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Mr Alistair Buchan  
Chief Executive  
Orkney Islands Council

21 December 2017

Dear Mr Buchan

### **PLANNING PERFORMANCE FRAMEWORK FEEDBACK 2016/17**

Please find attached feedback on your planning performance framework report for the period April 2016 to March 2017.

You will be aware that we recently introduced the Planning Bill to the Scottish Parliament. The Bill aims to support effective performance across a range of planning functions. It includes specific provisions to strengthen and improve performance monitoring; to appoint a national performance co-ordinator to provide advice and recommendations; and powers to conduct assessments and if necessary require improvements to be made. This structured approach is essential to improving the reputation of the system across the country. It aims to provide better support to authorities, whilst recognising that other factors and stakeholders, impact on your performance.

I appreciate that resourcing is a critical issue for you, and the Bill includes provisions for discretionary charging to allow greater local flexibility. Following the Bill, we will consult on revising the fee regime to better reflect the developments which are being brought forward.

We will continue to liaise with COSLA, SOLACE and Heads of Planning Scotland as the Bill progresses through the Parliamentary process. I would like to take this opportunity to encourage you all to actively engage - this is a fantastic opportunity to make our system work better to enable planners to deliver the high-quality development our communities need, and it is important that voices from all viewpoints are heard. You can monitor the progress of the Bill on the Parliament website at: [www.parliament.scot/parliamentarybusiness/Bills/106768.aspx](http://www.parliament.scot/parliamentarybusiness/Bills/106768.aspx)

Kind Regards



**KEVIN STEWART**

CC: Roddy. Mackay, Head of Planning and Regulatory Services

## PERFORMANCE MARKERS REPORT 2016/17

Name of planning authority: **Orkney Islands Council**

The High Level Group on Performance agreed a set of performance markers. We have assessed your report against those markers to give an indication of priority areas for improvement action. The high level group will monitor and evaluate how the key markers have been reported and the value which they have added.

The Red, Amber, Green ratings are based on the evidence provided within the PPF reports. Where no information or insufficient evidence has been provided, a 'red' marking has been allocated.

| No. | Performance Marker  | RAG rating | Comments  |
|-----|---|------------|---|
| 1   | <b>Decision-making:</b> continuous reduction of average timescales for all development categories [Q1 - Q4]   | Amber      | <p><b>Major Applications</b><br/>Not applicable.</p> <p><b>Local Non-Householder Applications</b><br/>Your timescales of 8.3 weeks have improved since the previous year and are faster than the Scottish average of 11.1 weeks.<br/><b>RAG = Green</b></p> <p><b>Householder Applications</b><br/>Your timescales of 9.1 weeks are slower than the previous year and are slower than the Scottish average of 7.3 weeks.<br/><b>RAG = Red</b></p> <p><b>Overall RAG = Amber</b></p> |
| 2   | <p><b>Processing agreements:</b></p> <ul style="list-style-type: none"> <li>offer to all prospective applicants for major development planning applications; and</li> <li>availability publicised on website</li> </ul>   | Green      | <p>You have limited opportunities to enter into processing agreements due to the small number of major applications. However it is noted you have signed one with NHS Orkney for the delivery of the new Orkney Hospital.<br/><b>RAG = Green</b></p> <p>The availability of processing agreements is publicised on your website.<br/><b>RAG= Green</b></p> <p><b>Overall RAG = Green</b></p>  |
| 3   | <p><b>Early collaboration</b> with applicants and consultees</p> <ul style="list-style-type: none"> <li>availability and promotion of pre-application discussions for all prospective applications; and</li> <li>clear and proportionate requests for supporting information</li> </ul> | Amber      | <p>You provide a free pre-application advice service with 67% of applications engaging this service. You provide formal written advice and a duty officer service 4 days a week and also by appointment.<br/><b>RAG = Green</b></p> <p>Although written advice is provided it is not clear from your report how requests for supporting information are proportionate.<br/><b>RAG = Amber</b></p> <p><b>Overall RAG = Amber</b></p>   |

|    |   |       |   |
|----|---|-------|---|
| 4  | <b>Legal agreements:</b> conclude (or reconsider) applications after resolving to grant permission reducing number of live applications more than 6 months after resolution to grant (from last reporting period)   | Green | You have been making continued efforts to remove legacy cases. You handled 1 local application with a legal agreement attached and the timescale was 9 weeks. This is well significantly faster than the Scottish average and only a slightly slower on last year.  |
| 5  | <b>Enforcement charter</b> updated / re-published within last 2 years   | Green | Your enforcement charter was 18 months old at the time of reporting.  |
| 6  | <b>Continuous improvement:</b> <ul style="list-style-type: none"> <li>• progress/improvement in relation to PPF National Headline Indicators; and</li> <li>• progress ambitious and relevant service improvement commitments identified through PPF report</li> </ul> | Green | Average timescales for non-householder applications have reduced however there has been an increase in the timescales for householder applications. You have an up-to-date LDP and it is due to be replaced within the 5 year timescale. You also offer processing agreements to prospective applications and over 2/3 of applications are subject to pre-application discussions.<br><b>RAG = Green</b><br><br>You have completed 5 of your 7 commitments for the reporting year. With those incomplete due to staffing issues and awaiting replacement of your LDP. You have identified a good range of commitments to take forward however some of these could be considered as core business.<br><b>RAG = Green</b><br><br><b>Overall RAG = Green</b> |
| 7  | <b>Local development plan</b> less than 5 years since adoption  | Green | Your LDP was 2 years and 11 months old at the time of reporting.  |
| 8  | <b>Development plan scheme</b> – next LDP: <ul style="list-style-type: none"> <li>• on course for adoption within 5 years of current plan(s) adoption; and</li> <li>• project planned and expected to be delivered to planned timescale</li> </ul>                    | Amber | Your LDP is on course to be adopted within the required 5 year timescale with no change to the anticipated date for adoption.<br><b>RAG = Green</b><br><br>It is not clear from your report how you have project planned the delivery of your LDP to ensure it remains on track.<br><b>RAG = Red</b><br><br><b>Overall RAG = Amber</b>  |
| 9  | <b>Elected members engaged early</b> (pre-MIR) in development plan preparation – <i>if plan has been at pre-MIR stage during reporting year</i>   | N/A   |   |
| 10 | <b>Cross sector stakeholders* engaged early</b> (pre-MIR) in development plan preparation – <i>if plan has been at pre-MIR stage during reporting year</i><br><i>*including industry, agencies and Scottish Government</i>  | N/A   |   |
| 11 | <b>Regular and proportionate policy advice</b> produced on information required to support applications.  | Green | You have produced a range of guidance for both officers and applicants. This has included a validation checklist and model conditions. You have also produced development and design briefs to aid applicants in bringing forward applications which are of an acceptable standard.   |

