



**Planning Performance Framework**  
**Orkney Islands Council**  
Annual Report 2021/2022

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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 2021 to 31 March 2022 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 proved a very challenging year for the Planning Service in Orkney as a result of the COVID-19 pandemic nevertheless the Service 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 2020 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. In 2021/22 there has been a further return of staff to the office with the majority of staff spending a day in the office.

Nationally decision times were impacted on by restrictions due to the pandemic with the average decision time for all local developments being 10.8 weeks in 2021/22, slower than the 10.0 week figure previous year. Comparable figures for Orkney for the determination of planning applications show that the average time for all local development was 8.6 weeks, an improvement on last year, and indicates that the level of performance has been maintained despite disruptions and significant EIA workload and other pressures. The average time for determining local review cases in 2020/21 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 2021/22 were:

- the preparation of the first ever Indicative Regional Spatial Strategy for Orkney providing a strategic planning framework covering land and sea and the preparation of a detailed response to the Scottish Government consultation on draft 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 establishment of the Orkney Marine Planning Partnership and the commencement of drafting the Orkney Islands Regional Marine Plan.

## 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 during 2021/22 there has been (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.

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.

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.

Promoting active travel is one of the Council’s key priority areas and 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 3 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 who is based in the Development & Marine Planning team is to facilitate a strategic approach to active travel infrastructure development enabling efficient use of investment to increase walking, cycling and wheeling. The post commenced in August 2021. One of the first major projects overseen by the new officer has been the

development of a green space in the Papdale area of Kirkwall into a community park for all ages and abilities.

The project which was identified in the Your Kirkwall Place Plan 2018 encompasses (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 the 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. Planning permission for the project was secured in July 2021.

### Case Study 1

#### Papdale East Park



#### Location and Dates:

Kirkwall, Orkney, 2021-22

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

- Quality of Outcomes
- Quality of Service and Engagement

#### Key Markers:

- Corporate working across services to improve outputs and services for customer benefit.

#### Key Areas of Work:

- |                |                        |
|----------------|------------------------|
| • Biodiversity | • Community Engagement |
|----------------|------------------------|

<ul style="list-style-type: none"> <li>• Greenspace</li> </ul>	<ul style="list-style-type: none"> <li>• Active Travel</li> </ul>
<b>Stakeholders Involved:</b>	
<ul style="list-style-type: none"> <li>• Papdale East Playpark Association (PEPA)</li> <li>• Local residents</li> <li>• Kirkwall Grammar School</li> <li>• Papdale Primary School</li> </ul>	<ul style="list-style-type: none"> <li>• Local Authority staff across a range of departments (Development &amp; Marine Planning, Development Management, Roads, Education)</li> </ul>
<b>Overview:</b>	
<p>The 2021-22 year has seen the Papdale East Park project achieve a number of key milestones. Building on the extensive programme of community engagement carried out at the concept design stage, the project was granted planning permission in July 2021. Construction then commenced on site in January 2022. The project is due to be completed on 28 September 2022. Following this, PEPA will develop their play park in a space designed for them within the wider community park.</p>	
<b>Goals:</b>	
<p>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 and identified a range of strategic projects to improve active travel connectivity, manage surface water flooding and enhance local biodiversity.</p> <p>The completion of the Papdale East Park project will see a wet area of public open space with low biodiversity value transformed into a vibrant green network which facilitates independent walking, wheeling and cycling from the existing and proposed future housing in the Papdale area of the town towards the schools and the town centre beyond.</p>	
<b>Outcomes:</b>	
<ul style="list-style-type: none"> <li>• A key project from the Your Kirkwall Place Plan completed, building confidence in the planning service to deliver on outcomes of community engagement activity.</li> <li>• Implementation of a strategic green network delivering positive outcomes for;                         <ul style="list-style-type: none"> <li>○ Active Travel</li> <li>○ Surface Water Flood Management</li> <li>○ Biodiversity Enhancement</li> </ul> </li> <li>• Completion of this key infrastructure prior to potential future development of housing land allocations beyond the project area – Infrastructure First.</li> </ul>	
<b>Name of key officer</b>	
Michael Harvey, Sustrans Senior Project Officer, Active Travel Strategy	

The promotion of active travel opportunities in Orkney were further boosted when the Council agreed in December 2021 to invest £0.5million towards footpath, core path and cycleway improvements in the county. This will help develop projects already identified with strong backing from local communities and included in the Kirkwall and Stromness Local Place Plans.

One of the most interesting and challenging development proposals dealt with in recent years by the Development Management team has been the restoration and extension of a rare military structure in Lyness in Hoy, one of the unconnected islands in Orkney.



## Case Study 2

Scapa Flow Museum

### Location and Dates:

Lyness, Hoy, Orkney, 2021-22

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

- Quality of Outcomes
- Quality of Service and Engagement

### Key Markers:

- Early collaboration with applicants and consultees on planning applications.

