

# **SCOTTISH BORDERS COUNCIL PLANNING PERFORMANCE FRAMEWORK 2021-2022**

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**JULY 2022**

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PLANNING PERFORMANCE FRAMEWORK 2021-22**

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## INTRODUCTION

This is the eleventh Planning Performance Framework (PPF) prepared by Scottish Borders Council for its Planning Service and covers the period 1 April 2021 to 31 March 2022. This PPF focusses on addressing the Scottish Governments key performance markers and statistics and includes information on how the service has responded to the ongoing impacts of the COVID19 pandemic.

The Performance Markers RAG (Red/Amber/Green) report issued by Scottish Government in respect of last year's PPF awarded nine greens, three amber and one red RAG rating. The amber ratings, we would argue, were the result of the prevailing circumstances. In the case of the award of decision-making, performance across all categories was significantly better than the national average, but was slower than our high-water mark of the previous year, resulting in an amber award.

For reasons explained below, largely the result of the pandemic, the Council's LDP was marked down in two categories – Continuous Improvement and Local Development Plan – for being “out of date”, largely for reasons beyond our control. However, the process leading toward the adoption of the new LDP is back on track and, as a result of some new and innovative practices, has brought about some lasting changes to the process of plan preparation and adoption.

The one red award was in relation to the number of legacy cases, which continues to be an area that the Council monitors, although it does rely on the co-operation of the development sector to make any significant advance. However, as the figures later in this report demonstrate, considerable effort has been made to reduce the number of legacy cases, with the outstanding number now in single figures.

This year has been a particularly difficult and challenging year for the service, as it has for so many, as the service recovers from the impact of Covid. The service had to adapt almost overnight to new ways of working and the delivery of the services on a remote and electronic basis. However, a number of these changes have been beneficial in terms of service delivery and are likely to remain going forward. The service has also continued to contribute to the Council's corporate pandemic response during the reporting period. Perhaps the biggest issue for the service has been a turnover in staff, which has resulted in long-standing periods of vacancy, with a consequential impact of performance. Whilst the numbers of vacancies is relatively small, the impact on the service has been lasting, given the challenges of recruitment within the planning profession.

Despite these challenges, there have been a number of positive stories for this iteration of the Council's Planning Performance to tell.

## PART 1 - DEFINING AND MEASURING A HIGH-QUALITY PLANNING SERVICE

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### QUALITY OUTCOMES

#### *Local Development Plan*

- 1.1 The Proposed [Local Development Plan \(LDP\)](#) will replace the existing adopted [LDP1 2016](#). A report on the Representations to the Proposed Plan was presented to Council on 10 March 2012, and the Proposed Plan was submitted for Examination on 14 July 2022. The Examination will be undertaken by Scottish Government Reporters from the Planning and Environmental Appeals Division. A Reporter will be appointed in due course with the Examination commencing thereafter.

1.2 At the time that the Proposed Plan was published, the country was under a series of restrictions due to the Covid-19 crisis. The Coronavirus (Scotland) Act 2020 placed the requirement on the Council to consider if any of its actions would give rise to a significant risk of transmission of coronavirus; for that reason, the consultation on the Proposed Plan was undertaken online. However, restrictions are now lifted and so in line with the Town and Country Planning (Development Planning) (Scotland) Regulations 2008, Regulation 16 (2) (b), and with the submission of the Proposed Plan for Examination, copies of the Proposed Plan were placed in Contact Centres, libraries and at Council HQ for inspection.

1.3 Just as the Proposed Local Development was presented to Council, the COVID-19 pandemic struck. At that time there was uncertainty as to the full impacts of the virus and how it would affect matters such as working arrangements and how officers would successfully manage to ensure satisfactory opportunities for parties to make representations to the Proposed Plan. There were a number of amendments to the normal statutory duties and non-statutory actions were required to be taken, such as: there were no public meetings or drop-in sessions as they may have given rise to a significant risk of the transmission of coronavirus. Whilst the Council carried out the usual press releases, advertisements, newsletter article, letters/e-mails and neighbour notifications, the Council placed an increased emphasis to online engagement. Where possible, correspondence, communication and publicity (including public inspection of the Proposed Plan and any of its associated documents) were by electronic means. The period for making representations and objections to the Proposed LDP ran for 12 weeks. This was 6 weeks longer than the statutory minimum.

1.4 The short film provided further information on what the Proposed Plan was and provided information on how to participate in the process. The video on frequently asked questions was produced midway through the representation period to assist in providing more information both on the Plan and on the Local Development Plan process; it covered issues that were frequently raised by the public.

1.5 A dedicated phone number was set up, allowing access directly to the Forward Planning Team, callers were then no longer required to go through the Council's switchboard. This number was then included on all relevant material including letters, posters and on the Proposed Local Development Plan. This dedicated telephone line allowed any interested party the opportunity to contact the Plans and Research team directly to ask questions and to have those questions answered.

1.6 Posters were produced setting out details of the representation period. The poster was circulated to all Community Councils and it was requested that the poster be displayed within the community. This provided an additional means of communication and advertising. To assist the public in their ease to access information on the Proposed LDP and its representation period, a QR code was produced and included within the posters. This allowed the website to be accessed easily online whilst out and about, making it easier for interested parties to participate in the process.



- 1.7 Those wishing to participate in responding to the Proposed Plan were able to do so through the online consultation tool Citizen Space. The online consultation allowed respondents to respond to each section of the Proposed Plan, to comment on sites and/or policies. Respondents could respond to as little or as much as they chose. Representations were still accepted by email and by post.
- 1.8 In excess of 1000 contributions were received in response to the Proposed Plan. This was significantly more responses than had been received at the same stage of the current adopted Plan. The Council will reflect on the successes of this approach and, with some refinement, is likely to pursue a similar approach in future.
- 1.9 The [Development Plan scheme](#) was approved in November 2021 and sets out our programme of works to deliver the new Local Development Plan. It highlights a revised timescale for the adoption of the Plan, with its adoption in early 2023.

