



Planning Performance Framework
Orkney Islands Council
Annual Report 2020/2021

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1. Introduction

Our Planning Performance Framework is submitted to the Scottish Ministers on an annual basis to detail the performance of the Planning Service in Orkney. This report covers the period from 1 April 2020 to 31 March 2021 and provides both quantitative and qualitative evidence of our performance as well as detailing some case studies which demonstrate the quality of services that we deliver. The service is delivered by two teams – Development Management which deals with all planning application and enforcements issues and Development and Marine Planning which deals with marine and terrestrial planning policy, archaeology, active travel, biodiversity and other rural planning matters.

Whilst 2020/21 has proved a very challenging year for the Planning Service in Orkney as a result of the COVID-19 pandemic nevertheless the Service has managed to maintain a high level of performance. The service was effectively suspended on March 23, 2020 when staff were advised to work from home but without the necessary information technology in place it was impossible to provide anything other than a limited service. Priority was given to servicing the Development Management team and service was resumed on 8 April when the technology was provided to allow working from home. The Development and Marine Planning team were gradually provided with the required technology during the next couple of months with the work of the team also being disrupted due to some staff being re-allocated to high priority tasks associated with the pandemic. In addition, through an extensive risk assessment process which ensured that adequate process were put in place to protect staff, the service has managed to continue with an office presence during the period of the pandemic, which has greatly assisted with continuity of service.

Committee meetings were obviously disrupted during the last 12 months however only the planned Planning Committee on 22 April had to be cancelled and committee business resumed on 20 May via Microsoft Teams, this being the first Council committee to re-commence on a virtual basis. Local Review Body meetings were disrupted to a greater extent with the meeting planned for 3 April cancelled and not rescheduled until 25 September, and decisions on three local review cases were delayed as a result.

Nationally the number of planning applications determined and the decision times were impacted on by restrictions due to the pandemic with the average decision time for local developments being 10.0 weeks in 2020/21, slower by almost a week compared to the previous year. Comparable figures for Orkney performance figures for the determination of planning applications show that the average time was 9.1 weeks which is exactly the same as last year and indicates that the level of performance has been maintained despite the disruptions. The average time for determining local review cases in 2020/20 was 12.9 weeks, an increase when compared to 11.0 weeks in 2019/20, but much quicker than the Scottish average of 18.0 weeks.

In regard to Development and Marine Planning the key developments during the 12 month period were:

- the preparation of the first ever Indicative Regional Spatial Strategy for Orkney providing a strategic planning framework covering land and sea which will help inform Scottish Government thinking for National Planning Framework 4.
- the progress made in terms of the development of regional marine planning following the delegation of regional marine planning functions to the Council in November 2020, including the state-of-the-environment assessment of the waters around Orkney to 12-nautical miles and the establishment of the Orkney Marine Planning Partnership.

2. Defining and Measuring a High-quality Planning Service

a. Quality of Outcomes

Following public consultation over May and June 2016, the [Orkney Local Development Plan](#) was submitted to the Scottish Government for examination in September 2016, and was formally adopted on 18 April 2017. A range of [Supplementary Guidance](#) to support the Local Development Plan has also been developed - these cover - Settlement Statements; Housing in the Countryside; Energy; Historic Environment and Cultural Heritage; Natural Environment; and Aquaculture. The [Orkney Local Development Plan 2017 – Action Programme](#) was approved in June 2017 following consultation with key agencies and organisations. The most recent [Development Plan Scheme](#) approved by the Council in February 2021 noted that until the publication of the Development Planning Regulations and National Planning Framework 4 the future work programme was difficult to define. However it is proposed that during 2021 there will be (a) continued engagement with the Scottish Government on the emerging NPF4, development of secondary legislation; (b) commencement of early engagement with communities and planning stakeholders in Orkney on the future direction of planning policy; (c) consideration of matters to be included in the development of an Evidence Report for the new Local Development Plan and (d) a review of the current hierarchy of local planning guidance including the requirement for development briefs.

Promoting active travel is one of the Council's key priority areas and the Planning Service has been leading on the implementation of a number of key projects. Drop-in events to give the public a chance to talk over ideas for the future development of the Papdale East Playpark and Paths Network in Kirkwall were undertaken in February 2019. Consultants were appointed in October 2020 to commence design works which will incorporate (a) a community space with improved accessibility for people of all ages and abilities; (b) natural play features, improved biodiversity and a reduced maintenance burden for the Council; (c) de-culverting of Papdale burn and management of surface water flooding within the park; (d) A layout which facilitates opportunities for more formal play equipment to be installed into the space in future; and (e) an active travel path network connecting the park to the Kirkwall Grammar School.

In September 2020 the Council made a successful application to Sustrans for one of three newly established posts of Senior Embedded Project Officer. This has created a three year post, fully funded by Sustrans in year 1, with 50% investment from the Council in years 2 and 3. The role of the Embedded Senior Project Officer is to facilitate a strategic approach to active travel infrastructure development enabling efficient use of investment to increase walking, cycling and wheeling. This post will be advertised in May 2021

A funding bid to the Heritage Lottery Fund was successful in attracting £3 million of funding for a [North Isles Landscape Partnership Scheme](#) and a project team was appointed in February 2019. The £4.5m project aims to raise awareness and conserve and enhance the distinct identities of Orkney's North Isles through the delivery of a number of projects aimed at developing and promoting the built, natural and cultural heritage. Historic Environment Scotland has also ring fenced a fund of £0.65 million to be utilised in the delivery of the Scheme. This investment will stimulate development and promote the survival of some of Scotland's most fragile communities and will run until 2024.

b. Quality of service and engagement

The Planning (Scotland) Act 2019 introduces the concept of Local Place Plans that may be prepared by community bodies and submitted to their local planning authority who in turn will have a responsibility to register the Place Plan and take it into account in the preparation of the Local Development Plan. In advance of the Scottish Government enacting secondary legislation and guidance, detailing how Place Plans should be considered by planning authorities, the Council have formally endorsed the [Stromness Place Plan](#) developed through the “What Next for Stromness” project, and will formally register it as a Place Plan once the relevant legislation is in place.

The Planning Service is assuming a leading role in reviewing the mechanisms to achieve increased economic benefit from the Heart of Neolithic Orkney World Heritage Site. The Planning Service has worked closely with Historic Scotland in the development of the [Heart of Neolithic Orkney World Heritage Management Plan 2014-19](#) launched in April 2014, and the Development and Marine Planning Manager is the joint Chair of the Management Board. A strategic masterplan for the World Heritage Site, looking in particular at key issues such as long-term visitor management, infrastructure provision and upgrades was approved by the Council in April 2019. The World Heritage Site Masterplan identifies five key projects for development – orientation centre; vehicle access and parking; footpath and active travel networks; interpretation facilities and other miscellaneous projects including charging points for electrical vehicles. In partnership with Historic Environment Scotland and Highlands & Islands Enterprise a feasibility study to explore options (physical, digital or other) and provide innovative ideas to enhance the visitor experience at the various sites was prepared by consultants in August 2018. Elements of the resulting Orkney Gateway report has informed the development of a World Heritage Masterplan to be presented to Council in April 2019. Public consultation on the development of an Active Travel Plan for Stenness and the adjacent World Heritage Area took place in April/May 2019 to find out if local people used active travel methods in the area and what facilities could be developed in the future to help them do this more often.

