

Item: 8

Development and Infrastructure Committee: 8 September 2020.

Independent Review of Planning Service.

Joint Report by Chief Executive and Executive Director of Development and Infrastructure.

1. Purpose of Report

To consider the outcome of an independent review of the Planning Service.

2. Recommendations

The Committee is invited to note:

2.1.

That, in spring 2020, following feedback received from stakeholders regarding aspects associated with planning services, the Interim Chief Executive commissioned an independent review of the Planning Service, which was undertaken by Jim Birrell.

2.2.

That Mr Birrell is a highly experienced planning professional with significant senior experience as a Scottish Local Authority planner, who also advises and represents national professional agencies, including Heads of Planning Scotland.

2.3.

That Mr Birrell established a method of interview and document review research, which included involvement of staff within the Planning Team, a sample of internal and external developer stakeholders and Elected Members.

2.4.

Mr Birrell's final report, attached as Appendix 1 to this report, which, after his broad assessment, concludes that the Planning Service is a high performing service, providing good outputs and examples of good practice, and identifies a number of improvement areas which are recommended to further improve this position.

2.5.

The Management Improvement Action Plan, attached as Appendix 2 to this report, which has been developed to respond to the recommendations of Mr Birrell's report.

It is recommended:

2.6.

That the report commissioned in respect of the independent review of the Planning Service, attached as Appendix 1 to this report, be endorsed.

2.7.

That the Executive Director of Development and Infrastructure should provide regular updates, through the Planning and Regulatory Services Consultative Group, on delivery of the Management Improvement Action Plan, referred to at paragraph 2.5 above.

3. Background

3.1.

The Council's Planning Service has consistently performed well over many years evidenced through the annual Scottish Government Planning Performance Framework reporting, and the role in being awarded the overall winner of the Scottish Awards for Quality in Planning in 2017, and then winning the Silver Jubilee Cup for top performing planning authority in the UK Royal Town Planning Institute Awards for Excellence in Planning in 2018. These are strong signals of a good service and are remarkable given the small size of the team and the range and scope of planning activity delivered through the service.

3.2.

However, it is important to recognise that notwithstanding strong performance at a strategic level, planning by its very nature is a process of balancing often competing views and interests and has an impact on individual property aspirations which can at times compete with planning judgement and interpretation of policy which lies in the public interest. In short it can be a controversial process. It can therefore be the case that individual experiences or views on the Service may not match with the broader picture represented in annual reports or awards, and it is important to respect and seek to understand these individual perspectives in order to ensure that Services continue to be appropriately responsive, proactive in supporting good development and calibrated to localised circumstances.

3.3.

In this regard, in spring 2020 the Interim Chief Executive was approached with concerns from some stakeholders regarding their individual experience with the planning service on specific planning applications. In the interests of transparency and in order to ensure full assurance of approach, the Interim Chief Executive commissioned Mr Jim Birrell to undertake an independent review of the Service with a focus on customer care aspects, performance levels and relevant internal and external practices and procedures. The staffing resources, salaries and planning workloads were also examined.

4. Review

4.1.

Mr Jim Birrell is a highly experienced planning professional with significant senior experience as a Scottish Local Authority planner, who is also involved in providing advice and representation for national professional agencies, including Heads of Planning Scotland. Mr Birrell established a method of interview and document review research which included involvement of staff within the Planning Team, a sample of internal and external developer stakeholders and Elected Members.

4.2.

On 24 June 2020, an initial feedback meeting was held with participating stakeholders, following which there was an opportunity for further comment. A final version of the report was then issued to all participating stakeholders on 9 August 2020.

4.3.

Mr Birrell's final report is attached as Appendix 1 of this report. The report is a very comprehensive piece of work and addresses the following topic areas:

- Planning Staffing and Resources.
- Delivering the Capital Plan and Programme.
- Customer Care and Developer Engagement.
- Planning Performance and Quality.
- Evidence Base – Assessment of the Case Studies.
- Overall conclusions and comments.

4.4.

The outcomes from the report include 43 Topic Conclusions, 10 Key Conclusions and 20 Improvement Recommendations for consideration by the Council. The report also makes clear observations in terms of the issues raised around developer interactions and engagement and the current negotiating culture, project management and inter-service working.