### ***Regional Spatial Strategy***

- 1.10 Uniquely in Scotland, the Council has been involved in the production of two Indicative Regional Spatial Strategies (iRSS); one for the [South of Scotland](#) and the second for [Edinburgh and South East Scotland](#). This recognises the importance of the City Region but also the emerging importance of the Team South of Scotland approach with Dumfries and Galloway Council and the South of Scotland Enterprise Agency (SOSEA). Both strategies were approved by the Council in September 2020 and were then submitted to Scottish Government. Following feedback from Scottish Government, no major changes were required to be made to either document. The documents informed the development of the draft National Planning Framework for Scotland (NPF4), which was published in Winter 2021.
- 1.11 The documents articulate a number of shared outcomes and strategic development projects we wish to see achieved and delivered in our region by 2050 which will respond to the climate change emergency, secure sustainability in our energy supplies and land use practices; deliver an inclusive economy; bring meaningful improvements to the health and wellbeing of all of our citizens; facilitate the responsible management of our high quality landscape and heritage resources; and deliver optimum connectivity to, from and throughout our region.

### ***Delivery of Key Sites***

- 1.12 We have produced [Supplementary Planning Guidance \(SPG\) and associated Design Guide \(DG\)](#) for the expansion of Tweedbank, which occupies a strategically important position at the current terminus of the Borders Railway. The documents together set out good planning practice and placemaking and design principles to ensure a high quality development is achieved. The Supplementary Planning Guidance (SPG) outlines the vision and overall direction for the development of this allocated site which will provide a mixed used development including both high quality residential and business space. Included alongside the SPG is a comprehensive Design Guide (DG) which outlines the expected standards in terms of sustainability and design that any potential developers will be required to meet. Both the SPG and DG will be used to influence planning applications for the development of the site.
- 1.13 The site was initially earmarked as part of the Council's Local Development Plan (LDP), via Housing Planning Guidance, in 2017 to address a shortfall of housing land in the region due to its strong rail links, high-quality landscape setting and already established housing market. It is



estimated that the Tweedbank development could create 350 jobs and generate £150million of Gross Value Added (GVA) to the Borders economy, whilst also making a significant contribution to meeting local housing need and associated Scottish Government requirements. The SPG also supports the Council's commitment to the Edinburgh and South East City Region Deal, and the Borders Railway Blueprint programme.

- 1.14 A draft version of the SPG was initially presented to and approved by Council in January 2020 and was followed by a 12-week public consultation. This included a public exhibition held in the Tweedbank Community Centre, which offered members of the public an opportunity to provide feedback on the proposals. Through the preparation of the Design Guide, a workshop was held with Architecture and Design Scotland (A&DS). Both the SPG and DG were approved by Council in June 2021.

### ***Scottish Borders Design Awards***



- 1.15 Following postponement due to the pandemic, the Scottish Borders Design Awards were relaunched in 2022 and continues to promote good design throughout the Scottish Borders. Digital applications were invited for the first time, with a total of 27 applications received across four categories: New Build Residential, New Build Commercial, Works to Existing and Placemaking. The application and judging processes placed greater emphasis on sustainability across all the categories, following the council's declaration of a climate emergency in September 2020. The [winners](#) were announced at an Awards Ceremony held at the Borders Distillery in Hawick, a previous Design Award winner. The winners are shown on the table overleaf:

New Build Residential: Winner	Beekeeper's House, Roxburgh	Client: Kate Atchley Designed by: ZONE Architects Constructed by: Gibson & Hall
New Build Commercial: Winner	Great Tapestry of Scotland, Galashiels	Client: Scottish Borders Council Designed by: Page \ Park Architects Constructed by: Ogilvie Construction
New Build Commercial: Commendation	Jedburgh Grammar Campus	Client: Scottish Borders Council Designed by: Stellan-Brand Architecture + Design Ltd. Constructed by: BAM Construction
Works to Existing: Winner	Stow Station House	Client: Stow Community Trust Designed by: Aitken Turnbull Architects Ltd. Constructed by: James Swinton & Company Ltd.
Works to Existing: Commendation	Compact Accessible House, Kelso	Client: Christine Hamilton Designed by: Chambers McMillan Architects Constructed by: Craig and Mark Logan Joinery
Placemaking: Winner	Caerlee Mill, Innerleithen	Client: Whiteburn Caerlee LLP. Designed by: Whiteburn Projects Ltd. Constructed by: Whiteburn Projects Ltd.



*Caerlee Mill, Innerleithen*

## ***Doors Open Day***

- 1.16 We co-ordinate the regional Doors Open Day programme to promote and make accessible the rich heritage, architecture, places and stories of the Borders. In September 2021, we delivered a hybrid programme for the first time. The hybrid format ensured an ongoing presence during the pandemic and enabled those that could not previously access in person events – due to geography or accessibility – to participate. The hybrid format also enabled buildings and places to take part across the breadth of the region including remote rural areas. The festival delivered 5 in person events and 8 digital events and resources. Events included tours of Tim Stead’s Sculptural House (Category A Listed), a webinar on the refurbishment of Womersley’s brutalist Netherdale Stand (Category A Listed), and a number of resources and tours in Jedburgh and Hawick associated with current CARS schemes. The hybrid format will also be applied to future festivals given the benefits it brings for accessibility, geography and promotion to wider national and international audiences. For 2022, we have expanded our aspirations through an open call for venues, highlighting the gems of the Borders. The response has demonstrated considerable appetite to deliver events. There is currently interest from around 30 venues to participate, providing a varied spread of events across the region.