In March 2020 the Council considered how it would participate in a regional partnership to work towards preparation of a Regional Spatial Strategy and to provide input into development of National Planning Framework 4. The Council concluded that there was little to be gained from Orkney participating and Orkney should participate as an individual authority rather than a wider regional grouping of local authorities covering the highlands and islands. Regional planning issues for the Islands are more about how the Islands relate to surrounding marine regions and how land and marine developments interact.

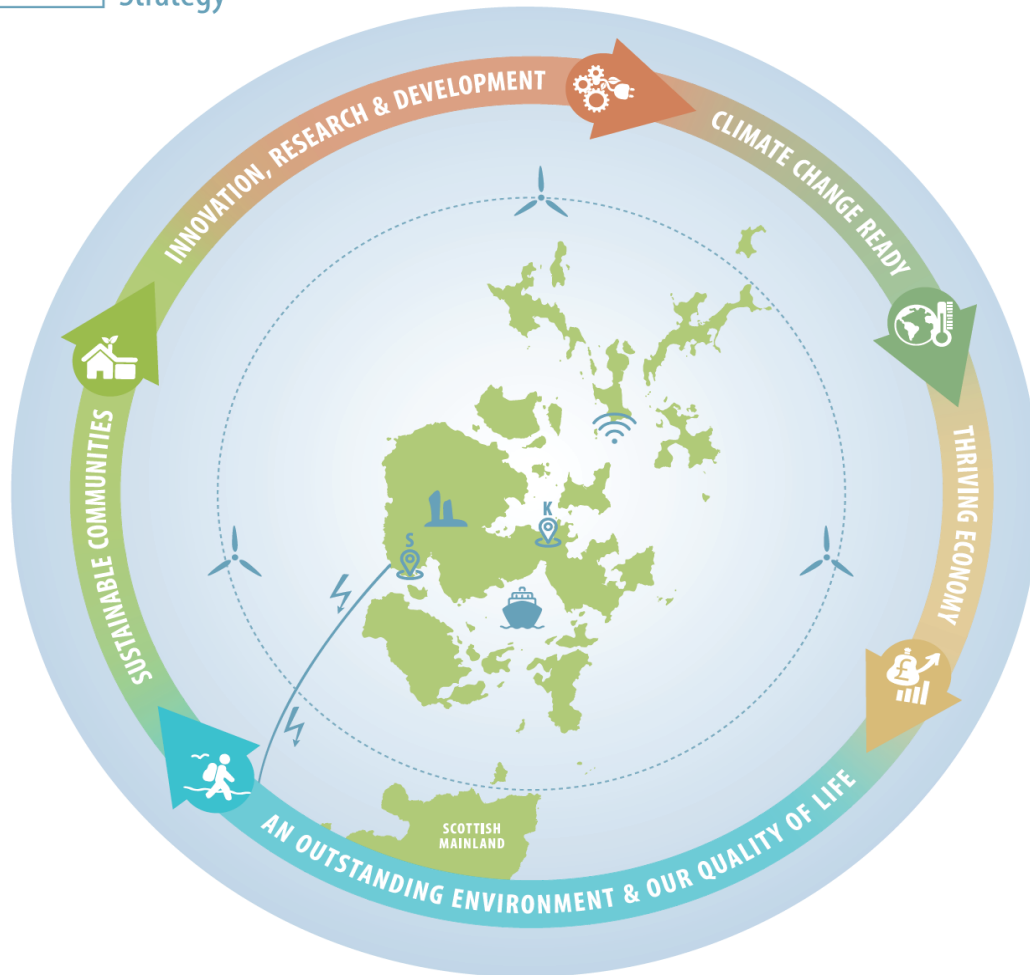
Since then the Council has actively engaged with the Scottish Government in the preparation of an Indicative Regional Spatial Strategy for Orkney. Following consultation with relevant stakeholders an initial draft of the Strategy was submitted to the Scottish Government in October 2020 and following consideration of feedback received the Indicative regional Spatial Strategy was approved by Council in March 2021.

Case Study 1

Orkney's indicative Regional Spatial Strategy (OiRSS)



Orkney's
Regional
Spatial
Strategy



Scapa Flow Strategic Asset Development including Scapa Deep Water Quay as a NATIONAL DEVELOPMENT



Kirkwall Strategic Development Hub including Hatston Pier as a NATIONAL DEVELOPMENT



Electricity Transport Network as a NATIONAL DEVELOPMENT



Stromness Strategic Development Hub including Orkney's Research and Innovation Centre



Orkney's Renewable Energy Opportunities



World Heritage Site Gateway for Orkney



High Speed Digital Connectivity for All

Location and Dates:

Orkney Islands, 2020-21

Elements of a High-Quality Planning Service this study relates to:

- Quality of outcomes
- Governance

Key Markers:

<p>Cross-sector stakeholders, including industry, agencies and Scottish Government, engaged early (pre-MIR) in development plan preparation.</p> <p>Corporate working across services to improve outputs and services for customer benefit (e.g. protocols; joined-up services; single contact; joint pre-application advice).</p>	
Key Areas of Work:	
<ul style="list-style-type: none"> Local Development Plan & Supplementary Guidance 	<ul style="list-style-type: none"> Interdisciplinary Working
Stakeholders Involved:	
<ul style="list-style-type: none"> Local Developers Key Agencies 	<ul style="list-style-type: none"> Development and Infrastructure Committee Authority Planning Staff Authority Other Staff
Overview:	
<p>Orkney's indicative Regional Spatial Strategy (OiRSS) identifies the strategic priorities for development planning in Orkney over the next 25 years, and looks beyond to 2050. The key strategic developments necessary to deliver these priorities are presented alongside the outcomes to which they will contribute.</p> <p>The Planning (Scotland) Act 2019 requires planning authorities to prepare a Regional Spatial Strategy (RSS). An indicative strategy has been prepared to inform Scottish Government thinking for National Planning Framework 4 and to set the strategic direction for land use and marine planning across Orkney.</p> <p>The OiRSS has been developed to reflect the key statutory requirements, identifying strategic developments which includes regionally significant developments and candidate national developments. The strategy presents the region's strategic developments within an indicative strategic spatial diagram.</p> <p>In Orkney, land and sea are inextricably linked and are integral to our everyday life. Strategic planning across land and sea presents an opportunity to deliver a seamless framework for development working to deliver a common set of outcomes. The strategy will inform the preparation of the future Orkney Local Development Plan and Orkney Regional Marine Plan to help deliver the identified outcomes.</p> <p>The OiRSS Strategic Priorities are:</p> <ol style="list-style-type: none"> 1. Sustainable Communities 2. A Thriving Economy 3. Climate Change Emergency 4. An Outstanding Environment and Quality of Life 5. Innovation, Research and Development <p>The OiRSS Strategic Developments are:</p> <ul style="list-style-type: none"> Scapa Flow Strategic Asset Development including Scapa Flow Deep Water Quay Kirkwall Strategic Development Hub including Hatston Pier Electricity Transmission Network Orkney's Renewable Energy Opportunities 	

