

SCOTTISH BORDERS COUNCIL PLANNING PERFORMANCE FRAMEWORK



2015-2016

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INTRODUCTION

This is the fifth Planning Performance Framework (PPF) prepared by Scottish Borders Council for its planning service and covers the period 1 April 2015 to 31 March 2016. The PPF sets out how we contribute to the delivery of Council [corporate priorities](#) of providing the best quality of life for all the people in the Scottish Borders, prosperity for businesses and good health and resilience for all communities. The Framework also highlights what we are doing to improve the quality of development being built, how we are preserving and enhancing the environment and implementing continuous improvement within the service.

The Performance Markers report from Scottish Minister's on last year's PPF provided RAG (Red, Amber, Green) ratings for 15 identified Performance Markers. The report gave us 2 red, 4 amber and 7 green RAG ratings (2 Markers being excluded as not applicable for that year's report). In response to this feedback, we identified a series of priority actions to address the red and amber ratings and these are set out in the table below, along with a commentary on the outcome of implementing the actions:

Performance Marker 13 – Sharing Good Practice, Skills and Knowledge	
SBC Actions: We have ensured that this year's PPF fully recognises the extent of activity we had been engaged in undertaking in this area.	Action Outcomes: The service continues to engage with a range of internal and external bodies and benchmarking at national level to share good practice, skills and knowledge. This is set out in more detail in Part 3 – Supporting Evidence.
Performance Marker 15 Developer Contributions	
SBC Actions: We have ensured that this year's PPF fully recognises the clear and proportionate expectations for developer contributions set out in the Development Plan, Supplementary Planning Guidance, as well as the work undertaken to streamline the Development Contributions process. This is set out in case study 5.	Action Outcomes: We have an up to date Development Contributions policy in the Local Development Plan (adopted May 2016) and have produced Supplementary Planning Guidance on Development Contributions (2011), which is indexed annually, and Affordable Housing (2015), along with Planning Briefs for the majority of allocated sites, which highlight the potential contributions that will be sought, how they will be assessed and provision for viability appraisals to be lodged should contributions render a development uneconomic. Of the 14 cases that have been considered under this provision, some modification to contributions has been agreed by the Council in 9 cases to enable those developments to proceed.
Performance Marker 1 – Decision Making	
SBC Actions: <ol style="list-style-type: none"> 1. Implement Development Management Improvement Plan 2. Implement and monitor development contributions protocols & streamlined legal processes 3. Encourage the use of Processing Agreements to manage major and local applications 4. Proactive and thorough case management through use of traffic lights system (red, amber, green) 	Action Outcomes: We have made good progress in terms of the time taken to determine applications; both major and local. The figures set out in the National Headline Indicators and Official Statistics tables below illustrate improvement in decision making in all categories of application determined by the service. Achieving a more significant improvement in performance has been influenced by the requirement to clear legacy cases and the requirement for legal agreements to secure development contributions. However, we have in the last two years almost halved the time taken to determine applications subject to a legal agreement from 99 weeks in 2013/14 to 51.2 weeks in 2015/16 and now only have 84 legacy cases remaining in the system.
Performance Marker 4 – Legal Agreements	
SBC Actions: <ol style="list-style-type: none"> 1. Continue to fine tune and monitor Development Contributions protocols & streamlined legal processes 2. Further integration of the working practices between Legal and Planning services 3. Continue to encourage the use of Processing Agreements to manage applications and the legal agreement process. 4. Proactive and thorough case management through use of traffic lights system (red, amber, green) 	Action Outcomes: As indicated in Performance Marker 1 above, the time taken to determine applications subject to legal agreements has seen marked improvement in the past two years. We are still seeking to refine and improve our processes and this work is highlighted in case study 5. We also intend to re-examine more generally the use of legal agreements by the authority.
Performance Marker 11 – Regular and Proportionate Policy Advice	
SBC Actions: As Performance Marker 15 above.	Action Outcomes: As Performance Marker 15 above. We continue to dedicate significant resources to providing pre-application advice to potential applicants where officers highlight policy and guidance implications of the proposed development. All adopted policy advice and guidance is published on the Council's web site. This guidance is subject to periodic review, in line with the priority programme set out in the Local Development Plan.
Performance Marker 14 – Stalled Sites/legacy Cases	
SBC Actions: <ol style="list-style-type: none"> 1. Continue efforts to clear legacy cases and identify where "stop the clock" mechanism can be used. 2. Encourage the use of Processing Agreements to manage legacy applications 3. Pursue withdrawal /final disposal of legacy applications 4. Proactive and thorough case management 	Action Outcomes: A total of 166 legacy cases were removed from the system in 2015/16. We continue to focus on the aggressive management of such cases. There are now only 84 legacy cases remaining in the system, a reduction of 119 from last year.

PART 1 - NATIONAL HEADLINE INDICATORS

Key outcomes	2015-2016	2014-2015
Development Planning: <ul style="list-style-type: none"> Age of local/strategic development plan(s) (years and months) at end of reporting period (Requirement: less than 5 years) Will the local/strategic development plan(s) be replaced by their 5th anniversary according to the current development plan scheme? (Y/N) Has the expected date of submission of the plan to Scottish Ministers in the development plan scheme changed over the past year? (Y-earlier/Y-later/N) Were development plan scheme engagement/consultation commitments met during the year? (Y/N) 	<p>SESplan (Approved June 2013) 3 years 1 months old Scottish Borders Local Development Plan (Adopted May 2016) 2 months old</p> <p>The LDP was delivered just outside due to delays in producing the Report on Examination by DPEA</p> <p>Yes</p> <p>Yes</p>	<p>SESplan (Approved June 2013) 2 year 1 months old Scottish Borders Consolidated Local Plan (Adopted 2011) 4 years old</p> <p>-</p> <p>-</p> <p>Yes</p>
Effective Land Supply and Delivery of Outputs <ul style="list-style-type: none"> Established Land supply 5-year effective housing land supply 5-year housing supply target 5-year effective housing land supply housing approvals Housing completions in the last 5 years Marketable employment land supply employment land take-up 	<p>Housing Land Audit 2015</p> <p>8516 units 3,020 units - *1 9.3 years *2 194 units 1,622 units</p> <p>Employment Land Audit 2015</p> <p>110.9Ha 2.0 Ha</p>	<p>Housing Land Audit 2014</p> <p>8689 units 3,109 units - 8.5 years 256 units 1,837 units</p> <p>Employment Land Audit 2014</p> <p>112.9Ha 0.4Ha</p>
Development Management <p>Project Planning</p> <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 percentage planned timescales met <p>Decision-making</p> <ul style="list-style-type: none"> application approval rate delegation rate 	<p>100% *3 1 100%</p> <p>95.8% 96.1%</p>	<p>84% 1 100%</p> <p>94.4 % 95.2%</p>
Decision-making timescales <p>Average number of weeks to decision:</p> <ul style="list-style-type: none"> major developments local developments (non-householder) householder developments 	<p>27.6 weeks 17.4 weeks 6.7 weeks</p>	<p>30.9 weeks 22.7 weeks 7.7 weeks</p>
Legacy Cases (applications more than a year old) <ul style="list-style-type: none"> Number of cases cleared Number of cases remaining 	<p>166 84</p>	<p>197 203</p>
Enforcement <ul style="list-style-type: none"> time since enforcement charter published / reviewed (months) Requirement: review every 2 years number of breaches identified / resolved 	<p>1 138/ 140</p>	<p>13 133/167</p>
<p>Notes</p> <p>*1 Under the SPP (2014), strategic development plans are required to set housing supply targets. The SESplan SDP and Supplementary Guidance were produced in advance of the SPP, and do not set housing supply targets.</p> <p>*2 The Local Development Plan meets the housing requirement set by the SESplan Supplementary Guidance on Housing. The annual monitoring of the housing land supply through the housing land audit seeks to assess whether housing demand continues to be met. The council uses the measure of housing completions which is a reasonable measure of housing demand and this is set out in the new adopted Local Development Plan.</p> <p>*3 100% equivalent relates to the number of provisional enquiries handled exceeding the number of planning applications determined.</p>		