## ***Built and Natural Environment: Conservation and Enhancement***

- 1.17 The [CARS scheme in Jedburgh](#), which is part of our on-going programme of conservation area based regeneration schemes throughout the Borders is in its fourth year of a five year programme. Due to loss of key staff, we secured consultancy support from Scottish Historic Building Trust to manage the completion of the scheme.
- 1.18 We relaunched the CARS scheme for [Hawick Town Centre](#) in Autumn 2020. This programme stalled due to impacts of Covid-19 and the challenges in recruiting key staff to Project and Support posts during a pandemic. Officers are now in place and good progress is being made in project delivery and issuing of grants. Historic Environment Scotland has agreed to extend the timescale of the project for a further year until 2025. Although grant uptake has been slow due to impacts of Covid-19 and escalating construction costs, a number of grants have already been awarded, one of which includes a priority building – 26, High Street, which was completed on site Summer 2021. As a result, this prominent building on the high street has been taken off the Buildings at Risk Register. Further grant applications are imminent and now the restrictions of Covid-19 have diminished, the team are able to make further traction with encouraging grant uptake and project delivery.
- 1.19 The scheme is centred on the Hawick High Street and aims to stimulate a total of £4.5m of investment through the use of £1.5m of public investment over the next five years. This is the fourth CARS scheme undertaken by the Council in recent years. The project highlights collaborative working within the Council to deliver the [Hawick Action Plan](#). There is on-going work to ensure that we co-ordinate this work with the opportunities being afforded by the [Hawick Protection Flood Scheme](#), including the delivery of a £4m active travel scheme through the town funding by Sustrans and other regeneration proposals in the town.
- 1.20 Scottish Borders Council is part of a pilot scheme – funded by the Scottish Government - to test approaches to governance and implementation of Regional Land Use Partnership pilots, which aim to develop a Regional Land Use Framework by 2023. The framework will outline how to identify and agree upon current and potential land use changes based on increasing natural capital. We are currently moving into phase 2 of the scheme, which aims to use new mapping



tools and data to identify natural capital potential and engage with stakeholders to test potential works on the ground.

## QUALITY OF SERVICE AND ENGAGEMENT

- 1.21 Our pre-application enquiry service enables clearer and more focussed engagement with the Planning Service. This service has set standards to ensure quality of guidance and a consistent approach, including early engagement on development contributions and the use of processing agreements, enabling developers to proceed with greater confidence. Due to workload and capacity issues, including the impacts of the pandemic, it has proven challenging this year to meet those service standards and we are reviewing the service to see how it can be made more streamlined and efficient while remaining responsive to customers. Owing to post-Covid pressures and a series of vacancies within the Development Management team, we have had to temporarily suspend pre-application guidance for most local development proposals in order to prioritise application casework. However, we continue to provide pre-app advice for major developments, affordable housing schemes and community projects, providing a focus on schemes where guidance will add value to the most significant proposals. This will afford us the opportunity to review our processes ready for re-introduction in the New Year. In the meantime, all Supplementary Guidance and Planning Briefs produced by the Council are available online to provide guidance to prospective developers.
- 1.22 We provide an on-line form to submit a pre-application enquiry and have guidance notes on the web site which set out the fee charges (when applicable), the proportionate information requirements in submitting a request and what the Council will provide in terms of a response and the timescale for doing so.
- 1.23 The pandemic required that we significantly revise our working practices, with almost all staff now operating remotely from home. We have taken the opportunity to develop new ways of working, interacting and supporting staff to sustain this approach. We have developed and adopted a new protocol for inspections through use of Teams meetings, videos and photographic material. In general, the provisions have worked well and once restrictions were removed, the service has become more efficient and we continue to limit site visits to those where it is essential to the determination of an application or in response to a site-specific issue.
- 1.24 The service continues to develop working relationships across the Council to assist in the delivery of a range of corporate transformation projects and projects within the Council's capital investment programme, in addition to the Regional Spatial Strategies, City Deal programmes Borderlands projects and Levelling Up Fund bids. The Service takes a leading role in a cross-cutting partnership established to enhance the role of town centres across the region.
- 1.25 Following the introduction of the concept of Place Plans in the 2019 Act, the service has created two Community Place Planning and Regeneration posts within its policy team. The post holder will co-ordinate the development of Place Plans involving communities, external partners and Council services. The posts have the express aim of helping to stimulate and encourage debate in communities about the future resilience of a place, enabling communities to investigate ways to ensure their long term wellbeing through appropriate social, environmental and economic initiatives. This involves building on informal community place plans, where they already exist.
- 1.26 As part of the Council's Place Planning commitment, these postholders are already committed to the development of a local action plan aimed at developing and regenerating the place. In

relation to the investment from the Borderlands Inclusive Deal, this will also include the development of a Town Investment programme.

- 1.27 The new postholders are already playing an important role in helping communities develop a collaborative approach, bringing together different sections and interests in a community so that the final Place Plan has buy-in from as many people as possible, including local businesses, landowners, developers etc. This approach is key to successful placemaking and ensuring that Local Place Plans are inclusive, realistic and deliverable and a number of community events have already taken place to understand the aspirations of communities and to help facilitate their understanding and delivery of the Place Planning objectives. They have already begun work with Council colleagues to integrate Local Place Plans with the Council's developing Placemaking programme and approach to facilitating engagement with communities, voluntary groups, key stakeholders and partners, including those within the Community Planning Partnership.
- 1.28 We continue to make extensive use of planning processing agreements for all categories of planning application and provide guidance on their use to our customers. We determined 516 applications with agreements last year: 1 major application, 337 local applications and 103 other consents. 87.7% of applications with processing agreements were determined within the agreed timescales, demonstrating that collaborative approach with applicants continues to be at the heart of the application process in the Scottish Borders.
- 1.29 Supplementary Planning Guidance on Development Contributions is available online, and sets out a consistent and transparent approach to implementing the Council's policy. The most recent update of the [Supplementary Planning Guidance on Developer Contributions](#) is available on the Council website.
- 1.30 All information on planning applications is available on the [Public Access Portal](#), including details of specialist officers from the wider planning service who have commented on the application. Customers are encouraged to self-serve and utilise the benefits of the [website](#) and [Public Access](#) to view information on the service and planning matters. We continue to widen the range of online information across all of our services. The service has developed Local View Fusion which is a package of GIS facilitated information, badged as [Find it](#) on the Council's website.
- 1.31 The yearly average of planning applications received on-line now stands at 90.6% for planning and 98.3% of Building Warrant applications. Both the Development Management and the Building Standards Services have now transferred to a fully electronic application management and processing system, including mobile working. This provided us with the ability to move staff to a home working environment quickly and effectively over the pandemic and has since become the established pattern of working. There have undoubtedly been some challenges with this transition but our earlier system developments have enabled us to continue to provide a high quality service during difficult times.
- 1.32 The key to the delivery of increased operating efficiency in Development Management and Building Standards is the introduction of our new case management system "Enterprise" and a mobile working solution. This has been delayed several times due to technical and financial considerations; it has now been fully implemented and is operational in our Building Standards service, where it is already making a marked difference to service efficiency. The Development Management module has been further delayed as a result of some technical issues, arising primarily from remote accessing of the network for users, but the system has now been fully designed and adapted and is ready for implementation once that issue is resolved, hopefully by the end of 2022. That the Building Standards part of the system is successfully operating

