# planning performance framework

ANNUAL REPORT 2013-14

Scottish Borders COUNCIL

# Contents

# 1.0 INTRODUCTION

1.1 This is the third Planning Performance Framework (PPF) prepared by Scottish Borders Council for its planning service and covers the period 1 April 2013 to 31 March 2014. The Framework highlights the work being undertaken to improve the quality of development being built, how we are preserving and enhancing the environment and helping to create a prosperous Borders. It demonstrates how Scottish Borders Council is delivering sustainable economic growth and meeting the Scottish Government's wider targets and objectives for planning and the environment. In addition, the framework sets out a clear strategy for continuous improvement within the service.

1.2 Scottish Government in its report on last year's PPF scored the Council's planning service against 15 performance markers. The table below sets out the Government's performance markers and the Service's RAG rating. The Red, Amber, Green ratings are based on the evidence provided within the PPF report. Where no information or insufficient evidence was provided, a 'red' marking has been allocated.

| No | Performance Marker | RAG Rating | Planning Service Response/Actions | Anticipated RAG Rating |
|---|---|---|---|---|
| 1 | Decision-making: continuous reduction of average timescales for all development categories [Q1 - Q4] | Red | **Performance results** - See paragraphs 2.1 Table, 3.1 – 3.3, Appendix I<br>**Service Improvements Actions** – See paragraphs 3.5 - 3.6, 3.28- 3.34 | Amber |
| 2 | Processing agreements:<br>• offer to all prospective applicants for major development planning applications; and<br>• availability publicised on website | Amber | **Increased use of agreements** –<br>See paragraphs 2.1 Table, 3.27 and 3.33 | Green |
| 3 | Early collaboration with applicants and consultees<br>• availability and promotion of pre-application discussions for all prospective applications; and<br>• clear and proportionate requests for supporting information | Green | **Increased collaboration** – See paragraph 2.1 Table, 3.4<br>**Information requests** – See paragraph 3.5 - 3.7 | Green |
| 4 | Legal agreements: conclude (or reconsider) applications after resolving to grant permission<br>• reducing number of live applications more than 6 months after resolution to grant (from last reporting period) | Red | **Improved performance** – See paragraph 3.2, Appendix I<br>**New process implemented** – See paragraphs 3.31 – 3.32 | Amber |
| 5 | Enforcement charter updated / re-published within last 2 years | Red | **Charter now in place** – See paragraph 3.26 | Green |
| 6 | Continuous improvement:<br>• progress/improvement in relation to PPF National Headline Indicators; and<br>• progress ambitious and relevant service improvement commitments identified through PPF report | Amber | **Improvements delivered** – See paragraph 6.1 Table<br>**2014/15 Improvements** – See paragraphs 5.1 – 5.2 | Green |

| No | Performance Marker | RAG Rating | Planning Service Response/Actions | Anticipated RAG Rating |
|----|-------------------|-----------|----------------------------------|------------------------|
| 7 | Local development plan less than 5 years since adoption | Green | See paragraphs - 2.1 table, 3.8 – 3.10 | Green |
| 8 | Development plan scheme – next LDP:<br>• on course for adoption within 5 years of current plan(s) adoption; and<br>• project planned and expected to be delivered to planned timescale | Green | See paragraph 3.20 | Green |
| 9 | Elected members engaged early (pre-MIR) in development plan preparation – if plan has been at pre-MIR stage during reporting year | N/A | N/A | N/A |
| 10 | Cross sector stakeholders* engaged early (pre-MIR) in development plan preparation – if plan has been at pre-MIR stage during reporting year<br>*including industry, agencies and Scottish Government | N/A | N/A | N/A |
| 11 | Regular and proportionate policy advice produced on:<br>• information required to support applications; and<br>• expected developer contributions | Green | See paragraphs 3.4 - 3.7, 3.9, 3.22, 3.24, 3.27, 3.31 | Green |
| 12 | Corporate working across services to improve outputs and services for customer benefit (for example: protocols; joined-up services; single contact arrangements; joint pre-application advice) | Amber | See paragraphs 3.35 – 3.36 | Green |
| 13 | Sharing good practice, skills and knowledge between authorities | Red | See paragraph 3.37, Table, 3.38 | Green |
| 14 | Stalled sites / legacy cases: conclusion or withdrawal of old planning applications and reducing number of live applications more than one year old | Amber | See paragraph 3.30 | Green |
| 15 | Developer contributions: clear and proportionate expectations<br>• set out in development plan (and/or emerging plan); and<br>• in pre-application discussions | Green | See paragraphs 3.27, 3.31 – 3.32 | Green |

1.3   This report sets out how the service has been performed against these markers and highlights the measures that are being implemented to ensure continuous improvement in service delivery. Last year was the first time RAG ratings were introduced and it will only be in future reports that progress against each Performance Markers can be mapped. However, on the basis of the work carried out by the service in the last year an anticipated RAG rating for 2013/14 is identified in the final column of the table above.

# 2.0 NATIONAL HEADLINE INDICATORS

2.1 The following table sets out Scottish Borders Council's performance against national headline indicators. As this is the third time data has been collected in this manner it allows a direct comparison to be made in terms of performance improvement.