4.5.

Specifically in relation to the Customer Care and Developer Engagement topic, which was the prime driver to the original commission, Mr Birrell concludes that "None of the planning related issues I was asked to assess, and the evidence provided to me, indicates that there are major or critical Council interventions to be made. This is not a failing service, quite the opposite, but it does need some fine-tuning adjustments to be made to some practices and procedures and it needs to rebuild confidence levels with some regular customer interactions and relationships."

4.6.

This is a significant conclusion in providing independent assurance to the Council that the Planning Service is operating in a manner which can be considered in line with professional practice and levels of propriety as a statutory Planning Authority. However, this does not mean that there is no room for improvement and the 20 Improvement Recommendations which Mr Birrell has identified are important and will be actioned in order to further improve the Service moving forward. In this regard, the Executive Director of Development and Infrastructure has convened a cross service team to review the Report findings and establish an Action Plan to deliver the recommended Improvement Recommendations. The Management Improvement Action Plan is attached at Appendix 2. The Executive Director will work with the management team to deliver these actions in accordance with the proposed target timeframes outlined.

4.7.

It is recommended that the Committee endorse the content of the independent report, with the Executive Director of Development and Infrastructure taking steps to manage delivery of the Management Improvement Action Plan. This will include reporting to the Planning and Regulatory Services Consultative Group in order to provide the opportunity for continued Elected Member engagement on these matters.

5. Corporate Governance

This report relates to governance and procedural issues and therefore does not directly support and contribute to improved outcomes for communities as outlined in the Council Plan and the Local Outcomes Improvement Plan.

6. Financial Implications

6.1.

The study was undertaken at a total cost of £8,163, which will be covered by existing Development and Infrastructure budgets.

6.2.

Successful delivery of the Management Improvement Action Plan, as set out in Appendix 2 to this report, may be conditional upon resources being prioritised from within the Development and Infrastructure Service's existing revenue budget and where appropriate through the Council's budget setting process.

7. Legal Aspects

There are no legal implications arising directly from the recommendations in this report.

8. Contact Officers

John Mundell, Interim Chief Executive, extension 2101, Email john.mundell@orkney.gov.uk

Gavin Barr, Executive Director of Development and Infrastructure, extension 2301, Email gavin.barr@orkney.gov.uk

Roddy Mackay, Head of Planning, Development and Regulatory Services, extension 2530, Email roddy.mackay@orkney.gov.uk

9. Appendices

Appendix 1: Mr Jim Birrell Independent Report Planning Services – Part 1 Executive Summary and Part 2 Full Report.

Appendix 2: Management Improvement Action Plan.



AN INDEPENDENT, EXTERNAL REVIEW TO IDENTIFY THE HIGH-LEVEL CHALLENGES FACING THE COUNCIL IN DEVELOPMENT DELIVERY, CUSTOMER ENGAGEMENT AND OVERALL PERFORMANCE, EFFICIENCY AND REPUTATION.

**PART 1 REPORT – EXECUTIVE SUMMARY-
CONCLUSIONS AND RECOMMENDATIONS**

**Report to John Mundell OBE, Interim Chief Executive
Orkney Islands Council
March 2020**

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PREFACE

This is an independent, external review of elements and interactions in the Planning Service with a central focus on customer care aspects, performance levels, and relevant internal and external practices and procedures. It looks at timescales, best practice, complaints and concerns, and also looks at added value in negotiations. The staffing resources, salaries and planning workloads are also examined.

The outcomes from the report include 43 Topic Conclusions, 10 Key Conclusions and 19 Improvement Recommendations for consideration by the Council and a clear recognition of the issues raised around developer interactions and engagement and the current negotiating culture.

A critical part of the review is to assess the relationship between Council investment and delivery aspirations and the procedures for customer negotiations and timescales, project management and inter-service working.

The review is not an in-depth investigation, inspection or audit but a focused, high-level overview of the topics identified in the Project Brief, agreed with and finalised by the Interim Chief Executive. All of the topic areas included in the report would benefit from further detailed assessment and analysis, but I contend that the salient points and issues raised are sufficiently evidenced, robust and adequately covered off.