<ul style="list-style-type: none"> • Stromness Strategic Development Hub including Orkney's Research and Innovation Centre World Heritage Site Gateway for Orkney • High Speed Digital Connectivity for All
Goals: <p>The OiRSS has helped to join up infrastructure projects and outcomes from multiple strategic initiatives including ReFLEX Orkney, the Islands Growth Deal and the Orkney Harbours Masterplan. Through broad-based stakeholder engagement, this supports the Planning Service goal to coordinate development and projects across the public and private sector so they can contribute to a set of common strategic priorities and outcomes.</p> <p>The Planning Service is now responsible for the preparation of the Orkney Local Development Plan and the Orkney Islands Regional Marine Plan (out to 12 nautical miles). The OiRSS has helped to clarify our vision and strategic priorities for both land use and marine planning in Orkney. The strategy will help our service achieve our goal of ensuring an integrated, consistent, and innovative approach to development planning across the land-sea interface.</p>
Outcomes: <p>The key outcome from the OiRSS process to date is to inform NPF4. This will help to embed Orkney's regional development priorities within the national spatial strategy and policy framework.</p> <p>Following the adoption of NPF4 in 2022 and the preparation of national guidance for Regional Spatial Strategies, the OiRSS will be reviewed and adopted in accordance with the statutory requirements. This will enable the Planning Service to consider the implications of NPF4 for regional development and liaise further with stakeholders and communities to adopt a statutory Regional Spatial Strategy.</p>
Name of key officer
Susan Shearer – Planning Manager, Development & Marine Planning

Supplementary Guidance covering [Developer Contributions and Good Neighbour Agreements](#) was approved in September 2013. Feedback was sought during the Main Issues Report consultation on future options for seeking developer contributions, given that opportunities for seeking such contributions in Orkney are limited due to the small scale of development/developers. The last monetary figure secured through a developer contribution in Orkney was in 2011. We have continued with identifying developer contributions required to make a development acceptable in the LDP Settlement Statements and Development Briefs with the most recent included within the [Kirkwall South Development Brief](#). Further contributions required towards a limited number of strategic capital infrastructure projects will be identified in new Development Management Guidance to be prepared. However, we recognise the important role developers play in a fragile island economy, particularly in the continued challenging financial climate, so we will continue with our proportionate approach to developer funding.

In order to provide more certainty for developers we have approved the [National Roads Development Guide](#) the [Landscape Capacity Study for Wind Energy in Orkney](#) and the Orkney Harbours Masterplan Phase 1 as Planning Policy Advice.

We have prepared Supplementary Guidance on [Development Briefs and Design Statements](#) to provide more certainty for developers in terms of the levels of information required for these documents and where they are required.

In May 2018 we sought views on design for housing in the countryside to help shape new planning policy advice. Engagement events were held at a number of locations throughout

Orkney with assistance provided by Architecture and Design Scotland. Public consultation on an updated version of the document was undertaken during May/June 2019. The main proposed changes were in respect of the definition of curtilage; the definition of a building or structure which could be replaced by a new house under the “one for one” policy; and details in respect of drainage for a new house. Following further refinement a follow-up public consultation on the draft document was undertaken in March/April 2020 and a revised version of the [Supplementary Guidance on Housing in Countryside](#) was approved in March 2021.

We have prepared a [Development Management Guidance Note](#) to provide clarity to Development Management Officers and developers in respect of the implementation of the Council’s affordable housing policy and guidance. In June 2019 we prepared [Development Management Guidance on Energy](#) to provide additional clarity on technical issues and interpretation of policies to be considered in the assessment of planning applications for wind energy developments.

The [Planning Policy Advice: Amenity and Minimising Obtrusive Lighting](#) was published for public consultation in November/December 2019 and approved by the Council in March 2021.

The Council has approved Development Briefs in place for over 20 sites in Orkney. The most recent Development Brief for [Kirkwall Walliwall](#) was approved by the Council in October 2020. issued for public consultation in November/December 2019.

Case Study 2:

Walliwall (K5) Development Brief, Kirkwall.



Location and Dates:

Kirkwall. May – October 2020.

Elements of a High-Quality Planning Service this study relates to:

- Quality of outcomes

<ul style="list-style-type: none"> • Quality of service and engagement • Governance 	
Key Markers:	
<ul style="list-style-type: none"> • Production of regular and proportionate policy advice, for example through supplementary guidance, on information required to support applications. • Corporate working across services to improve outputs and services for customer benefit (e.g. protocols; joined-up services; single contact; joint pre-application advice). 	
Key Areas of Work:	
<ul style="list-style-type: none"> • Masterplanning 	<ul style="list-style-type: none"> • Interdisciplinary Working
Stakeholders Involved:	
<ul style="list-style-type: none"> • Local Developers 	<ul style="list-style-type: none"> • Authority Other Staff
Overview:	
<p>The case study period has seen the preparation, consultation and approval of a development brief for the K5 housing land allocation in Kirkwall. The site is in private ownership and is of significant scale and strategic importance to the future development of Kirkwall. The project has involved collaborative working across Council Services, with Key Agencies and in conjunction with the landowner/developer.</p> <p>The Orkney Local Development Plan Settlement Statement for Kirkwall noted that the 6.5Ha land allocation had capacity of 45 houses. A sloping site, part of the land was identified to be at risk of surface water flooding, with risk that development of the site could increase the risk of flooding elsewhere in the town. There was also a requirement that the site should connect to existing green infrastructure connecting the town centre to the countryside beyond.</p> <p>Supplementary to this, the 'Your Kirkwall' Place Plan, established a range of Strategic Town Wide Objectives which impacted on the development of this site, in particular;</p> <ol style="list-style-type: none"> 1. the importance of developing within a 20 minute walk of the town centre 2. the creation of a strategic active travel path network to improve connectivity in the town 3. the need to manage surface water flooding sustainably across the town 4. the need for better connected functional greenspace, and 5. the need for new development to be of an architecture which reflects the local identity of the town. <p>Given the information about flood risk provided by the Settlement Statement, it was clear that developing ideas in conjunction with the Council's flood engineer would be necessary. In order to ensure that a comprehensive vision for the site was achieved, the drafting of this development brief was therefore carried out in collaboration with colleagues from the Council's Engineering and Roads functions. Through this process, the opportunity to develop the Council's approach to translating policy relating to sustainable surface water flood management, street design and placemaking into a deliverable vision for the site and its surrounding area became clear.</p>	

A shared analysis of the site and its surrounding context was undertaken and an initial concept prepared to respond to the various opportunities and constraints, with the aim of achieving a nature based approach to the development of the site. This involved:

- Identification of a wider Green Infrastructure Network to which the site would relate;
- leaving areas at risk of flooding free of development;
- working with the contours of the land to achieve a sustainable surface water management strategy which contributed to the quality of place in each street ;
- achieving a fully accessible active travel route throughout the site, and
- integrating this with an approach to street design and placemaking which ensured pedestrian wayfinding, navigation and priority.

The initial concept was then reviewed with colleagues and the developer. An iterative design process followed, involving a significant degree of detailed design, to ensure that the conceptual proposals could be effectively delivered on site. For example;

- analysis of topographic information was undertaken to achieve a layout with fully accessible routes to the standards of Designing Streets and Cycling by Design.
- analysis of the necessary cut and fill was undertaken to ensure a sustainable outcome could be delivered on this sloping site.
- detailed consideration of pedestrian, cycle and vehicular access and movement was undertaken to achieve a layout which delivered the conceptual vision whilst also incorporating the movement of emergency service vehicles.
- Development of the concept of swales and other ‘at source’ surface water management techniques was undertaken as part of the design of the street environment, requiring consideration of the maintenance implications of the proposal.

