



**Clackmannanshire
Council**

DEVELOPMENT SERVICES

**PLANNING PERFORMANCE
FRAMEWORK**

ANNUAL REPORT 2013/2014

Contents

Introduction

Part 1 National Headline Indicators

Part 2 Defining and Measuring a High Quality Planning Service

1. Open For Business
2. High Quality Development on the Ground
3. Certainty
4. Communications, Engagement and Customer Service
5. Efficient and Effective Decision Making
6. Effective Management Structures
7. Financial Management and Local Governance
8. Culture of Continuous Improvement

Part 3 Supporting Evidence

Part 4 Service Improvements for 2014/2015

Part 5 Official Statistics

Part 6 Workforce and Financial Information

Appendices:

1. Consultation Letter on Pre-application Advice
2. Scheme of Delegation - Member Call-in Proforma
3. Planning Application Process Map
4. Customer Forum Feedback Analysis - 2013
5. Development Quality Organisational Model
6. Consultation Protocol - Dollar Community Council
7. Extract from Council Newspaper "Clackmannanshire View"
8. Planning Enforcement Improvement Plan

Introduction

This is Clackmannanshire Council's third annual report on its Planning Performance Framework (PPF) for Development Services. Following our submission and publication of performance information for 2012/2013, and as part of its culture of continuous improvement, the Council has given consideration to the Scottish Government's feedback provided in November last year. Where appropriate, we have considered the scope to review practice and procedures, embed these within our planning process, and include changes in our new document. Particular focus has been given to the inclusion of evidence on Performance Markers which were identified as priority areas for improvement action.

This year saw the approval of the Council's Proposed Local Development Plan (LDP), prepared in accordance with the legislation and advice embraced within the Government's delivery of Planning Reform in Scotland, and replacing the Stirling and Clackmannanshire Structure Plan and the Clackmannanshire Local Plan. Following the initial publication of the Main Issues Report and the draft LDP, an intensive period of consultation took place, which then informed progress on the proposed plan. This work was intensively project managed and facilitated to enable onward submission to Scottish Ministers. In our drive towards continuous improvement, the revised timescales of the 2013 Development Plan Scheme were met, following the slippage of the previous year and the Proposed Local Development Plan was approved by Council later in 2014.

To assist with this exercise, and ensure that this major piece of work could be delivered on time within a relatively small Authority, we continued to deploy flexible and managed working arrangements within Development Management, drawing on practical work experience, and taking the opportunity to capitalise on a downturn in application casework. This enabled the completion of supplementary guidance and an Open Space Strategy.

This Annual Report represents a summary of the services provided by the Council on planning related matters. Measurement of performance has in the past focussed on speed of decision making on planning applications and time periods for up to date development plans. This latest Planning Performance Framework continues to broaden that profile, and presents an analysis of our performance in a wider context. It includes, for example, evidence of our procedures outwith the regulatory process, illustrates the proactive steps taken to engage with customers, and shows how the Service has made a difference in the quality of development approved or carried out in Clackmannanshire. It also showcases the contribution the Planning Service has made to a successful award of Customer Service Excellence.

Part 1 - National Headline Indicators

PLANNING PERFORMANCE FRAMEWORK ANNUAL REPORT 2012-2013



Clackmannanshire
Council

1. National Headline Indicators (NHIs)

Key outcomes	2013-2014	2012-2013
Development Planning: <ul style="list-style-type: none"> age of local/strategic development plan(s) (full years) <i>Requirement: less than 5 years</i> 	Structure Plan - 12 years Structure Plan 1st Alteration - 10 years Structure Plan 2nd Alteration - 10 years Structure Plan 3rd Alteration - 5 years Local Plan - 10 years Local Plan 1st Alteration - 3 years	2
<ul style="list-style-type: none"> development plan scheme: on track? (Y/N) 	Y	Y
Effective Land Supply and Delivery of Outputs <ul style="list-style-type: none"> effective housing land: years supply effective housing land supply housing approvals ² effective employment land supply ¹ employment land take-up 	5years 1657 units 143 units 109.26ha 2.96ha	5 years 1452 units 185 units 109.26ha 10.20 ha
Development Management Project Planning <ul style="list-style-type: none"> percentage of applications subject to pre-application advice number of major applications subject to processing agreement or other project plan 	27.9% 1 of 2	10% 0

<ul style="list-style-type: none"> percentage planned timescales met 	100%	n/a
Decision-making <ul style="list-style-type: none"> application approval rate delegation rate 	97.9% 96.6%	94% 91%
Decision-making timescales Average number of weeks to decision: <ul style="list-style-type: none"> major developments local developments (non-householder) householder developments 	7.9 weeks 8.3 weeks 5.8 weeks	0 10.2 weeks 5.6 weeks
Enforcement <ul style="list-style-type: none"> time since enforcement charter published / reviewed (months) <i>Requirement: review every 2 years</i> number of breaches identified / resolved 	42 months 64/63	30 months 42/50

Notes

1. Employment land supply is taken from the adopted Local Plan, and therefore remains unchanged
2. The indicator excludes the grant of Planning Permission in Principle for housing development

Development Planning

Progress with the Development Plan Scheme and approval of the Proposed Local Development Plan represent significant improvements in performance

Effective Land Supply and Delivery of Outputs

Effective Housing and Employment Land Supply remains high.

Project Planning

The % figure represents a significant increase on the preceding year. The contributory factors will include the consultation we undertook with stakeholders, and the new advice format.

Decision Making

The application approval rate has increased similarly, the percentage of applications determined under the Scheme of Delegation has increased, primarily as a result of a change in legislation and consequential amendments to the Scheme of Delegation.

The figures confirm that two major applications were decided during the year. Evidence indicates that developers are continuing to manage the application process to phase or sub-divide sites, keep applications under the threshold for major developments and therefore manoeuvre their way around the obligations for pre-application consultation.

However, we did have one project plan which enabled an efficient decision making process.

Decision Making Timescales

The figures record an improving trend on non-householder applications. Indeed the measure of improvement is quite significant. Contributing factors include increased pre-application advice, using the process plan to manage the process, and a downturn in the volume of casework. Performance on householder applications remains steady.

Enforcement

The figures indicate quite an increase in the level of enforcement activity. We have explained elsewhere in this report the circumstances associated with progress on our Enforcement Charter review, including the relatively low workload. The increase in enquiries will assist with review work.

Part 2 - Defining and Measuring a High Quality Planning Service

1. Open For Business

The Development Quality Team is structured with a customer focus. The three case officers deal with: residential development; commercial development; and householder developments. This ensures that customers receive a consistent level of advice, and it helps to develop good working arrangements with developers, and those less familiar with planning procedures. For example, the planner dealing with householder developments has the skill set necessary to communicate with applicants and third parties who are typically unfamiliar with planning procedures. Similarly, the officer responsible for residential development can consistently apply knowledge and policy on Designing Streets and other design guidance. Indeed, this officer has taken a leading role on much of the residential policy guidance for the Local Development Plan, and produced supplementary advice on Layout and Design, Energy Efficiency, Open Space Provision and Developer Contributions. This work built on an earlier secondment to the Development Plan team. We see that continuity of customer focus in the Development Plan process as an important "golden thread" through the planning service.