The assessment findings, conclusions and recommendations set out in the Report should be read within the wider context of the Brief which was necessarily selective and limited in the numbers of external and internal customers who were interviewed. There was also a time constraint of 4 weeks for the finalisation of the report which was challenging.

Quotes in **red** set out in the Report are real quotes made to me during my visits but none of them are attributed to any of the individuals I met, as I previously agreed with them.

I am particularly indebted to the applicants, professional agents, councillors and Orkney Council staff whom I met, who were all friendly, welcoming and both forthright and forthcoming in their conversations with me.

These conversations have provided a wealth of informed views and comments which I have attempted to capture. However, any errors or misinterpretations deduced from the individual comments made to me and included in the report are mine and mine alone.

I consider the Review to be fair, accurate, balanced and proportionate, and I hope it provides the required assessments and re-assurances the Council expected, and it suggests improvement actions for the Council to consider and reflect upon as it continues to advance its own ideas and aspirations for the next few years.

INITIAL OBSERVATIONS AND IMPRESSIONS

The initial observations and impressions which I formed at the very start of the project from the introductions and conversations I had were,

- Orkney Islands Council (OIC) is the smallest council and planning authority in Scotland with a population of 22,190 in June 2018¹, but its size and remoteness are significantly outweighed by its vision and ambitions to be a leading global player in the fields of marine engineering, technology and innovation, wind power and energy to name but a few
- The Council has substantial financial reserves for its size and compared to other Councils but still has to manage budget pressures and reductions and service efficiencies
- It is a Council which **“punches well above its weight”** in national and international matters.
- There is, however, a need to protect the reputational risk to the Council for **“over promising and under delivering”** in the context of reduced investment levels in the future for housing projects and other areas of spend within the Capital Plan
- The Council structure is set out on traditional lines, but it appears disproportionate to the scale of the services required in Orkney
- A supportive and collaborative political structure is evident and councillor/officer relationships are strong and positive
- Dedicated service teams and Directorates are operating within challenging financial and operating circumstances and budget disciplines.
- There are diseconomies of scale which can marginalise the impacts services can achieve
- The Planning Service is **“small in size but big on ambition”** with a clear focus on achieving successful environmental outcomes, which have been externally recognised at national level
- The Planning Service performs at a high level and provides an overall quality service to customers
- The geographical remoteness of the islands has led to difficulties in recruiting candidates at senior professional levels and filling vacant posts, and this is exacerbated by comparing the salary and grading differentials for mainland posts
- A very limited number of formal customer complaints are submitted annually

¹ www.nrsscotland.gov.uk -Population estimates time series data

- Concerns have been raised recently, directly with the Interim Chief Executive, relating to timescales, negotiations, consistency of advice and added - value benefits
- I detected an obvious desire from all parties to embrace identified improvement actions and a willingness to co-operate with the review process and contribute ideas and suggestions for consideration
- There is a perception within some parts of the Council that there is **“service separation”** and a **“lack of effective communication channels”**

1.0 INTRODUCTION

1.1 The focus of the review report is to identify the high-level challenges facing the Council in development delivery, customer engagement and overall performance, efficiency and reputation recently brought to the direct attention of the Interim Chief Executive (ICE)

1.2 The report is not about apportioning blame on any individual service or person but taking a broader, more holistic approach to set out Improvement Actions for consideration by the ICE and the Council.

1.3 Despite the short time allocated to the review and the relatively limited selection of case studies, and range of internal and external customers interviewed, the process has proved to be proportionate and balanced and it has provided a broad body of evidence to present robust and defensible conclusions and pinpoint business critical areas for Council consideration and improvement. This evidence base is presented in the Part 2 Report.