PART 2 - DEFINING AND MEASURING A HIGH-QUALITY PLANNING SERVICE

QUALITY OUTCOMES

High Quality Development on the Ground

We have produced a suite of policies in the newly adopted Local Development Plan, plus a range of supplementary planning guidance, that set out our aspirations for quality development, including guidance specifically on [Placemaking & Design](#). We have also produced [planning briefs](#) for individual sites. These are available to view on our [web site](#). In addition, an extensive [list of Supplementary Guidance](#) has been identified in the Local Development Plan with a priority programme for its production, along with a priority list for the review and updating of existing guidance.

This year has seen the delivery of the Borders Railway and its opening by Her Majesty the Queen, on the day she became Britain's longest serving monarch. The railway has been a massive success and we are working with partners to maximise the economic benefits of the railway set out in the [Borders Railway Blueprint](#). The [Borders Railway Prospectus](#) outlines a range of development opportunities along the railway corridor and we are contributing to a working group with Scottish Government, adjoining local authorities, national and local housing providers, the railway operators and the Blueprint Group to facilitate housing delivery. We are also helping to formulate development options for the Central Borders Business Park at Tweedbank and for the redevelopment, including our first Simplified Planning Zone, and regeneration of central Galashiels, as key inward investment opportunities linked to the railway.

We are running our biennial [Design Award Scheme](#) this year. The award scheme was established in 1984 and was last held at the end of 2013. We deliberately held back running the awards by a year until 2016, so that it could form part of our contribution to the Year of Innovation, Architecture and Design / Festival of Architecture. The scheme recognises and promotes good building design within the Scottish Borders. The awards are open to all building types, in both urban and rural areas, that have been completed between 1st January 2013 and 31st December 2015. We have received 31 entries in the following three categories:

- 1) New Build (individual buildings); split into commercial and residential
- 2) Placemaking (new developments that contribute to creating a sense of place)
- 3) Work to Existing Buildings (including conversions/ extensions)

The outcome of the Design Awards will be featured in next year's Planning Performance Framework. We are also assisting Dumfries and Galloway Council with their design award scheme.

We have contributed to the development and implementation of the Council's flood prevention programme. In addition to carrying out the environmental assurance role for Selkirk and Hawick Flood Protection Schemes, and having a presence on the project boards, staff within the service, with design and landscape training, have assisted the respective design teams in developing the basic design principals that need to be adopted. On the Selkirk scheme, Development Management engaged proactively to deal with detailed condition discharge, the changes arising from works on site, the day to day consultations and overlaps between the scheme and the statutory planning process. They have also prioritised associated planning applications for the replacement footbridge over the Ettrick and for required borrow pits.

The flood works proposed in Hawick will have a substantial influence on the core of the town and its Conservation Area. We have provided advice on urban character analysis and submitted draft recommendations to ameliorate environmental impacts, been involved in public consultation and subsequent meetings with the project design team. A report was produced by the service as part of this exercise to outline the approach needed within each of the different character areas.

In last year's PPF we featured in a case study of the highly successful Kelso Townscape Heritage Initiative. We were extremely pleased to have been awarded a Quality Award in Planning in the "Development on the ground" category for the scheme and to be runner-up in the SURF Awards in the "Scotland's Most Improved Small/Medium Town" category. This is a testament to the hard work of staff within the service, colleagues in Roads services and the community of Kelso.

We continue to develop our heritage based area regeneration strategy and are currently operating a Conservation Area Regeneration Scheme (CARS) in Selkirk, the success of which will be reported in subsequent PPF's, and preparing a bid for a similar CARS scheme in Jedburgh.

We also intervene to safeguard individual heritage assets and case study 1 sets out how, through a collaborative process with colleagues in other Council services and Historic Environment Scotland, we have saved the category A listed building Sunnybrae Lodge, Walkerburn.

Case Study 1 - Sunny Brae Lodge, Walkerburn

Before:



Renovation Plans



Sunnybrae Lodge was designed by Frederick Pilkington for the Ballantyne family of Walkerburn in 1868. It was listed category A in 1990.

The condition of the building began to deteriorate a number of years ago resulting in it being placed on the national Buildings at Risk Register. We initially implemented repair works under Building Control powers to safeguard the public including netting the roof and removal of loose slates. Ultimately, a formal “repairs notice” under Section 43 of the Planning (Listed Buildings and Conservation Areas) (Scotland) 1997 Act was served in 2011 specifying the works necessary for the proper preservation of a listed building.

The owner did not undertake any works and we then served a notice under section 42 of the same Act to compulsory acquire the building. In parallel, we commissioned a design team, under a conservation accredited architect, to develop detailed proposals for the repairs to the building in compliance with the original notice. The property was acquired by the Council in March 2015 and this was followed by the implementation of the repair works, which were completed by March 2016. The building shell is now wind and watertight and the Council is proceeding to market the property to a restoring purchaser.

After:



We have focussed significant effort in recent years to design training and developing design policy guidance and advice. This has translated into improved decision making and better quality outcomes. Case study 2 sets out the added value delivered in negotiating the re-design of the new Langlee Primary School, Galashiels and revisions to housing proposals at Milestone Garden Centre, Newtown St Boswells.

Case Study 2(1) - Langlee Primary School, Galashiels

This application sought to demolish the aging Langlee Primary School, in the eastern suburbs of Galashiels, and replace it with a new school building on three storeys immediately to its south, on the site of a playing pitch.

The proposal will involve the new-build school being built south of the existing, in order to allow for a tandem-build, so minimising disruption to the school and allowing it to remain in use until the new school is available. This functional requirement was factored into the evolution of the proposal.