Development Quality has no separate enforcement or monitoring officer. Each officer provides a "cradle to grave" service, from pre-application advice through to monitoring implementation of development. The National Headline Indicators report on the Council's Enforcement Charter. It was published in February 2011. The Planning etc (Scotland) Act 2006 requires the Council to update and re-publish it whenever we think it appropriate, but within two years. Monthly liaison meetings between Legal Services and Development Services has proven to be an effective method for keeping our procedures and standards under review. Additionally, representation of the Service on the Council's Corporate Complaints Review Group, and the subsequent publication of our Customer Charter, enabled a strong focus on wider standards of customer service. However, with a relatively low number of enforcement enquiries and formal notices, coupled with few if any public comments on the Charter, we were persuaded that a two year period was insufficient time to assemble a meaningful body of evidence. We have, therefore, taken an additional year to review and update. The exercise commenced in March 2014. Re-publication is imminent and will be reported in next year's Framework.

Free pre-application advice continues to be available to all prospective applicants. This message is set out on the Council's website and widely known to all regular agents. In previous reports we have investigated an apparent low take up in this advice service, and the opportunity to deliver a more structured service. We wanted to align our feedback to the needs of the development industry, as the pre-application stage is seen as a vital opportunity to explain policy, procedures and key issues, and above all else, smooth the application process. It helps identify information that we may require, and, if it works well, should reduce the prospect of applications for planning permission being refused, with attendant appeals to Ministers and the Local Review Body. With this in mind, we consulted with a range of sector representatives (Appendix 1). Moderate feedback signalled the opportunity to develop a fresh approach, using a new advice template, enabling a consistent advice service. It appears to have been well received. We have no objective analysis of resultant application content or quality, but there is certainly heightened awareness of information requirements, policy issues and procedures. Equally, the NHI's confirm a significant upturn in the percentage of

applications subject to pre-application advice. Our application approval rate remains high.

Appropriate internal consultation continues to take place at pre-application stage with Roads, Environmental Health, Land Services and others. This is recorded on our property management database, and allows officers to identify the proportionate request for information to accompany any planning application. The model is closely aligned to the call from the Director of Planning and Communities, Homes for Scotland, for planners and engineers to move away from defensive engagement, and become involved in the business of giving proactive positive advice. Crucially, providing advice on relevant information avoids delay at the planning application stage. For example, in circumstances where we have asked for information in advance, and it does not then accompany the subsequent application, we will not delay decision making to wait again for this information. This only leads to repeat publicity, uncertainty and confusion for third parties.

As a separate stream of information management, we record permitted development enquiries for householder and non-householder developments on our application database. Each receives its own unique reference number, and a target response date.

The approval of supplementary advice on Developer Contributions has facilitated a Developer Contributions Team. Led by the Development Services Manager, the group of representatives from Housing, Education, Corporate Services, Facilities Management, Roads and Planning meet to examine applications and enquiries for major and significant local developments. Decisions from the team will be taken forward by the relevant case officer, either in pre-application advice or before determination of the application. This working model, coupled with the supplementary advice, ensures consistent and informed decisions, and more effective cross service working.

LDP representation period was extended to 8 weeks as it fell over the Christmas and New Year period and the statutory 6 week period did not fit in well with some Community Council's meeting schedules. Dollar community were allowed until late February to make their representations to allow the results of a Community Masterplanning exercise organised by the Community Council, which was ongoing during January/ February, to be considered and incorporated into responses. All other Community Councils were contacted to offer an extension if required.

2. High Quality Development on the Ground

Development Quality provides a joint pre-application advice service to deliver the Government's objectives in Designing Streets to ensure a seamless transition through the planning and road construction consent regimes. In November, as part of the series of supplementary guides, a Placemaking SPG reinforced this joint approach and signalled the Council's commitment to the delivery of successful places. This inclusion of illustrative material, a Design Process Map, checklists and a design toolkit, all combine to convey a strong message to the development sector that the Council will resist mediocrity and drive forward high design thresholds. In doing so, however, we are mindful of the balance to be struck on the delivery of development, freeing up sites and taking a balanced approach to site constraints, developer contribution and fluctuating land values/development costs in a provincial area where the government's austerity measures and moderate financial sector confidence continued to prove repelling forces.

Design improvements secured through the planning process continue to be recorded on the planning application management system, captured against a series of criteria which include: changes to comply with Development Plan policy on amenity, design and road safety; securing of community benefit or developer contribution; and changes following pre-application advice.

Development guidelines are included in the schedule of sites in the adopted Local Plan. This guidance has provided planning officers and applicants alike with an indication of standards and design thresholds expected to be captured or achieved in development proposals. This has been refined into a more consistent format in the Local Development Plan, and priority sites have been identified for the production of development briefs. This will build on similar work already undertaken for former school sites in Alloa and Alva. The site in Alloa is underway, and the plans below illustrate the changes from the original proposal to the approved and built scheme. The plans for Alva are further evidence of our increasingly high design standards, and the value of pre-application work and design guidance. The notable qualities of these developments are:

- places with more distinctive qualities
- streets that have been designed for the pedestrian as well as the motorist
- high standards of road safety and personal safety, with good natural surveillance
- good connections within the site and to existing roads and footpaths and links to local amenities
- high quality spaces retaining existing trees and other natural features

Alva Academy

Before



After



Claremont Alcoa



After



In order to maintain design knowledge and awareness, officers attended a Local Authority Urban Design Forum and attended a two day Design Skills Symposium convened by Architecture and Design Scotland

3. Certainty

Almost all planning applications continue to be decided in accordance with the balance of Local Plan policies, or in accordance with allocations and the schedule of sites within the Clackmannanshire Local Plan. The formatting and content of the Schedule of Sites in the LDP has examined any inconsistencies in the adopted Local Plan, primarily to ensure that the user will be more certain of key parameters, densities, site constraints and developer contributions. In many respects, we have tried to simplify the content, reduce prescribed standards in favour of quality and focus on key issues to enable development.

A high proportion of planning applications are decided by the Council's Appointed Officers in accordance with its Scheme of Delegation for Local Developments. The Scheme of Delegation was originally approved by Scottish Ministers in 2009. In October this year, the Council reviewed the success of the Scheme and arrangements for "referral" of applications to Planning Committee for decision. The review took account of legislative change, but otherwise concluded that the Scheme had operated well, had achieved the Government's original objectives for decision making on local development, and should continue to operate in its current form. The opportunity was taken to prescribe defined and streamlined arrangement for a Member call-in of a planning application (Appendix 2). Reassuringly, this has affected less than 1% of all planning application decided, and is further evidence of a transparent and proportionate decision making process. As a matter of policy, all applications for major developments are referred to Committee for decision, irrespective of the circumstances. We also have a relatively low number of requests for Local review on planning application decisions, a further indicator of the success of this scheme, but a clue also on our drive to enable rather than regulate development. Our approval rate remains proportionately high, and is evidence of meeting the Planning Reform call for delivering development.

On a weekly basis, case officers will convene a case conference with the Development Quality Team Leader and Development Service Manager (the Appointed Officers) to discuss selected pre-application enquiries, key applications, and all applications with representations against the development. This provides early direction on the outcome of each application and ensures that proportionate levels of scrutiny are built in to the decision making process. Applicants and agents can then receive early notification of progress and probable outcome. However, this is only one of several milestones in the planning application process, and a process map has been developed to assist case officers in project managing each submission (Appendix 3).