### Key Areas of Work:

- |  |   |
|--|---|
| <ul style="list-style-type: none"> <li>• Design</li> <li>• Conservation</li> </ul> | <ul style="list-style-type: none"> <li>• Planning Applications</li> </ul> |
|--|---|

### Stakeholders Involved:

- |  |  |
|--|--|
| <ul style="list-style-type: none"> <li>• Key Agencies</li> </ul> |  |
|--|--|

### Overview:

Lyness was the major naval base for Scapa Flow during both World Wars. The original oil-pumping station survives and is now Scapa Flow Museum, an interpretation centre for the story of wartime Scapa Flow and is a category A listed building. The station was built in 1917 to house steam-driven pumps that brought oil from tankers moored at the piers into four storage tanks, one of which survives. Originally powered by coal, the pumps were converted to oil in 1936, when another twelve storage tanks were built.



Scapa Flow Museum charts Orkney's military involvement in the First and Second World Wars and houses a major collection of wartime artefacts, many of national and international importance, including artefacts recovered from HMS Hampshire and from ships of the scuttled German fleet.

Over its lifetime as a visitor centre, the building had been subject to alterations using modern materials, original building fabric had degraded in places, and the building needed investment. The flues (shown below) had been removed for safety reasons. Internally, the floor space was crowded, which affected the experience of viewing the original pumping equipment. A refurbishment and extension were proposed, for enhancement of interpretation and displays and a new exhibition space, café, toilet facilities, and information areas.



**Goals:**

- Facilitate redevelopment of a visitor centre in need of investment.
- Manage sensitive interventions and reinstatement of detailing in an A listed building.
- Support new development following the approach of deliberate contrast in modern extensions using high-quality materials and design, to complement appropriate restoration of the historic building.



- Encourage the use of innovative design and materials in extension, while preserving the architectural and historic interest of the listed building.
- Enhance a facility for Orkney residents and visitors.
- Support employment in one of the unconnected islands.
- Improve public realm.

#### Outcomes:

Development Management involvement began with pre-application advice, relating to the reinstatement of the original building, as well as the scale, form, and materials of the proposed extension, as well as managing the area surrounding the building, which includes the 'boom slab', a concrete area where anti-submarine boom nets were constructed during the wars.

A balanced approach was required throughout, following a strict local and national policy driven approach to the maintenance of listed buildings, ensuring appropriate materials and detailing were used throughout, with greater flexibility facilitated for the proposed extension. The Council maintains a philosophy in relation to listed building extensions that original parts of the building must be restored utilising methods and materials contemporary with that part of the building, and requiring deliberately contrasting high quality materials, and potentially also form, for any extensions to that building, to ensure the respective periods of construction can be distinguished.

The proposal did this. However, significant value was added by Development Management including requiring an amendment to the roof colour and profile, to replicate the original finish rather than the more recent light-coloured replacement, rooflight locations, exterior bulkhead light fittings, and window design. The default position was retention and refurbishment of the original windows, and when stated by the applicant that the original windows were not capable of repair an independent assessment was required, from a specialist in historic metal framed windows, and when some replacement was accepted in principle further detailed discussions were required in relation to design, ensuring authenticity of materials and appearance, while meeting the ventilation requirements of building maintenance and use of the space by visitors.

These discussions involved in detailed negotiations by the officer, coordinating advice from Historic Environment Scotland where required and taking a strict policy-based approach, alongside exercising specialist knowledge.

A pragmatic approach was taken to the detailing of the extension, including the cladding material and the use of colour at the main entrance. Accepting that any extension, irrespective of design, would have some impact on the setting of the original building, the matters of protecting the ongoing use of the building, the high-quality reinstatement of original detailing, and overall design of the extension were considered to outweigh any concern, and on balance the development was supported.

The officer was required to react, often with short notice, to specialist queries including in relation to building fabric issues uncovered as the work progressed. Original materials were subject to conservation wherever possible, and a requirement to record and retain samples was put in place for any original fabric removed.

Detailed discussions are also required to address information submitted in relation to planning conditions, and relatively minor details such as marking vehicle parking spaces, where again functional requirements were balanced against protection of historic fabric, and for example innovative solutions were used to avoid marking or breaking into the wartime concrete boom slab on which some of the parking is located.



The development has set a high bar for refurbishment of wartime buildings and enhancement of visitor facilities in Orkney and beyond and is a good example of collaborative working between the design team, project management, construction, and the planning authority, providing advice and support, while ensuring compliance with relevant historic environment policies.