Following conclusion of the concept design process, the accompanying text was prepared to complement the proposals. A statutory period of public consultation was undertaken prior to amendments being made to the brief. The document was then submitted to the Development & Infrastructure Committee for approval and adoption, where it was well received. It has since helped to inform planning decision making on the land.

Goals:

The Orkney Local Development Plan 2017 sets out a vision and spatial strategy for the development of land in Orkney over the next ten to twenty years. The ‘Your Kirkwall’ Place Plan further developed this vision for Orkney’s main town. The development brief which is the subject of this case study translated this policy context into a site specific proposal for the development of a relatively large and strategically important piece of land. The development brief also contributed to the wider goal of raising the quality of design in the planning system by translating Designing Streets policy into a site specific proposal with the aim of achieving high quality placemaking.

Outcomes:

This case study has demonstrated that to achieve development briefs and design codes which effectively deliver against the Scottish Government's policies on street design, placemaking and sustainable surface water management, collaborative and interdisciplinary working is essential. This is necessary to ensure that the spatial proposals are conceived in three dimensions and with a detailed knowledge of the ingredients required to make a scheme workable in practical terms.

The project is currently under construction on site. Post construction analysis of the effectiveness of how the development brief has been interpreted and delivered through the Planning and Roads Construction Consent processes will be necessary to further develop our approach for future development briefs.

Name of key officer

Michael Harvey, Senior Planner, Development & Marine Planning

In order to inform the development of fish farming in Scapa Flow we commissioned a capacity study to improve understanding of the water quality impacts arising from existing and proposed fish farms and establish an upper biomass limit for farmed fish. In October 2018 the Council approved the study - [Aquaculture Water Quality Impact Modelling Assessment for Scapa Flow](#) - and adopted the findings as Development Management Guidance to assist in the application of Local Development policy on fish farms. The project which marked the first use of hydrodynamic modelling by a planning authority for an aquaculture spatial strategy was shortlisted for a Scottish Award for Quality in Planning in 2019 under the "Plans" category.

The pandemic impacted the free face-to-face pre-application advice service provided by Development Management, with an ongoing impact due to the number of staff continuing to work from home. This has forced changes for how the public receives advice, but also for the processes within Development Management, in terms of allocating enquiries and telephone calls. The pandemic has been used as an opportunity to update how advice is provided, including changes that will be retained. Distinction has been drawn between enquiries which are technical and those which relate to proposed development. For technical queries – correct form to submit, planning fees, validation queries, timescales and deadlines, and process and procedure – agents and the public can contact Development Management by any means and responses are provided by the following working day. However, policy-based pre-application advice is now all directed towards the pre-application form and is required in writing. These are enquiries regarding permitted development, development allocations, suitability of land or buildings for development, design of proposed development and other advice provided by the planning officers. Pre-Covid, enquiries of all types were requested in all forms – in writing, over the telephone and face to face. The requirement for written advice only for complex queries was due to lack of availability of telephone calls and direct contact with the public, but it has improved the experience for both the public and the officers providing the advice, on the basis that all detailed enquiries are now set out in writing, using the format and information included in the form, thereby helping to avoid ambiguity and any risk of miscommunication. And rather than being reactive on a day-to-day basis, having all enquiries in writing has allowed a system of allocation of enquiries to be set up internally, so that all enquiries are now provided a reference and allocated by the Planning Manager on a weekly basis, in a similar way to planning applications. This helps to manage workloads. The system has also allowed acknowledgement and target dates to be allocated to each written enquiry. The Development Management team continues to meet

weekly, and both allocations and enquiries are allocated during this meeting to allow any background knowledge of other officers to be presented.

We engage with regular customers of the service (primarily local builders, developers and planning agents) through our Planning and Building Stakeholder Forum. The Forum met virtually on two occasions during 202/21 with discussions focussing primarily on the Independent Review of the Planning Service and the recommendations arising from the review.

We continue to encourage customers to submit planning applications electronically. In order to make our office as paperless as possible we now only require one set of plans and supporting documents from applicants submitting an application in paper format.

Details of pre-application advice are recorded on our UNIFORM casework management system. Approximately 58% of all planning applications were subject to pre-application advice. We provide a single point of contact for development proposals throughout the planning application process.

The availability of processing agreements is publicised on our [website](#) and we worked with NHS Orkney and the successful bidder for the new Orkney Hospital project to develop a processing agreements which was agreed in June 2016 and continued through 2018/19. As the scale of development in Orkney is not significant, opportunities for using processing agreements for major development is limited. A second processing agreement for the first national development in Orkney – the [Orkney Transmission Connection and Infrastructure Project](#) was signed with Scottish Hydro Electric Transmission PLC in June 2019. All the target dates outlined in the agreement were achieved. The use of processing agreements has also been discussed with aquaculture operators in the regular meetings with that industry, with a view to agreeing a suitable format for future EIA applications.

We provide a “[Validation Checklist](#)” for applicants, which covers the majority of information required to be submitted with a planning application in order to try to reduce the number of invalid applications being submitted.

Faced with an increasing number of planning applications submitted with an accompanying Environmental Impact Assessment and lacking the capacity within the service to undertake detailed assessment of EIA documents we have employed an environmental consultancy to undertake peer review assessments. The first review of an EIA accompanying a major quarry planning application was completed in December 2019 and subsequent assessments have been provided on the EIA report for a number of wind farm planning applications and assistance provided with the planning authority adoption of screening and scoping opinions.

We have developed a standard set of model planning conditions.

Our [Planning Enforcement Charter](#) was updated and approved in November 2019.

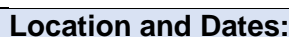
We continue to have regular annual liaison meetings with key agencies (SEPA, NatureScot, Historic Environment Scotland, Scottish Water, Marine Scotland) and specific stakeholders such as architects/builders and the fish farming industry.

In June 2019 the Council, Historic Environment Scotland and Highlands & Islands Enterprise signed a Memorandum of Understanding to conserve the Heart of Neolithic Orkney World Heritage Site and enhance the visitor experience for tourists and local people. Designed to work alongside the existing World Heritage Site Management Plan, the Partnership, in consultation with industry and other stakeholders will look at areas including visitor flow management, infrastructure and connectivity.

We are working in partnership with NatueScot and the Royal Society for the Protection of Birds to develop the [Orkney Native Wildlife Project](#) which is aimed at safeguarding Orkney's native wildlife by addressing the urgent issue of invasive non-native stoats.

Ensuring consistency between marine and terrestrial planning particularly for policies and projects which have significant implications for both marine and terrestrial environments is crucial for an Islands Authority. To achieve this the Planning Service works very closely with the Council's Marine Services in a number of areas. Work has been progressed on the development of an [Orkney Harbours Master Plan](#) which will assess current and future port infrastructure use demands and plan future investment for the next 20 years. The Planning service has led on drafting the brief for the consultants to prepare the master plan as well as playing a key role in the development of the plan itself. The plan which addresses the future growth and development of the key commercial harbour facilities at Hatston, Kirkwall, Lyness, Scapa Pier/Scapa Flow and Stromness was approved for public consultation in March 2019. Public consultation events took place in June 2019 and the Masterplan was approved by the Council in April 2020.