| Key outcomes | 2013-2014 | 2012-2013 |
|---|---|---|
| **Development Planning:**<br>• age of local/strategic development plan(s) Requirement less than 5 Years<br><br><br><br>• development plan scheme: on track? (Y/N) | SESplan (Approved June 2013)<br><br>1 year 3 months old<br><br>Scottish Borders Consolidated Local Plan (Adopted 2011)<br><br>3 years old<br>Yes, The Development Plan Scheme was updated in April 2014 and the Local Development Plan remains on track. The Representation period has concluded and consideration of submission will be presented to Council in September 2014 with the Examination of the Proposed LDP late 2014. | SESplan (Approved June 2013)<br><br>3 months old<br><br>Scottish Borders Consolidated Local Plan (Adopted 2011)<br><br>2 years old<br>Yes, The Development Plan Scheme was updated in April 2013 and the Local Development Plan remains on track. The proposed Plan was presented to the Council in September 2013. |
| **Effective Land Supply and Delivery of Outputs**<br><br>• effective housing land: years supply (Requirement 5 years)<br>• effective housing land supply<br>• housing approvals<br><br>• effective employment land supply<br><br>• employment land take-up | Scottish Borders Finalised Housing Land Audit 2013 (March 2014)<br><br>7.8 years<br>3,386 units<br>105 units<br><br>Scottish Borders Council Employment Land Audit 2013<br>22.4ha (Immediately available)<br><br>2.7ha | Scottish Borders Finalised Housing Land Audit 2012 (March 2013)<br>7.6 years<br>3,816 units<br>101 units<br><br>Scottish Borders Council Employment Land Audit 2012<br>37.3ha (Immediately available)<br><br>1.8ha |
| **Development Management**<br>Project Planning<br><br>• percentage of applications subject to pre-application advice<br>• number of major applications subject to processing agreement or other project plan<br>• percentage planned timescales met<br><br>Decision-making<br>• application approval rate<br>• delegation rate | <br><br><br>88%<br>7<br><br>1 determined met timescale (rest remain to be determined)<br><br><br>93.5%<br>94.5% | <br><br><br>77 %<br>3<br><br>Applications still to be determined<br><br><br>93%<br>93% |
| **Decision-making timescales**<br>Average number of weeks to decision:<br>• major developments<br>• local developments (non-householder)<br>• householder developments<br><br>**Enforcement**<br>• time since enforcement charter published / reviewed (months) Requirement: review every 2 years<br>• number of breaches identified / resolved | <br><br>73.3<br>26.8<br>8.6<br><br><br>8<br><br>160/149 | <br><br>60.8<br>25.3<br>10.1<br><br><br>44<br><br>133/103 |

# 3.0   DEFINING AND MEASURING A HIGH-QUALITY PLANNING SERVICE

## Open for Business

3.1   The Council's adopted scheme of delegation continues to result in a high percentage of applications (94.5%) being determined under delegated powers by officers.  The approval rate for applications also remains high at 93.5%. From figures reported in the National Headline Indicators table above, it is clear that the determination period for major applications and non householder applications has seen an increase in processing times from 60.8 to 73.3 and 25.3 to 26.8 weeks respectively. There have been a number of factors influencing performance, namely:

1.   The high number of legal agreements the Council enters into in respect of its development contributions policy continues to have an impact on processing times for applications.
2.   The service has prioritised engaging in pre-application discussions with prospective applicants with 88% of applications having some level of pre-application engagement with the service.
3.   Major planning applications and S36 applications for large scale windfarms and the associated enquiries, screening and scoping opinions, appeals and condition monitoring processes have a significant and disproportionate impact on performance and the resources available to respond to other priorities.
4.   The service has also prioritised the determination of legacy cases and this has had a disproportionate impact on the average time to determine applications

3.2   However, the figures for householder applications show an encouraging improvement from an average of 10 to 8.6 weeks. The Official Statistics in section 6 also highlight a marked improvement in the average processing times for those householder applications that go beyond the 2 month determination period from 22.2 to 17.4 weeks. The factors influencing performance have been highlighted above and are discussed elsewhere in this document, as are the measures being undertaken to deliver an improvement in processing times. The official statistics also show there has been improvement in the determination of other consents from 9.8 to 9.1 weeks and for applications that require a legal agreement from 99 to 79.7 weeks.

3.3   It is worth noting that when application performance is assessed against the 2 month determination period indicator there has been a steady improvement in performance. Performance has improved in all categories of applications with a higher number of applications determined within 2 months of submission. The figures are set out in the table below:

| Year | Householder Applications | Non- Householder Householder | All Applications |
|---|---|---|---|
| 2012/13 | 82% | 55% | 64% |
| 2013/14 | 85% | 60% | 69% |

3.4   The service continues to invest resources in undertaking pre-application enquiries and handled 1044 written enquiries last year. Overall, this means an 88% equivalent of the applications

received in 2013/14 have been subject to formal written provisional enquiries. This constitutes an increase of 11% on last year and a significant increase from the 49% figure reported in 2011/12.  This has implications on the service's ability to make more significant improvement to processing times for applications due to the staff time taken to respond to such enquiries but this is balanced by the ability of officers to influence the quality in submissions for planning permission.

3.5   We have recently concluded a study to identify more efficient ways to manage and prioritise planning applications and provisional enquiries. The Development Management team and relevant staff from other sections within Regulatory Services participated in workshop sessions to examine options for change and improvement. The outcomes of this exercise are included in the Development Management Improvement Plan 2014.The Improvement Plan identifies 19 key issues affecting service delivery, in particular the speed of decision-making, and highlights potential causes and implications, the extent of risk these have for service delivery and identifies options for action. The implementation of the actions of the Improvement Plan is identified as one of the key service improvements for this year.

3.6   The service has produced a Development Management Charter.  The Charter is committed to promoting good planning practice. It is equally concerned to ensure that the needs of the users and customers of the planning system are properly recognised. The Charter provides a clear statement of what can be expected from

*New Build Residential - Plummerswood, Innerleithen*



*New Build Residential - Ar Fardach, Newstead, Chirnside*



*New Build Commercial Abbotsford Visitor Reception Building*

the Council's development enabling service and outlines the expectation we have of customers interacting with the service. The Charter also sets out the proportionate and required information that will need to be lodged in support of planning applications to ensure the efficient determination of the development proposal. Once the document is approved it will be available to view on the Council's web site.

3.7 The service has a range of information and advice for customers published on its web site and this information has been reviewed to ensure that it is up to date and relevant. The service will continue to monitor and up date this information, when necessary. Customers have been encouraged to self serve and utilise the benefits of the web site and Public Access.

3.8 The service has an up-to-date Development Plan to guide and facilitate development and we continue to review and refine this policy framework. We have sufficient effective housing and employment land identified to provide for the region's needs. The 2013 Housing Land Audit confirms that we have in excess of the required 5 year effective land supply. The land supply figure identified in the audit reflects calculations based on the number of completions and stands at 7.8 years of supply. The reduction in the number of houses being built in the Borders has led to a slight increase in land supply when calculated against completion rates. Completions have reduced from 659 in 2008 to 306 in 2012/13, a modest increase of 40 units on last year. The numbers of housing unit approvals has remained broadly constant with that reported in 2012/13.