The planning application involved a complex range of stakeholders, involving not only the scheme’s architects, but also the Council in its capacity as both education service provider and major projects delivery team.

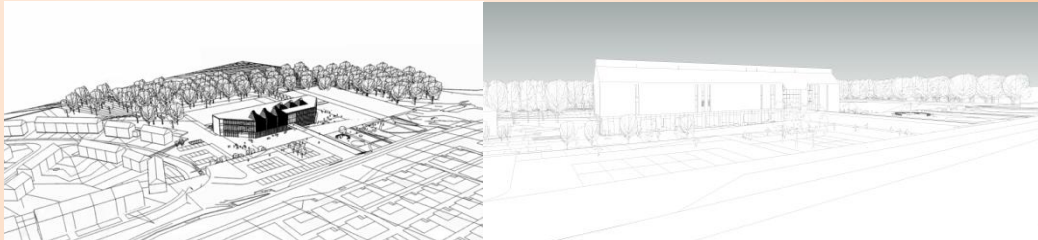
Whilst this complexity was not without its challenges in terms of meeting the requirements of all parties, what emerged was a successful exercise in partnership working, resulting in a scheme that all parties were satisfied represented an improvement on the original submission, with negotiation clearly adding value to the quality of the scheme.

The case was also an exercise in successful pre-application negotiation: Most of the amendments were sought and achieved at the pre-application stage, meaning that the scheme that was eventually submitted as part of the application was close to that which eventually gained permission. This, in turn, meant that anyone consulted about the proposal was not troubled by a series of iterations through the application process.

The originally submitted principal elevation was considered to be disappointing with a scale and form, as well as a palette of materials suggested a very dark and austere façade, that combined seemed unbefitting of a welcoming educational environment, particularly for the younger children that would attend.

The applicant's agents liaised with the planning department before submission of the application in order to improve the design of what could have been a very imposing building. A key issue, which has been reflected in the final proposal, has been to avoid monotony and incorporate variety and interest and, through this liaison, this aim has been achieved. The design of the building is contemporary and unique. The scheme was improved significantly and there was agreement among all partners that the revised proposals were successful in addressing the original concerns; the result is a more responsive, contextual design for an important civic building in the locality, and is already a well-received addition to the local community and the wider urban setting of Galashiels.

Early design iterations:



Approved Design:



Case Study 2 (2) – Residential Development, Milestone, Newtown St Boswells

This was a full planning application seeking permission for 40 dwellinghouses on a site occupying a prominent position at the edge of Newtown St Boswells and adjacent to the A68 trunk road and the proposal represented a significant addition to the village. The site is in a sensitive location adjacent to the Eildon and Leaderfoot National Scenic Area. As a result, the detail of the scheme required careful consideration in order for the scheme to successfully take account of these issues: It was vital that a high standard of design was achieved so that the development integrates well into the landscape, enabling a sensitive transition between the built environment and rural area. Views into, within and beyond the site were key considerations..

Lengthy discussions took place with the agent regarding the layout and the design of the houses and the scheme passed through several iterations before it could be considered acceptable. Whilst this process was not always straightforward, it was nevertheless a testament to the commitment of all the parties involved, including both applicant and particularly the agent, and also the Council's Planning, Roads Landscape and Design officers, among others.

Early submissions suggested a very hard and urban edge to the development. Through negotiation, changes to the design and layout evolved to address these issues and the inclusion of more significant and robust planting along the site frontage addressed and served a dual purpose by also providing a buffer between the development and the busy trunk road.

The rigidity of the layout and design was reduced, with the introduction of distinct character zones, with the development still centred on a public "square". Spaces between buildings were used to better effect and the very dominant parking court in the centre of the site was removed.

In the final scheme, the entrance to the site is narrow, opening out into a village green surrounded by houses, providing an attractive arrival point and sense of place. There is a higher density of houses on the north east part of the site reducing to low density detached housing on the south east and south west boundaries to reflect this edge of settlement location. The shape, size and topography of the site dictate the layout somewhat but the houses front the public realm, form a logical sequence of streets and courtyards and create a permeable development. The layout now satisfies the principles of Designing Streets and street views always culminate in a focal point.

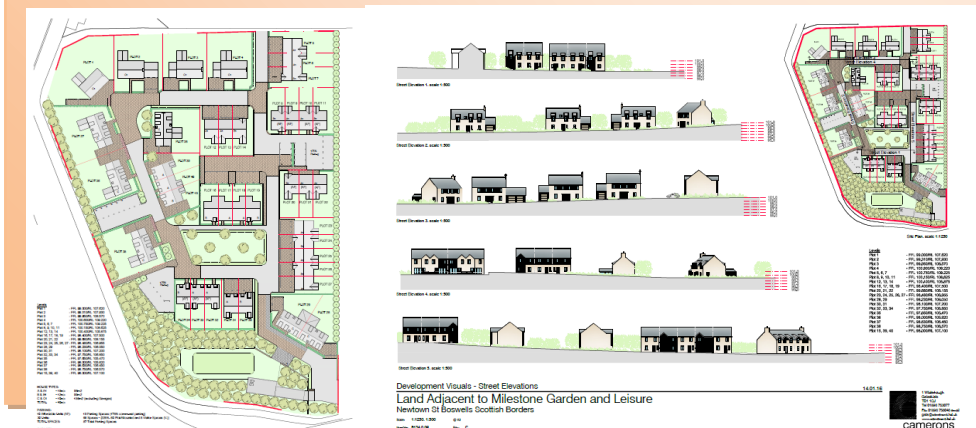
The proposed houses are well proportioned in terms of scale and form and have a traditional form with contemporary references. The use of timber cladding and front and rear projections add interest to the design. Houses relate well to one another without the development appearing too cramped and provide variety throughout the development. The variations in building lines and heights also add interest to the development.

Overall, the changes represented a significant improvement over those submitted in earlier iterations and satisfactorily addressed the key issues posed by a prominent and sensitive site, resulting in a successful form and layout to the scheme, which was subsequently granted permission.

Superseded drawings:



Approved drawings:



QUALITY OF SERVICE AND ENGAGEMENT

Open for Business

We continue to engage proactively with responsive developers through the use of design workshops, masterplanning and collaborative working on development sites. Engagement with the renewables industry continues to be a significant commitment for the service. We invest significant time and effort in undertaking pre-application enquiries and handled 1192 written enquiries last year. Overall, this means a 100%+ equivalent of applications received in 2015/16 have been subject to formal written provisional enquiries. The service also issued 5 scoping opinions and 17 screening opinions relating to renewables development last year.

There are 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. To sustain this level of service, we are currently considering the introduction of a more formalised pre-application process with a charging schedule for different levels of engagement with the planning service.