The Scottish Government announced in June 2017 that Orkney would be the next marine region to create a Marine Planning Partnership and develop a statutory regional marine plan. The Council is taking the lead role in the Marine Planning Partnership supported by local stakeholders representing the economic, environmental, community and recreational interests within the marine region. The Council's Development and Marine Planning team has been working with local stakeholders through 2018 to 2019 to plan for the future delivery of statutory marine planning in Orkney waters. In advance of progressing regional marine planning, the team undertook the Orkney Marine Environment Project which improved the availability and accessibility of environmental, social and economic data for marine planning, management, education and awareness raising. Public consultation on this state-of the environment assessment of the waters around Orkney took place in September/October 2020 with the finalised version providing valuable information to assist in the preparation of a regional marine plan. Workshops to look at the process of marine planning in Orkney were held in Kirkwall and Stromness in September 2019. In November 2020 the Scottish Government announced the formal delegation of regional marine planning powers to the Council and in March 2021 another significant milestone was reached with the inaugural meeting of the Orkney Marine Planning Advisory Group – made up of organisations that represent the environmental, social, cultural and economic characteristics of the marine environment around Orkney. The Advisory Group will provide specialist advice and guidance to support the preparation of the Orkney Islands Regional Marine Plan. In March the Council also approved the draft Statement of Public Participation setting out the outline methodology and indicative timetable for the preparation of the Marine Plan.



Elements of a High-Quality Planning Service this study relates to (please select all that apply):

- Key Markers** (please select all that apply):

Cross-sector stakeholders, including industry, agencies and Scottish Government, engaged early (pre-MIR) in development plan preparation.

Production of regular and proportionate policy advice, for example through supplementary guidance, on information required to support applications.

Corporate working across services to improve outputs and services for customer benefit (e.g. protocols; joined-up services; single contact; joint pre-application advice).

Key Areas of Work:

- | | |
|---|--|
| <ul style="list-style-type: none"> • Conservation • Environment • Economic Development | <ul style="list-style-type: none"> • Interdisciplinary Working • Collaborative Working |
|---|--|

Stakeholders Involved:

- General Public
- Hard to reach groups
- Local Developers
- Key Agencies
- Development and Infrastructure Committee

- Authority Planning Staff
- Authority Other Staff

Overview:

The Marine (Scotland) Act 2010 introduced a new era for the management of Scotland's seas, including provision for local stakeholders to prepare statutory regional marine plans at the local level. A regional marine plan contains statutory local policies and spatial plans to guide marine consenting and management decisions. These plans are prepared by Marine Planning Partnerships (MPPs) representing the economic, community, environmental and recreational interests within a local marine region (to 12 nautical miles). A Ministerial Direction delegating regional marine planning functions to Orkney Islands Council (OIC) commenced on 27 November 2020. The Council will carry out the delegated functions preparing a statutory Orkney Islands Regional Marine Plan (OIRMP) on behalf of Scottish Ministers. These functions are being delivered by the Council's Planning Service with support from the Orkney Marine Planning Advisory Group (OMPAG) representing a broad spectrum of economic, community, environmental and recreational interests in Orkney.

Goals:

The key goals for this marine planning initiative are:

- To prepare locally appropriate statutory marine planning policies to deliver beneficial social, economic and environmental outcomes.
- An integrated approach to land use and marine planning, particularly for key policy areas including climate change, coastal development, ports and harbours, aquaculture and renewable energy development.
- Partnership working and enabling a collective understanding between stakeholders, and where possible consensus.
- Safeguarding coastal and marine ecosystems, and the services they provide, whilst supporting sustainable economic activities.
- Policies, spatial allocations and data that enable investment by providing greater certainty at the development consenting stage.
- The efficient use of marine space and reduced conflict between marine users e.g. aquaculture and commercial fishing.
- Enabling local communities to respond to social, economic and environmental opportunities.

Outcomes:

The first key outcome was the delegation of marine planning functions to the local level in November 2020. The Ministerial Direction was the culmination of a process of stakeholder engagement to establish an appropriate governance structure, accountability, and stakeholder representation to take forward a statutory regional marine plan. Following delegation of plan making functions to the Council, the OMPAG has been constituted under agreed Terms of Reference.

A Statement of Public Participation (SPP) has been prepared and submitted to Scottish Ministers. The equivalent of a Development Plan Scheme, the SPP sets out the outline methodology and indicative timetable for the preparation of the statutory Orkney Islands Regional Marine Plan.

The Draft Orkney Islands Regional Marine Plan will be deposited for consultation between May 2023 – Aug 2023. This will include supporting documents such as a Strategic Environmental Assessment and partial Business and Regulatory Impact Assessment.

Following a potential Independent Investigation (the equivalent of an LDP Examination) it is anticipated that the Orkney Islands Regional Marine Plan will be adopted between Oct 2024 - Jan 2025.

Name of key officers

James Green – Senior Planner, Development & Marine Planning

Shona Turnbull – Marine Planner, Development & Marine Planning

Daniel Morris – Graduate Marine Planner, Development & Marine Planning

Close collaboration is taking place between the Planning Service and other Council services in a key regeneration project being developed by the Council in Stromness where the former primary school and Old Academy buildings are being refurbished, updated and extended to create an [Orkney Research and Innovation Campus](#).

The Planning Service has worked closely with Development & Regeneration colleagues to identify projects which would benefit from grant funding provided by the Scottish Government to support town centres.

In March 2015 the Council commenced audio casting council committee meetings, including Development and Infrastructure meetings, which cover planning policy matters. In March 2019 the Council agreed that audio casting provision be extended to include meetings of the Planning Committee and the Local Review Body. The first live audio casts of meetings of the Planning Committee took place in 1 October 2019 and the Local Review Body on 22 January 2020.

In March 2017 the Council established a new public consultation group – [Orkney Opinions](#). This gives a group of Orkney residents the opportunity to comment and provide feedback on a range of topics. The Planning Service is now making regular use of this consultation forum with specific planning questions included in the second survey (October 2017) regarding development in the countryside; and the third survey (February 2018) regarding active travel as part of the review of the Kirkwall Urban Design Framework; and the eighth survey regarding the Orkney Native Wildlife Project. In February 2020 the Panel was issued with a survey to request their views and assist in providing an Orkney response to the “Call for Ideas” consultation on the development of National Planning Framework 4.

The Council has a [Complaints Handling Procedure](#) which provides a standard approach for dealing with customers who are unhappy with the service that they have received. In 2020/20 we received one “Stage 2” complaint about the Planning Service, one relating to alleged failure to take effective enforcement action which was subject to an external independent review with no major failings in the process identified by the review; and a further complaint relating to delays in determining a planning application which was partially upheld. The Scottish Public Services Ombudsman did not uphold a second complaint regarding the way the Council handled a number of planning consents in the East Mainland.

c. Governance

During 2016 the Council commenced a Governance Review with a Review Survey undertaken amongst elected members and senior officers in March 2016. This covered a

number of aspects including meeting cycles, delegation to officers and pre-determination hearings for the Planning Committee. A key outcome of the review was that constitutional arrangements for the Planning Committee were amended from 12 members of the Council, to two elected members from each of the six electoral wards. This is to avoid an instance where all the members in a particular ward could be appointed to the committee thereby restricting the availability of members to constituents in that ward with issues to raise in regard to planning applications. A comprehensive review of the Council's [Schemes of Administration and Delegation](#) was completed in January 2018 which updated in more detail current policies, procedures and working practices of the Council, including the incorporation of the existing "hearings" process for the Planning Committee. Further delegation has been provided to officers in areas where a statutory consultation process has been undertaken and no objections have been received.