## High Quality Development on the Ground

3.9 The Council has produced a suite of policies, supplementary planning guidance and planning briefs to ensure the delivery of high quality developments and these are available to view on our web site. A total of four guidance notes were produced, updated, consulted on and published in 2013/14 including:

- Developer Contributions
- Harbour Road Eyemouth Development Framework
- Affordable Housing
- Landscape and Visual Guidance for Single and Groups of 2 or 3 Wind Turbines in Berwickshire

We have also identified an extensive list of Supplementary Guidance that will be included in the Local Development Plan within an identified programme for review and updating.

3.10 The service continues to operate a strong monitoring system including regular reports and specific audits covering housing, employment land, vacant land, town centres, and rural communities. This is essential to maintain an up to date Development Plan, and also provides the backdrop to the Council duties related to Strategic Environmental Assessment. The service has been implementing a defined action plan aimed at promoting GIS across the department. As demonstrated by the number of provisional enquires the service deals with, we continue to engage proactively with developers

This has involved design workshops, masterplanning and collaborative working with responsive developers on a number of development sites and in particular engagement with the renewables industry.

3.11 The service ran its biannual Design Competition last year. There were 30 entries in four categories which were: alteration to existing properties, new building commercial, new building residential and placemaking. The independent judging panel was chaired by Ian Lindley (former Director of Environment & Infrastructure, SBC) with David Suttie representing the Royal Town Planning Institute Scotland (RTPI) and John Lane representing the Royal Incorporation of Architects in Scotland (RIAS). Ian Lindley, Chair of the Judging Panel said "The panel considered all the entries submitted and selected a total of 13 buildings for site visits, covering the length and breadth of the Scottish Borders. The final recommendations from the panel, for three Awards and three Commendations are as follows".

**1** AWARD: NEW BUILD RESIDENTIAL (INDIVIDUAL BUILDINGS) - PLUMMERWOOD, INNERLEITHEN
Presented to: Mr & Mrs I Nimmo
Designed by: Gala Group, Edinburgh
Constructed by: Rodger (Builders) Ltd, Earlston

**2** COMMENDATION: NEW BUILD RESIDENTIAL (INDIVIDUAL BUILDINGS) - AR FARDACH, NEWSTEAD, CHIRNSIDE
Presented to: Dr J Fear & Dr A Houghton
Designed by: Sally Ruel Architect, Heriot
Constructed by: Border Construction Ltd, Earlston

**3** AWARD NEW BUILD COMMERCIAL - ABBOTSFORD VISITOR RECEPTION BUILDING
Presented to: The Abbotsford Trust
Designed by: LDN, Edinburgh
Constructed by: Border Construction Ltd, Earlston

**4** COMMENDATION NEW BUILD COMMERCIAL – GLENTRESS VISITOR CENTRE
Presented to: Forestry Commission Scotland
Designed by: Gaia Group, Edinburgh
Constructed by: McLaughlin & Harvey, Paisley

**5** AWARD WORKS TO EXISTING BUILDINGS - STEWARD'S HOUSE, FROGDEN
Presented to: Mrs Isabel Scott
Designed by: Keith Renton Architect, Hume
Constructed by: M & H Builders & Joiners, Galashiels

**6** COMMENDATION WORKS TO EXISTING BUILDINGS - NEWLANDS CENTRE, ROMANNO BRIDGE
Presented to: Newlands Community Development Trust & Scottish Borders Council
Designed by: Cooper, Cromar, Glasgow
Constructed by: McLaughlin & Harvey, Newtonabbey

3.12 Councillor Ron Smith, Executive Member for Planning and Development and Chair of the Planning and Building Standards Committee said "We are keen to promote high quality design across the Scottish Borders that respect the local context – whether in a rural or urban setting, whether it is a new building or works to an existing property. I am heartened by the number of entries submitted for the Design Awards this year and am sure that the judges did
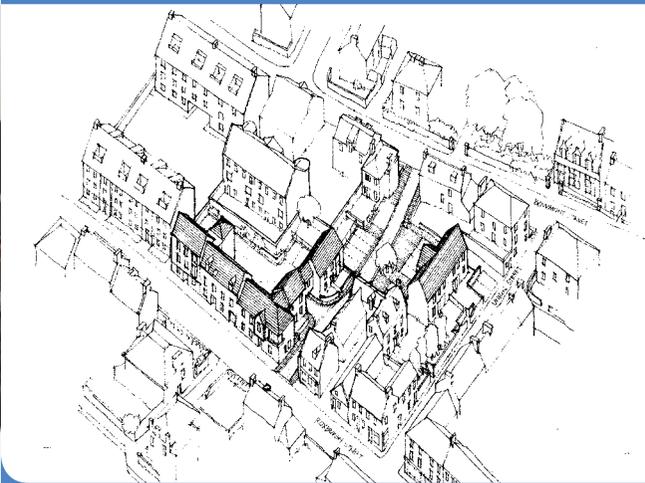

*New Build Commercial Glentress Visitor Centre*


*Existing Buildings - Steward's House, Frogden*


*Existing Buildings - Newlands Centre, Romanno Bridge*

*Roxburgh Street, Kelso Sketch Plan*


*Kelso Square*

not have an easy task in coming to a decision in each category".

3.13 One of the key work streams identified in this year's service improvement plan was to assess the success and influence of the Council's Placemaking & Design supplementary planning guidance and the value it has added to the Development Management process. The first case study undertaken looked at the development by Persimmon Homes at Easter Langlee for approximately 500 houses, which was subject to a major masterplanning exercise in 2012/13.

3.14 Planning staff and staff from related disciplines were given a briefing on the background to the master planning exercise and carried out an on-site evaluation using the principles set out in the Supplementary Planning Guidance on Placemaking and Design and Designing Place/Street documents. The review was a very positive experience for the staff involved and provided useful insights into how to encourage a main stream housing developer to improve the quality of their development. The lessons learned from this process are being disseminated to all relevant staff through training sessions co-ordinated by the Peer Review Group. The Peer Review Group is a group of senior managers in the service who review all new applications to identify key policy and resource issues that will arise in considering such applications.

