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Mr Alistair Buchan  
Chief Executive  
Orkney Islands Council

25 November 2016

Dear Mr Buchan

## **PLANNING PERFORMANCE FRAMEWORK 2015-16**

Thank you for submitting your authority's annual Planning Performance Framework (PPF) report covering the period April 2015 to March 2016. Please find enclosed your feedback report, which is based on the evidence provided within your PPF.

I am very pleased that the quality of PPF reporting has again improved with many authorities setting out a very clear story of how the service is operating and detailing their priority actions for improvement. There have been general improvements across most of the categories however, there still remains high levels of inconsistency in planning authority decision making timescales across the country. This was also reflected through the recent publication of the statistics for the first quarter of 2016-17 which shows that certain authorities, and certain cases, are dragging the statistics down considerably. I asked officials to look into the reasons for delay in some of the lengthiest cases and will report on that to the High Level Group on Performance.

Planning performance improvement has come a long way in recent years and the PPF framework provides an excellent opportunity for authorities to set out the details behind their performance and showcase good practice and innovative ideas. I hope we can continue to work positively with authorities to improve monitoring processes and continue our collective commitment to improving services.

This is an exciting time for planning – the momentum of the independent planning review is continuing and we will be publishing a consultation outlining options for change in the winter, to inform the future Planning Bill. The consultation will cover a variety of options to enhance community involvement in planning; help deliver homes and infrastructure; simplify development planning and management processes; and focus on improving the service and reputation of planning. It is a challenging timetable but a fantastic opportunity to deliver real change.

Although there are some things that we need legislation to change, many of the panel's recommendations don't need legislation, they need a change in working practices, a recognition that planning creates the places where people work, live, learn and play. To achieve the outcomes we all want to see, authorities need to reposition planning to ensure that it sits at the very heart of the authority and has the resources available to it to make sure it provides the best service possible to developers, stakeholders and the authority in which it sits. To help achieve this we will shortly be launching a consultation on raising the planning fee maximum in an effort to move towards cost recovery. Following the planning bill we will consult further on potential reform of the fee regime.

I hope that you and your authority will actively participate as we progress, ensuring that we see real change throughout the planning community.



**KEVIN STEWART**

**CC: Roddy Mackay, Head of Planning and Regulatory Services**

## PERFORMANCE MARKERS REPORT 2015-16

Name of planning authority: **Orkney Islands 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]	Green	<p><b>Major Applications</b></p> <p>At 24.1 weeks your timescales have increased from last year however they remain quicker than the national average of 38.8 weeks.</p> <p>RAG = Amber</p> <p><b>Local (Non-Householder) Applications</b></p> <p>At 9.3 weeks your timescales have improved again and remain quicker than the 12.3 week national average.</p> <p>RAG = Green</p> <p><b>Householder Applications</b></p> <p>At 6.4 weeks you have improved your timescales and you remain quicker than the 7.5 week national average.</p> <p>RAG = Green</p> <p><b>TOTAL RAG = Green</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>You did not have any applications with a processing agreement this reporting year, but note that the opportunities for using processing agreements in Orkney is limited.</p> <p>On your website you explain about processing agreements and that these are normally used for all major applications, and encouraged for local developments which are complex or likely to prove contentious.</p> <p><b>RAG = Green</b></p> <p>Your website includes information about processing agreements including their benefits.</p> <p><b>RAG = Green</b></p>

3	<p><b>Early collaboration</b> with applicants and consultees</p> <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>A very high proportion (71%) of your applications are subject to pre-application discussions.</p> <p>You provide a free pre-application advice service to members of the public including a 4 day/week duty officer to deal with public queries at the main office. You also provide a duty officer service providing free advice 5 days a week, with no appointment needed. Formal written advice is also provided. <b>RAG = Green</b></p> <p>As last year you mention you have a “Validation Checklist” for applicants, covering the majority of information required to be submitted with a planning application to try to reduce the number of invalid applications. You also have Supplementary Guidance on Development Briefs and Design Statements to provide more certainty for developers in terms of the levels of information required for these documents and where they are required. <b>RAG = Green</b></p>
4	<p><b>Legal agreements:</b> conclude (or reconsider) applications after resolving to grant permission</p> <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>	Green	<p>You concluded 1 legal agreement this year associated with a local development, which was concluded in 7.6 weeks, significantly down on your average timescale for the previous reporting year of over 36 weeks.</p>
5	<p><b>Enforcement charter</b> updated / re-published within last 2 years</p>	Green	<p>Your Enforcement Charter was reviewed, updated and approved 6 months ago.</p>
6	<p><b>Continuous improvement:</b></p> <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>	Green	<p>Both your local and householder determination timescales have shown an improvement over the reporting period. As you have noted your timescales for determining major applications show a significant deterioration in comparison with the previous reporting period, however we note that as you have a low number of applications for major developments, issues with delay with one can have a significant effect on your average timescale. Your development plan and Enforcement Charter are both up to date. <b>RAG = Green</b></p> <p>You have made good progress with your actions identified for the reporting year with the majority completed or ongoing. For the next reporting year you have identified a good range of commitments including, extending your pre-application service to 5 days a week, and looking at alternative forms of communication and media. <b>RAG = Green</b></p>
7	<p><b>Local development plan</b> less than 5 years since adoption</p>	Green	<p>Your LDP, adopted in April 2014, was 1 year 11 months at the end of the reporting year.</p>