We have a named Development Management officer for all applications. We provide their contact details for applicants, consultees and respondents on all correspondence. All information on planning applications is made available on Public Access, including details of any officer from the wider planning service that has commented on the application.

We have recently reviewed our working arrangements with colleagues in Economic Development and Business Gateway. This has been undertaken to ensure that all staff are prioritising business and employment generating applications and enquiries and that we are acting more collaboratively to ensure that prospective investors are given the information and advice they need and that we help them to achieve high quality economic development. There are further measures that need to be developed, including the provision of a service level agreement, to ensure that collaborative working arrangements fully bed-in.

The service has a range of information and advice for customers published on its newly re-launched [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. The service has developed [Local View Fusion](#) which is badged as “Find It” on the Council’s web site, which makes environmental information available to customers in a spatial format. We are in the process of adding Land Use Strategy information onto Local Fusion/Find It.

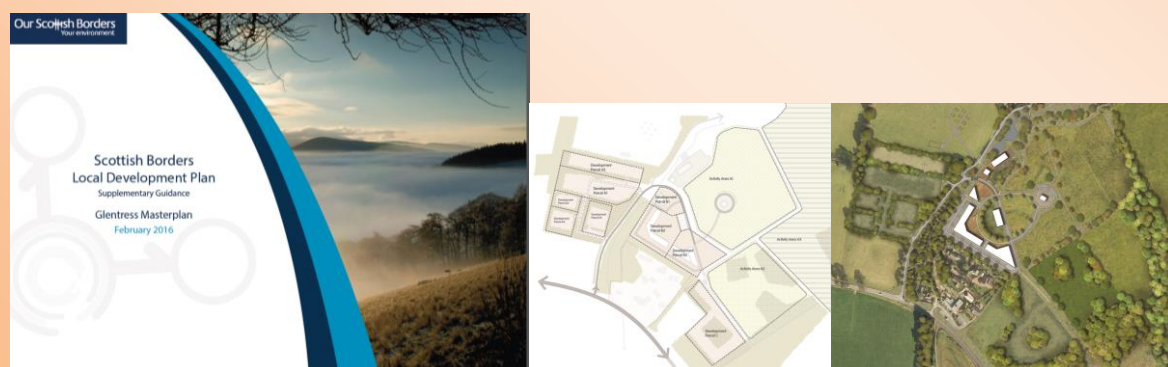
We are actively engaged in partnership working, an example of which is set out in Case Study 3 below, where we have worked in partnership with Forest Enterprise Scotland, to guide the future sustainable development of the Glentress forest visitor attraction located in the Tweed Valley between Peebles and Innerleithen. The [Masterplan](#) presents a strategic context for this part of the valley and sets out proposals for development to enhance the visitor attraction.

Case Study 3 - Case Study - Glentress: Partnership working

The Masterplan was developed to meet the needs and to enhance and manage the site as a multi-purpose recreation centre of excellence, alongside on-going timber production. The Masterplanning process considers Glentress within the wider context of the Tweed Valley, in particular the opportunities to enhance the area as a tourist destination. Glentress Forest Park sits in the heart of the Tweed Valley with over 300,000 visitors, per annum, and forms a key attraction for tourism in the Scottish Borders.

Over the years Glentress has become one of the premier Mounting Biking destinations; however Glentress offers other activities for those that want to enjoy the landscape, walking, and those with an interest in wildlife and habitat conservation. Glentress is a working forest with an operational quarry and timber extraction. The immediate Glentress area and its wider surroundings are considered to be of high amenity value and this is outlined in the Masterplan. The sensitivity of the landscape emphasises the importance of producing the Masterplan to guide suitable development. Furthermore, the Masterplan assists in the realisation of Visit Scotland’s Tourism Development Framework and in achieving the outcomes set out in SPP by aiming to create a ‘successful, sustainable place’, ‘a low carbon place’, ‘a natural, resilient place’, and ‘a more connected place’.

One of the key aspects of the Masterplan project that can be easily transferred is the extensive engagement process undertaken. This has contributed to bringing forward a Masterplan that will not only assist in benefiting the immediate Glentress area but also the wider Glentress context. The engagement process carried out has allowed other interested parties to be involved and, as noted above, empowered them to consider what other developments/changes they could make to the benefit of the wider community. Additionally, the Masterplan has proved to be a valuable tool for discussions with Scottish Enterprise in relation to potential funding sources, and with other local authorities when considering development within a forestry setting.



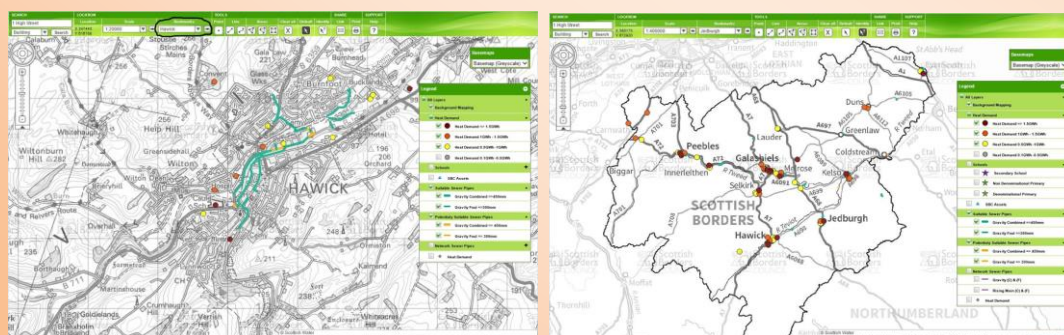
We are keen to develop the potential for heat mapping to identify the co-location of developments with a high heat demand with sources of heat supply. Case study 3 highlights the work already undertaken to develop this approach for use in our review of development options in the Local Development Plan.

Case Study 4 – Waste Water: Plans

SPP sets out that Local Development Plans should use heat mapping to identify the potential for co-locating developments with a high heat demand with sources of heat supply. The work undertaken to date will assist in taking this approach even further, and will help in the future formulation of policy for the next Local Development Plan (LDP). In addition, the new Plan will also be able to identify locations based on the work undertaken where proposed new developments will be able to tap into this currently underused but reliable form of energy. It is also intended that this project will assist in identifying new development allocations for the Plan.

In advance of the next Scottish Borders LDP, the data within the project can be made publically available, providing developers with the information they require to incorporate, where possible, such heat energy within their proposed developments. This may assist proposed developments meet the requirements of the current LDP and the objectives of Policy PMD1: Sustainability and Policy PMD2: Quality Standards.

This project has identified 6 sites that are potentially suitable for deploying heat from waste water technology. These sites will now go forward to Scottish Water Horizon to carry out feasibility studies. If successful then this innovative technology will be implemented to help reduce the Council's carbon footprint and assist in meeting the planning and policy objectives mentioned above.



The work identified in case studies 3 and 4 have recently been short listed for Scottish Awards for Quality in Planning 2016.