provides both optimism for further improvements in efficiency and the opportunity to learn from the practices there.

- 1.33 [The Housing Land Audit \(HLA\) 2020](#) is still in draft format, therefore the figures could be subject to change once finalised. The HLA confirms that the established land supply has seen a decrease from 9,176 in 2018/19 to 8,974 in 2019/20. The 5-Year Effective Housing Land Supply figure is 3,536 units, which equates to 5.7 years of land supply. Completion rates across the Borders continue to be at lower levels compared to pre-recession rates. However, in recent years the completion rate has increased from 222 units in the 2018 HLA, to 345 units in the 2019 HLA and 321 units this year. This completion level has been achieved primarily due to publicly funded projects being delivered by Registered Social Landlords. There remains limited activity by private sector housing developers.
- 1.34 The Scottish Borders Employment Land Audit (ELA) for 2021 can be found [online](#). The figures in the ELA confirm that we were comfortably meeting employment land need. The established employment land supply is 98.6ha, down slightly from last year's figure of 98.9ha. The Marketable employment land supply<sup>1</sup> is 79.7ha, down slightly from last year's figure of 80.9ha. The employment land take-up was 1.5ha, a decrease of 1.7ha on last year.
- 1.35 We have a Development Management Charter and an [Enforcement Charter](#) published in April 2022, which is available on the Council's web site.
- 1.36 The GIS team continue to develop the spatial information to support the service and our spatial data on the Council's website. We are developing new ways to engage with the public using Story Maps and this was used successfully used in our consultation on the Proposed LDP. Spatial information is used corporately and by the general public through '[Find it](#)' and 'WebGIS'.
- 1.37 The Council has the facility for customers to make comments and complaints using an [on-line form](#). The majority of the complaints received, including Ombudsman investigations, were not upheld but those that were generally related to a failure to respond timeously to a customer's enquiry or complaint rather than any failing in the process or service standard. This has been a particularly challenging year due circumstances we have had to operate under and the demands of recovering from the pandemic, however, we continue to reflect on whether there are improvements in procedures to ensure that customers receive responses within a reasonable timescale or are advised of any delay, together with the reasons why this has occurred.

## GOVERNANCE

- 1.38 At a corporate level, the Council has completely reviewed its corporate strategy, set out in its [Council Plan](#), which was approved in February 2022. This new Council Plan looks and is different from previous Corporate Plans. The reasons for this are that the Council has set out to create a plan that:
- is simple and can be readily understood.
  - is responsive. To achieve this, the plan needs to be revisited every year, so we can take account of the biggest issues affecting the Scottish Borders and act on what we need to prioritise.
  - ensures a clear link between what we want to achieve and how we intend to do it. This means setting out our aims, the actions we need to take to deliver those aims, and measuring our delivery. If we fail to deliver, we need to change what we are doing.

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<sup>1</sup> Sites with planning status, available within 5 years, and no marketability constraints.

- shapes our financial plans and how we use our resources.

1.39 The Council Plan is based on six outcomes that the Council aims to deliver for the Scottish Borders. Five of the outcomes focus on improving the wellbeing of citizens within the Scottish Borders and making our region a more sustainable and better place to live, work in and to visit. The sixth outcome is about developing a Council that is as effective and efficient as it can be – we need to do this in order to deliver on the other five outcomes. The outcomes are:

- Clean, Green Future
- Fulfilling Our Potential
- Strong, Inclusive Economy, Transport and Infrastructure
- Empowered, Vibrant Communities
- Good Health and Wellbeing
- Working Together, Improving Lives

It is easy to see the role the planning service – and system more generally – has to play in the delivery of all of these outcomes, both highlighting the importance of the service to the delivery of the Council's key priorities and raising the profile of the service. These priorities, it might be argued, for the planning service and for the Council more generally, are one and the same, and we have already undertaken an exercise of making those direct links with current workstreams. The provides a clear linkage that has perhaps been less evident in earlier iterations of the Council Plan, which enables everyone to understand their own role in the delivery of Council objectives.

1.40 The Council's financial management system, Business World, provides effective financial control and greater self-service ability for managers to monitor and control their budgets. We have stringent budget monitoring processes to monitor and report on budget pressures on a monthly basis. A close working relationship between budget holders and finance staff has developed to address these issues.

1.41 Key members of staff are involved with a range of corporate transformation projects and projects within the Council's capital investment programme, including the [Hawick Flood Scheme](#) (and the associated active travel proposal), Town Centre Placemaking and Place Planning projects and the School replacement programme. This has particularly focussed on the environmental and project assurance roles.