Following on from the Council elections in May 2017 an extensive training programme was undertaken with members of the Planning and Local Review Committees. This included an introduction to all new members to highlight the role of regulatory committees such as Planning, an overview of the Planning system in Scotland provided to the new committees, and bespoke Planning and Local Review Body training provided by external consultants. Other more specialised training has been provided to members of the Planning Committee by SEPA on Aquaculture Development and the role of SEPA and by A+DS on the role of architecture and design in the Planning process.

In preparation for determining its first ever national development which must be subject to a pre-determination hearing and determined by the Full Council governance arrangements were agreed by the Council in February 2019 for dealing with the Orkney Transmission Connection and Infrastructure Project. Additional training in Planning matters was also provided to all elected members in May 2019 (by Council Planning staff) and July 2019 (by an external planning legal specialist).

We have a Planning Committee dedicated to dealing with planning applications which meets on a 4 to 6 weekly basis except in August which is the Members recess. The number of planning applications delegated to officers at 94.0% is slightly lower than the Scottish average of 96.2%.

A separate Development & Infrastructure Committee deals with all development and marine planning policy issues and meets 5 times per year.

A process for streamlining the procedure for the [preparation of Planning Policy documents](#) was agreed by the Council in February 2017. The revised procedure will reduce the number of draft documents being presented to committee for formal approval prior to public consultation. This has reduced the volume of reports being presented to elected members as well as reducing the timescales for the preparation and approval of planning documents.

We adopted a policy of undertaking site inspections for all local review cases in June 2014, in order to reduce delays in the decision-making process. The Local Review Committee now meets as and when required with site inspection undertaken on the same day as the meeting. The average time for determining local review cases in 2020/20 was 12.9 weeks, an increase when compared to 11.0 weeks in 2019/20.

We have a Planning & Regulatory Services Consultative Group which is a member/officer Working Group set up to provide a less formal forum to discuss in particular progress with the Local Development Plan and other Plans falling within the remit of the service, as well as other performance related matters. This allows open discussion between Members and Officers and helps guide the strategic direction and policy approach of the various plans.

There are effective communication channels in place from the Senior Management Team, Corporate Management Team, Directorate, Heads of Service down to individual teams. Planning, Development and Regulatory Managers meet on a quarterly basis with Development Management and Development & Marine Planning team meeting every 2 months.

We hold a 6 monthly Development & Infrastructure Managers Away Day to improve cross-service communication and awareness of cross cutting projects and professional capabilities.

We have a fully integrated planning service under a single Head of Service post with 2 Planning Managers - one covering Development Management and the other responsible for Development and Marine Planning.

There is a close working relationship between Development Management and Building Standards functions. In order to assist with the monitoring of planning conditions we are using Building Inspectors to undertake a limited role in checking pre-commencement conditions in respect of access roads for developments of up to 4 houses and the demolition of existing derelict or ruinous buildings.

Planning is also represented on multi-disciplinary teams dealing with House Build Programmes, Housing Market Partnership, Housing Forum to assist the development of the Council's house building project; the Ports Masterplanning team to assist in planning for future harbours infrastructure; and in a Sustainable Transport officer group to plan for the development of active travel projects.

The Planning Service is also represented on the Strong Communities and Vibrant Economy Delivery groups of the [Community Planning Partnership](#). The Planning Service has worked closely with colleagues in Corporate Services to widen the use of the Place Standard for consultation and analysis of local communities across Orkney and develop new Locality Plans under community planning.

Following the transfer of the Crown Estate's management duties in Scotland to Crown Estate Scotland (CES) in April 2017, the Council has been developing a proposal under a new pilot scheme launched by CES that will allow local authorities and other bodies to apply to manage assets in their local area. Following a successful Stage 1 application in August 2018 the Council submitted a Stage 2 application to the pilot scheme in March 2019 and it was announced in June 2019 that the project was one of four selected to move to the final stages of the Local Pilots Management Scheme. The Council's proposal is for local decisions on seabed leases in Orkney waters to be made by Orkney Islands Council through a process of significant engagement with an Orkney Islands Marine Planning Partnership. The Council will lead the partnership with advisory support from stakeholders with commercial, environmental, community and recreational interests in local waters. The Development and Marine Planning team have played a key role in developing the application. In August 2020 the Council approved the establishment of a Project Officer post to take the pilot scheme forward and recruitment to the post took place in April 2021.

We operate a monthly budget monitoring system which ensures managers are well aware of budgetary positions. Quarterly Revenue Expenditure Monitoring Reports on each service are presented to service committees on a quarterly basis. The Planning Service is represented on the Capital Planning and Asset Management Team established to monitor the Council's Capital Programme and improve procedures for the future delivery of the programme.

d. Culture of Continuous Improvement

Following feedback received from stakeholders regarding aspects associated with planning services, primarily their individual experiences in relation to specific planning applications, the Council's Interim Chief Executive commissioned an Independent Review of the Planning Service in Spring 2020. The review focussed on customer care aspects, performance levels and relevant internal and external practices and procedures. The review concluded that the Planning Service was a high performing service providing good outputs and examples of good practice but with some fine-tuning adjustments to be made to some practices and procedures. The report made a number of recommendations which have been developed into an Action Plan which is currently being delivered by the Planning Service management team.

The Council has adopted the "How Good is our Council" self-assessment tool in order to identify areas for improvement. Previously undertaken in 2012 a further self-evaluation of all Council services including the Planning & Regulatory service was undertaken during 2015. Services commenced a third self-assessment process at the start of 2019 with the outcomes being fed into updated Service Plans. The Development and Infrastructure Service Plan (2019-22) was approved in September 2019 and as well as identifying Council level improvements and developments within the Council Delivery Plan also identifies agreed service priorities for the Planning Service to be progressed within agreed budgets and within the life of the service plan.

Key performance indicators relating to the Planning Service are monitored and reported to the Development and Infrastructure Committee every 6 months.

The Planning Performance Framework is reported to the Planning and Regulatory Services Consultative Group which included members of the Development and Infrastructure and Planning Committees.

The IDOX Enterprise module is used to assess performance and workloads in the Development Management service.

The Planning Service was included in the Development and Infrastructure Workforce Plan 2017-22 which was agreed by the Council in February 2017. A Service Learning Plan was completed in March 2018 which identified a number of training needs for the Planning Service including GIS, Marine Spatial Planning and RTPI accredited training for Graduate Planners.

The Council's Employee Review and Development system has been implemented within the Planning service with all staff being appraised on an annual basis.

All Planning staff attend regular training events or seminars/conferences/forums that contribute to Continuing Professional Development (CPD).

We actively participate in Heads of Planning Group and Sub-groups where issues of best practice are continuously being discussed. We also participate in the National Development Plans Forum, North of Scotland Development Plans Forum, National Enforcement Forum, Local Authority Urban Design Forum and the joint Local Authority Aquaculture Planning group. We continue to share good practice (primarily by e-mail) with other local authorities in the HoPS rural authorities benchmarking club.

Development Management prioritised the clearance of legacy cases during 2020/21 and reduced the 4 legacy cases reported during 2019/20 to 1. By the end of the reporting period,

with that single exception, no extant applications predated 2020. The single legacy case is a Council application, for roads and drainage infrastructure across an allocated site within Kirkwall, and which has been subject to lengthy and ongoing discussions regarding drainage. Information is pending for this application.