The neighbour notification process is an essential part of decision making. We attach messages to the notification envelope to ensure that recipients open the contents and understand the significance. This helps to eliminate uncertainty regarding the execution of the process and the status of planning decisions that might otherwise be subject to challenge. Officers also check the list of notifiable neighbours during site visits to verify the accuracy of our Corporate Address Gazetteer. This is recorded in reports of handling to bring added certainty on decision making, and reduce any risk of challenges or complaint. Reassuringly, in the period, we have no known record of any challenge against the Council regarding an administrative failure.

Reports of Handling include a list of all parties to have made representations on the associated planning application. The report then summarises the objection and

provides a response on the relevance to the proposal and the planning merits. Third parties are not typically involved in the planning process. Reporting in the manner described offers a structured explanation of our decision making and reassurance on inclusion within the process.

All third parties receive written notification of Council decisions on applications. This includes the decision, any conditions and reasons, a summary of the objections and an explanation of our response that has contributed to the decision. Experience indicates that this feedback is well received, helping to explain how the Council has dealt with the objection and reached its decision, particularly if the decision was not necessarily in accordance with the third parties' hopes or expectations.

The Local Plan Housing Alteration is only 3 years old, however it is recognised that other parts of the Local Plan are out of date. The timing of the changes to the Planning System meant that no further Alterations to the Local Plan could be considered and work was therefore started, from scratch, on the new Local Development Plan. It is hoped this will be adopted around late Spring 2015 and will be updated as per the statutory requirement at least every 5 years. Work on the LDP during the period therefore signals improved performance in maintaining an up to date Development Plan.

The re-modelling of development guidelines in the proposed LDP indicates initial advice on developer contributions whenever possible. This means that interested parties can have a greater measure of confidence in formulating and assessing proposals at an earlier stage of the process.

4. Communications, Engagement and Customer Service

Our on-line planning information service continues to provide 24/7 advice to all those who engage in the planning application process. Information on applications, development advice and planning procedures have been enhanced this year with information on non-material variations and a range of frequently asked questions.

Following our Development Quality Customer Forum in March 2013, which was targetted at the development sector, we convened a separate event for Community representatives in September. This was an opportunity to remind representatives of the various strands of planning reform which have been embedded in our service, and explain how this benefits local people who engage with us. It was a further opportunity to remind those attending of their statutory role, and their contribution to decision making on the Local Development Plan and planning applications.

We have appended our analysis of the customer feedback (Appendix 4). This was largely positive, and the paper provides an indication of our response to comments or suggestions for change in service delivery. There were no calls for any radical change in our procedures, and a broad appreciation of our joint working arrangements.

Development Services recognises the different forms of communications available to customers to obtain information on the service we provide. In addition to the online planning information service which continues to reach a wide audience, customers can make direct telephone contact with planning officers. All incoming calls are answered by a planning officer or support staff. Where a planning officer is not available, the call will be returned later that day. A customer should never need to leave a recorded message with the Council. Through management of workload, officers are able to incorporate this level of service within their work schedules without detriment to wider service delivery.

To understand the regulatory process and help inform change, the Service prepared an organisational model of service delivery. This is illustrated in Appendix 5. This continues to be the benchmark for assessing any further change in service delivery.

Following a review of planning casework, and as a response to some challenges that arose in liaison with Dollar Community Council, a draft consultation protocol was produced. (Appendix 6). The ambition was to agree a clear and consistent approach on communication, that would ultimately bring mutual benefits of customer service. The Community Council response was a positive means to bring forward a finalised version that has the potential to be rolled out with all Community Councils in the area.

At the request of a local residents' association, Development Services were represented at an Information Day. This weekend event in November provided the opportunity for a number of local organisations to engage with members of the public and other representative groups. The Service displayed material on the Local Development Plan and major developments in Clackmannanshire. We were reassured by the level of public interest in the plans for the area.

The Council has launched a new 2 stage corporate complaints service. Development Services were represented on the working group and training has been provided to all staff. A key component of the new scheme is a focus on frontline resolution.

LDP mailing list comprised of 385 key agencies, national bodies, local groups and companies, companies and consultants, neighbouring authorities and those who had previously responded to the Main Issues Report, as well as 2635 occupiers and neighbours of proposal sites.

To advertise the LDP, consultation posters were displayed across the Council area along with press releases, inclusion in the Council's weekly Development Services Bulletin, the Council's staff newsletter 'Grapevine' and the autumn 2013 edition of the Council's newspaper "Clackmannanshire View", which is delivered to all households four times a year (Appendix 7)..

The LDP was also promoted online through the Council's website and inclusion in the Council's online 'Consultation Database'.

Opportunities to comment through the Council's website included through the Online Local Development Plan portal, the Council's "Citizen Space" consultation package and an online representation form which could be filled in and e-mail in electronically or by hand. All of these methods were used by parties to submit representations.

Although not a requirement at this stage of the LDP, two targeted meetings in the form of drop-in events were held, one in Alloa and one in the Hillfoots. These were publicised in Clackmannanshire View.

Groups were asked if they would like specific presentations on their own topic or geographical areas and this offer was taken up by The Disability Awareness Group, Alva Community Council, Tillicoultry and Coalsnaughton Community Council, Alloa Community Council and Sauchie and Fishcross Community Council.

Online LDP information is regularly updated.

5. Efficient and Effective Decision Making

We have already referred to the customer focussed case officer structure, our model for pre-application advice, case conference arrangements for key applications and the review of the Council's Scheme of Delegation for Local Developments.

Case officers undertake site visits within 7 days of receipt of all planning applications. A photographic records is held on the application file. Officers are expected to have collated all information on the expiry of publicity periods, identified relevant policy considerations and agreed a likely decision or key issues within a four week period, in accordance with the application process map. Applicants or agents can expect first communication within that same time frame.

The Service has a robust committee decision making structure in place which is fit for purpose and designed to avoid any delay in decision making, and structured to give added certainty. The key features of this structure include:

- the release of confidential draft agendas to the Council's Management Team and Councillors as an early warning system;
- pre-Committee convenor briefings on Committee agenda items to identify any new information received and barriers to decision making;
- arrangements for site visits to be convened before the planned committee meeting;
- a scheme of oral representations which provides the opportunity for officer, applicant, objectors and community councils to address the committee;
- arrangements for decisions to be issued immediately after the committee meetings.

Planning Committee meetings have been re-scheduled on a 3 week/4 week cycle. Meetings of the Local Review Body are diarised on the same day of this cycle.

6. Effective Management Structures

Development Planning and Development Management are co-located within Development Services, itself part of the wider Community & Regulatory Service which includes Roads and Transportation, Regulatory Services and Housing Services. A Community & Regulatory management meeting takes place every two weeks.

Additional management structures within the Service include:

1. Monthly team leaders meeting focussing on strategic cross cutting issues, applications and proposals
2. One to one manager and team leader meetings on a fortnightly basis, focussed on major applications, LDP progress, forthcoming items of committee business and significant enforcement case work.
3. Diarised one to one weekly meetings between team leaders and case officers with case conference meetings where key applications require management input.
4. Monthly enforcement liaison meetings are convened between the Council's Legal Service and the Development Quality Team Leader to review key enforcement cases. There is no enforcement or monitoring officer within the Service. Duties are shared by planning officers. Analysis of time management and enforcement performance revealed difficulties in prioritising enforcement enquiries. A monthly enforcement case conference is convened as an initial measure to help resolve this challenge. Other measures may follow.

Monthly performance reports are submitted to the Development Services Management Team which provide details of applications received and decided, performance information on those decisions, an analysis of the reasons that we have contributed to performance targets not being met, and an up to date record of fee income set against targetted figures.