1.42 The service has also supported the Council's involvement in a number of strategic relationships including Edinburgh and South East Scotland City Deal, Borderlands, Build Back Better Funds and the development of a Team South of Scotland approach with the new South of Scotland Enterprise Agency and Dumfries and Galloway Council. This has been seen in Borderlands projects such Destination Tweed, the development of an Energy Masterplan, evolving a Placemaking approach and work towards implementing a Natural Capital Initiative.

1.43 Working with internal and external partners, the service has actively been proactively engaged in site redevelopment, including in particular with housing delivery partners across the region.

1.44 The Council declared a climate emergency in September 2020 and the Sustainable Development Group of officers, led by the Chief Planning & Housing Officer, was charged with producing the Council Action Plan to deliver Net Zero by 2045 and embedding the Council's approach to Net Zero and Sustainable Development within the Council. This developed into a [Route Map](#) which was approved by Council in June 2021.

- 1.45 The South of Scotland (Scottish Borders Council & Dumfries and Galloway Council) was chosen as one of the pilots for the development of the Regional Land Use Partnerships and Land Use Frameworks. This building on the strong collaborative working between the Council and the South of Scotland Enterprise Agency. This two-year project will see the production of a draft Framework by the end of 2023.
- 1.46 We continue to explore ways to work more effectively and we positively engage with other authorities and agencies to share knowledge, information and best practice. There are a number of working protocols in place with bodies such as NatureScot, Scottish Environment Protection Agency and Scottish Water and a selection of the key organisations and groups that we are involved with. We engage with a wide range of working groups, agencies and stakeholder and are involved in a number of multi-disciplinary/agency initiatives.
- 1.47 Training is mandatory to any new members prior to service on Planning and Building Standards Committee and Local Review Body. The Council has an established Planning Working Group, which engages members in the Development Plan process from an early stage. Members' briefings are also provided on a corporate basis and these include updates on planning matters. Climate literacy training is also being rolled out to staff and Councillors and as part of our education and training programme, we have made presentations on climate change and sustainable development through the Sustainable Development Committee.
- 1.48 The [Planning & Building Standards Committee](#) and the [Local Review Body](#) are held on a four-weekly cycle, normally sitting during the day on alternate fortnights on a Monday. During the reporting period, meetings were held using Microsoft Teams and have the facility for members of the public to view proceedings and to be invited in to speak on applications at the Planning & Building Standards Committee as part of the meeting. This process was developed rapidly and has required new processes and procedure to be developed at pace. In general, this has worked very well and been well received by officers, Councillors, and members of the public. This has also enabled greater public access to, and scrutiny of, the planning decision making process. Since the recent local government elections, meetings have returned to the Council Chamber, but continued to be streamed online to enable wider public participation.
- 1.49 In 2021/22, the Planning & Building Standards sat 10 times to consider 19 case reports and the Local Review Body met 13 times to determine 47 case reports.
- 1.50 98.7% of planning applications were determined by officers under delegated powers, which is the highest the figure has been in recent years, and we approved 94.6% of all applications. This approval rate is down marginally 2.5% on last year, although this high approval rate has been sustained consistently over a number of years. Both figures are above the Scottish average.
- 1.51 The figures reported in the National Headline Indicators in 2021/22 demonstrate that for the main reporting categories of planning applications we broadly sustained determination times, compared to those achieved in 2019/20. In line with many Councils across the country, there has regrettably been a modest increase in processing times across most development categories. Overall, however, a generally sustained performance was nevertheless achieved despite the disruption to service delivery caused by Covid recovery and the continuing implications of a period of restructuring for the service, a staff vacancy within the Development Management team that has remained unfilled for the entire reporting period, and a reduction in overall staff complement to deliver services. We are currently awaiting the start of the new postholder, following a first round where we were unable to recruit. Despite these challenges,



for the most part, we have again sustained figures that are better than the annual national performance for Scotland as a whole in almost all reported application categories.

- 1.52 We continue to refine the award-winning traffic light system introduced in Development Management to help us manage performance, prioritising action and staff resource to avoid unnecessary delays in determining applications. . This process will be further enhanced with the implementation of the much delayed Enterprise case management system and mobile working for staff later this year.
- 1.53 We use Planning Processing Agreements for the management of planning applications extensively, and this approach has been embraced by developers/applicants. Of those applications subject to an agreement, 87.7% overall were determined within the agreed timescale, which is well above the national average. We publish [guidance](#) on our use of processing agreements, together with agreement templates, on the Council's website.
- 1.54 While we have seen a slight decline in determination times of applications subject to legal agreements from last year's high, the position is still positive overall and the average remains better than the national average. Many of the legal agreements are managed by using processing agreements. The requirements of the Council's development contributions policy means that we enter into a large number of legal agreements to secure contributions and it is critical that there are discussions at an early stage between the Planning Service and applicants/developers to allow the effective managing of this process.
- 1.55 Following the red rating in relation to legacy cases being reported in last year's PPF, considerable effort has been made in reducing the number of legacy cases, with 327 having been removed from the system in the reporting period. The effect has been to reduce the overall number to a single digit figure, without affecting the overall average determination time too dramatically, partly as a result of the use of processing agreements where that has been possible.

## CULTURE OF CONTINUOUS IMPROVEMENT

- 1.56 How we delivered last year's improvement actions is set out in Part 3 of this document, as is the list of improvement actions we intend to deliver this year.
- 1.57 We have a central training budget to ensure staff meet their Continuing Professional Development (CPD) obligations and have access to relevant training opportunities. We have provided funding for staff to undertake longer term study which is funded in full, or in part, by the Council. We have also rolled out a first phase of Climate Literacy training and are working toward developing a programme to have this embedded within mandatory training for Council staff and members.
- 1.58 We are running our lunchtime CPD training sessions again and are developing a programme for the rest of the year. These are very successful and attendance has been opened up on a wider Departmental basis so that they do not principally focus on planning matters for planning staff. We also continue to run traditional skills training through the Jedburgh CARS scheme and are soon to roll out a programme associated with the Hawick CARS scheme. The **Borders Traditional Building Forum** was set up in 2021 as part of the national Traditional Buildings Forum to encourage advice and knowledge on traditional construction techniques and to encourage young people into the professions.