8	<p><b>Development plan scheme</b> – next LDP:</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>	Green	<p>You indicate in the NHI that the LDP will be replaced by its 5<sup>th</sup> anniversary.  <b>RAG = Green</b></p> <p>you participated in the second pilot trial of our “Gateway Review” process aimed at ensuring better project management of LDPs, and implemented the recommendations during the reporting year and some key changes made, with more defined roles for team members and the development of a Comms Plan.  <b>RAG = Green</b></p>
9	<p><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></p>	Green	<p>You consulted on your MIR this reporting year. Prior to its publication you arranged a programme of engagement with elected members (workshop session, presentation and discussion at Member/Officer Working Group and drop-in Q&amp;A session with officers).</p>
10	<p><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></p> <p><i>*including industry, agencies and Scottish Government</i></p>	Amber	<p>Prior to publishing your MIR you note there was significant engagement with key agencies (workshop session plus early draft provided for comment); within the Council and community councils (workshop session)/ However, there is no reference of how you engaged with the development industry / landowners at that early stage.</p>
11	<p><b>Regular and proportionate policy advice</b> produced on information required to support applications</p>	Green	<p>You provide a “Validation Checklist” for applicants, which covers the majority of information required to be submitted with a planning application in order to try to reduce the number of invalid applications being submitted.</p> <p>You have prepared Supplementary Guidance on Development Briefs and Design Statements to provide more certainty for developers in terms of the levels of information required for these documents and where they are required.</p> <p>You have also approved the National Roads Development Guide and the Landscape Capacity for Wind Energy in Orkney as Planning Policy Advice to provide more certainty for developers.</p>
12	<p><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)</p>	Green	<p>You provide a single point of contact for development proposals throughout the planning application process. The Council facilitates joined up working through your internal Development and Infrastructure Pre-Project Planning and Information Exchange team, with officers from across service areas including Planning, which ensures regular communication and exchange of information on the progress of key development sites and developer interests. You provided information about your multi-disciplinary project team, with officers from the Planning, Roads, Design, Development and Engineering services, who have been involved in implementing the Place-making Strategy and Policy within Orkney.</p>

13	<b>Sharing good practice, skills and knowledge</b> between authorities	Green	<p>Through the “Empowering Scotland’s Island Communities” project you have been working with the two other Islands Councils to identify opportunities for devolving more powers related to marine and terrestrial planning to a local level. You gave the example of sharing your skills with another authority where you have a shared service working arrangement with Comhairle nan Eilean Siar, with your Historic Environment Officer providing conservation advice on their listed building applications.</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	Green	<p>You cleared 6 legacy cases over the reporting year, and just have 2 outstanding.</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);</li> <li>and</li> <li>• in pre-application discussions</li> </ul>	Amber	<p>Your Local Development Plan Settlement Statements identify the need for specific developer contributions and site specific development briefs and masterplans as they are produced. In addition you have Supplementary Guidance covering Developer Contributions.</p> <p><b>RAG = Green</b></p> <p>As we have commented in successive PPF feedback reports it is still not clear how pre-application discussions set out clear and proportionate developer contribution requirements, we would urge you to explicitly set this out in future reports.</p> <p><b>RAG = Red</b></p>

**ORKNEY ISLANDS COUNCIL**  
**Performance against Key Markers**

Marker		2012-13	2013-14	2014-15	2015-16
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>	6	4	3
<b>2013-14</b>	1	6	6
<b>2014-15</b>	0	3	10
<b>2015-16</b>	0	2	13

**Decision Making Timescales (weeks)**

	2012-13	2013-14	2014-15	2015-16	2015-16 Scottish Average
Major Development	-	7.3	7.0	24.1	38.8
Local Householder) Development (Non-	10.9	11.4	9.8	9.3	12.3
Householder Development	9.7	8.7	6.8	6.4	7.5