**Name of key officer**

Dean Campbell, Planning Officer, Development Management





<b>Location and Dates:</b>	
Orkney, 2021-22	
<b>Elements of a High-Quality Planning Service this study relates to:</b>	
<ul style="list-style-type: none"> <li>Quality of Service and Engagement</li> </ul>	
<b>Key Markers:</b>	
<ul style="list-style-type: none"> <li>Corporate working across services to improve outputs and services for customer benefit.</li> </ul>	
<b>Key Areas of Work:</b>	
<ul style="list-style-type: none"> <li>Interdisciplinary Working</li> </ul>	<ul style="list-style-type: none"> <li>Community Engagement</li> </ul>
<b>Stakeholders Involved:</b>	
<ul style="list-style-type: none"> <li>Community Councils</li> <li>Members of the public</li> <li>Council Departments</li> </ul>	<ul style="list-style-type: none"> <li>Development Trusts</li> <li>Community Associations</li> <li>Community Planning Partners</li> </ul>
<b>Overview:</b>	
<p>The commencement of the Local Development Plan review process is to complete open consultation with the community. In addition to this there is a focus now on place and how we can facilitate the delivery of better places for our communities. The Orkney Matters Project Team consider through partnership working that includes our communities, we can facilitate positive change.</p> <p>The design of the consultation has considered all members of our communities and how we can have effective involvement with our younger people and harder to reach community members. It has also considered the use of art as another method of collecting data and reporting back to our communities.</p> <p>By joining together on this consultation, we can also address issues associated with consultation fatigue.</p>	
<b>Goals:</b>	
<ul style="list-style-type: none"> <li>Focus on place and community.</li> <li>Consultation that provides an element for all to be involved</li> <li>Partnership and corporate working.</li> <li>To complete an Orkney whole wide consultation effectively for all Orkney Matters Partners that reduces consultations and addresses issues associated with consultation fatigue.</li> <li>To positively use art as a consultation and reporting method</li> </ul>	
<b>Outcomes:</b>	
<ul style="list-style-type: none"> <li>Gathered extensive data for the review of the Orkney Local Development Plan.</li> <li>Discussed and promoted with the community the use of Place Plan to deliver change to their places through joint working and community empowerment.</li> <li>Data is being used in the development of other Council and Community Planning Partnership work such as the Council Plan, the Local Transport Strategy and Community Learning and Development Partnership Plans.</li> </ul>	

- For the Orkney Matters consultation model to be used annually by the Council to have further community conversations with a focus on our communities and the delivery of change.

**Name of key officer**

Susan Shearer, Service Manager (Development and Marine Planning)

The Council has received delegated planning powers in respect of marine spatial planning from Scottish Ministers which include the preparation of an Orkney Islands Regional Marine Plan. In March the Council approved a [Statement of Public Participation](#) setting out the outline methodology and indicative timetable for the preparation of the Marine Plan n how the public can get involved in moulding this key plan for Orkney's marine economy and environment. The Marine Planning team also launched a local survey in March 2022 using an interactive online questionnaire to collect information on the coastal and marine recreational activities that take place in Orkney, in order to inform preparation of the plan.

The pandemic continued to impact 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. However, new methods of how advice is provided in response to restrictions have been retained, including distinguishing between enquiries which are technical and those which relate to proposed development, with policy-based pre-application advice directed towards a pre-application form and required in writing. With all detailed enquiries set out in writing, it has helped to avoid ambiguity and risk of miscommunication and has allowed a system of allocation of enquiries to be set up internally, so that all enquiries are now provided a reference and allocated on a weekly basis, in a similar way to planning applications. This helps to manage workloads and allows acknowledgement and target dates to be allocated. Initially implemented during 2020/21, this process has been supplemented by a dedicated page on the Council's website detailing the pre-application advice service. The process can be tailored to suit specific demands, including additional, tailored pre-application advice forms such as the 'operating a business form home' form added to the [website](#).

In response to demand, a dedicated permitted development advice page has also been added to the [website](#), confirming the scope and limitations of advice that can be provided, and providing links to national documentation.

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. The [Planning Policy](#)



[Advice: Amenity and Minimising Obtrusive Lighting](#) was approved by the Council in March 2021.

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 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. 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 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 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..

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 2021/22 - June 2021 when items for discussion included an update on the Council Capital Programme; Planning Validation Checklist and Planning Handbook/protocol for Applicants and Developers; and November 2021 when items discussed included an update on Development Planning matters and a briefing on Maintenance Agreements for Shared Drainage Systems.

In March 2021 the Planning Service launched a customer satisfaction survey to allow users of the service to share their experiences. Anyone who had utilised the Council’s Development Management or Development and Marine Planning Service – whether as an individual, agency or agent were asked to fill in a short questionnaire providing their views.