Certainty

We have an up-to-date Development Plan (Local Development Plan and Strategic Development Plan) to guide and facilitate development. The new Local Development Plan was adopted on 12 May 2016 and had progressed through its Examination phase within the PPF reporting period. By producing this up to date policy framework, along with a range of Supplementary Planning Guidance, we are able to provide clarity and certainty for potential applicants and communities alike.

We continue to have sufficient effective housing and employment land identified to provide for the region's needs.

The Housing Land Audit 2015 confirms that we have in excess of the required 5 year effective housing land supply. The land supply figure identified in the audit reflects calculations based on the number of completions and stands at 9.3 years of supply, an increase of 0.8 years on 2014/15 figures. The reduction in the number of houses being built in the Borders has led to the increase in land supply when calculated against completion rates. Completions have reduced from 659 in 2008 to 272 in 2014/15, which was a decrease of 16 units on the number completed in 2013/14.

The Employment Land Audit 2015 confirmed that we are comfortably meeting employment land need. The established Employment Land supply has decreased to 110.9Ha. The volume of employment land take up for employment use has increased to 2.0ha this year. The SPP and SDP requirement to provide a broad range and choice of site has been addressed in the Local Development Plan.

We are a strong advocate for the use processing agreements for both local and national developments. We determined 213 applications with agreements last year: 1 major application, 184 local applications and 28 for other consents. We have used processing agreements pro-actively to manage legacy cases.

Communications, Engagement and Customer Service

We have produced a Development Management Charter and an [Enforcement Charter](#) which is available on the Council's web site. The Council's Public Access portal and the information on our web pages continues to be well used and appreciated by customers.

We continue to promote electronic submission of applications with agents and developers through stakeholder meetings, letters and offers of training on the system. The yearly average of applications received on-line now stands at 48.29%. We also have an active programme of engagement with stakeholders to increase the use of the system including e-consultation and communication on applications. We have also re-engineered our working practices in preparation for the launch of eBuilding Standards in August 2016.

We continue to maintain a range of information on the planning pages including the 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. We continue to develop Local View Fusion, which is a public facing web based GIS application, as part of the programme to communicate spatial information corporately and to the general public.

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, we have received 20 complaints about Planning & Related Service. The majority of the complaints were not upheld but, where appropriate, the service has responded by identifying staff training needs and service improvements in business plans.

We held a stakeholder meeting for Community Councils in March 2016 and intend to have a separate meeting with agents and developers during the late summer 2016; once our proposals for the new provisional enquiry system are developed further. The meeting with Community Councils focussed on providing an update on service re-structuring, information on private water supplies, the Local Development Plan, the Planning Review, our access team, the government's eDevelopment programme and e-consultation on planning applications.

GOVERNANCE

Efficient and Effective Decision-Making

The Planning & Building Standards Committee is held on a monthly basis, normally sitting on the first Monday of each month during the day. The Local Review Body (LRB) is programmed to meet on a monthly basis but only required to sit 8 times last year. The LRB undertook one site visit.

Our delegation rate remains high resulting in 96.1% of all planning applications being determined by officers. We have an overall approval rate of 95.8 %. The figures reported in the National Headline Indicators table in Part 1 above, demonstrate that the determination periods for all main reporting categories of planning application saw improvement in 2015/16. The Official Statistics table, in Part 5 below, also shows there has been an improvement in the determination of all other categories of application.

We continue to promote the project management approach to handling planning applications. We use processing agreements for all types of application, not just major applications. Since last year's PPF, there has been a significant increase in their take up by developers. Of those applications subject to an agreement, the major application was determined within the agreed timescale and for all other applications, 70% were determined within the agreed timescale. Frustratingly, a number of the applications that failed to meet their timescale did so by a matter of a few days. We are now refining our internal processes and improving dialogue with applicants to ensure that all applications subject to such agreements are determined on time.

We have continued to focus our efforts on removing legacy cases (applications more than a year old) from the planning system. In 2015/16, a total of 197 legacy applications were dealt with, leaving a total of 84 still within the system. This is a drop of 119 in the outstanding figure from last year. This has been as a consequence of the traffic light system we introduced last year to manage and monitor our caseloads. We continue to refine this system to ensure we maintain a focussed and effective management of outstanding cases.

The disposal of this number of legacy cases continues to have a disproportionate influence on performance figures, despite the ability to "stop the clock" for some periods of time due to applicant's inaction. We are seeking to manage those legacy applications through the use of processing agreements.

The introduction of a more streamlined process, which allowed twin-tracking of planning applications and the legal process of concluding section 69 or 75 agreements, has led to further improvement in determination times and is featured in the case study 5. The new process is delivering benefits and continues to be developed and improved upon.

Case Study 5 - Improvements to process for Legal Agreements

There is significant pressure to meet deadlines for processing planning applications. The nature of our development contributions policy means that the majority of residential applications attract a contribution requirement and, in particular, where deferred settlement via a s75 Legal Agreement is appropriate, then the time-scales for the release of consent can be adversely impacted. In response, we devised and implemented new processes and systems to help improve our performance.

Following consultation with key officers, principally in the Registration and Legal Services Teams, we decided that legal agreements would be drafted in tandem with the application's determination. The objective was to have Legal Agreements either, drafted and ready for signing, or substantively completed, should the application be approved in principal.

Given that 90% of residential applications are approved, the risk of abortive work on applications which were subsequently refused or withdrawn is low relative when balance against the benefits of fast-tracked drafting. This risk is therefore substantively assumed by the Council, not the applicant.

When a residential planning application is received, the Registration Team undertake a provisional assessment of the nature and scale of development contributions likely to be attracted. An email outlining the policy requirement is issued together with relevant information and links to policy and legal agreement options. The applicant/agent is encouraged to liaise with the Development Negotiator at an early juncture to agree how any such obligations will be addressed with a view to instructing a legal agreement draft in advance of the application's determination.

This ensures that matters progress in line with reasonable expectations and until the point where the legal agreement is concluded. The Registration Team monitor responses to their communications and, where the applicant/agent does not engage within reasonable time-frames, subsequent emails are issued to re-emphasise the policy requirement.

Likewise, the Legal Team also monitor for responses to their requests for information and agreement drafts to ensure progression is kept on track.

Applicants are also encouraged to enter into Planning Processing Agreements, these comprising a non-legally binding schedule of actions and associated target dates for the respective parties necessary to conclude the Legal Agreement.

Outcomes

The result of these revised systems and processes being adopted has been dramatic. The significant improvements in performance, and as indicated in the table below, can be predominantly attributed to these systems being implemented.