- 1.59 Team meetings are used as a method to ensure that all staff are aware of relevant changes at both national and local level. Information from a weekly manager meeting is cascaded down to the relevant teams. This meeting provides a valuable medium for discussion and feedback.
- 1.60 The Council has adopted a new appraisal process that enables us to reinforce the performance culture at all levels of the service. Using this process, staff have been encouraged to be involved in projects to deliver the aims set out in this Planning Performance Framework, but also wider departmental and corporate objectives.
- 1.61 We continue to develop our ePlanning and eBuilding Standards services and officers now use a fully electronic application management systems along with mobile devices for their site visits. The next step of this process will be the complete implementation of Enterprise case management system and mobile App in the Development Management service later in 2022.
- 1.62 Training is available for all new members in advance of their sitting on the Planning & Building Committee and the Local Review Body and we are continuing to develop our training programme for members specifically focussing on design matters. This continues to be supplemented by presentations to Members on particular topics and the production of Member briefing notes.

## PART 2 - SUPPORTING EVIDENCE

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

- [Scottish Borders Local Development Plan – adopted and proposed](#)
- [Supplementary Planning Guidance](#) and [Planning Briefs](#)
- [Scottish Borders Council Planning Performance Framework 2021/21](#)
- [Development Contributions SPG](#)
- [Scottish Borders Housing Land Audit 2020](#)
- [Scottish Borders Retail Survey 2021](#)
- [Scottish Borders Employment Land Audit 2021](#)
- [Scottish Borders Town Centre Footfall Report 2020](#)
- [Scottish Vacant and Derelict Land Audit 2021](#)
- [Scottish Borders Village Services Audit 2016](#)
- Place GIS Systems - [Find It.](#)
- Infrastructure & Environment Directorate budget
- Uniform data management system.
- [Public Access ePlanning system](#)
- Development Management / Building Standards Workload and Performance Briefing Notes. Monthly bulletin for members.
- Building Standards Annual Verification Performance Report
- [Scottish Borders Council Web Site planning information pages](#)
- Development Management Improvement Plan 2014
- Development Management Charter 2018
- [Enforcement Charter 2022](#)
- [Scottish Borders Council Plan 2022](#)

2.2 The documents and information mentioned above are available on-line or by approach to Planning, Housing & Related Services.

## PART 3 - SERVICE IMPROVEMENTS

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### SERVICE IMPROVEMENTS 2021-22

3.1 The Planning Service has identified a number of key service and performance improvement measures for **2022-23** and these are set out below:

1. Implement staff and member design awareness training programme in partnership with University of Glasgow
2. Complete the roll out of Enterprise Case Management System and Mobile App (delayed in 2020/1)
3. Producing proposals to facilitate succession planning within our services.

3.2 The improvements set out in the PPF are monitored through the Planning Management Team meetings to ensure that we are on track to deliver the identified improvements on time.

## DELIVERY OF SERVICE IMPROVEMENT ACTIONS 2020- 21

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

COMMITTED IMPROVEMENTS AND ACTIONS 2020/21	Complete?
<p><b>1. Continue staff and member training programme</b>            Action: The training programme was delayed due to COVID 19 but has now been developed and is beginning to be rolled out on the basis of a series of Lunchtime Teams sessions. This is being made available to a wider number of staff and partners.</p> <p>We have rolled out Climate Literacy training to a first cohort of 10 members of staff and Councillors with a second cohort programmed for 21/22. A programme of presentations on climate change and sustainable development have been rolled out through the Sustainable Development Committee as part of our education and training programme.</p> <p>Building Standards have 3 members of staff at differing stages on an Honours Degree course in Building Surveying at Napier University under the Graduate Apprenticeship Scheme. Two members of staff are studying part time for a Planning degree at Heriot Watt University</p>	Complete/on-going
<p><b>2. Complete the roll out of Enterprise Case Management System and Mobile App</b>            Action: The implementation of the Enterprise Case Management software and a Mobile App has been delayed due to technical and financial issues on a number of occasions. It has now been fully implemented and is operational in our Building Standards service, where it is already making a marked difference to service efficiency. The Development Management module has been further delayed as a result of continuing technical issues,            There is still on-going work to develop the Mobile app.</p>	In part and on-going
<p><b>3. Examine new service delivery options through “Fit for 2024” programme.</b>            Action: This is a programme that is on-going and spans a number of years leading to implementation by 2024. We are progressing with an update of our People Planning and aiming to integrate these with Business and Budget planning processes.</p>	Complete/ongoing
<p><b>4. Continue to implement the various aspects of Planning Act for the Planning Service, being adaptive and responsive to the changes emerging in new legislation including NPF4.</b>            Action: The service continues to consider and adapt its working practices to the changes proposed by the Act and NPF. We have responded to consultations on the content of intended regulations and guidance.</p>	Complete
<p><b>5. Digital Transformation: Implement changes both directly and indirectly arising from Scottish Government digital transformation programme launched earlier in 2021, including linkages to service and performance improvement as a department.</b>            There have been significant capacity pressure and delays on the SG</p>	Complete/ongoing

Transformation Programme but it is now progressing thorough key priority projects. The Service has contributed to the HOPS Digital Working Group and the Chief Officer represents HOPS at the SG Digital Transformation Board to assist in the delivery of the project and ensure that our own processes and systems align.	
<b>6. Improvement and promotion of service delivery via the Council's web presence.</b> This has been delayed due to pressures on the Planning Service and the Council's Communications Team due to other Council priorities emerging as a result of the pandemic. However, all parts of the service are now represented on the Council's website.	Partially completed/Delayed