<b>Case Study 4:</b>	
Planning Customer Satisfaction Survey	
<b>Location and Dates:</b>	
1 March 2021 – 28 February 2022	
<b>Elements of a High-Quality Planning Service this study relates to:</b>	
<ul style="list-style-type: none"> <li>• Quality of service and engagement</li> <li>• Culture of continuous improvement</li> </ul>	
<b>Key Markers</b> (please select all that apply):	
<ul style="list-style-type: none"> <li>• Continuous Improvement</li> </ul>	
<b>Key Areas of Work:</b>	
<ul style="list-style-type: none"> <li>• Performance Monitoring</li> </ul>	
<b>Stakeholders Involved:</b>	
<ul style="list-style-type: none"> <li>• General public</li> </ul>	
<b>Overview:</b>	
<p>During 2021/22 we asked for feedback from our customers via an on-line survey which was provided on all correspondence issued by the Planning Service. Anyone who had utilised the Council's Development Management or Development and Marine Planning Service – whether as an individual, agency or agent were asked to fill in a short questionnaire providing their views.</p>	
<b>Goals:</b>	
<ul style="list-style-type: none"> <li>• To seek feedback from customers on the quality of service received highlighting areas which are working well and also identifying areas that need to be improved.</li> </ul>	
<b>Outcomes:</b>	
<p>87% of respondents indicated that they found it easy to make contact with the Planning Service team. 82% of respondents indicated that the staff member was courteous and helpful. Overall, 46% rated their experience with the Planning Service as excellent, a further 14% rating it good and 18% satisfactory. 23% indicated a Poor or Very Poor experience.</p>	

### Compliments

“I received an extremely helpful and detailed reply, including links and pointers to relevant guidance”

“The officer was very efficient and gave me helpful planning information in a quick manner”

“Wonderful presentation at the Council meeting – the report was precise and covered all points”

“Very good to have local knowledge and understanding of farming requirements, as well as housing. Prompt follow up with additional information”

### Room for Improvement

“Could not speak to a Planning Officer by phone, had to e-mail only. E-mailed previously but got no response”

“Guidance available on the OIC website is difficult to access, due to the design and structure of the website being user unfriendly and difficult to navigate”

“The HOPS guidance document is ambiguous and some of the illustrations are illegible”

“supplementary guidance is quite long – would be helpful to have a summary”

73% of respondents who were seeking information found the information clear and helpful. 62% of those seeking written information online found it easy to find and 59% found it easy to understand.

Areas identified for improvement by users of the service included making the Council website more user friendly/easier to navigate.

**Name of key officer**

Kay Gilmour, Assistant Planner, Development and Marine Planning

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 60% 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.

Due to a continuing high number of planning applications submitted with an accompanying Environmental Impact Assessment, and lacking staff resources within the service to undertake detailed assessment of EIA applications, we have employed an environmental consultant to undertake peer review assessments. The first review of an EIA accompanying a minerals major planning application was in December 2019 and subsequent assessments have been provided on multiple EIA-related submissions, including during 2021/22: a windfarm and two fish farm planning applications accompanied by an EIA Report, a pier construction, land reclamation, and electricity transmission requests for scoping opinion, and a minerals screening opinion. The use of a consultant allows a quick response to submissions, even where multiple applications are received simultaneously across a wide range of industries.

We have developed a standard set of model planning conditions.

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 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.

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.

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 review of the Management Plan commenced in 2021

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 and was approved by the Council in April 2019.

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 looked at areas including visitor flow management, infrastructure and connectivity.

The resultant Orkney World Heritage Site Gateway Programme looks to introduce a range of co-ordinated initiatives across the World Heritage Site and is being funded by the Islands Growth Deal – a ten year investment programme jointly funded by the UK and Scottish Governments and the three islands councils and other public/private sector partners. Following public consultation in October 2020 and September 2021 for the project proposals and accompanying Strategic Environmental Assessment an Outline Business Case for the Orkney Gateway Programme was submitted and approved by the Islands Deal Project Board in December 2021.

We are working in partnership with NatureScot 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.

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 on 1 October 2019 and the Local Review Body on 22 January 2020.



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 2021/22 we received four “Stage 2” complaint about the Planning Service, relating to:

- e-mail correspondence from a contractor which had not been responded due to it going into a “junk” folder;
- incorrect date and address on a letter sent to an applicant;
- a complaint from an applicant regarding how various aspects of his planning application were handled;
- delays in uploading presentations delivered to climate change workshops organised by the Council being placed on the website.

There were no complaints submitted to the Scottish Public Services Ombudsman during the period.

### **c. Governance**

In Summer 2021, the Council's Senior Management Team (SMT) considered the emerging context for the Council and proposed a delivery plan providing coordinated effort on critical collective priorities. The Our People, Our Plan (OPOP) programme, with its leadership focus on seven key areas, has been designed to create the capabilities needed for a strong and successful future.