Period	SBC No of Agreements	SBC Average No of Weeks	Scotland No of Agreements	Scotland Average No of Weeks
2011/12	78	100.2		
2012/13	86	99.0	621	75.1
2013/14	81	79.7	572	68.4
2014/15	95	62.7	545	55.1
2015/16	82	51.2	560	44.2

Whilst further scope for improving the service has been identified, it is clear that neither these, nor the successes to date, can be achieved without the skill-sets and commitment of a number of officers galvanised by customer service delivery objectives.

Effective Management Structure

The key sections delivering the planning function are located within the Regulatory Services Directorate in the “Place” Department and are now known as Planning & Related Services. Whilst an earlier service review produced a leaner management structure, creating a Chief Planning Officer with 3 divisions: Development Standards, Planning Implementation and Planning Policy & Access, a new review is currently underway. This review is re-examining our current working relationships to identify where there are synergies and potential for greater cross sector collaborative working, where we should direct resources and to identify potential models for future delivery. The current structure is set out in Part 6 below.

The improvements in performance in all categories of planning application have been influenced by the greater levels of collaborative working and more effective management of the new service. The service integration we have delivered already means we can provide more effective responses to development proposals, have greater consistency of decision making and achieve a wider understanding of the cross linkages and relationships within the Council that help deliver planning objectives.

We have 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, of senior planning managers, is also a mechanism for cross service debate and discussion on issues, applications and procedures. Key members of staff are also involved with a range of corporate transformation projects.

We continue to explore ways to work more effectively and we positively engage with other authorities and agencies to share knowledge, information and best practice. There are a number of working protocols in place with bodies such as SNH, SEPA and Scottish Water and a selection of the key organisations and groups that we are involved with are listed in Part 6 of this report.

Financial Management and Local Governance

We continue to face significant budget pressures due to wider Council funding efficiencies and 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 seeking to deliver the Council’s planning aspirations.

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

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

We continue to refine the development contributions system to ensure effective collection and allocation of contributions. This is administered by the Development Negotiator, legal and finance staff, and feeds into the delivery of key service infrastructure. The funds generated are monitored on a monthly basis and reported to Corporate Management Team and the Council.

CULTURE OF CONTINUOUS IMPROVEMENT

We ensure that there is sufficient training budget for staff to meet their Continuing Professional Development obligations. There are also opportunities for staff to undertake longer term study which is funded in full, or in part, by the Council. We are continuing to develop our workforce planning with the aim of up-skilling staff and addressing succession planning in the service. As part of the re-structuring of the service, we are hoping that some of the savings delivered will be utilised to create technician/support posts and to develop opportunities for the service to “grow its own” staff.

Training continues to be provided in advance of any Member sitting on the Planning & Building Committee and the Local Review Body. This continues to be supplemented by presentations to Members on particular topics and the production of Members Briefing Notes.

The Council’s staff appraisal process is now embedded and this has enabled planning managers to reinforce the performance culture at all levels of the service. Using this process, staff have been encouraged to be involved in projects to assist in the delivery of the aims set out in this Planning Performance Framework, but also wider departmental and corporate objectives.

Effective engagement with other authorities and organisations to consider best practice and shared learning has been set out already in this document and listed in Part 3. How we delivered last year’s improvement actions is set out in Part 4.

PART 3 - SUPPORTING EVIDENCE

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

- [Scottish Borders Council Planning Performance Framework 2014/15](#)
- [Scottish Borders Housing Land Audit 2015](#)
- [Scottish Borders Retail Survey 2015](#)
- [Scottish Borders Employment Land Audit 2015](#)
- [Scottish Borders Town Centre Footfall Report 2015](#)
- Scottish Borders Rural Facilities Audit.
- [Scottish Vacant and Derelict Land Audit 2015](#)
- Place GIS Systems.
- Place Department budget
- Uniform data management system.
- [Public Access ePlanning system](#)
- Development Management Workload and Performance Briefing Notes. Monthly bulletin for Members.
- [Scottish Borders Council Web Site planning information pages](#)
- Development Management Improvement Plan 2014
- Development Management Charter 2014
- [Enforcement Charter 2016](#) & Guide to Enforcement Charter 2016
- [Scottish Borders Council Corporate Plan](#)
- [Single Outcome Agreement](#)
- Business Plans for service teams within Regulatory Services.

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

We engage with a wide range of working groups, agencies and stakeholder and are involved in a number of multi-disciplinary/agency initiatives, a number of the key ones are outlined below:

Organisation	Commentary
Large Rural Authorities Benchmarking Group	We have actively contributed to this benchmarking group for a number of years. The group shares information and best practice over a number of areas. The Group last met in March 2016 and focussed on the Planning Performance Framework and sharing feedback from the peer review partners.
HOPs sub Committees	We take an active role in the Development Management sub Committee and the Chief Planning Officer is currently vice chair of the Energy & Resources sub-committee.
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	We formed and manage this group which considers the strategic implications of wind energy development in the Borders/Southern Scotland and North of England. 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 Environment Scotland. We have also provided feedback and training for staff in the Energy Consents Unit of Scottish Government and hosted a Community Council engagement event on their behalf.
Windfarm Visualisations Working Group	We had a representative on the SNH working group that developed the new guidance for the visualisation of windfarms. This group's work is on-going and it is re-convening this year to consider the effectiveness of the guidance and potential further improvements.
Eplanning and eDevelopment.scot Board and Protect Teams	We take an active part in both these groups with the Service Director on the national board and the Chief Planning Officer on the ePlanning Project Team. The authority is also an early adopter for ePlanning & eBuilding Standards projects.
New Borders Alliance	We sit on this group which consists of planning and housing officials from the Council and representatives of all the Registered Social Landlords in the Borders, where sharing information on related issues and research is undertaken. There is the ability to influence the Local Housing Strategy, the Strategic Housing Investment Plan and identify development opportunities for affordable housing.
processAffordable 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.

<i>SESPlan working groups</i>	<i>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...</i>
<i>SCOTS Groups</i>	<i>The authority is an 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.</i>
<i>Tripartite Working Group</i>	<i>We manage this tripartite forum which was 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.</i>
<i>Presentation at conferences</i>	<i>In the past year Council officers have given presentations to national conferences on biodiversity off setting, land use strategy and affordable housing</i>

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 renewables development but also on general matters of policy and procedure.

PART 4 - SERVICE IMPROVEMENTS

1. SERVICES IMPROVEMENTS 2016/17

The Planning Service has identified a number of key service and performance improvement measures for 2016/17 and these are set out below:

1. Run Scottish Borders Design Awards 2016 and further design training for staff
2. Re-engineer ePlanning processes for Development Management
3. Introduce new Provisional Enquiry process for Development Management
4. Continue to update and implement the Development Management Improvement Plan
5. Introduce e-consultation for Community Councils
6. Improve the effectiveness of the Countryside Access Management System (computerised system) in the monitoring and implementation of countryside access priorities.
7. Undertake a full scale review the housing land supply processes in advance of the forthcoming Local Development Plan.

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.