1.4 The clear, priority areas of concern identified by the ICE on behalf of Orkney Islands Council were,

- Delivery slippage on major council projects and outcomes, particularly in meeting housing targets and timescales
- Consequent threats to future funding and investment from Council partners and funders, including the Scottish Government
- Reputational risks to the Council and perceptions of under - performing
- A number of customer facing matters which raised concerns about timescales, negotiation tactics, re-working of details and associated costs
- Comparisons with other Councils in terms of resources, workloads, and processes and procedures
- Interpretation of planning advice, the benefits of negotiation and added - value, and the consistency of planning advice from planning officers

1.5 The simple methodology identified and jointly agreed to assess these concerns was clarified at the outset of the commission and included,

- Direct engagement with applicants, agents and councillors, including the Chair and Vice - Chair of Planning
- Direct engagement with selected senior staff in the council, and meetings with the Planning Service, and particularly the Development Management Team

- Desk- top study and research into areas of performance and quality, customer care and engagement, benchmarking comparisons with other appropriate councils, and reviews of nationally published data sets
- An assessment of case studies selected by the Council to provide an external view of the evidence to corroborate or challenge the issues identified by customers

1.6 Although the Part 2 report has been structured into separate topic sections to reflect the Project Brief, it is clear that this is a somewhat artificial approach in respect of the undoubted relationships and synergies between the single topics. The report therefore has to be read across in a comprehensive manner to appreciate the relationships between the cross-cutting issues and the cumulative impact of the proposed recommendations.

2.0 TOPIC CONCLUSIONS AND RECOMMENDATIONS:

2.1 The Conclusions and Recommendations summarised below have been informed by the helpful contributions and suggestions made by everyone I met. Their individual and collective contributions to this review process and their focus and honesty were very much appreciated.

A - Planning Staffing and Resourcing Conclusions

1. Planning services in Orkney are delivered by a small team of staff. The Development Management (DM) Team in particular has a staff headcount of only 9 carrying out all statutory work on planning applications and enforcement, as well as license, notifications, assessment applications and many other related processes.
2. The breadth of the workload is comprehensive and there are no specialist officers or teams to deal with complex major applications, council investment projects or Environmental Impact Statements etc. All applications are simply allocated within the team and there are obviously inherent limitations in this approach.
3. Overall, I consider that the Planning Service staffing levels are low, and this can inevitably compromise the workload allocations and leave the Service and Council vulnerable when staff vacancies and absences occur. It is also not a sustainable, long-term approach to delivering a high-quality service.
4. Staff numbers have been relatively stable over the last 5 years, but vacancies have proved difficult to fill, primarily due to geographical remoteness and salary differentials - the vacant Enforcement Officer post in particular has caused difficulties as workload has had to be absorbed by the Manager who is already operating beyond capacity.
5. Within a small team it is difficult to take time out of the office to engage with mainland authorities in areas of best practice, benchmarking and peer review, and this difficult situation can only partly be compensated for by video and audio conferencing, media blogs etc. Mandatory Continuous Professional Development (CPD) requirements are met but staff confirmed **“this is becoming increasingly challenging”**.
6. There is an increasing emphasis being placed within the Service on **“growing our own”** and this needs to be encouraged, together with clear career grades and progression routes to provide internal promotion

opportunities. This both motivates staff further and improves staff morale at a time when workload pressures are high and increasing.

7. Salary gradings and career progression spans are limited, and this adversely impacts on staff/team morale, and ultimately on career development opportunities for further professional and career advancement.
8. There are areas of workload pressures where the DM Team do not have the specialist experience to deal with matters in-house e.g. Environmental Impact Assessments, and these currently require to be contracted out to consultants. (This practice is not exclusive to Orkney)
9. Identifying existing gaps in skills and experience should be assessed as a matter of priority to reduce staff burdens and exposure – some staff are operating beyond their post remits and levels of responsibility, particularly at junior level. It may well be that a Training Needs Analysis or similar approach needs to be undertaken within the Development Management Team in consultation with the Human Resources Service in line with recommendation SAR1 outlined below on the Service Workforce Plan.
10. Serious matters raised by staff about excessive media exposure, adverse publicity, including the release of personal matters, need to be reported to senior management in writing and investigated formally in accordance with the relevant Council policies and procedures when they occur.