The production of the Local Development Plan was carried out in a comprehensively managed way. GANNT charts were used to ensure work was carried out to time in areas which those directly contributing to the plan preparation were involved in. There were regular team meeting and sub-team meetings and co-ordinators were appointed to topic areas to ensure all the necessary input was achieved. Any slippage in timescales was generally due to circumstances outwith the control of the Development plan team, such as political requests for reporting to 4 Committees as well as Full Council, which was not a system that had previously been in place and added considerably to the time between completing the Proposed LDP and publishing it.

7. Financial Management and Local Governance

The budget setting process is undertaken on an annual basis to identify expected expenditure and income for the coming year. This will include the outsourcing of any key projects, income from planning applications and other sources, and is set against Action Plans and Key Performance Indicators in the Community & Regulatory Services Business Plan for the period.

The Service continues to ensure that flexible resource management arrangements are in place to broaden skills, knowledge and experience and to react to fluctuating demand on resources from the Local Development Plan and Development Quality casework. This year, the staff resource was aligned to prioritise work on the proposed (and now approved) Local Development Plan, with associated Supplementary Planning Guidelines and Open Space Strategy. This adjustment was absorbed by the reduction in planning application casework.

8. Culture of Continuous Improvement

All staff within the planning service undertake a performance review and development programme on an annual basis, with 6 monthly reviews. This exercise focuses on behavioural competences such as commitment to quality, developing people and excellence in customer service. This is embedded in the Council's drive towards continuous improvement and the delivery of the Clackmannanshire Improvement Model.

The Development Planning and Development Quality Teams have annual action plans which will inform the PRD process. This is monitored on a regular basis.

An essential component of the Customer Forum is a request for participants to identify a single area of service improvement that would improve their experience of the planning service. We took comfort from the positive remarks from Community Council representatives in Appendix 4.

Clackmannanshire Council has joined one of four benchmarking families to share good practice and stimulate improvements in service. The sharing of work on indicators and performance markers develops themes elsewhere in the PPF. We have agreed to host the next meeting of the Group.

We continue to use the Local Government Knowledge Hub for evidence of good practice, and whilst not yet contributing to the content, have found the Government's exemplars for Inspirational Design, a useful resource.

Police Scotland, based at Tulliallan College in Kincardine, have approached the Council to resurrect an offer to provide training to their trainee Architectural Liaison Officers. Our Development Quality Team Leader has agreed to offer his services and plans are in place for a training programme. This voluntary arrangement should heighten the awareness and value of personal safety issues and Government ambitions for placemaking and a safer Scotland.

Part 3 - Supporting Evidence

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

- 2013/2014 Community and Regulatory Service Business Plan
- Clackmannanshire Council Competency Framework
- Submission for Customer Service Excellence
- Clacksweb - Planning & Building Standards
- Development Planning and Development Quality Service Improvement Plans
- Discussions with staff in the respective teams
- Supplementary Planning Guidelines
- Clackmannanshire Council Customer Charter

Part 4 - Service Improvements for 2014/2015

(i) In the coming year we will:

- Coordinate final work for the proposed Local Development Plan, including Schedule 4 responses and resultant oral and written engagement with DPEA, all to facilitate early adoption of the Plan
- Conclude the review and update of our Enforcement Charter, and re-publish
- Prepare a pack of focussed development briefs for LDP priority sites, to meet Scottish Government placemaking objectives
- Finalise LDP Supplementary Guidance on agreed topic areas, including Domestic Developments, Minerals, Woodlands and Forestry
- Produce a suite of customer-focussed guidance on (i) business, (ii) industry and (iii) householder developments, with advice on procedures, policy, design, sustainability and other regulations
- Produce 6 monthly reports to Planning Committee with updates on process with major developments, enforcement notices, appeals, complaints, performance and development on the ground
- Review performance management information and publicity/reporting arrangement to integrate and rationalise public information, management reports, committee reporting, benchmarking group reports, National Headline Indicators and PPF official statistics and Scottish Government performance statistics
- Convene a Development Quality Customer Forum for the development sector and community representatives
- Finalise and implement the Dollar Community Council Planning Protocol
- Introduce a Development Quality Service Improvement Scheme, to harness opportunities and suggestions for change, with appropriate database recording arrangements
- Establish a project management framework to manage pre-application, application and monitoring of the planned village development at Forestmill

(ii) Delivery of Service Improvements: 2012/2013

Action	Completed?
<p>1 Review feedback from the 2012/2013 Customer Forum, identify and implement priorities for change</p> <p>The Customer Forum in March 2013 was well attended . It involved a local mix of local architects/agents and community representatives. Presentations on Planning reform and the Designing Streets agenda sustained interest and prompted a series of exchanges between participants. The analysis of participant feedback conveyed a positive reaction and good suggestions for future events.</p>	Yes
<p>2 Convene the 4th DQ Customer Forum and a separate Joint Community Council Forum</p> <p>A joint Community Council Forum was convened in September 2013. Subsequent proposals for a Developers Forum had to be cancelled due to an apparent lack of interest. We will be reviewing future plans for these events to try and maintain interest</p>	Yes
<p>3 Further review the content of Development Services website, anticipating changes and improvements in performance information, renewable technology for houses, planning application procedures and the enforcement register</p> <p>Although we continue to keep our website under review and up to date, these specific changes were not included in the exercise. The focus was on other supplementary planning guidance relating to Developer Contributions, Placemaking, Water, Affordable Housing, Onshore Wind Energy, Green Infrastructure and Energy Efficiency</p>	No
<p>4 Strive to meet Key Performance Indicators for major, local non-householder and householder planning applications</p> <p>The Council has maintained its level of performance throughout the year in all three categories of planning applications</p>	Yes
<p>5 Identify priority sites for planning guidance and prepare development briefs</p> <p>Priority sites have been identified. The timing of development briefs has been dictated by the LDP. These will be brought forward in 2014/15</p>	Yes
<p>6 Consult on and implement an improved pre-application advice service for householder, non-householder and permitted</p>	Yes

development enquiries

This was completed, and has been implemented

- | | | |
|---|--|----|
| 7 | Prepare a site visit assessment tool for householder and non-householder planning applications | No |
|---|--|----|

The need for this is under review. No similar techniques appear to be in use in other planning authorities. Alternative training work and joint officer site visits have replaced this objective

- | | | |
|---|---|-----|
| 8 | Examine improvements to planning application process management by offering process agreements for <u>all</u> major applications and significant local developments, and preparing a planning application process map with key milestones, diary entries and target periods | Yes |
|---|---|-----|

Process agreements are offered for all major and significant applications. The application process map is in use (Appendix 3)

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|---|---|-----|
| 9 | Prepare a Planning Enforcement Improvement Plan and implement agreed actions, including review of our Enforcement Charter | Yes |
|---|---|-----|

The Improvement Plan was produced and has been implemented (Appendix 8)

- | | | |
|----|--|-----|
| 10 | Review the Scheme of Delegation for Local Developments, and amend Scheme in line with 2013 Regulations | Yes |
|----|--|-----|

The Scheme of Delegation was reviewed, amended, approved and implemented

- | | | |
|----|--|-----|
| 11 | Add a Customer Service Satisfaction questionnaire online and with any correspondence for the Local Development Plan. | Yes |
|----|--|-----|

The online questionnaire has been placed on our website and is due to run until 2015