2. DELIVERY OF SERVICE IMPROVEMENT ACTIONS 2015/16

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 2015/16	Complete?
1. continue to develop LocalView Fusion following implementation Over the period further datasets have been added to the application. In addition, the application has been used in the Land Use Strategy Pilot, providing data through the web-based GIS; and, in the development of a process for the consideration of energy through waste water (shortlisted for a Quality Award in Planning)	Yes
2. review our approach to LDP preparation and engagement Following completion of the Proposed Plan for adoption, a review was undertaken to consider the future requirements for LDP preparation, including the role of supplementary guidance, and engagement as part of the overall process. The review concluded that future plans should restrict the use of formal supplementary guidance to those elements of the Plan where it is essential, with further guidance being non-statutory. In addition, it was recognised that future funding and manpower resource	Yes

levels would require future engagement to use digital communication as much as possible in order to maintain adequate consultation levels with agencies, private sector and public.	
3. review our approach to the housing land audit process The annual review of the housing land audit took place and identified the need to maintain effective milestones within the programme in order to deliver the audit before the end of the calendar year.	Yes
4. produce an enforcement manual We are contributing to the development of a national enforcement manual prepared by Heads of Planning Scotland which will be published 2016/17.	On -going
5. continue Design Review to address a range of scales of development We have run a series of technical seminars through the Selkirk Conservation Area Regeneration Scheme into conservation techniques and skills and other training opportunities are being developed to supplement skills and knowledge for small scale development. We are running a Design Awards Scheme in 2016, which will highlight the quality of development being built in the Borders and as a resource for our on-going design training. Staff have been encouraged to attend events programmed in the region for the Year of Innovation, Architecture and Design.	On -going
6. continue to implement the Development Management Improvement Plan We have reviewed existing work practices and monitored Development Management to gauge the effectiveness of the more rigorous management process for the handling of planning applications implemented last year. This has resulted in further improvements in performance without prejudicing the ability to achieve quality development and engage pro-actively with applicants and communities.	Yes

PART 5 - OFFICIAL STATISTICS

A: Decision-making timescales (based on 'all applications' timescales)

Category	Total number of decisions 2015-2016	Average timescale (weeks)	
		2015-2016	2014-2015
Major developments	2	27.6	30.9
Local developments (non-householder)	496	17.4	22.7
• Local: less than 2 months	291	6.6	7.1
• Local: more than 2 months	205	32.8	41.1
Householder developments	401	6.7	7.7
• Local: less than 2 months	360	6.2	6.9
• Local: more than 2 months	41	10.4	13.8
Housing developments			
Major	1	49.9	103.7
Local housing developments	149	32.7	42.8
• Local: less than 2 months	42	7.1	7.4
• Local: more than 2 months	107	42.7	54.2
Business and industry			
Major	0	n/a	n/a
Local business and industry	58	8.4	14.2
• Local: less than 2 months	44	6.6	7.2
• Local: more than 2 months	14	14.0	28.3
EIA developments	0	-	-
Major	0	-	-
Local	0	-	-
Other consents*	206	7.5	8.4
Planning/legal agreements**	82	51.2	62.7
Local Reviews	22	8.1	7.1

* 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 & 7 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

		<i>Original decision upheld</i>			
<i>Type</i>	<i>Total number of decisions</i>	<i>2015-2016</i>		<i>2014-2015</i>	
		<i>No.</i>	<i>%</i>	<i>No.</i>	<i>%</i>
<i>Local reviews</i>	22	6	27.3	17	63
<i>Appeals to Scottish Ministers</i>	4	2	50	5	62.5

C: Enforcement activity

Enforcement activity	2015-2016	2014-2015
Cases taken up	138	133
Breaches identified	138	133
Cases resolved	140	167
Notices served***	8	11
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

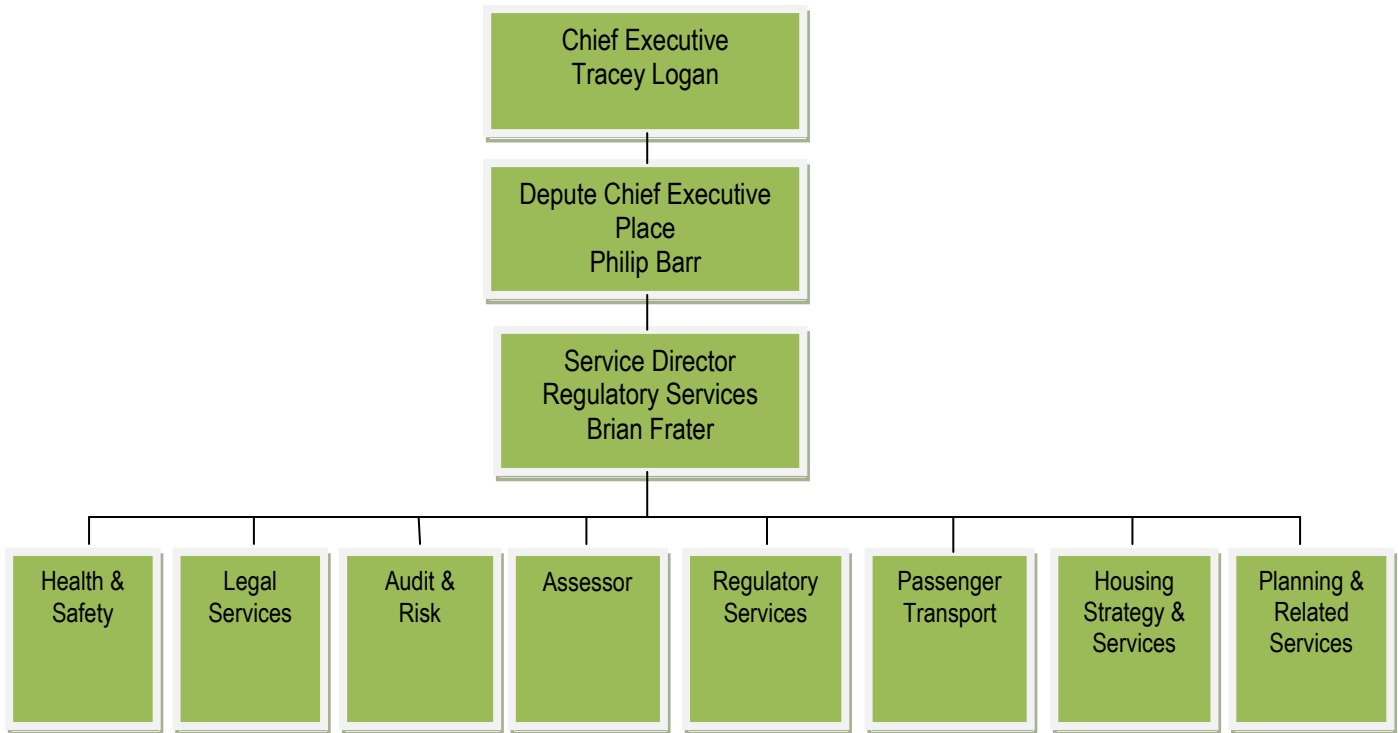
There have been a number of factors influencing performance, namely:

1. Although improvements have been evident this year in terms of timescale to determine applications 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 continues to prioritise engaging in pre-application discussions with prospective applicants with a 100% equivalent 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 continue to have a significant impact on resources available to respond to other priorities.
4. The service has also continued to prioritise the determination of legacy cases and this has had a disproportionate impact on the average time to determine applications.