## PART 4 - NATIONAL HEADLINE INDICATORS

A: NHI Key outcomes - Development Planning:	2021-2022	2020-2021
<b>Local and Strategic Development Planning:</b> <ul style="list-style-type: none"> <li>Age of local/strategic development plan(s) (years and months) at end of reporting period (Requirement: less than 5 years)</li> <li>Will the local/strategic development plan(s) be replaced by their 5th anniversary according to the current development plan scheme?</li> <li>Has the expected date of submission of the plan to Scottish Ministers in the development plan scheme changed over the past year? (Y-earlier/Y-later/N)</li> <li>Were development plan scheme engagement/consultation commitments met during the year? (Y/N)</li> </ul>	SESplan (Approved June 2013) 9 years 1 months old SESplan 2 Rejected by Scottish Ministers  Scottish Borders Local Development Plan (Adopted May 2016) 6 year 2 months old  No  Yes  Yes	SESplan (Approved June 2013) 8 years 1 months old SESplan 2 Rejected by Scottish Ministers  Scottish Borders Local Development Plan (Adopted May 2016) 5 year 2 months old  Yes  Yes  Yes
<b>Effective Land Supply and Delivery of Outputs</b> <ul style="list-style-type: none"> <li>Established housing land supply</li> <li>5-year effective housing land</li> </ul>	<b>Finalised Housing Land Audit 2020*</b>  8,983 units 3,585 units	<b>Housing Land Audit 2019</b>  9,176 units 3,679 units



<ul style="list-style-type: none"> <li>supply programming</li> <li>5-year effective land supply total capacity</li> <li>5-year housing supply target</li> <li>5-year effective housing land supply</li> <li>housing approvals</li> <li>Housing completions in the last 5 years</li> </ul>	7,415 units**  3,116 units*** 5.8 years  716 units**** 1,514 units	6,359units*  3,280** 5.6 years  912*** 1,462 units
	<b>Employment Land Audit 2021</b>	<b>Employment Land Audit 2020</b>
<ul style="list-style-type: none"> <li>Marketable employment land supply</li> <li>employment land take-up during reporting year</li> </ul>	79.68ha  1.47ha	80.94ha  3.23ha
<b>Development Management</b>	<b>2021/2022</b>	<b>2020/2021</b>
<b>Project Planning</b> <ul style="list-style-type: none"> <li>percentage of applications subject to pre-application advice</li> <li>percentage and number of major applications subject to processing agreement</li> </ul>	15%  50%/1	67.5%  87.5%/7
<b>Decision-making</b> <ul style="list-style-type: none"> <li>application approval rate</li> <li>delegation rate</li> <li>validation</li> </ul>	94.5% 98.6% 78.9%	96.0% 97.1% 77.4%
<b>Decision-making timescales</b> <ul style="list-style-type: none"> <li>major developments</li> <li>local developments (non-householder)</li> <li>householder developments</li> </ul>	19.7 weeks  9.2 weeks  7.0 weeks	22.9 weeks  9.1 weeks  6.5 weeks
<b>Legacy Cases (applications more than a year old)</b> <ul style="list-style-type: none"> <li>Number of cases cleared during reporting period</li> <li>Number remaining</li> </ul>	372 7	122 195
<b>C: Enforcement Activity</b>	<b>2021-2022</b>	<b>2020-2021</b>
<ul style="list-style-type: none"> <li>Time since enforcement charter published / reviewed (months) Requirement: review every 2 years</li> <li>Complaints lodged and investigated</li> <li>Breaches identified - no further action taken</li> <li>Cases closed</li> <li>Notices served</li> </ul>	3 months  234  36  232  11	12 months  220  121  164  6

<ul style="list-style-type: none"> <li>• Direct Action</li> <li>• Reports to Procurator Fiscal</li> <li>• Prosecutions</li> </ul>	<p>1</p> <p>0</p> <p>0</p>	<p>0</p> <p>0</p> <p>0</p>
<b>D: NHI Key outcomes – Commentary</b>		
<p>Notes</p> <p>*The previous PPF reported provisional figures from the draft HLA 2020. Owing to the prioritisation of the Local Development Plan preparation, together with a number of vacancies within the policy team, the figures for the most recent HLA are not available in time for this iteration of the PPF.</p> <p>**This figure includes all sites which commence programming within Years 1-5 and any residual capacity thereafter. The figure also includes 590 units from small sites, as within the HLA 80% of all small sites are considered to be effective. The remaining 20% of the small sites are not included within this figure, as they are considered to be potentially effective (Years 6-7).</p> <p>***Taken from Table 4 in Appendix 2 of the adopted Local Development Plan.</p> <p>****The number of units approved between 1st April 2019 and 31st March 2020. This includes LRB and DPEA decisions.</p> <p>***** The ELA 2020 is currently in draft format and could be subject to changes once finalised in due course</p>		

## PART 5 – SCOTTISH GOVERNMENT OFFICIAL STATISTICS

### A: Decision-making timescales (based on 'all applications' timescales, not subject to processing agreements)

Category	Total number of decisions 2021 - 2022	Average timescale (weeks)	
		2021-2022	2020-2021
<b>Major developments</b>	1	19.7	22.9
<b>Local developments (non-householder)</b>	196	9.2	9.1
<ul style="list-style-type: none"> <li>Local: less than 2 months</li> <li>Local: more than 2 months</li> </ul>		6.2 15.3	6.8 14.7
<b>Householder developments</b>	291	7.0	6.5
<ul style="list-style-type: none"> <li>Local: less than 2 months</li> <li>Local: more than 2 months</li> </ul>		6.0 13.2	5.9 11.4
<b>Housing developments</b>			
Major	1	19.7	20.9
Local housing developments	31	16.7	12.1
<ul style="list-style-type: none"> <li>Local: less than 2 months</li> <li>Local: more than 2 months</li> </ul>		7.7 20.4	7.5 18.4
<b>Business and industry</b>		9.8	7.7
Major	0	n/a	n/a
Local business and industry developments	12	9.8	7.7
<ul style="list-style-type: none"> <li>Local: less than 2 months</li> <li>Local: more than 2 months</li> </ul>		7.4 14.6	7 10.7
<b>EIA Developments</b>	0	n/a	n/a
<b>Other consents*</b>	153	6.75	6.2
<b>Planning/legal agreements**</b>			
<ul style="list-style-type: none"> <li>Major: average time</li> <li>Local: average time</li> </ul>	1 13	19.7 19.4	20.9 13.8
<p>* 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 &amp; 7 relating to agricultural and forestry development and applications for prior approval by Coal Authority or licensed operator under classes 60 &amp; 62 of the GPDO.</p> <p>** 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</p> <p>*** All applications subject to processing agreements are excluded from the official statistics</p>			