PLANNING PERFORMANCE FRAMEWORK

Part 5: Official Statistics

A: Decision-making timescales

Category	Total number of decisions 2013-2014	Average timescale (weeks)	
		2013-2014	2012-2013
Major developments	2	7.9 weeks	0
Local developments (non-householder)	77	8.3 weeks	10.2 weeks
• Local: less than 2 months	89%	6.5 weeks	5.7 weeks
• Local: more than 2 months	10.4%	23.6 weeks	21.5 weeks
Householder developments	120	5.8 weeks	5.6 weeks
• Local: less than 2 months	94.2%	5.3 weeks	5.1 weeks
• Local: more than 2 months	5.8%	13.2 weeks	10.4 weeks
Housing developments			
Major	0		0
Local housing developments	23	8.5 weeks	15.1 weeks
• Local: less than 2 months	78.3%	6.8 weeks	6.2 weeks
• Local: more than 2 months	21.7%	14.6 weeks	29.1 weeks
Business and industry			
Major	0		0
Local business and industry	29	6.3 weeks	8.6 weeks
• Local: less than 2 months	(%)	6.2 weeks	6.2 weeks
• Local: more than 2 months	(%)	10.1 weeks	22.9 weeks
EIA developments	0		
Other consents*	39	6.3 weeks	3.3. weeks
Planning/legal agreements**	0		
Local reviews	1	15.9 weeks	12.9 weeks

* Consents and certificates: Listed buildings and Conservation area consents, Control of Advertisement consents, Hazardous Substances consents, Established Use Certificates, certificates of lawfulness of existing use or development, notification on overhead electricity lines, notifications and directions under GPDO Parts 6 & 8 relating to agricultural and forestry development and applications for prior approval by Coal Authority or licensed operator under classes 60 & 62 of the GPDO.

** Legal obligations associated with a planning permission; concluded under section 75 of the Town and Country Planning (Scotland) Act 1997 or section 69 of the Local Government (Scotland) Act 1973

B: Decision-making: local reviews and appeals

Type	Total number of decisions	Original decision upheld			
		2013-2014 No.	%	2012-2013 No.	%
Local reviews	1	1	100%	0	0
Appeals to Scottish Ministers	1	0	0	1	100

C: Enforcement activity

	2013-2014	2012-2013
Cases taken up	67	40
Breaches identified	64	42
Cases resolved	63	50
Notices served***	11	4
Reports to Procurator Fiscal	0	0
Prosecutions	0	0

*** Enforcement notices; breach of condition notices; planning contravention notices; stop notices; temporary stop notices; fixed penalty notices, and Section 33 notices.

D: Context

The notable trends and changes arising from the published statistics for this and the preceding year are as follows:

1. An overall improvement in levels of performance on application decision making.
2. A high percentage of non-householder applications decided in less than 2 months.
3. As a consequence of 2. above, a slight increase in the average timescales for decisions taking more than 2 months.
4. A significant improvement in the average number of weeks for decisions on local housing developments. In particular, previous resolution of a small number of legacy cases now translates into a lower average number of weeks for these applications exceeding 2 months. This observation applies equally to housing and business and industry decisions.

Part 6: Workforce and Financial Information

The information requested in this section is an integral part of providing the context for the information in parts 1-5. Staffing information should be a snapshot of the position on 31 March. Financial information should relate to the full financial year.

	Tier 1	Tier 2	Tier 3	Tier 4
Head of Planning Service				1

Note: Tier 1= Chief Executive, Tier 2= Directors, Tier 3= Heads of Service, Tier 4= Managers

		DM	DP	Enforce- ment	Other
Managers	No. Posts	1	1	0	0
	Vacant				
Main grade posts	No. Posts	3	1.5	0	0
	Vacant				
Technician	No. Posts	0	0	0	0
	Vacant				
Office Support/Clerical	No. Posts	1	0	0	0
	Vacant				
TOTAL		5	2.5	0	0

Note: Managers are those staff responsible for the operational management of a team/division. They are not necessarily line managers.

Staff Age Profile	Number
Under 30	
30-39	
40-49	5
50 and over	3.5

Committee & Site Visits*	Number per year
Full council meetings	7
Planning committees	5
Area committees (where relevant)	
Committee site visits	2
LRB**	2
LRB site visits	2

Notes:

*References to committees also include National Park Authority Boards. Number of site visits is those cases where visits were carried out by committees/boards.

**this relates to the number of meetings of the LRB. The number of applications going to LRB are reported elsewhere.

	Total Budget	Costs		Income***
		Direct*	Indirect**	
Development management	219,710	192,480	27,230	175,250
Development planning	147,390	72,780	24,610	-
Enforcement	-	-	-	-
Other	-	-	-	-
TOTAL	367,100	265,260	51,840	175,250

Notes:

* Direct staff costs covers gross pay (including overtime, national insurance and superannuation contribution). The appropriate proportion of the direct cost of any staff member within the planning authority spending 30% or more of their time on planning should be included in costs, irrespective of what department they are allocated to (for example, legal advice, administration, typing). Exclude staff spending less than 30% of their time on planning.

**Indirect costs include all other costs attributable to the planning service. Examples (not exhaustive) include accommodation, IT, stationery, office equipment, telephone charges, printing, advertising, travel & subsistence, apportionment of support service costs.

*** Include fees from planning applications and deemed applications, and recharges for advertising costs etc. Exclude income from property and planning searches.

IAN DUGUID
TEAM LEADER, DEVELOPMENT QUALITY
COMMUNITY & REGULATORY SERVICES

1. Machin Associates, 30 Ludgate, Alloa, Clackmannanshire, FK10 1DS
2. Page + Page Architects, 20 James Morrison Street, Glasgow, G1 5PE
3. W D Harley, 2 Cross Street, Callander, FK17 8EA
4. Bracewell Stirling Architects, 38 Walker Terrace, Tillicoultry, FK13 6EF,
5. Hillfoot Homes Ltd, Hillfoot Farm, Dollar, FK14 7PL
6. Enspire Architects, Office 32 Alloa Business Centre, Whins Road, ALLOA, FK10 3SA
7. Greig Strang, 68 Bridge Street, Dollar, FK14 7DQ
8. R T Hutton, The Malt Kiln, 2 Factors Brae, Limekilns, Fife, KY11 3HG
9. Home Improvement Planning Services, 35A Ludgate, Alloa, FK10 1DS
10. C R Smith Conservatories Ltd, PO Box 27, Gardeners Street, Dunfermline, KY12 0RN
11. Mozolowski And Murray, 2 - 8 Clashburn Way, Bridgend Industrial Estate, Kinross KY13 8GA
12. John Gordon Associates, 3 Dean Acres, Comrie, Fife, KY12 9XS
13. Oliver and Robb Architects, Pitreavie Drive, Pitreavie Business Park, Dunfermline Fife, KY11 8UH
14. Mathew Pease, Over Blairhill, Rumbling Bridge, KINROSS, KY13 0PU
15. Shand Partnership Ltd, Studio One , Crook Of Devon, Kinross, KY13 0UL
16. McEachern Architects, 13 Allan Park, STIRLING, FK8 2QG,
17. CRA Ltd, 59 Alloa Business Centre, Whins Road, Alloa, Clackmannanshire FK10 3SA
18. Marshall Construction, The Whins , Whins Road, Alloa, FK10 3TA
19. Bett Homes Ltd, Argyll Court, The Castle Business Park, Stirling, FK9 4TT
20. Greenfields Design , 2B Bank Street, Alloa, Clackmannanshire, FK10 1HP