PART 6: WORKFORCE AND FINANCIAL INFORMATION

Planning & Related Services sit within the Regulatory Services Directorate of the Place Department within the Council structure.

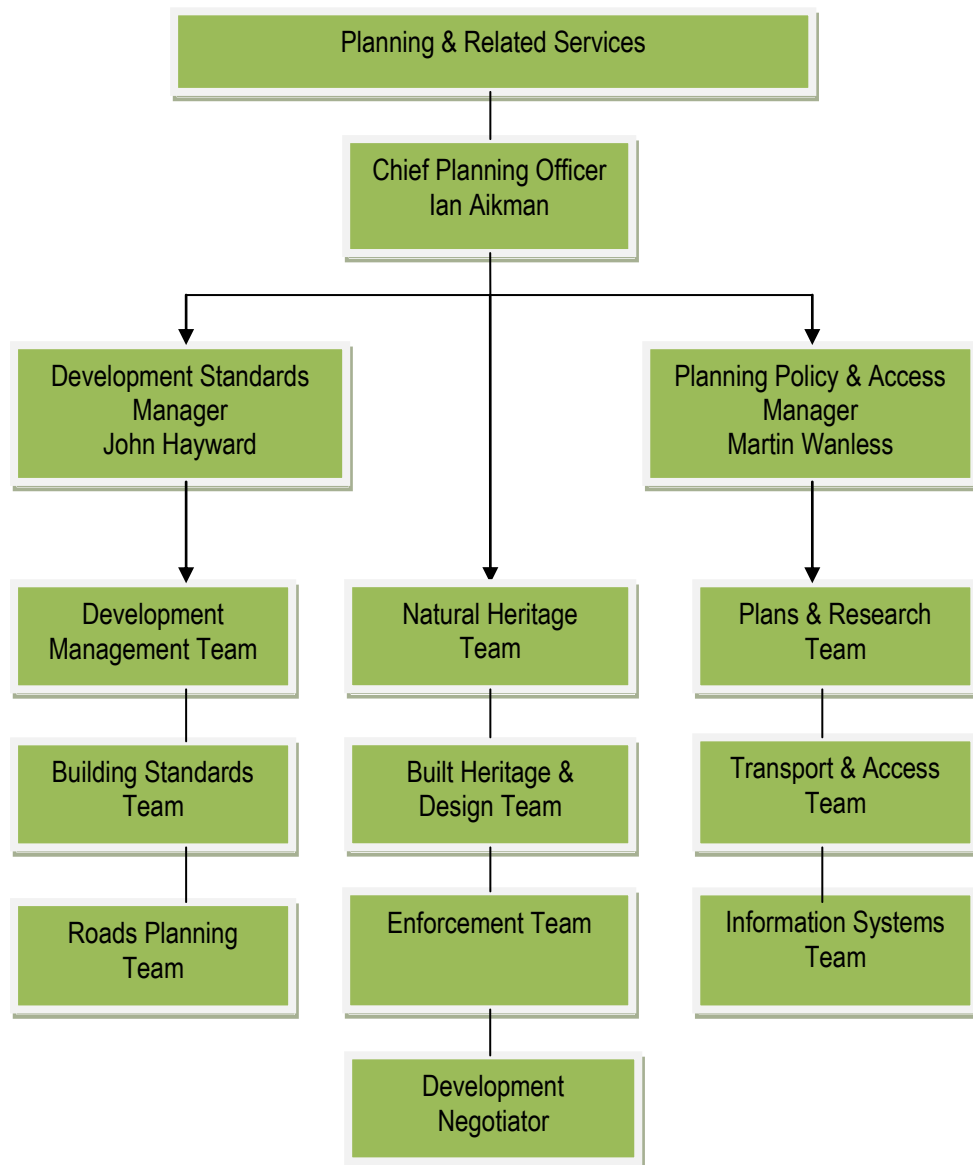
Regulatory Services Structure



Planning & Related Services Structure

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 and overseeing commercial renewable energy development throughout the Scottish Borders. In Building Standards, there is 13 professional staff, while Roads Planning has 7 professional officers and one member of support staff. A Registration Team of three officers supports Development Management and Building Standards. The Tree Officer reports to the Development Standards Manager.
- **Planning Policy and Access:** Includes 3 principal officers, 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. The Access Team is incorporated with the section integrating with transport strategy. The lead Officer Design & Placemaking is now within this team. The Principal Officer Plans & Research is the planning advisor to the Local Review Body.
- **Planning Implementation:** Includes 4 professional officers dealing with Planning and Building Standards enforcement. Built Heritage & Design and Natural Heritage services have a total of 6 FTE posts and two part time posts providing specialist advice on conservation, design, landscape, biodiversity, and archaeology. The team also includes the Development Negotiator.



Planning Service Statistics

	<i>Tier 1</i>	<i>Tier 2</i>	<i>Tier 3</i>	<i>Tier 4</i>
Head of Planning Service			X	

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

		<i>DM</i>	<i>DP</i>	<i>Enforcement</i>	<i>Other</i>
Managers	<i>No. Posts</i>	1	1	1	0
	<i>Vacant</i>	0	0	0	0
Main grade posts	<i>No. Posts</i>	11	11	3	33
	<i>Vacant</i>	0	0	0	2
Technician	<i>No. Posts</i>	0	0	0	3
	<i>Vacant</i>	0	0	0	0
Office Support/Clerical	<i>No. Posts</i>	2	0	0	2
	<i>Vacant</i>	0	0	0	0
TOTAL		14	12	4	40

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	12
30-39	12
40-49	25
50 and over	20

Committee & Site Visits	Number per year
Full council meetings	12
Planning committees	12
Area committees (where relevant)	N/A
Committee site visits	6
LRB**	8
LRB site visits	1

PLANNING SERVICE FIGURES 2015-16

	Total Budget	Costs		Income***
		Direct*	Indirect**	
Development management	-62,638	567,058	82,201	-697,084
Development planning	606,349	451,896	151,077	-6,272
Enforcement	196,400	190,955	23,751	-11,652
Other (Built & Natural Heritage & Access Teams)	159,374	858,771	49,196	-720,388
TOTAL	899,485	2,068,680	306,225	-1,435,396

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 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.