**B: Decision-making: local reviews and appeals**

		Original decision upheld			
Type	Total number of decisions 2021-2022	2021-2022 No. %		2020-2021 No. %	
Local reviews	32	15	47%	13	50%
Appeals to Scottish Ministers	6	6	100%	3	50%

**PART 6: WORKFORCE INFORMATION**

	Tier 1 Chief Executive	Tier 2 Director	Tier 3 Head of Service	Tier 4 Manager
Head of Planning Service			x	

Staff Age Profile	Head Count
Under 30	7
30-39	17
40-49	18
50 and over	31
Total	73
RTPI Qualified Staff	Headcount
19 (6 Licentiate)	73

**PART 7: PLANNING COMMITTEE INFORMATION**

Committee & Site Visits	Number per year
Full Council meetings	14
Planning committees	10
Area committees	n/a
Committee site visits	3
Local Review Body	13
LRB site visits	2

## PART 8 - PERFORMANCE MARKERS

- 8.1 The following table sets out the performance markers that the Scottish Government use to consider performance by local planning authorities. This PPF highlights the evidence submitted by Scottish Borders Council to demonstrate how it has sought to meet those markers.

	Performance Marker	Evidence
<b>DRIVING IMPROVED PERFORMANCE</b>		
<b>1</b>	Decision making: authorities demonstrating continuous evidence of reducing average timescales for all development types	Part 1 – paras – 1.21-1.23, 1.28, 1.50-1.55 Part 3 – para 3.1 & Committed Improvement & Action 2 page 9 Part 4 – NHI Table pages 18-20 Part 5 - Table A page 21
<b>2</b>	Project management: offer of processing agreements (or other agreed project plan) made to prospective applicants in advance of all major applications and availability publicised on planning authority website	Introduction page 3 Part 1 – paras 1.21, 1.28, 1.53-1.55 Part 4 – NHI Table pages 18-20
<b>3</b>	Early collaboration with applicants and consultees on planning applications: - availability and promotion of pre-application discussions for all prospective applications - clear and proportionate requests for supporting information	Part 1 – paras 1.21, 1.22, 1.30 Part 4 – NHI Table pages 18-20
<b>4</b>	Legal agreements: conclude (or reconsider) applications within 6 months of 'resolving to grant	Introduction page 3 Part 1- para 1.54 Part 5 - Table A page 21
<b>5</b>	Enforcement charter updated / re-published	Part 1 – para 1.35 Part 2 – para 2.1 Part 4 – NHI Table pages 18-20
<b>6</b>	Continuous improvements: - show progress/improvement in relation to PPF National Headline Indicators - progress ambitious and relevant service improvement commitments identified through PPF report	Part 1 – paras 1.32, 1.37, 1.56-1.62 Part 4 – NHI Table pages 18-20 Part 5 - Table A page 21
<b>PROMOTING THE PLAN-LED SYSTEM</b>		
<b>7</b>	LDP (or LP) less than 5 years since adoption	Introduction, p.3 Part 1 – paras 1.1-1.9 Part 4 – NHI Table pages 18-20
<b>8</b>	Development plan scheme demonstrates next LDP: - on course for adoption within 5-year cycle - project planned and expected to be delivered to planned timescale	Introduction, p.3 Part 1 – paras 1.1-1.9 Part 4 – NHI Table pages 18-20
<b>9</b>	Elected members engaged early (pre-MIR) in development plan preparation	Introduction, p.3 Part 1 – paras 1.1-1.9, 1.47
<b>10</b>	Cross-sector stakeholders, including industry, agencies and Scottish Government, engaged early (pre-MIR) in development plan preparation	Introduction, p.3 Part 1 – paras 1.1-1.9, 1.25-1.28, 1.47
<b>11</b>	Production of regular and proportionate policy advice, for example through supplementary guidance, on information required to support applications	Part 1 – paras 1.12- 1.14, 1.21, 1.28-1.29 Part 2 – Supporting Evidence para 2.1



<b>SIMPLIFYING AND STREAMLINING</b>		
<b>12</b>	Corporate working across services to improve outputs and services for customer benefit (e.g. protocols; joined-up services; single contact; joint pre-application advice)	Part 1 – 1.24, 1.36, 1.38. 1.41, 1.46, 1.60
<b>13</b>	Sharing good practice, skills and knowledge between authorities	Part 1 – paras – 1.20, 1.24, 1.25, 1.27, 1.42, 1.43, 1.45, 1.46, 1.58 Part 3 – para 3.3 Part 4 – NHI Table pages 18-20
<b>DELIVERING DEVELOPMENT</b>		Introduction page 3 Part 1 – paras 11.10-1.14, 1.21, 1.25-1.27, 1.33, 1.42, 1.43, 1.55 Part 4 – NHI Table pages 18-20
<b>14</b>	Stalled sites/legacy cases: conclusion/withdrawal of planning applications more than one-year-old	Introduction page 3 Part 1 – para 1.55 Part 4 – NHI Table pages 18-20
<b>15</b>	Developer contributions: clear expectations - set out in development plan (and/or emerging plan,) and - in pre-application discussions	Introduction page 3 Part 1- paras 1.21, 1.29, 1.54, 2.1 Part 5 - Table A pages 21