APPENDIX 2 - SCHEME OF DELEGATION - MEMBER CALL-IN PROFORMA

APPENDIX 2 - PROCEDURE FOR REFERRAL OF PLANNING APPLICATIONS FOR LOCAL DEVELOPMENTS TO COMMITTEE FOR DECISION

1.0 **Purpose**

- 1.1 This paper provides advice on the procedure to be followed for the Planning Committee to decide an application for planning permission which is otherwise delegated to officers for decision making under the Council's approved Scheme of Delegation for Planning Applications

2.0 **Background to the Scheme of Delegation**

2.1 **STAGE 1**

Where an Elected Member wishes an application which would otherwise be delegated, to be decided by the Planning Committee, the Member will complete the proposal form attached to this procedure note, forward it to the Director of Services to Communities, and send a copy to the Development Quality Team Leader. The form shall be received within 21 days of the date of validation of the application. Planning application details are available on Clacksweb, and assistance can also be obtained from the Development Quality Team. The Elected Member can seek advice from Legal Services on the reasons to refer the application for decision by Committee. These reasons, for example, might include unique or unexpected circumstances associated with the application site, an abnormal level of public/community interest, or a planning history of committee decision making in relation to the site or the proposal. Relevant planning policy or the planning merits of the proposal will not be regarded as a proper reason for a referral to Committee.

2.2 **STAGE 2**

The proposal to refer the application for decision by the Committee will then be considered by the Director of Services to Communities (or the Head of Community and Regulatory Services in the Director's absence). The Director will rely upon the information provided in the proposal form and contained in the planning application file.

2.3 **STAGE 3A**

Where the Director (or Head of Service) decides that the application is to be referred to the Planning Committee, the decision and reasons for it will be notified to the Member who submitted the proposal, the Convenor of the Planning Committee and the Development Quality Team Leader, who will arrange to serve Notice of the decision on the applicant in accordance with Section 43A(7) of the Act. The planning application will be scheduled for the first available planning committee meeting following completion of the assessment of the proposed development.

OR

STAGE 3B

In circumstances where the Director (or Head of Service) decides that there is insufficient reason to refer the application for decision by the Committee, this decision will be taken in consultation with the convenor of the Planning Committee. The decision will be notified to the Member who submitted the proposal and to the Development Quality Team Leader, who will arrange for the application to be decided by Appointed Officers under the Scheme of Delegation, **without prejudice to the right of any Elected Member to bring a related motion to Council for decision.**

- 2.4 The decision of the Director of Services to Communities (or the Head of Community and Regulatory Services in the Director's absence) will be final and will be the decision of the planning authority for the purposes of Section 43A(6) of the Planning etc (Scotland) Act 2006.
- 2.5 Notwithstanding the terms of the Scheme, occasions will occur where a case officer will encounter abnormal circumstances associated either with the proposed development itself, the particular location, or a measure of public/community interest that could not have been reasonably foreseen. In those circumstances, the existing arrangements which allow the officers to refer an application to Committee rather than it to be decided under the Scheme of Delegation will continue. To comply with Section 43A(7), the officer's reasons for referring the application for decision by the Committee will be notified to the applicant and a courtesy notification will also be given to the Convenor of the Planning Committee and Ward members for their information. The reasons for the referral of the application for decision by the Committee will be explained in any subsequent committee report.

**PLANNING APPLICATIONS - SCHEME OF
DELEGATION FOR LOCAL DEVELOPMENTS**

**PROPOSAL TO REFER APPLICATION TO THE
PLANNING COMMITTEE FOR DECISION**



**Clackmannanshire
Council**

APPLICATION DETAILS

Reference Number

Description of
Development

Location Address

REASONS FOR REFERRAL OF APPLICATION TO COMMITTEE FOR DECISION

Name:

Ward

Date:

DECISION

The reasons described above are sufficient/insufficient to refer this planning application to the Planning Committee for decision

Signed

Date:

Director of Services to Communities

APPENDIX 3 - PLANNING APPLICATION PROCESS MAP

PLANNING APPLICATION PROCESS MAP

ACTION/EVENT		NAME	COMPLETE BY DAY NO.
1	Validation of application and notification to case officer	B/Support	2
2	Notification of neighbours/other publicity	B/Support	2
3	Preliminary overview of application and pre-application file. Diarise key stages 7 and 9	CO	4
4	Case Officer site visit	CO	7
5	Response to consultation letters		16
6	Expiry of publicity period		23
7 *	Final assessment of proposals. Discuss with Team Leader if necessary, and agree policy assessment, information required, provisional decision	CO/DQTL	24
8	Case conference	CO/DQTL/DSM	28
9 *	Written response to applicant/agent; or prepare Report of Handling	CO	30
10	Sign Report of Handling	DQTL	32
11	Issue Decision	B/Support	34
12	Response from applicant/agent		45
13	Prepare Report of Handling	CO	49

APPENDIX 4 - CUSTOMER FORUM FEEDBACK ANALYSIS - 2013

DEVELOPMENT QUALITY CUSTOMER FORUM - ANALYSIS

DELIVERING PLANNING REFORM AND COMMUNITY COUNCIL LIAISON 5 SEPTEMBER 2013

		High	(Score)			Low
		1	2	3	4	5
1	How well did the presentation meets its stated objectives	22%	56%	22%	0%	0%
2	How useful was the presentation content	33%	56%	11%	0%	0%
3	How would you rate the presentation	33%	56%	0%	11%	0%
4	How useful were the visual aids	45%	10%	45%	0%	0%
5	How would you rate the venue for the presentation	66%	34%	0%	0%	0%
		Yearly	Twice Yearly		Other	
6	How often do you thin the forum should meet	11%	78%		11%	
		Yes	No		No Response	
7	Would you be willing to attend other DQ forum meetings	89%	0%		11%	
8	Any other comments or suggestions					

Comments Received

Council Response

Ensure that relevant information is sent directly to the Community Councils rather than via Lesley Baillie

- All Community Councils receive the weekly bulletin directly each week and will be consulted on all major and significant local developments

Very helpful - these sessions help to extend understanding or what are complex and changing processes

- We plan to continue with customer focussed events on an annual basis

Interesting and enlightening. I would like to learn more about the planning process and Community Council's role.

- Noted. Further events to be convened on an annual basis

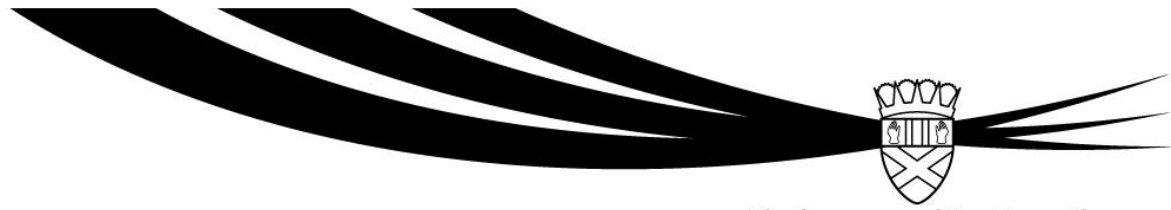
Earlier communication of applications

- Weekly bulletin sent every Friday with list

affecting local area	of applications in preceding week
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APPENDIX 5 - DEVELOPMENT QUALITY ORGANISATIONAL MODEL





Clackmannanshire Council

www.clacksweb.org.uk

CLACKMANNANSHIRE COUNCIL

DEVELOPMENT SERVICES

PROTOCOL FOR CONSULTATION WITH DOLLAR COMMUNITY COUNCIL ON PLANNING APPLICATIONS AND ENQUIRIES

February 2014

Introduction

The role of the Council's Development Quality Service is to provide sustainable economic development in a manner that maintains and enhances Clackmannanshire's built and natural environment; and the amenity of its residents, in accordance with the policies and objectives of the Clackmannanshire Development Plan. This role is set within the Scottish Government's delivery of Planning Reform and a modernised planning system.