The Council is transitioning positively from its COVID-19 operating model of the past 18 months to refocus on its wider objectives designed to improve the lives of communities across Orkney, support sustainable economic growth, address inequalities, and establish strong foundations and infrastructure for the delivery of high-quality core services

Acknowledging the need for clarity of purpose and alignment of organisational effort and resources, OPOP was developed as the flagship programme around which the SMT would drive progress on those priorities contained within the approved Council Plan that are considered to be most critical to the future. These priorities have been articulated through seven key outcomes set out in the OPOP programme.

Priorities 1-3 have an internal focus and are designed to stimulate tangible progress on developing people and improving performance. Priorities 4-7 are outward focused with an emphasis on accelerating the creation of infrastructure that will remove existing barriers and improve life chances for existing residents of Orkney, facilitate inward migration and support economic growth.

In December 2021 as part of the introduction of a new Operating Model the Council approved a revised corporate management structure. The new structure was designed to reshape and rebalance the senior management team and provide the necessary capability and capacity to implement the new Council priorities. As part of the restructure the Planning Service is now based in a new Neighbourhood Services and Infrastructure Directorate along with Roads, Estates, Property, Waste, Quarry and IT services.

A comprehensive review of the Council's [Schemes of Administration and Delegation](#) was completed and approved in May 2021. The Scheme of Administration was updated to reflect

the delegation of marine planning functions to the Council from Scottish Ministers. In regard to the determination of planning applications an additional category of application which cannot be determined by officers covering the Chief Executive, elected members and Planning Service staff has been added. This is intended to mitigate against perceived conflicts of interest and implements a recommendation contained in an independent review of a complaint in respect of the Planning Service. Amongst other new elements added to the Scheme of Delegation to officers is the authority to allow officers to refuse to determine an application that has been submitted with the same detail as an application that has been refused (repeat applications).

In order to address overly bureaucratic governance procedures that were seen to be a barrier in terms of recruitment and retention of staff greater delegated authority has been approved by the Council in March 2022 to be provided to officers in regard to the establishment of new or additional permanent posts and temporary posts.

In September 2021 the Council agreed governance arrangements which require to be put in place to enable the Council to comply with its statutory duties relating to whether an Island Communities Impact Assessment was required in relation to any policy, strategy or service.

The Council completed and submitted to the Scottish Government its annual Climate Change Duties Report summarising the actions undertaken by the Council to fulfil its climate change duties in November 2021. The Council also signed the Edinburgh Declaration in April 2021 to show political support for global action on biodiversity conservation.

The [Orkney Community Plan 2021-2023](#) prepared by the Orkney Partnership Board was approved by the Council in September 2021. The Plan has established three new strategic priorities covering; connectivity; community wellbeing and sustainable recovery; and three delivery groups have been established to deliver the outcomes/actions outlined for each strategic priority. Planning Service staff contribute to both the Sustainable Recovery and Community Wellbeing Delivery Groups.

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 96.5% 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.

Our [Planning Enforcement Charter](#) was updated and approved in February 2022. Only minor changes were made including providing clarity on what would be regarded as a planning enforcement complaint and confirmation that any member of the public submitting an enforcement complaint has the right to seek an update on progress with the complaint, on request. In line with Scottish Government advice the Planning Service has continued to support temporary measures and take a more relaxed approach to enforcement action during the COVID and post-COVID period to support reasonable measures taken by businesses to deal with matters during the pandemic e.g. outdoor space for food and drink, honesty boxes, etc.

A process for streamlining the procedure for the [preparation of Planning Policy documents](#) was agreed by the Council in February 2017. The revised procedure has reduced 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 2020/21 was 11.5 weeks, a decrease when compared to 12.9 weeks in 2020/21.

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. The Group met on three occasions during 2021/22 discussing items such as the Planning Performance Framework, the Review of the Aquaculture Regulatory Process in Scotland and the Planning Reform Implementation Programme.

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.

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.

In November 2020 the Scottish Government announced the formal delegation of regional marine planning powers to the Council. The Development and Marine Planning team facilitate the governance arrangements in terms of the Orkney Marine Planning Partnership (Orkney Marine Planning Advisory Group) – made up of organisations that represent the environmental, social, cultural and economic characteristics of the marine and coastal environment around Orkney. The Advisory Group provides specialist advice and guidance to support the preparation of the Orkney Islands Regional Marine Plan. This statutory plan provides a policy framework and spatial planning for the purpose of enabling sustainable development in Orkney waters out to 12 nautical miles. In accordance with the emerging

requirements of NPF4, marine planning is being developed to integrate with local development planning across the coastal zone.