Improvement recommendations for Council consideration

SAR1 – The Planning Service needs to continue to further develop and expand the detailed Service Workforce Plan to fully include and consider:

- Future planning workforce needs
- Current and future capacity levels
- Competitive and proportionate career grades and salary levels and placings, compatible with overall council salary levels and grades
- Progression opportunities for all DM Staff
- Recruitment Processes
- Areas where specialist skills are not available

SAR2 - To explore the possibilities and opportunities for additional staff specifically in the following 3 priority areas:

- **Housing Applications** – Key Project Management Skills allied with RTPI Membership
- **Environmental Impact Assessment** – Short-term use of contracted specialist consultants to continue but consider appointment of environmental/specialist planner with appropriate experience and skill levels to assist with this area of work and to complement the specialist advice
- **Capital Plan Projects** - The appointment of an experienced planner to assist with Capital Plan Projects and major commercial investment proposal, including windfarms, located within the appropriate corporate team – I suggest this post should be located in the Infrastructure and Strategic Projects Team within the Development and Infrastructure Directorate to ensure separation of roles from the Planning Service to avoid any confusion or conflict.

SAR 3 - The DM Team should self-identify areas of workload where it can reduce or minimise workloads without compromising on the quality of outcomes or their professional and statutory duties e.g. the excessive use of Development Briefs, micro-managing housing applications

SAR4 - Planning staff, and indeed all other council staff, need to be advised of the informal and formal processes available to them when unjustified and inaccurate social media comments are posted online and in the newspapers and broadcast on radio from committee meetings. The staff need to be formally supported by senior management and the relevant council services when serious media issues are raised by staff.

B - Delivering the Capital Plan and Programme Conclusions

11. There is a clear recognition within the Council that effective management of the Capital Plan, and particularly the slippage trends, is a critical corporate issue which affects project delivery to communities and the reputation of the Council. It also runs the risk of losing future external funding.
12. The Planning Service has a key role to play in assisting and supporting internal Council processes prior to planning applications being submitted to ensure the successful delivery of Council projects.
13. The Council structure has been downsized in recent years, but it is similar to many other Councils, including much larger Councils, as it still requires to deliver the broad range of statutory and non-statutory duties and other specialist areas of activity disproportionate for its size as Scotland's smallest local authority.
14. There are only 3 Directorates involved in delivering the Capital Plan, but the relevant spans of control can lead to an impression of departmental **"silos"** which can hinder effective cross-service and partnership working, particularly in the overall project management of the Capital Plan.
15. I feel that the Council culture of development delivery is curtailed by a lack of prioritisation and **"ownership"** and to me there has to be a more shared and corporate "Team Orkney" approach on the processes around the Capital Plan, which is being successfully championed and promoted by the Interim Chief Executive in other areas of Council activity.
16. Areas such as early officer engagement, pre-application consultations, pragmatic and proportionate project management, senior management leadership of the Capital Plan and a holistic appreciation within the Council of realistic timescales for delivery and especially the obtaining of statutory consents, such as planning permission and building standards approval, are all critical elements for immediate attention.
17. Surprisingly, the Planning Service is seen by some other services and individual officers as a **"burden"** and **"unhelpful"** and is not recognised as the key element in the whole project and delivery process. The Council has to prioritise the need for an integrated approach and model its internal processes and relationships accordingly.

18. The wider corporate Council and Service Departments have to recognise and respect the discrete and separate roles performed by the Planning Service as an internal Council service, and the Council acting in its role as the Planning Authority.

Improvement recommendations for Council consideration

CPP1 - An internal, cross-service protocol needs to be introduced which clearly sets out the roles, relationships and responsibilities of the Council, where it is acting jointly or individually as developer, investor, applicant, agent and planning and building control authority. This should include, as a minimum standard,

- Formal record of pre-application discussions and preferably a formal Planning Application Consultation (PAC)
- Identification of Validation Requirements, both legal validation and professional validation, to ensure a timely, competent and quality submission is made by the council
- A combined Planning and Building Control Customer Checklist would assist in this process.

CPP2 – In addition to Recommendation **CPP1** above the Council needs to implement and incorporate the Internal Audit Recommendation 1² re pre-application advice and detailed requirements being included in agreed client specification documents.

CPP3 -The Senior Management Team (SMT) should have a focused Capital Plan meeting monthly to be aware of project progress and reasons for any slippage. Key officers, including the lead planning officer, should attend this meeting to advise SMT on remedial and intervention measures required to maintain progress and timescale targets.