3.15 Continuing the service's focus on Creating Places and Placemaking has been the pro-active work in relation to the Borders Railway and in particularly the drive to improve the design of the three new stations at Stow, Galashiels and Tweedbank. To start the process, the initial designs by Network Rail were subject to a published in house appraisal and these design frameworks have been used as a benchmark to seek to influence the detailed design processes, both within and outwith the Prior Approval process. The service has also contributed significantly towards the preparation of a Borders Railway prospectus along with City of Edinburgh and Midlothian Councils.

3.16 The Council, with its partners Tweed Forum and the University of Dundee, has completed the first two stages of the Scottish Borders Rural Land Use Framework pilot. The work undertaken comprises the baseline mapping and the opportunities/constraints mapping together with extensive stakeholder consultation, all in line with the agreed brief with the Scottish Government. On completion by March 2015, this will feed into the National Land Use Strategy 2016. This high profile pioneering project has resulted in the team making presentations across Scotland and the UK.

3.17 The Kelso Townscape Heritage Initiative (THI) reached another milestone with over £1m of grant assisted works around The Square having been completed. There has been an extensive three year education programme fulfilling the objectives of the Historic Environment Strategy 2013, to understand and value the heritage asset. This year also saw further examples of a continuing programme of encouraging activity in our town centres through the creation of a new public space (previously car parking) at the

historic Cornmill Square, Galashiels. In addition, as part of the post Kelso legacy, the department produced a feasibility study for 16 houses on a brownfield site in the conservation area on Roxburghe Street, which has been subject to land assembly and it is possible that this will form part of the Council's new programme for affordable/mid market rent housing. Similarly in Kelso, an Option Appraisal has been undertaken on the existing listed art deco Kelso High School, with a view to securing an end use prior to completion of the new school. A similar pro-active planning exercise has been undertaken of the former Berwickshire High School, also a listed building.

3.18 The service has taken a pro-active role in safeguarding the region's built heritage. Listed building consent and planning permission has been obtained for the redevelopment of Sunnybrae Lodge, Walkerburn, and work will commence on site once the required Compulsory Purchase Order is confirmed. The service was also involved in projects to restore two other nationally important buildings at the Haining stable block and Fatlips Castle. This is consistent with the National Indicator of seeking to reduce the percentage of Category A listed buildings at risk. The major restoration last year was Abbotsford House, which was opened by Her Majesty the Queen in July 2013 and was the only UK winner of the Europa Nostra Conservation Award 2014. The service had a key role not only in assisting the restoration standards of the house, but were instrumental in problem solving the wider masterplanning of the project through land assembly to incorporate the new visitor centre and car parking. The

Council and the local community in Coldingham have completed a seven year enhancement of the conservation area. This included the Coldingham Priory and Luckenbooth Project which rescued the Priory and associated greenspace and integrated the Post Office to create a new central focus for the village.

## Certainty

3.19 The Council has an up-to-date Development Plan and has produced a range of topic based Supplementary Planning Guidance, as well as site specific planning briefs. The Council has an up-to-date, clear and robust policy framework for the determination of planning applications and information and guidance available to applicants and interested parties alike. All of these documents are available on the Council's web site.

3.20 The Council is delivering on the Development Plan Action Plan and reported the Proposed Local Development Plan to Council in September 2013. SESplan, the Strategic Development Plan for south east Scotland was approved in June 2013 and this along with the current adopted Consolidated Local Plan, is the Development Plan for the Borders. The consultation period on the Proposed Local Development plan ended in March 2014 and a total of 180 responses covering 500 comments were received. The representations are currently being analysed and it is anticipated that the Local Development Plan will be reported back to Council in September 2014, with the likelihood of an Examination in Public being held in the latter part of the year.



*Coldingham Priory and Luckenbooth Project*



*Abbotsford House*

*Langlee, Galashiels*


*Langlee, Galashiels*

3.21 There has been a significant reduction in the success rate of the service in defending decisions at the Local Review Body with a drop from 73.7% of the appointed officer's decisions being upheld in 2012/13 to only 48.7 % being successful in 2013/14. There has been an increase in the number of appeals to the Directorate of Planning & Environmental Appeals from 6 to 16 this year and also an improvement in the service's success rate from only 33.3% of its decisions being upheld in 1012/13 to 62.5% this year. The figure for success at appeal is closer to the historic success rate enjoyed by the service. The previous year's poor performance was accentuated by the fact that only 6 appeals were determined during that reporting period. The implications of the decisions for the consideration of future applications are discussed with the relevant staff and the Development Management team more widely.

3.22 The service continues to seek consistency in its decision making that is based on an up to date Development Plan and planning guidance. The service's willingness to engage in pre-application consultation also helps reduce uncertainty and stimulate confidence in the planning process.

## Communications, Engagement and Customer Service

3.23 The Council's Public Access portal continues to be well used and appreciated by customers. We have promoted the uptake of electronic submission of applications with agents and developers through stakeholder meetings, letters and offers on training on the system. The yearly average of applications now received on-line stands at 40%, with a peak of 50% in the final quarter. This constitutes a 5% increase in the number of applications being lodged on-line. We also have an active programme of engagement with stakeholders to increase the use of the system including e consultation and communication on applications.

3.24 SiteMorse.com listed our web site as the best local authority website in Scotland and also ranked it third in the whole of the UK. Their survey examined the usability, accessibility, reliability and performance of all council sites. Only three years ago, the same study ranked the Council's previous website as 148th in the UK. The planning service continues to maintain a range of information on the planning pages including the On-Line Development Plan, supplementary planning guidance, windfarm data bases and plans. A number of on-line forms for general planning contacts, planning enforcement and pre-application enquiries are also available on the web site. The service is continuing to develop Local View Fusion, which is a public facing web based GIS tool, as part of the programme to communicate spatial information corporately and to the general public.

3.25 The Council has a formal complaints procedure and has the facility for customers to complain using an on-line form. In terms of complaints reporting, there were a total of 35 complaints about the wider Regulatory Services directorate. The Department has responded to the findings of these investigations by identifying staff

training needs and service improvements in business plans and the Planning Performance Framework.

3.26  The Council has adopted a new combined Planning and Building Standards Enforcement Charter. The charter sets out the standards of service we will provide, and shows what happens at each stage in the process.  The charter is available on-line. The Charter was launched at the Stakeholder forum in 2012/13 and notification of its publication was sent to interested parties. The service will be progressively monitoring how well the service is meeting the Charter's obligations. The Enforcement team is proactively monitoring major developments, such as windfarms and is also currently carrying out a comprehensive review of our extant windfarms and mineral sites to ensure that there is adequate provision for their decommissioning and restoration.