### Case Study 5:

Orkney Marine Planning Partnership/Orkney Islands Regional Marine Plan



### Location and Dates:

Orkney 2021/22

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

- Governance

### Key Markers:

- Production of relevant and up to date policy advice

### Key Areas of Work:

- |  |   |
|--|---|
| <ul style="list-style-type: none"> <li>• Environment</li> <li>• Collaborative Working</li> </ul> | <ul style="list-style-type: none"> <li>• Community Engagement</li> <li>• Other (Marine Spatial Planning)</li> </ul> |
|--|---|

### Stakeholders Involved:

- |  |   |
|--|---|
| <ul style="list-style-type: none"> <li>• Scottish Environment Protection Agency</li> <li>• NatureScot</li> <li>• Historic Environment Scotland</li> <li>• Royal Society for the Protection of Birds Scotland</li> <li>• Orkney Marinas</li> <li>• Orkney Sub Aqua Club</li> <li>• Orkney Sustainable Fisheries (Inshore Fisheries Group equivalent)</li> <li>• Community Councils</li> </ul> | <ul style="list-style-type: none"> <li>• Orkney Harbour Authority</li> <li>• Orkney Marine Services Association</li> <li>• Repsol Sinopec Resources UK LTD</li> <li>• Visit Scotland</li> <li>• Crown Estate Scotland</li> <li>• Orkney Renewable Energy Forum</li> <li>• International Centre for Island Technology Heriot Watt University</li> <li>• Scottish and Southern Electricity Networks</li> <li>• Salmon Scotland</li> </ul> |
|--|---|

<b>Overview:</b>	
<p>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 is the marine equivalent of a local development plan, containing statutory local policies and spatial plans to guide marine consenting and management decisions.</p> <p>Regional marine plans are prepared by Marine Planning Partnerships (MPPs) representing the economic, community, environmental and recreational interests within a local marine region. MPPs are established to enable local ownership of policy development and decision-making taking account of local circumstances.</p> <p>The Council received the delegate functions from Scottish Ministers to develop a regional marine plan for Orkney on 27 November 2020. In February 2021, the Council set up the Orkney Marine Planning Advisory Group (OMPAG) to provide expert advice and guidance for the plan-making process. The Council's Development and Marine Planning is in the early stages of preparing the marine plan with input from OMPAG. Significant engagement with local stakeholders, communities and schools has taken place to inform the emerging draft plan.</p>	
<b>Goals:</b>	
<ul style="list-style-type: none"> <li>• Partnership working and building collective understanding between stakeholders</li> <li>• Enable knowledge and data sharing between stakeholders</li> <li>• Enable national priorities to be interpreted at the local level in a way that is appropriate to local circumstances</li> <li>• Prepare a locally appropriate marine planning policy framework to improve clarity, streamline the consenting process, reduce uncertainty and enable investment</li> </ul>	
<b>Outcomes:</b>	
<ul style="list-style-type: none"> <li>• An established and functioning Orkney Marine Planning Partnership</li> <li>• 14 policy development workshops</li> <li>• 6 Community engagement workshops</li> <li>• 4 engagement events with local schools</li> <li>• An advanced emerging Draft Orkney Islands Regional Marine Plan</li> </ul>	
<b>Name of key officer:</b>	
James Green, Senior Policy Planner, Development and Marine Planning	



## **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 were developed into a Management Improvement Action Plan which is being implemented by the Planning Service management team.

A progress report on the implementation of the Action Plan was presented to the Development and Infrastructure Committee in February 2022 when it was noted that of the 22 improvement actions detailed in the plan, 11 had been completed, 9 were substantially completed and would be fully completed by the end of June 2022. Work on two actions are still to be commenced - (a) the designation of the role of the Chief Planning Officer which will be progressed once guidance on this new statutory role is published by the Scottish Government; and (b) a Design Guide for Housing in the Countryside which will be incorporated into the review of the Local Development Plan.

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. All the Planning actions identified have been rated Green under the R/A/G rating system other than a project for the development of a heritage led regeneration project in St Margaret's Hope which was delayed pending Historic Environment Scotland undertaking a review of their grant funding schemes. It is anticipated that an Expression of Interest will be submitted for the new Heritage & Place Fund in Summer 2022.

Key performance indicators relating to the Planning Service are monitored and reported to the Development and Infrastructure Committee every 6 months. These relate to the decision times to determine planning applications for local and major developments and the age of the Local Development Plan.

The Local Government Benchmarking Framework Indicators relevant to the Planning Service were considered by the Development & Infrastructure Committee in April 2021. These covers the cost of the planning and building standards services per planning application and the extent of immediately available employment land in the Local Development Plan.

The Planning Performance Framework is reported to the Planning and Regulatory Services Consultative Group which includes 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.

A review of the Council's Workforce Plan is currently underway following input from each service area including Planning. This will result in a new plan covering the period 2022-25.

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.