The use of on-line interactive mapping technology has been developed to allow users of our Energy and Aquaculture Supplementary Guidance to have more accessible information in relation to potential constraints and sensitive areas in regard to wind farm and fish farming developments. We have also published our adopted [Local Development Plan](#) and annual [Housing Land Audit](#) as interactive documents..

3. Supporting Evidence

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

- The Council's "How Good is our Council" performance self evaluation & assessment;
- [Planning, Development & Infrastructure](#), and [Policy & Resources](#) Committee reports;
- Corporate Improvement Plan;
- The [Council Plan 2018-2023](#) and the [Council Delivery Plan 2018-2023](#)
- [Development and Infrastructure Service Plan \(2019-March 2022\)](#);
- [Service Plan Monitoring Reports](#)
- [Development Plan Scheme 2021](#)
- Monitoring Statement – The Review and Monitoring of the Orkney Local Development Plan – March 2015
- Planning Managers meetings; and
- Scottish Government Planning Liaison meetings.
- Orkney Islands Council [Performance Information](#)

Qualitative Narrative and Case Studies

Case Study Topics	Issue covered in PPF10	Case Study Topics	Issue covered in PPF10
Design		Interdisciplinary Working	P6,9,15
Conservation	P15	Collaborative Working	P15
Regeneration		Community Engagement	
Environment	P15	Placemaking	
Greenspace		Charrettes	
Town Centres		Place Standard	
Masterplanning	P9	Performance Monitoring	
LDP & Supplementary Guidance	P6	Process Improvement	
Housing Supply		Project Management	
Affordable Housing		Skills Sharing	
Economic Development	P15	Staff Training	
Enforcement		Online Systems	
Development Management Processes		Transport	
Planning Applications		Active Travel	
Other:			

4. Service Improvements: 2020-2021

In the coming year we will:

Quality of Outcomes

1. Undertake a review of the current hierarchy of published local planning guidance including the requirement for development briefs with the aim of providing a more simplified set of planning advice/guidance.

Quality of Service and Engagement

2. *Prepare a jointly agreed document on Planning and Developer Guidelines in consultation with the Planning and Building Stakeholder Forum.*
3. *Prepare a user-friendly simplified Validation Checklist to confirm the requirements for submitting a legally valid planning application.*

Governance

4. *Consider, assess and appoint to the role of Chief Planning Officer (as set out in the Planning Act 2019 as a statutory requirement).*
5. *Ensure that any necessary changes affecting the Planning Service are incorporated in the Council review of its Scheme of Administration and Scheme of Delegation planned for 2021.*

Culture of Continuous Improvement

6. *Continue to implement the improvement actions identified in the Independent Review of the Planning Service.*

Delivery of our service improvement actions in 2019-20:

Committed improvements and actions	Complete?
Quality of Outcomes <ol style="list-style-type: none"> 1. Complete preparation of a Conservation Area Appraisal for St Margaret's Hope 2. Develop revised Locational Guidance for Business Development in the Countryside 	<p>Completed</p> <p>Still outstanding – delayed due to workload pressures/staffing capacity and will now be incorporated within review of Local Development Plan</p>
Quality of Service and Engagement <ol style="list-style-type: none"> 3. Arrange for additional staffing or consultancy support for the long-term assessment of Environmental Impact Assessments 4. Re-introduce a Planning Customer Survey to allow applicants to formally comment on quality of decision-making and raise any issues they experienced with their applications 5. Re-instate the Stakeholders Forum to provide a focus for discussion and issue raising to jointly develop improvement and efficiencies 6. Provide validation training for local agents involved in submitting planning applications 	<p>Completed</p> <p>Completed</p> <p>Completed</p> <p>In progress – revised validation requirements being developed</p>
Governance <ol style="list-style-type: none"> 7. Consider, assess and appoint to the role of Chief Planning Officer (as set out in the Planning Act 2019 as a statutory requirement) 8. Establish the Orkney Islands Marine Planning Partnership 	<p>Delayed pending publication of Scottish Government guidance</p> <p>Completed</p>
Culture of Continuous Improvement <ol style="list-style-type: none"> 9. Develop workforce plan/succession planning arrangements for the Planning Service 	<p>In progress and to be considered in the context of a wider review of the Council's management structure</p>

5. National Headline Indicators

a) Development Planning

Key Outcomes	2020/2021	2019/2020
Age of Local Development Plan (years and months) at end of reporting period	3 years and 11 months	2 years and 11 months
Will the local development plan be replaced by its 5 th anniversary according to the current development plan scheme?	No	Development Plan Scheme delayed due to COVID-19
Has the expected date of submission of the plan to Scottish Ministers in the development plan scheme changed over the past year?	Not applicable	Not applicable
Were development plan scheme engagement/consultation commitments met during the year?	No major commitments were made pending the publication of the Development Planning Regulations and National Planning Framework 4	No major commitments made as a result of the review of the Planning system

Effective Land Supply and Delivery of Outputs		
	2020/2021	2019/2020
Established housing land supply	1589 units	1657 units
5-year effective housing land supply programming	1506 units	1585 units*
5-year effective housing land supply total capacity	1589 units	1657 units
5-year housing supply Target	539 units	539 units
5-year effective housing land supply	13.9 years	14.7 years
Housing approvals	108 units	164 units
Housing completions over the last 5 years	948 units	692 units
Marketable employment land supply	68ha	70.7ha
Employment land take-up during reporting year	2.7ha	0

b) Development Management

Project Planning		
	2020/2021	2019/2020
Percentage and number of applications subject to pre-application advice	58%	64%
Percentage and number of major applications subject to processing agreement or other project plan	N/A	N/A
Decision Making		
Application approval rate	96.2%	96.0%
Delegation rate	94.0%	93.1%
Validation	46.7% valid on receipt	38% valid on receipt
Decision-making Timescales		
Average Number of Weeks to a decision:		
Major Developments	35.1	N/A
Local Developments (non- householder)	10.0	9.9
Householder Developments	6.8	6.6
Legacy Cases		
Number cleared during reporting period	3	1
Number remaining	1	4

c) Enforcement Activity

Enforcement activity		
	2020-21	2019-20
Time since enforcement charter published/reviewed (full years)	20 months	8 months Enforcement Charter
Complaints lodged and investigated	57 new enquiries or complaints logged (26 internally generated)	4 enquiries or complaints received and investigated
Breaches identified – no further action taken	All 57 new cases were subject to initial investigation and confirmed as a breach	Action taken in 9 of the 11 cases
Cases closed	37 (of those, 20 are of the 57 new cases received)	8

	during 20/21, and 17 existing cases)	
Notices served	10	1
Direct Action	0	0
Reports to Procurator Fiscal	0	0
Prosecutions	0	0

d) NHI Key outcomes - Commentary

Commentary

Development Planning

The previous Orkney Local Development Plan was adopted by the Council in April 2014. Significant progress was made on the Local Development Plan Review during 2016/17 with the Proposed Plan published for public consultation during May and June 2016. Following public consultation the Proposed Plan and unresolved issues were submitted to Scottish Ministers for Examination in September 2016. The Examination Report which detailed the conclusions of the Reporter was received in January 2017. In March 2017 the Council agreed to advertise the Council's intention to adopt the Orkney Local Development Plan 2017 having incorporated the modifications proposed by the Reporter and the Plan was formally adopted on 18 April 2017 along with all six supplementary guidance documents that were detailed within the Plan.