One of the key parts of this reform is increased cooperation between stakeholders and, at a local level, this was expected to provide greater clarity on how and when parties would be consulted on planning issues.

Clackmannanshire Council recognises that Dollar Community Council, as a statutory consultee, has an important contribution to make by helping to inform decision making on development proposals. In particular, this role is an opportunity to ensure that, as part of the Council's advisory and decision making process, the views of the community are properly expressed, and in turn, treated as a material consideration in judging the merits of a proposal.

The purpose of this Protocol is therefore to provide transparency, certainty and consistency in the procedures jointly adopted by the respective councils, which in turn will ensure that those who engage in the consultation process follow and understand the shared model, and jointly contribute to informed and efficient decision making.

Context

The relevant planning legislation (The Town and Country Planning (Development Management Procedure)(Scotland) Regulations 2013) makes provision for planning authorities engaging with community councils on applications for planning permission. There are two specific duties:

1. The planning authority must send a weekly list of all planning applications received that week.
2. The planning authority must consult the community council in circumstances where;
 - I. It asks to be consulted within 7 days of receipt of the weekly list; or
 - II. The development is likely to affect the amenity in the area of the community council

The foregoing procedures were introduced before the advent of e-Planning. A community council was therefore unable to familiarise itself with the content of an application until such time as the weekly list had been issued, a request for consultation had been submitted and the consultation issued and then received. By contrast, planning application files are now published on-line, and available from the date of validation. This provides 24/7 access to forms, plans, certificates and other information provided by applicants in support of their proposal, and has therefore proven to facilitate improved engagement in the planning process at a local level.

The opportunity therefore arises to re-define the practical arrangements for streamlining the consultation milestones.

Planning authorities are being encouraged to promote business models that provide more certainty for customer, better engagement at a local level, and an open for business culture. The Council has developed many initiatives to improve its business processes to enable policy compliant development, from quality of pre-application advice and engagement with the local community, to the monitoring of development on the ground. Embedding clear procedures on consultation and engagement in the development management process will help to achieve these outcomes.

The Protocol for Consultation on Planning Applications and Enquiries

1. The community council shall appoint one person as their point of contact on all planning matters. This will be the normal person to act as community council representative for purposes of consultation and informal contact with case officers.

2. Development Services will continue to allocate or delegate casework to officers by development type ie:

- I. Household development - proposals relating to an existing house or household.
- II. Housing or residential development - proposals for one or more houses or flats.
- III. Commercial/civic/other development - proposals where commercial type uses are the principal aspect of the development.

3. Communication or consultation will normally be by electronic means, using respective mailbox addresses whenever possible, namely:

development_services@clacks.gov.uk

dollarcommunitycouncilplanning@gmail.com

4. When responding to a pre-application enquiry for local developments, Development Services will, where appropriate, provide the enquirer with the community council's contact email address. This will provide the prospective applicant with an opportunity to obtain local input to development proposals in advance of a planning application. The Council will take account of the nature and scale of the development and the sensitivity and history of the site when deciding to provide this information.

5. Notification of the weekly list (Services to Communities Bulletin) will, whenever possible, be issued to the community council on a Friday. The list will provide details of each application and development type, the date of validation, and the name of the case officer dealing with the application.

6. Development Services will consult the community council on receipt of an application for planning permission where the development may affect the amenity of their area. In making this judgement, the officer shall have regard to the nature and scale of the development, the sensitivity of the site, building or location, and any known planning history.

7. On receipt of the weekly list, the community council can identify any planning or related applications of interest or relevance to the local community. All applications will be available at www.clacksweb.org.uk. A feature titled "Find out how to view or comment on a planning application" appears as a Top Task on the home page.

8. On receipt of a consultation or having examined the weekly list, the community council can send a consultation response to Development Services. The response must be received within 21 days of the date of validation of these applications, unless there has been previous written agreement on an extension of this period. On the expiry of the 21 day period, or such agreed extended period, and no response has been received, the community council will be deemed to have no comments to make on the application proposals.

9. In the event that Development Services receives additional information or amended proposals for a planning or related application, the respective case officer will make an informed judgement on any necessary re-consultation with the community council. That judgement will be guided by any pre-existing consultation response, the nature and materiality of the information, or the significance of the amendments to the original proposal.

10. The community council consultation response will be a material consideration in the determination of any planning or related application. It will be summarised in the officer's Report of Handling, with a commentary as necessary. It is not expected that the case officer will reply to consultation responses, on a case by case basis. This may, however, be appropriate in exceptional circumstances.

11. Where the community council has provided a consultation response on an application, Development Services will provide notification of the decision. This will include relevant extracts from the Report of Handling and a link to the application file.

12. The community council may submit enquiries to Development Services in relation to alleged non-compliance with a planning permission or other unauthorised development. Such contact will assume the same methods of communication as described in paragraphs 2 and 3 above. Any enquiry or complaint will be recorded, investigated and decided in accordance with the Council's Planning Enforcement Charter.

Monitoring

Development Services will, from time to time, review procedures to verify compliance with the foregoing arrangements, their effectiveness, and any difficulties that may have arisen and the scope or need to refine or improve methods of communication. Any decision to change aspects of these procedures will be based entirely on achieving a more effective or efficient decision making process.

We Want Your Views on the Local Development Plan

always aim to ensure the candidate is recruited any post.

Local Development Plans set out a clear, concise, long-term vision for the future development of an area and provide relevant and up to date policy guidance.

A Proposed Local Development Plan (LDP) for Clackmannanshire was approved by Council in October. It has now been published and the 8 week period for representations is ongoing. The Proposed LDP will guide the future use and development of land in the area for the next 20 years, and requires to be reviewed at least every 5 years.

The Proposed LDP follows on from consultation on a Main Issues Report (MIR) in early 2011. This was the first major step in the LDP process and the first stage of public involvement in its preparation, when the public, statutory consultees, key agencies, local communities, developers, landowners, businesses and elected members had the greatest opportunity to be involved and influence the preparation and content of the Proposed LDP.

An Open Space Audit and Strategy has also been developed in order to provide a co-ordinated, strategic and long term approach to the provision and management of high quality, accessible open spaces and this is being consulted on at the same time as the Proposed LDP. Comments received will be considered in preparing the finalised Strategy which will be reported back to Council for final approval.

During the representations period, comments can be made on any aspect of the Proposed LDP and Open



Space Strategy, as well as the associated documents. Copies of all of the documents can be viewed and downloaded from ClacksWeb, the Council's website, and have been placed in local libraries and at the main Council offices. Events to promote the Proposed LDP will also be run during the representation period.

After the 8 week period for representations, the Council will take a view on each representation and prepare a response.

Events

Two consultation events to provide information to the public on the Local Development Plan and other documents which have been published take place this month: on Wednesday 27th November in Alloa Town Hall between 3pm-8pm and in Devonvale Hall, Tillicoultry on Saturday 30th November 2013 between 10am-1pm.