### 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
- Orkney Islands Council [Performance Information](#)

#### Qualitative Narrative and Case Studies

Case Study Topics	Issue covered by case study (pg no.)	Case Study Topics	Issue covered by case study (pg no.)
Design	Case Study 2, page 7	Interdisciplinary Working	Case Study 3, page 11
Climate change		Collaborative Working	Case Study 5, page 22
Conservation	Case Study 2, page 7	Community Engagement	Case Study 1, 3 & 5, pages 5, 11 & 22
Biodiversity	Case Study 1, page 5	Placemaking	
Regeneration		Design Workshops/ Charrettes	
Environment	Case Study 5, page 22	Place Standard	
Greenspace	Case Study 1, page 5	Performance Monitoring	Case Study 4, page 15
Town Centres		Process Improvement	
Masterplanning		Project Management	
Local Develop Plan & Supplementary Guidance		Skills Sharing	
Housing Supply		Staff Training	
Affordable Housing		Online Systems	
Economic Development		Data and Information	
Enforcement		Digital Practice	
Development Management Processes		Transport	
Planning Applications	Case Study 2, page 7	Active Travel	Case Study 1, page 5
Other: Marine Spatial Planning			Case Study 5, page 22

## 4. Service Improvements: 2021-2022

In the coming year we will:

1. *Re-introduce the free face-to-face pre-application advice service provided by Development Management to the public after this service was interrupted due to the Covid pandemic.*
2. *Consider, assess and appoint to the role of Chief Planning Officer (as set out in the Planning Act 2019 as a statutory requirement).*
3. *Provide comprehensive training and induction sessions for elected members following the Council elections in May 2022.*
4. *Recruit to a number of vacant posts in the Planning Service which have been delayed pending the review of cross-Council management structures and staffing resources which was approved in April 2022.*
5. *Review existing local performance monitoring indicators for the Planning Service to confirm that they remain relevant and consider any other new indicators which may be appropriate.*

### Delivery of our service improvement actions in 2020-21:

Committed improvements and actions	Complete?
<b>Quality of Outcomes</b> <ol style="list-style-type: none"> <li>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.</li> </ol>	Completed
<b>Quality of Service and Engagement</b> <ol style="list-style-type: none"> <li>2. <i>Prepare a jointly agreed document on Planning and Developer Guidelines in consultation with the Planning and Building Stakeholder Forum.</i></li> <li>3. <i>Prepare a user-friendly simplified Validation Checklist to confirm the requirements for submitting a legally valid planning application.</i></li> </ol>	Completed  Completed
<b>Governance</b> <ol style="list-style-type: none"> <li>4. <i>Consider, assess and appoint to the role of Chief Planning Officer (as set out in the Planning Act 2019 as a statutory requirement)</i></li> </ol>	Delayed pending publication of Scottish Government guidance

<p>5. <i>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.</i></p>	<p><i>Completed</i></p>
<p><b>Culture of Continuous Improvement</b></p> <p>6. <i>Continue to implement the improvement actions identified in the Independent Review of the Planning Service.</i></p>	<p><i>Completed</i></p>



## 5. National Headline Indicators

### a) Development Planning

Key Outcomes	2021/2022	2020/2021
Age of Local Development Plan (years and months) at end of reporting period	4 years and 11 months	3 years and 11 months
Will the local development plan be replaced by its 5 <sup>th</sup> anniversary according to the current development plan scheme?	No	No
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?	Same as 2020/2021 Pending the publication of the Development Planning Regulations and NPF4	No major commitments were made pending the publication of the Development Planning Regulations and National Planning Framework 4

Effective Land Supply and Delivery of Outputs		
	2021/2022	2020/2021
Established housing land supply	1513 units	1589 units
5-year effective housing land supply programming	1431 units	1506 units
5-year effective housing land supply total capacity	1513 units	1589 units
5-year housing supply Target	539 units	539 units
5-year effective housing land supply	13.2 years	13.9 years
Housing approvals	163 units	108 units
Housing completions over the last 5 years	657 units	948 units
Marketable employment land supply	65ha	68ha
Employment land take-up during reporting year	3ha	2.7ha

## b) Development Management

Project Planning		
	2021/2022	2020/2021
Percentage and number of applications subject to pre-application advice	60%	58%
Percentage and number of major applications subject to processing agreement or other project plan	0	N/A
Decision Making		
Application approval rate	95.6%	96.2%
Delegation rate	96.5%	94.0%
Validation	30.0% valid on receipt	46.7% valid on receipt
Decision-making Timescales		
Average Number of Weeks to a decision:		
Major Developments	15.7	35.1
Local Developments (non- householder)	9.4	10.0
Householder Developments	6.5	6.8
Legacy Cases		
Number cleared during reporting period	1	3
Number remaining	1	1