The current Development Plan Scheme 2021 was approved by the Council in February 2021. It noted that until the publication of the Development Planning Regulations and National Planning Framework 4 the future work programme was difficult to define. However it is proposed that during 2021 there will be (a) continued engagement with the Scottish Government on the emerging NPF4, development of secondary legislation; (b) commencement of early engagement with communities and planning stakeholders in Orkney on the future direction of planning policy; (c) consideration of matters to be included in the development of an Evidence Report for the new Local Development Plan and (d) a review of the current hierarchy of local planning guidance including the requirement for development briefs.

Development Management

The average decision time for householder applications increased slightly from 6.6 weeks in 2019/20 to 6.8 weeks in 2020/21. That is however better than the Scottish average of 8.1 weeks (and still compares favourably to 7.1 in 2017/18 and 9.1 in 2016/17).

The figure for all local development was the same as 2019/20, at 9.1 weeks is better than the Scottish average (10.0 weeks).

This includes a complex EIA application for a wind farm expansion and hydrogen production facility which took 36.9 weeks to determine, and a fish farm which took 20.6 weeks, both of which fell into the category of local development. However, those cases impacted the average figure for all local development, in addition to the drive to clear legacy cases which included 2016 and 2017 applications. It is therefore notable that the average figure held up as it did, with the impacts of the pandemic added to that.

EIA caseload had a significant impact on staff resources, with applications under consideration for aquaculture, wind energy, and minerals, and three determined applications over the reporting period. Given the relatively small size of the Development Management team, it is a challenge to manage resources when multiple large applications are submitted on top of the normal application caseload, often without advance notice in order to have resources in place.

Aquaculture development continues to require significant resources generally, including over the reporting period and in addition to the applications noted above, marine screening and scoping submissions, marine prior notifications, and marine consultations from Marine Scotland. All of that requires significant staff time and specialist knowledge.

Development Management also has responsibility to carry out Habitats Regulations Appraisals and Appropriate Assessment, and Regulation 62 applications, which will often require periods of significant officer time and specialist knowledge.

It is notable that this demand has been managed alongside normal caseloads with little effect on overall figures. The appointment of environmental consultants to assist with specialist environmental work has been of assistance, and provides additional specialist support, although the cases of course still have to be managed by the case officers.

Consideration of an EIA minerals application continued throughout the reporting period, and the application was reported to Planning Committee in August 2020. Development Management has administered various stages of EIA wind farm major planning applications by the Council, part of a community wind farm project, including referral of the applications to DPEA following Ministerial call-in, procedural input, and provision of technical comment to DPEA.

There is a continued lack of uptake by developers of processing agreements, despite their use being promoted. This is likely due to the relatively small pool of agents and developers that carry out most work within Orkney. Development Management maintains an open relationship with the construction industry, both agents and contractors, generally through advice, and also in relation to progress or complications with submitted applications, so that availability and willingness to provide updates by the Council will provide many of the assurances that developers elsewhere would seek through a processing agreement.

The listed building stock in Orkney and the relatively high numbers of properties located within conservation areas result in significant resources being allocated to historic environment advice provided by Development Management.

The independent planning review also used a significant amount of officer time, particularly senior officer time, to address the wide range of issues covered within the review. This included analysis of multiple complex cases, and diagnostic review of most of the processes carried out by Development Management. The peak period for this work was in the months immediately following lockdown, which added to the strain of adapting to new working operations.

The Planning Manager also entered a trial of planning mediation with a local building contractor, partly in relation to particular developments both current and pending, but also to review various common interactions between the planning authority and the building industry. There was some innovation required for the process, and again significant time spent by senior officers to ensure adequate information could be provided to the mediator in advance of the sessions. Although not repeated since those concluded, there were

positive outcomes in terms of the processing of subsequent significant elements, and lessons which can be applied to all developers.

Enforcement

The Planning Control Officer post was vacated during 2018/19. The post was advertised on multiple occasions since then, and eventually filled in October 2020. That recruitment process and all associated training was carried out under pandemic restrictions. Given the often critical timescales attached to enforcement cases, once investigation or action has commenced, and the lack of resource available to pursue enforcement cases in the absence of a dedicated Planning Control Officer, only the most urgent cases were pursued while the post was vacant. Therefore, enforcement cases investigated dropped to 11 cases in 2019/20. Other enforcement casework was logged for investigation once the post was filled.

In addition to the 57 new enforcement cases noted above, the Planning Control Officer had a backlog of 69 cases stored from previous years (whilst the post was vacant). That total caseload of 120+ cases has generated significant workload, but investigations and negotiation have resulted in 37 cases being closed during 20/21, of which 17 were cases from previous years. Having the post filled again after such a long absence has also led to a continuing upturn in the number of cases reported. Some of the successful closed cases are significant locally, including the removal of unauthorised uPVC windows and reinstatement of timber sash and case windows in a hotel and nearby prominent building in one of the conservation areas, and the removal of 20+ abandoned cars from an area of unused ground in Kirkwall.

Whilst still following the informal-first approach set out in the Planning Enforcement Charter, various notices have been served, including the use of a Planning Contravention Notice on several cases.

6. Scottish Government Official Statistics

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

Category	Total number of decisions 2020-2021	Average timescale (weeks)	
		2020-2021	2019-2020
Overall			
Major developments	2	35.1	N/A
Local developments (non-householder)			
• Local: less than 2 months	209	6.3	7.1
• Local: more than 2 months	115	14.3	13.8
Householder developments			
• Local: less than 2 months	77	5.9	6.2
• Local: more than 2 months	16	11.1	9.7
Housing Developments			
Major	0	0	0
Local housing developments			
• Local: less than 2 months	59	6.5	7.1
• Local: more than 2 months	56	12.7	12.6
Business and industry			
Major	0	0	0
Local business and industry			
• Local: less than 2 months	31	6.5	7.1
• Local: more than 2 months	19	14.4	13.8
EIA developments	3	30.9	24.3
Other consents*	64	5.3	6.3
Planning/legal agreements**			
• Major: average time	N/A	N/A	N/A
• Local: average time	N/A	N/A	N/A

* 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

Type	Total number of decisions	Original decision upheld			
		2020-2021		2019-2020	
		No.	%	No.	%
Local reviews	6	2	33.3	1	25
Appeals to Scottish Ministers	2	1	50.0	0	0

7. Workforce Information

	Tier 1	Tier 2	Tier 3	Tier 4
Head of Planning Service			1.0	

Staffing Age Profile	Headcount
Under 30	2
30-39	5
40-49	6
50 and Over	6

RTPI Chartered Staff	Headcount
Chartered Staff	7

Planning Service

The Planning Service is incorporated within the Planning, Development and Regulatory Service which also includes, Building Standards, Environmental Health, Economic Development, Business Gateway, LEADER programme, Regeneration including North Isles Landscape Partnership Scheme, and Trading Standards. There are two distinct teams within the Planning Service each with a separate manager - Development Management, including Enforcement and Development and Marine Planning which covers marine and terrestrial planning policy. There are 10 posts in the Development Management team and 11 in the Development & Marine Planning function.

8. Planning Committee Information

Committees & Site Visits	No. per year (2020-21)
Full Council committees	0
Planning Committees	10
Area Committees (where relevant)	n/a
Committee site visits	2
Local Review Body	5
Local Review Body site visits	7

Planning Services Structure