CPP4 – The Council should carefully consider and assess who fulfils the role of the Chief Planning Officer (as set out in the new Planning Act as a statutory requirement) and maximise the opportunities for participating in the SMT discussions on capital projects and the wider corporate developments and environmental matters linked to community planning, place- making and health and well-being.

² Internal Audit Report- Capital Programme Slippage, 14 November 2019

C - Customer Care and Developer Engagement Conclusions

19. The Planning Service clearly runs a high - quality operation which is externally recognised. It is a small service in resource and staffing terms, but it is responsible for a wide range and complexity of applications.
20. My limited, personal experience of the Team finds that it is motivated, positive, professional, passionate about planning and importantly, operates within a **“self -supporting and self-motivating environment”**.
21. It is to the credit of the Service, which has no specialist staff at its disposal, that such high levels of professional standards have been set and achieved. Overall, my impression is a positive one and the Council has a Team which is energetic and thorough and evidently committed to achieving successful and positive environmental outcomes for the communities in Orkney.
22. Nevertheless, there are some operational and customer concerns about the over - use of Development Briefs and related supplementary guidance set out in the Local Development Plan. These concerns need to be clarified and streamlined to assist applicants and reduce unnecessary workloads for the planning staff.
23. There are clear and demonstrable elements of good practice within the Planning Service relating to customer accessibility and openness, and evidence of the added - value and benefits successfully achieved through negotiations with applicants.
24. Although the range of selected case studies was a small sample of the total application workload , they provided a wealth of detail about planning processes and culture, relationships between the parties and the common problems experienced in all planning authorities relevant to non-valid submissions, inadequate information, time delays in submitting requested information, and the time required to negotiate successful outcomes.
25. Relationships between Council services are based on different experiences, but a senior manager confirmed that, **“some inter-service relationships are poor as planning is seen as being negative and holding things up”**

26. The normal customer service levels provided to applicants by the Planning Service is high, but a few customers have raised relevant concerns about key aspects of the planning process, particularly different officer viewpoints being expressed, impractical suggestions being made for improvements to be made which were not feasible, the time taken for decisions to be issued and views on micro-management and the expression of seemingly **“personal rather than professional opinions”**. This allegation was specifically raised with the Interim Chief Executive in relation to the progress being made on the Cairston Road site, Stromness (Case Study 3) and senior management confirmed to him that the case officer involved was expressing a professional planning opinion and not a personal opinion. The Royal Town Planning Institute (RTPI) Code of Conduct makes it clear that other chartered planners may hold a different view and it is legitimate to do so.

27. This is always a disputed area in planning discussions, but it is worth remembering that all chartered town planners must follow a specific Code of Conduct which requires RTPI members to adhere to five core principles, namely:

- **Competence, honesty and integrity** – Members must take all reasonable steps to maintain their professional competence throughout their career; and should be honest and informed by appropriate technical inputs in carrying out their duties;
- **Independent professional judgement** – Members must exercise fearlessly and impartially their independent professional judgement to the best of their skill and understanding;
- **Due care and diligence** – Members must discharge their duty to their employers, clients, colleagues and others with due care and diligence;
- **Equality and respect** – Members must not discriminate on grounds including but not limited to race, nationality, gender, sexual orientation, religion, disability or age;
- **Professional behaviour** – Members are expected at all times to conduct themselves in such a manner that does not prejudice their professional status or the reputation of the RTPI.

28. Planning is often a controversial area to work in and deliver successful outcomes and every decision made can satisfy some parties and upset

other parties in equal measure. Sometimes matters cannot be satisfactorily resolved to everyone's satisfaction despite all the efforts made and there always will be differences of opinion and interpretation, especially on design proposals, and matters can get complicated and frustrating where there are differences of opinion and interpretation and the Planning Service has the final deciding position.

29. One applicant confirmed to me that **“I do not feel like I am being treated as a customer as the Planning Service dictated to me and did not listen to my viewpoint”**.

30. None of the planning- related issues I was asked to assess, and the evidence provided to me, indicates that there are major or critical Council interventions to be made. This is not a failing service, quite the opposite, but it does need some fine - tuning adjustments to be made to some practices and procedures and it needs to rebuild confidence levels with some regular customer interactions and relationships.