Also present at these events will be a number of other local, voluntary and environmental groups with interests in Clackmannanshire, who will be providing information on their projects and activities and answering any questions.

APPENDIX 8 PLANNING ENFORCEMENT IMPROVEMENT PLAN

PLANNING ENFORCEMENT

IMPROVEMENT ACTION PLAN 2013/14

1.0 BACKGROUND

- 1.1 Planning enforcement is a key part of the "trinity" that makes up the statutory planning process - development planning; development management; and enforcement of planning control. An important part of the Scottish Government's modernised planning system are the improved powers to enforce planning control. These powers are contained in the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc (Scotland) Act 2006. Guidance on applying these powers set out in Regulations and associated circulars. In particular, Circular 10/2009, Planning Enforcement describes the powers and procedures available to planning authorities.
- 1.2 In 2000, the Council launched its Planning Enforcement Strategy. This provided the framework to guide and inform decision making, and ensure standards of efficiency, consistency and proportionality. The Strategy has proven to offer valuable support to our enforcement service, providing strong foundation for decision making, help to support and defend decision making and reasons for enforcement action.
- 1.3 Nevertheless, the delivery of the enforcement function has been hampered by a number of events. These have included:-
 1. The decision to remove the post of Development Monitoring Officer (DMO) within Development Services. The post was last vacated around 2009.
 2. The demise of the cross-service Enforcement Group within Community and Regulatory Services. First convened by the Development Quality Team Leader, and thereafter, the Head of Development Services and Regulatory Services Manager, the Group did not enjoy the breath of management support necessary to sustain its role in overseeing the related enforcement functions of the Council.
 3. The competing demands to have emerged from implementing the various strands of planning reform from 2009 onwards, maintaining high levels of performance on planning applications, providing advice to customers and servicing the e-planning strategy.
- 1.4 Ironically, one of the more tangible strands of planning reform was the requirement placed on planning authorities to produce planning Enforcement Charters. This provides customers with general advice on enforcement procedures, and sets out our service standards that anyone can expect in terms of communication, professionalism and performance.

- 1.5 We typically receive 80 - 100 enforcement enquiries each year. Most of these are recorded on our Uniform management system and subject to investigation. Others will be dealt with less formally. Evidence tends to indicate that allegations regarding breaches of planning control can vary from relatively straight forward matters (often ones where there is no breach involved) to others (perhaps the majority of cases) where we are dealing with a complicated set of circumstances. There is no necessary correlation between the scale of development and the scale of investigation that may be required. Information and evidence gathering can vary from case to case, but does demand a range of skills, knowledge and aptitude.
- 1.6 The management solution to vacating the DMO post was to transpose the customer focus arrangements for planning applications onto enforcement casework and development monitoring on the positive side, this created a "cradle to grave" role for planning officers, theoretically taking a proposal from a pre-application advice stage through to implementation. The challenge for officers however is to manage the competing demands of:
- those seeking advice on proposals
 - an increasingly complex and transparent planning application process, with the attendant demands of statutory time limits and statutory performance management.
 - actively monitoring development site which have notices of commencement and completion of development.
 - investigation alleged breaches of planning control which have no statutory time limits.
- 1.7 Having regard to the measure of work involved in this aspect of the Service, existing standards of performance, and the need to deliver the work as an integrated part of the Development Management function, a review of existing practice (which involved an open , cross-service exchange of views on opportunities and constraints for change) has identified areas for improvement, with outcomes that will help to meet standards set out in the charter and provide an improved service. This exercise is included in the 2013/14 Service Improvement Plan.

2.0 PROPOSALS FOR CHANGE

- 2.1 The following recommendations for change will be implemented in 2013/14. This comprises of a 10 point action plan which aims to introduce efficient practices that will compliment other core functions of the service.

2.2 Enforcement Case Conference

This will be a weekly meeting. It will be chaired by the Development Quality Team Leader; DQ staff will attend. The meeting will focus on:

- Giving direction to new enforcement cases, including initial actions, anticipated outcomes and timescales for decision.
- Key updates on existing cases, including barriers to decision and outcomes
- Progress with Notices served and consequential appeals, prosecution, direct action etc.

2.3 Enforcement Casework Time Management

Each officer will diarise a recurring period of time each week that will be set aside exclusively for enforcement case work. That may typically be 1/2 day each week, and follow on from the Enforcement case conference. The arrangements would not prevent additional enforcement tasks being carried out generally during the working week as necessary.

2.4 Enforcement Liaison Meeting

To augment other communication between Development Services and Legal Services, a monthly Liaison meeting between the Development Quality Team Leader and Council Solicitor will be convened to:

- Review strategic decision making
- Monitor progress on critical enforcement cases
- obtain advice on the investigation of cases in accordance with our Enforcement Strategy.

2.5 Live Cases Schedule

Through the use of Uniform, the format of the existing list of live enforcement cases shall be amended. The list of live cases shall include:

- The reference number
- The date received
- The alleged breach
- The full address/location
- The target date(s) for resolution of the case, that being a decision to take no action or proceed with some form of action under the Town and Country Planning (Scotland) Act 1997.
- A summary of action taken, updated regularly to provide a case history.

2.6 Model Correspondence

The opportunity arises to introduce templates for key stages of the investigation progress. Standard letters will be prepared for:

- Acknowledgement letter to complainant
- First stage investigation describing information required/steps to be taken.
- Reminder letter(s)

- Outcome/decision letter
- Case Officer Decision report

2.7 Use Of Notices

Evidence from Scottish Government returns indicates our relative underuse of Planning Contravention Notices (requiring the submission of information) and Section 33A Notices (requiring the submission of a planning application). The latter constitutes formal enforcement action; it provides more confidence in the planning system; it allows the Council to control the development through the use of condition; and an application attracts a fee. The Service will now make more frequent and improved use of these and other enforcement "tools".

2.8 Performance Targets

New performance targets will be added to our suite of key performance indicators in Covalent. Provisionally, but subject to review, measures of performance will include timescales for first contact with alleged offending party and resolution of case, which could mean one of the following:

- No breach of planning control
- Decision to take no action
- Decision to proceed with formal action

2.9 Decision Reporting

An examination of cases from 2012 suggests a lack of consistency in file closure and decision making arrangement. All enforcement cases are now managed electronically. Officers will produce a Decision report (see item 2.6 above), which will summarise the complaint, the investigation, relevant planning policy and the outcome. The report will be signed off by the reporting case officer and Team Leader.

2.10 Publicising Decision Making

Decision making, and the reporting of decisions, within the Council and externally, perhaps falls short of standards set by the Customer Services Excellence award. We have a request for improved reporting arrangements to elected members, and opportunities exist to make better use of the Service Bulletin. Proposals will therefore be implemented to:-

- Provide Councillors with briefings on enforcement casework, decision making and high profile cases in accordance with agreed procedures and timescales.
- Make regular use of the Information Bulletin to provide up to date reports on enquiries received, decisions taken and levels of performance.
- Ensure that complainants who report alleged breaches of planning control receive an explanation of the reasons that have contributed to the Service decision.

- Include performance on enforcement casework in quarterly progress reports.

2.11 The Development Quality Team Leader will conduct an end of the year review on the implementation of this 10 point action plan. This will include an analysis of the actions, any areas of work not successfully implemented, opportunities for further change and contact with customers who have been involved in our investigations to examine their experience of the process.

Ian Duguid
Development Quality Team Leader
May 2013