## c) Enforcement Activity

Enforcement activity		
	2021-22	2020-21
Time since enforcement charter published/reviewed (full years)	Latest - March 2022 <a href="#">Enforcement Charter</a>	20 months <a href="#">Enforcement Charter</a>
Complaints lodged and investigated	83 new enquiries or complaints logged (26 internally generated)	57 new enquiries or complaints logged (26 internally generated)
Breaches identified – no further action taken	All 83 subject to initial investigation and confirmed as a breach	All 57 new cases were subject to initial investigation and confirmed as a breach
Cases closed	33	37 (of those, 20 are of the 57 new cases received during 20/21, and 17 existing cases)

Notices served	6	10
Direct Action	0	0
Reports to Procurator Fiscal	0	0
Prosecutions	0	0

## d) NHI Key outcomes - Commentary

### Commentary

#### Development Planning

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 2021/22 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 improved from 6.8 weeks in 2020/21 to 6.5 weeks in 2021/22. This is better than the Scottish average of 8.7 weeks.

The figure for all local development of 8.6 weeks was also improved, from 9.1 weeks in 2020/21, and is better than the Scottish average of 10.8 weeks.

EIA caseload had a significant impact on staff resources, with developments under consideration for aquaculture, wind energy, energy transmission, hydrogen production, minerals, and port and harbour infrastructure. Although no applications were determined during the reporting period, significant resources have been required for EIA-related work, including adopting six scoping opinions, and consideration of planning applications with EIA that have now been determined since the end of 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. Post-determination requirements were also notable during 2021/22, not least considering information submitted in relation to the 60+ planning conditions attached to a major minerals consent which commenced during 2022, coordinating detailing submissions with specialist agency and consultancy advice.

Aquaculture development continues to require significant resources generally, including over the reporting period, including marine prior notifications, and marine consultations from Marine Scotland. That can require 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.

Development Management administered various stages of an EIA wind farm major planning application by the Council, part of a community wind farm project, including referral of an application to DPEA following Ministerial call-in, and procedural input.

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.

### Enforcement

Having been vacant for two years, the Planning Control Officer post was filled in October 2020, and having the post filled after a long absence led to an upturn in the number of cases reported. However, the post was vacated again in January 2022, and has been vacant since and is subject to ongoing recruitment efforts. 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, during periods of staff absence, practice has been to pursue only the most urgent cases.

During the 15 months in post, the Planning Control Officer took on a backlog of 69 cases, added to by the 57 new enforcement cases during 2020/21, and 83 new cases during the 2021/22 reporting period.

The nature of enforcement cases is that they often run into following reporting periods before able to be closed (for example, investigation, service of notice, and several months as a compliance period), and the outcome of the post being vacated during 2021/22 is 206 open enforcement cases by the end of the reporting period, where cases were opened and investigation underway, but no staff resource to further pursue or close as appropriate.

Before the post was made vacant, 33 cases were resolved and closed during 2021/22.

The Planning Service continues to be proactive in engaging with local estate agents, advising on properties before they are offered for sale, particularly in the conservation areas and listed buildings. This has not only improved the accuracy of sales particulars, in terms of correct designations, but has prompted enforcement being pursued at the point of sale as a pertinent time to secure regularisation of unauthorised works.

## 6. Scottish Government Official Statistics

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

Category	Total number of decisions 2021-2022	Average timescale (weeks)	
		2021-2022	2020-2021
<b>Overall</b>			
<b>Major developments</b>	3	15.7	35.1
<b>Local developments (non-householder)</b>			
• Local: less than 2 months	114	6.9	6.3
• Local: more than 2 months	86	12.6	14.3
<b>Householder developments</b>			
• Local: less than 2 months	72	6.2	5.9
• Local: more than 2 months	52	11.4	11.1
<b>Housing Developments</b>			
<b>Major</b>	0	0	0
<b>Local housing developments</b>			
• Local: less than 2 months	54	7.3	6.5
• Local: more than 2 months	52	11.4	12.7
<b>Business and industry</b>			
<b>Major</b>	0	0	0
<b>Local business and industry</b>			
• Local: less than 2 months	29	6.4	6.5
• Local: more than 2 months	15	14.8	14.4
<b>EIA developments</b>	0	0	30.9
<b>Other consents*</b>	44	7.4	5.3
<b>Planning/legal agreements**</b>			
• 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 & 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			
		2021-2022		2020-2021	
		No.	%	No.	%
Local reviews	10	5	50	2	33.3
Appeals to Scottish Ministers	2	1	50	1	50.0

## 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 12 posts in the Development Management team and 12 in the Development & Marine Planning function plus the post of Sustrans Senior Project Officer (Active Travel) which is embedded within the Council.

## 8. Planning Committee Information

Committees & Site Visits	No. per year (2021-22)
Full Council committees	0
Planning Committees	7
Area Committees (where relevant)	n/a
Committee site visits	1
Local Review Body	9
Local Review Body site visits	12

# Planning Services Structure