3.27  The service has altered the format of its annual stakeholder forum and now holds separate meetings for Community Councils and agents/developers recognising the different interests of these customer groups.  This change in format was introduced following feedback from stakeholders. We also run a number of topic based forums throughout the year, when required.  In 2014, the annual stakeholder forums discussed the following matters:

• recent organisational changes,
• the Local Development Plan
• High Hedges legislation
• e- consultation and submission of applications
• processing agreements

• development contributions and legal agreements
• future engagement with the planning service

## Efficient and Effective Decision-Making

3.28  The Council's scheme of delegation provides a high level of officer delegation with only 5.5% of applications being referred to the Planning & Building Standards Committee.

3.29  The Planning & Building Standards Committee is held on a monthly basis sitting on the first Monday of each month during the day. The Local Review Body also meets on a monthly basis but has had to sit on several occasions in a particular month due to the need to undertake further procedure. A review into both decision making bodies in terms of their composition and operation has been concluded and the findings implemented. The changes implemented included the equalisation in the number of Councillors on the Planning & Building Standards and the Local Review Body to 9 and the introduction of public speaking at the Planning & Building Standards Committee.

3.30  There has been a concerted effort to remove legacy cases from the backlog of planning applications in the system. In the last year, a total of 169 legacy applications (more than a year old on 31/03/13) have been dealt with: 75 applications were withdrawn, 70 approved and 24 refused.  The disposal of this number of legacy cases has had a disproportionate influence on last year's performance figures and in particular on non householder local developments. The ability to "stop the clock" for
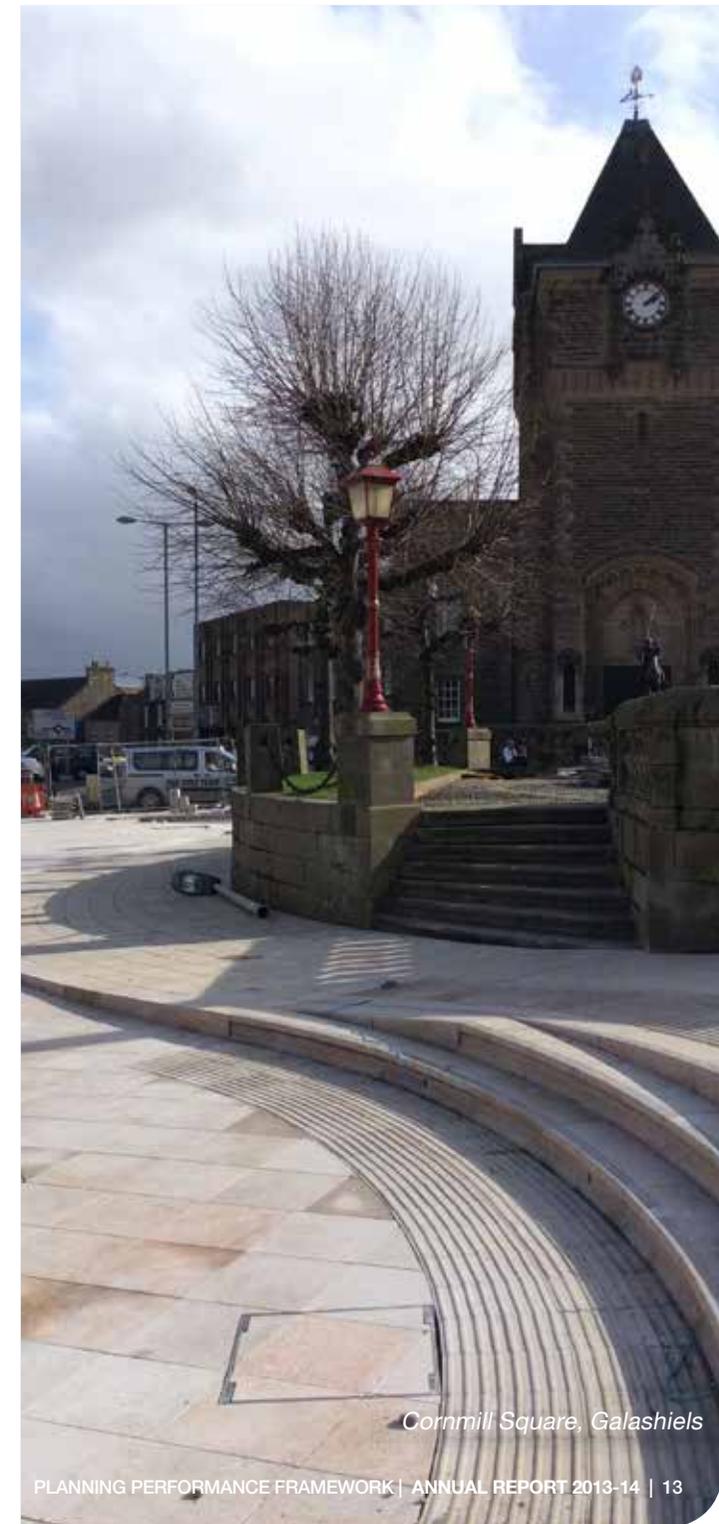
*Cornmill Square, Galashiels*

*Fatlips Castle*

some periods of time due to applicant's inaction, has reduced the time taken to conclude some of the legacy cases but it does not disguise the fact that a number of applications which have been in the system, sometimes for a number of years, unduly affect the overall performance of the service. This situation will improve in future years as the legacy cases are removed from the system.

3.31 The service is striving to deliver improved performance and measures that have been introduced this year will assist this process. In particular, the introduction of a more streamlined legal agreement process should reduce determination times. Despite the system having recently been introduced we have already seen a reduction in the time taken to determine applications that have legal agreements by some 21 weeks (see 3.2). We have also concluded a review and re-assessment of our development contributions policy. In particular, we have readjusted the thresholds that trigger application of the policy for the provision of affordable housing. The revised Supplementary Planning Guidance was approved by the Council 3 March 2014.