|    |   |       |  |
|----|---|-------|--|
| 12 | <b>Corporate working across services</b> to improve outputs and services for customer benefit (for example: protocols; joined-up services; single contact arrangements; joint pre-application advice)                               | Green | You provide a single point of contact for all applications, have a protocol in place with the SG for your Enterprise Areas and undertake regular liaison with the Key Agency Group.  |
| 13 | <b>Sharing good practice, skills and knowledge</b> between authorities  | Green | You share your Historic Environment Officer with Western Isles. You also participate in HOPS committees, the North of Scotland Development Plan Forum and the Aquaculture Planning Group. Your report would benefit from outlining some of the issues which have been discussed and how these have influenced any changes or improvements you have made.   |
| 14 | <b>Stalled sites / legacy cases:</b> conclusion or withdrawal of old planning applications and reducing number of live applications more than one year old  | Amber | You have cleared 2 legacy cases during the reporting year. however the number of cases remaining has increased since the previous year.  |
| 15 | <b>Developer contributions:</b> clear and proportionate expectations <ul style="list-style-type: none"> <li>• set out in development plan (and/or emerging plan);</li> <li>and</li> <li>• in pre-application discussions</li> </ul> | Green | <p>You have supplementary guidance in place covering developer contributions. Further detail is provided in the LDP settlement statements. Development management guidance will be prepared to detail further contributions required for strategic infrastructure projects. You recognise that developer funding can have implications for viability so take a proportionate approach.</p> <p><b>RAG = Green</b></p> <p>You provide an accessible and free pre-application advice. It is recognised that the last time financial contributions were secured was in 2011.</p> <p><b>RAG = Green</b></p> <p><b>Overall RAG = Green</b></p> |

**ORKNEY ISLANDS COUNCIL**  
**Performance against Key Markers**

| Marker |  | 2012-13 | 2013-14 | 2014-15 | 2015-16 | 2016-17 |
|--------|--|---------|---------|---------|---------|---------|
| 1      | Decision making timescales                               |         |         |         |         |         |
| 2      | Processing agreements                                    |         |         |         |         |         |
| 3      | Early collaboration                                      |         |         |         |         |         |
| 4      | Legal agreements   |         |         |         |         |         |
| 5      | Enforcement charter                                      |         |         |         |         |         |
| 6      | Continuous improvement                                   |         |         |         |         |         |
| 7      | Local development plan                                   |         |         |         |         |         |
| 8      | Development plan scheme                                  |         |         |         |         |         |
| 9      | Elected members engaged early (pre-MIR)                  | N/A     | N/A     | N/A     |         | N/A     |
| 10     | Stakeholders engaged early (pre-MIR)                     | N/A     | N/A     | N/A     |         | N/A     |
| 11     | Regular and proportionate advice to support applications |         |         |         |         |         |
| 12     | Corporate working across services                        |         |         |         |         |         |
| 13     | Sharing good practice, skills and knowledge              |         |         |         |         |         |
| 14     | Stalled sites/legacy cases                               |         |         |         |         |         |
| 15     | Developer contributions                                  |         |         |         |         |         |

**Overall Markings (total numbers for red, amber and green)**

|                | Red | Amber | Green |
|----------------|-----|-------|-------|
| <b>2012-13</b> | 6   | 4     | 3     |
| <b>2013-14</b> | 1   | 6     | 6     |
| <b>2014-15</b> | 0   | 3     | 10    |
| <b>2015-16</b> | 0   | 2     | 13    |
| <b>2016-17</b> | 0   | 4     | 9     |

**Decision Making Timescales (weeks)**

|                                     | 2012-13 | 2013-14 | 2014-15 | 2015-16 | 2016-17 | 2016-17 Scottish Average |
|-------------------------------------|---------|---------|---------|---------|---------|--------------------------|
| Major Development                   | -       | 7.3     | 7.0     | 24.1    | -       | 37.1                     |
| Local (Non-Householder) Development | 10.9    | 11.4    | 9.8     | 9.3     | 8.3     | 11.1                     |
| Householder Development             | 9.7     | 8.7     | 6.8     | 6.4     | 9.1     | 7.3                      |