some authorities, this has been variable across the country and it is still taking too long to determine some planning applications.
- There are some long-running 'legacy' cases which, when decided after several years, are distorting the performance statistics and damaging planning's reputation. These old cases need to be withdrawn or concluded as soon as possible.
- I want to improve performance on managing the negotiation, conclusion, and delivery of section 75/legal agreements.

All of this in turn should lead to reduced and more predictable decision-making timescales and help to get important development up and running as early as possible.

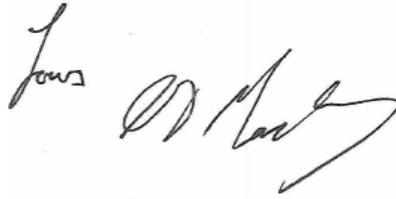
Turning to your authority's performance report, I was encouraged to see a range of actions being carried out to better understand your service standards and to inform future improvements across the planning service. I look forward to hearing of outcomes through your next report, particularly whether planning customers can see a difference and value the service they receive. I am concerned about the age of your local plan and want you to ensure your new Local Development Plan is completed as early as possible to provide a clear, relevant and up-to-date policy framework to support and encourage good development for Orkney. In terms of efficient application handling, there remains some scope for you to eliminate delays in some cases and I recognise you have restructured your team and committee structures and also appointed new staff to help manage the caseload.

In addition to the progress being made through the framework, you will likely be aware that we have recently convened a High-Level Group on Planning Performance, which I co-chair with Councillor Stephen Hagan, COSLA Spokesperson for Development, Economy and Sustainability. The group is reviewing performance across Scotland and is bringing a shared focus to key areas for improvement and I have enclosed a copy of a Performance Markers Paper which the group have agreed.

It is identifying the markers of good performance that will link to any future reform of planning fees, as well as looking at the process that will be used for setting different fee levels for individual authorities based on their performance under powers proposed through the Regulatory Reform (Scotland) Bill.

I am hosting a series of events across Scotland for local authority and agency officers to discuss my views and expectations of performance within the planning service. I would be pleased if you would encourage staff from across your authority who have a role to play in planning to attend their nearest event.

In the meantime I look forward to hearing about your authority's progress with delivering your service improvements and to your next annual performance report.

A handwritten signature in black ink, appearing to read 'Derek Mackay', is centered on the page. The signature is written in a cursive style with a large, sweeping flourish at the end.

DEREK MACKAY

cc. Roddy Mackay

Date performance report due: 30 September 2012

Date of receipt of report: 2 October 2012

National Headline Indicators

- Your local plan is already well over 5 years old, with some way still to go before your replacement Local Development Plan (LDP) adopted. We accept there has been a learning process in this first round of LDPs but slippage needs to be avoided where possible. We now want to see good progress with this and subsequent LDPs, project-planned through to adoption. Updating on the 5-year cycle is essential in giving a clear lead and certainty for future investment in development.
- Information on land supply is noted, including your 5 year housing land supply. Heads of Planning Scotland (HOPS) are currently preparing definitions for recording 'employment land' and 'commercial floorspace' for the second round of reports to bring consistency to these measures.
- We welcome your comments about the availability of a free pre-application advice service and note that a third of all applications had been subject to pre-application advice during the year.
- We note that you decided a single major application during the year, within a very short timescale. No mention is made in your report as to whether you use or offer processing agreements for the handling of major applications. These can do a lot to increase certainty and promote efficient planning processes. You will be aware that the Scottish Government has recently published a processing agreement template, which we hope will be a good starting point.
- Approval and delegation rates were higher than the Scotland averages.
- Decision-making timescales: while the proportion of local applications decided within 2 months was lower, your average timescales for decisions were slightly favourable compared to Scottish averages. Your comments about the impact of an increase in the number of applications during the year are noted.
- The statistics suggest that the time to conclude legal agreements (albeit for only 2 cases) may have been a contributor to delay, with these taking on average over a year. You need to identify what steps can be taken to eliminate unnecessary delays. 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, and we note your intention was to review your enforcement charter in the following year – this needs to stay within a rolling 2-year cycle. On activity to resolve planning breaches, there is a discrepancy

between the figures appearing in the National Headline Indicators (page 3) and Appendix 1 (page 11).

Defining and Measuring a High Quality Planning Service

- In addition to your availability for pre-application advice and duty officer approach, you could also explain how you work alongside other council services and consultees to ensure a proportionate approach to requests for information to support applications. You might want to back this up with some feedback or testimonies from developers in future reports.
- You have provided good evidence of a range of actions and initiatives, including the development of policy support, relating to the delivery of good quality development and placemaking. It is important to learn from completed developments, and we are interested to understand from your experience where the planning process has added value to developments. We look forward to hearing more on this in future reports.
- You have demonstrated an ongoing commitment to provide up-to-date planning guidance, training and engagement on particular issues such as wind turbines, aquaculture and the changing economic climate, which we hope will also support your LDP once adopted, providing a strong policy framework to guide future development.
- We note you have contacted stakeholders in relation to application standards. Has there been a particular issue with application quality and do you hold any statistics on validation delays? It would be interesting to hear also the applicants' perspective if you have feedback on this matter. If appropriate, you could report on progress in your next report.
- We are encouraged by your operation of a stakeholder forum meeting on a 6-monthly cycle, and we welcome your intention to introduce a customer satisfaction survey, both of which can help to build and maintain strong working relationships. Future reports could include a flavour of the issues raised through feedback and how you have acted on it.
- We recognise the importance of quality online options for remote communities and have welcomed your good record in roll-out of ePlanning online applications. We also note and support your commitment to update your website to meet customer needs.
- We note some restructuring has occurred in your planning team, including a new appointment, to react to new responsibilities and workload pressures. You could explain in future reports to what extent you are able to adopt a flexible approach to meet pressures and priorities at any given time. You also mention a wider restructuring of senior and corporate management; you could explain the purpose of this and how it has brought benefits to the planning service.
- We note your comments about a corporate 'spend to save' fund and would be interested in any examples of how this has been used in the context of the planning service.
- We welcome the opportunities available for officers to progress their personal development. It is also good to learn of your participation in 'How Good is our Council' as well as a diagnostic review of your development management service and we look forward to learning of outcomes and improvement actions from future performance reports. You also mentioned involvement in a

benchmarking meeting; an exercise we would encourage as a regular means to learn and challenge each other.

Service Improvement Commitments 2012-13

- You have made some improvement commitments that reflect the service culture envisaged through the Planning Performance Framework. We look forward to following progress in your next report.
- Some of the commitments relate to core or routine business (for example, adopting your LDP and reviewing your enforcement charter). This section of the report should focus on new and specific actions that will be taken to improve service delivery, not core business.

Service Improvements 2011-12: Delivery

- You have reflected a decent range of activity undertaken in relation to commitments made in your last service improvement plan, some of which are continuing or rolled forward for future action.
- Again, some of the commitments were more related to core business than specific improvements to service delivery.

Conclusion

- Overall, a well-produced report displaying an understanding of the authority's strengths and setting out a range of activities carried out through the year and planned for the future that will improve service delivery in the way envisaged through the Planning Performance Framework.
- Future reports could benefit from some more detailed supporting information, such as in relation to customer feedback and satisfaction levels.
- One particular priority must be to progress and complete adoption of your Local Development Plan at the earliest opportunity, to provide a sound basis for supporting future development.

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.

*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 **before 30 September 2013.***