3.32 The changes to the development contributions process twin-track the determination of the application and the legal process of concluding a section 69 or 75 agreement. The changes involve:

o   Identifying provisional contribution requirements at Application registration stage
o   Early contact with Applicants to raise Development Contribution requirements and encourage early drafting of Heads of Terms for Legal Agreements

o   Revised supporting Guidance Notes to be issued with acknowledgement of every Application and published on website, and designed to improve information dissemination to enable informed decision making
o   Pre-determination Legal Agreement instruction
o   Drafting and utilisation of model clauses to provide more generic Legal Agreements
o    File monitoring systems improved to ensure Legal Agreement negotiation and drafting progresses within reasonable timeframes
o   Reducing the time taken to release Consent post-determination for approval

3.33 The service has promoted the use of processing agreements as an application management tool for all major applications. Thus far, a total of 10 processing agreements have been entered into by the authority; 7 within this current reporting period. There is also continued dialogue about processing agreements with a number of wind farm developers regarding schemes and their subsequent applications will be subject to agreements when they are lodged. The service continues to develop its project management approach to the determination of major and complex planning applications, utilising the skills and expertise within the expanded service. Information on processing agreements and an on-line form are available on the Council's web site.

3.34 In order to respond to development pressures and to encourage economic development, we continue to have dedicated officers to manage renewable energy and business applications. We are also continuing to review the allocation of staff resources and how we can work effectively with other authorities through some of the working groups highlighted in paragraph 3.36.

## Effective Management Structure

3.35 A further restructuring of the former Environment & Infrastructure Department was concluded last year and has led to the creation of a new service called "Place", under a Depute Chief Executive. Planning Services sit within a new Regulatory Services Directorate in Place and consists of seven business teams each led by a business manager who report to the Service Director, Mr Brian Frater. The business teams are Forward Planning, Development Standards, Regulatory Services, Built and Natural Heritage, Major Applications, Review & Enforcement, Legal Services and the Assessor.

3.36 This restructuring has allowed us to build on the integration achieved last year within the new service. This integration helps us provide quick and effective responses to development proposals, greater consistency of decision making and a wider understanding of the cross linkages and relationships required to deliver planning objectives. In particular, the location of legal services within the Service Directorate will allow a smooth implementation of the new development contributions and legal agreements protocols. There are a number of

working protocols in place with other Council services most notably with Housing Strategy, which enables effective working on affordable housing policy and investment decisions through the Strategic Housing Investment Plan (SHIP) process. The Peer Review Group is also a mechanism for cross service debate and discussion on issues, applications and procedures.

3.37 As well as working more effectively within the service and the Council to manage the planning service, we continue to engage with other authorities and agencies sharing knowledge, information and best practice. There are a number of working protocols that are in place with these bodies. This relates to work that has been on-going for a number of years and work that has been undertaken more recently. Some of the organisations that the planning service is involved in are set out in the table on p16.



tweedbank
railway station

BORDERS RAILWAY
Environmental Design

**Rob Dickson** | Director
ENVIRONMENT & INFRASTRUCTURE | Scottish Borders Council

VERSION 3

| Organisation | Commentary |
|---|---|
| Rural Authorities Benchmarking Group | The Council has been part of the benchmarking group for a number for years. The group shares information and best practice over a number of areas.  The Group last met on 1 November 2013 where the following topics were considered: approval rates, average weeks to decision, fees/income, number of application per case officer, numbers of applications, ePlanning, Plan making and service improvements |
| HOPs DM sub Committee | The authority has always taken an active role in the Development Management sub Committee and was part of the working group on the revisions to the permitted development rights. |
| HOPs and knowledge hub | The authority takes an active part in HOPs and contributes to the information available in the knowledge hub. |
| Wind Energy Strategy Group | The authority has formed a group to consider the strategic implications of wind energy development in the Borders.  The group's membership has grown to include representatives of adjoining local authorities both in Scotland and England as well as officers from SNH and Historic Scotland. |
| Windfarm Visualisations Working Group | The authority had a representative on the SNH working group that is developing new guidance for the visualisation of windfarms. |
| Eplanning and Uniform Users Group | The authority takes an active part in the both these groups. |
| New Border Alliance | This is a group that consists of planning and housing officials from the Council and representatives of all the RSL's in the Borders where sharing information on related issues and research is undertaken. There is the ability to influence the Strategic Housing Investment Plan and identify development opportunities for affordable housing. |
| Affordable Housing Liaison Group | This is an internal group of officers in planning and housing that seeks to share knowledge and information in the development of housing and planning policy and facilitating opportunities for the delivery of affordable housing. |
| SESPlan working groups | The authority is engaged in a range of work streams associated with the production of the Strategic Development Plan.  This includes joint working, sharing information, best practice and contributing to the development of policy on housing, retail, sustainable economic development etc… |
| SCOTS Groups | The authority is a active member of the Society of Chief Officers of Transportation in Scotland  and we have contributed to the production of the National Roads Development Guide. |
| Tripartite Working Group | A tripartite forum has also been set up with Scottish Water and Scottish Environment Protection Agency to discuss on-going development and infrastructure issues and to enable input into the development planning process. |
| Presentations | In the past year Council officers have given presentations to national conferences on bio-diversity off setting, land use strategy and affordable housing |

*Langlee, Galashiels*

3.38 In addition to involvement with the groups listed above, there is regular dialogue with peers from other authorities about case specific applications, such as the cross border implications of development such as renewables but also on general matters of policy and procedure.

## Financial Management and Local Governance

3.39 The planning service continues to face significant budget pressures due to wider Council funding efficiencies and this position has been exacerbated by the continuing low levels of planning fee income. Stringent budget monitoring processes have been put in place to monitor and report on budget pressures on a monthly basis. A close working relationship between budget holders and finance staff has also been developed to address these issues while still delivering on the Council's planning aspirations.

3.40 There are regular meetings of senior management across the service to consider budget and efficiency measures to enable services to be provided cost effectively.

3.41 The Council has put in place robust procedures to recover costs incurred when direct action is pursued under enforcement legislation.

3.42 The Council now has a highly developed and effective development contributions collection and spend systems in place. This is administered by the Development Negotiator and finance staff, and feeds into the delivery of key service infrastructure, such as schools facilities, the Borders railway and affordable housing. Additional support staffing has been allocated to assisting the Development Negotiator in managing the system of development contributions and legal agreements.

## Culture of continuous improvement

3.43 The planning service continues to ensure that there is sufficient budget for staff training. This will ensure that we assist officers in meeting their Continuing Professional Development obligations, through attendance at courses and conferences. There are also opportunities for staff to undertake longer term study which is funded in full, or in part, by the Council. The staff workshops that led to the production of the Development Management Plan also helped embed a culture of continuous improvement for the service. We have progressed a workforce planning project with the aim of up-skilling staff and addressing succession planning in the service.

3.44 Training continues to be provided in advance of any Member sitting on the Planning & Building Committee and the Local Review Body. This has been supplemented by presentations to Members on particular topics such as access, landscape and trees.

3.45 The Council's new staff appraisal process has been rolled out recently and this has enabled managers to reinforce the performance



*Langlee Square, Galashiels*

*Ar Fardarch, Chirnside*

culture at all levels of the department. Using this process, staff have been given goals and projects to assist not only in the delivery of the aims set out in this Planning Performance Framework, but also wider departmental and corporate objectives.

3.46 Effective engagement with other authorities and organisations to consider best practice and shared learning has been set out already in this document. How we delivered last year's improvement action is set out in section 6.

## 4.0 SUPPORTING EVIDENCE

4.1 This report was compiled drawing on evidence from the following sources:

- Scottish Borders Council Planning Performance Framework 2012/13
- Scottish Borders Housing Land Audit.
- Scottish Borders Retail Audit and Footfall Survey.
- Scottish Borders Employment Land Audit.
- Scottish Borders Rural Facilities Audit.
- Scottish Borders Vacant Land Audit.
- E&I GIS Review.
- Business Plans for service teams within Regulatory Services.
- Place Department budget
- Uniform data management system.
- Development Management Workload and Performance Briefing Notes. Monthly bulletin for Members.
- Scottish Borders Council Web Site planning information pages & Public Access.
- Development Management Improvement Plan 2014

- Development Management Charter 2014
- Enforcement Charter 2014

4.2 The documents and information mentioned above are available on line or by approach to Regulatory Services.

## 5.0 SERVICE IMPROVEMENTS 2014-15

5.1 The Planning Service has identified a number of key service and performance improvement measures for 2014/15 and these are set out below:

1. Implement the improvements indentified in the Development Management Improvement Plan 2014

2. Review management of applications for windfarms and turbines

3. Continue Design Review to address a range of scales of development

4. Continue study on stakeholder engagement and implement findings

5. Develop customer feedback forms

6. Develop and Implement Local View Fusion GIS tool

5.2 The improvements set out in the PPF will be monitored effectively and a 6 monthly priority update report will be prepared for the service to ensure that we are on track to deliver the identified improvements on time.

# 6.0 DELIVERY OF IMPROVEMENT ACTIONS 2013-14

6.1 The specific commitments made in the PPF last year, along with the actions taken and progress made, are set out below:

| Committed Improvements and Actions 2013/14 | Complete? |
|---|---|
| A Deliver on Development Management Improvement Plan work streams see below:<br><br>1. Undertake study into the management and prioritisation of provisional enquiries and implement findings<br><br>A review of procedures has been carried out along with an examination of how other authorities undertake and record provisional enquiries. A series of recommendations have been made including updating of web pages, separating out categories of enquiry and setting clear standards for the information required from those submitting an enquiry to enable an informed response to be made. Revised standards have been set out in the newly published Development Management    Improvement Plan. | Complete |
| 2.   Conclude study on the management of the legal agreement process and implement findings<br><br>A review of processes and procedures by both planning and legal services has been concluded and this included benchmarking with other local authorities. Revised protocols for legal agreements were approved by the Planning & Building Standards Committee at its meeting in March 2014 and these have now been implemented. | Complete |
| 3.   Promote the greater use of processing agreements in major developments<br><br>A standardised processing agreement template has been designed and placed on the Council's web site along with guidance notes. An instruction has been issued to all Development Management staff on the use of planning agreements and the expectation that they will be used for all major and complex planning applications. There has been engagement with developers to encourage their wider use. | Complete |
| 4.   Carry out performance workshop with staff<br><br>Two performance workshops have been carried out with Development Management staff and  staff  from other services with links to the planning process.  The workshops focussed on identifying the key obstruction to efficient and effective decision making and the costs/ benefits of the various options for change. The outcomes from this process have been included in new Development Management Charter and Improvement Plan. | Complete |
| 5.   Undertake design review of completed development and carry out evaluation of Placemaking and Design Guidance. Disseminated lessons learned to all relevant staff through training sessions<br><br>A review of the housing site for approximately 500 units at Easter Langlee site in Galashiels has been carried. This focussed on phase 1 of the development as it is nearly complete.  A complementary design review is being undertaken looking at range of scales of development. The lessons learned are being disseminated to all relevant staff through training sessions. | Partly Complete<br><br>on-going process |
| 6.    Review and update web page content<br><br>A review of the planning pages content on the Council web site has been completed and adjustments made to information making sure that it is relevant and up to date.  A further consideration of how customers can navigate through the planning information pages is being considered. | Complete |
| B.   Complete study on stakeholder engagement and implement findings<br><br>We have engaged in dialogue with Community Councils and local agents/developers regarding how we interact and communicate and also the potential for increased e-delivery of services. We have increased the number of Community Councils that are consulted electronically on applications and that submit their responses to us electronically. We have also been offering assistance and training to agents and developers to encourage them to submit a higher percentage of applications on line.<br><br>An Audit is also being undertaken on a Council wide basis on what consultation we currently carry out with our customers and its effectiveness. The service is contributing to this study  to examine where collaboration is possible and to avoid duplication. | Partly Complete |
| C.   Complete review into Developer Contribution thresholds and implement findings.<br><br>We have completed a review into Developer Contribution thresholds and the resultant report was approved by the Planning & Building Standards Committee on 3rd March 2014. The findings allow for increase thresholds for the provision of on-site affordable housing thus enabling greater use of commuted sums and resultant earlier release of consent. The decision also required an updated of the Council's SPG on Development Contributions to be undertaken. | Complete |
| D.    Adopt and implement joint Enforcement and Building Standards Charter. Complete work on a Development Management Charter<br><br>The Enforcement Charter has been drafted, consulted on and the re-drafted version was presented to and approved by P&BS Committee in 3Feb 2014. The document has now been placed on the Council's web site. | Complete |
| E.   Deliver programme of new and up dated SPG's .   Four SPG's were prepared, reviewed, updated and approved last year. | Complete |

# APPENDIX 1 - PLANNING PERFORMANCE FRAMEWORK - OFFICIAL STATISTICS

## Decision-making timescales

| Category | Total number of decisions 2013-2014 | Average timescale (weeks) | |
|---|---|---|---|
| | | 2013-2014 | 2012-2013 |
| Major developments | 10 | 73.3 | 60.8 |
| **Local developments (non-householder)** | 526 | 26.8 | 25.3 |
| • Local: less than 2 months | 295 | 7.4 | 7.3 |
| • Local: more than 2 months | 231 | 51.6 | 42.4 |
| **Householder developments** | 397 | 8.6 | 10.1 |
| • Local: less than 2 months | 337 | 7.1 | 7.3 |
| • Local: more than 2 months | 60 | 17.4 | 22.2 |
| **Housing developments** | | | |
| Major | 4 | 103.4 | 59.4 |
| Local housing developments | 189 | 45.9 | 51.0 |
| • Local: less than 2 months | 64 | 7.6 | 7.9 |
| • Local: more than 2 months | 125 | 65.6 | 65.2 |
| **Business and industry** | | | |
| Major | 0 | n/a | n/a |
| Local business and industry | 46 | 9.8 | 8.8 |
| • Local: less than 2 months | 39 | 7.1 | 6.9 |
| • Local: more than 2 months | 7 | 25 | 13.2 |
| **EIA developments** | 0 | | |
| Major | 0 | - | 65.8 |
| Local | 0 | - | - |
| **Other consents*** | 182 | 9.1 | 9.8 |
| **Planning/legal agreements**** | 81 | 79.7 | 99.0 |
| **Local Reviews** | 39 | 8.1 | 8.4 |

\* Consents and certificates: Listed buildings and Conservation area consents, Control of dvertisement 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 & & 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 CountryPlanning (Scotland) Act 1997 or section 69 of the Local Government (Scotland) Act 1973

## Decision-making: local reviews and appeals

| Type | Total number of decisions | Original decision upheld | | | |
|---|---|---|---|---|---|
| | | 2013-2014 | | 2012-2013 | |
| | | No. | % | No. | % |
| Local reviews | 39 | 19 | 48.7 | 14 | 73.7 |
| Appeals to Scottish Ministers | 16 | 10 | 62.5 | 2 | 33.3 |

| Enforcement activity | 2013-2014 | 2012-2013 |
|---|---|---|
| Cases taken up | 160 | 173 |
| Breaches identified | 129 | 133 |
| Cases resolved | 149 | 103 |
| Notices served*** | 2 | 1 |
| 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.

# APPENDIX 11 - WORKFORCE AND FINANCIAL INFORMATION

**Part 6: Workforce and Financial Information**

The key teams that deliver the planning function are identified below:

- **Development Standards:** Includes Development Management Building Standards and Roads Planning Services. In Development Management there are 11 professional planning officers. 10 of the officers work in 4 area teams with each team led by a Principal Officer. The remaining professional planning officer focuses on processing commercial renewable energy development throughout the Scottish Borders. In Building Standards there are 13 professional staff while Roads Planning have 7 professional officers and one member of support staff. A Registration Team of three officers supports Development Management and Building Standards.

- **Forward Planning:** 2 principals, 1 research planner, 4 professional planners and 3 GIS specialists. In addition, to the development planning function there is a responsibility for transport strategy and departmental GIS.

- **Major Applications, Review & Enforcement:** 5 professional officers dealing with planning and building enforcement and providing an Ecological Clerk of Works for the Waverley railway project. The manager project manages major planning applications in a matrix management arrangement with Development Management staff and is the planning advisor to the Local Review Body. The team also includes the Development Negotiator.

- **Built and Natural Heritage:** 19 professional officers across a range of environmental fields. Whilst the relatively large access team feeds into the forward planning and development management processes , the main inputs of up to 50% of time, come from landscape ( 2FTE's) and a number of single FTE's, to cover built heritage and design; urban design ; trees; archaeology and ecology

## Planning Service Statistics

| | Tier 1 | Tier 2 | Tier 3 | Tier 4 |
|---|---|---|---|---|
| Head of Planning Service | | X | | |

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

| | | DM | DP | Enforcement | Other |
|---|---|---|---|---|---|
| Managers | No. Posts | 1 | 1 | 1 | |
| | Vacant | 0 | 0 | 0 | |
| Main grade posts | No. Posts | 10 | 10 | 6 | |
| | Vacant | 0 | 0 | 0 | |
| Technician | No. Posts | 0 | 0 | 0 | |
| | Vacant | 0 | 0 | 0 | |
| Office Support/ clerical | No. Posts | 2 | 0 | 0 | |
| | Vacant | 0 | 0 | 0 | |
| TOTAL | | 13 | 11 | 7 | |

*Note: Managers are those staff responsible for the operational management of a team/division.*

| Staff Age Profile | Number |
|---|---|
| Under 30 | 10 |
| 30-39 | 5 |
| 40-49 | 10 |
| 50 and over | 6 |

| Committee & Site Visits* | Number per year |
|---|---|
| Full council meetings | 12 |
| Planning committees | 12 |
| Area committees (where relevant) | N/A |
| Committee site visits | 5 |
| LRB** | 13 |
| LRB site visits | 7 |

*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.*

# APPENDIX 11 - WORKFORCE AND FINANCIAL INFORMATION (cont'd)

| | Total Budget | Costs | | Income |
|---|---|---|---|---|
| | | Direct** | Indirect** | |
| Development management | -100,407 | 571,609 | 96,337 | -725,017 |
| Development planning | 566,923 | 447,286 | 111,660 | -7,663 |
| Enforcement 173,146 | 168,420 | 13,601 | -3,100 | |
| Other | | | | |
| TOTAL | 639,662 | 1,187,315 | 221,598 | -735,780 |

Notes:
*Direct staff costs covers gross par (including overtime, national insurance and superannuation contribution). The appropriate proportion of the direct cost of any staff member within the planning authority spending 30% of 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 that 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.

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