Improvement recommendations for Council consideration

CCS1 - The focus in future Planning Performance Frameworks (PPFs) should continue to feature effective progress being made in the areas of “Quality of Service and Engagement” and “Culture of Continuous Improvement”. This focus would be strengthened by taking an inclusive, not internal, approach with selected, key stakeholders involved in formulating future improvement actions.

CCS2 - The Planning Service should introduce a Planning Customer Survey so that applicants can formally comment on quality of decision- making and raise any issues they experienced with their applications. This should then provide a focus for future service changes and improvements to accommodate the concerns raised.

CSS3 - The Royal Town Planning Institute (RTPI) has recently published guidance on “Probity and the Professional Planner”² to help planners confidently use their independent professional judgment and I recommend that this practical advice is disseminated to the chartered planning staff to guide and support them in negotiating situations with applicants.

² Probity and the Professional Planner, RTPI, April 2020

D - Planning Performance and Quality Conclusions

31. Overall the Planning Service operates a high- quality and a high - performing service as demonstrated by recent national awards and published planning performance data.
32. Measured against all the Scottish Government’s performance targets and key markers Orkney performs well and often performs better than the Scottish average.
33. The council approval rates - 96%, and delegation levels - 94% for planning applications are high and further demonstrate the importance of delivering positive planning outcomes in a timely fashion.
34. There is a real and demonstrable emphasis placed on aspects of design, detail, place-making and protection of the built and natural environment.
35. This, however, has to be proportionate and balanced as some customers refer to excessive detail requirements and elements of “**micro-managing**” applications.

Improvement recommendations for Council consideration

PAQ1 – Overlapping with Recommendation CCS1, continue to further develop and expand the elements set out in the PPF process with particular focus on Quality of Service and Engagement and Culture of Continuous Improvement to include and consider:

- A better balanced and proportionate approach to pre-application discussions and processes
- Use of Added - Value Codes or similar when assessing planning outcomes on each decision made

E - Evidence Base - Assessment of Case Studies - Conclusions

36. The Case Studies have proved to be very informative in obtaining a selective picture of the interactions between applicants and the Council and providing clear evidence of the benefits, added- value, proportionality of requests and demands, and also the healthy tensions which exist between the council and applicants when in negotiating and comprising territory.
37. The Council's elected members are strong supporters of policy and the Planning Service focus is on achieving positive and enhanced outcomes for the environment and the communities within Orkney. Housing in the Countryside policies were raised by all parties as an example of a need for clarity and design guidance, which was previously provided but was subsequently withdrawn.
38. There are a small number of instances when the planning process can appear to break down and timescales become elongated and outcomes become less predictable. Reasons for this can lie with the council and also the applicant, so that effective and clear communication becomes paramount.
39. Existing design guidance is too complex and complicated and consumes unnecessary resources for both the Council staff and applicants, and lengthens the planning process.
40. The applicants and agents I met each represented 30 years of experience in working in Orkney with successive planning officers. The key concerns they raised with me, with examples, included,
- Changes in planning advice and approaches over the last 3/4 years
 - Over-use of Development Briefs- 16 Kirkwall sites provided as an example- all require Development Briefs
 - A sense of too much early focus on detailed requirements, including application validation tests - seen as too excessive
 - Often conflicts between Roads Construction Consents (RCC) requirements and design requirements and aspirations
 - Officer requirements/intentions are more aspirational than enabling
 - Unusually, applicant issues were elevated to Chief Executive level as no tangible progress was being made and there was **“no certainty re critical deadlines to ensure job security/continuity”**

- Developers have increasingly been taking a pragmatic approach to pre-application discussions and negotiations and settling for “second best” to obtain consent. This can lead to lost opportunities for added - value and planning gain in terms of design, landscaping and plan making in terms of design, landscaping,
- A lack of proportionality being applied by officers and little or no account being taken of professional consultant’s experience and expertise when assessing proposals.

41. As we have seen from the Case Studies and the assessments in the other sections of the report there are documented Planning Service responses to these matters. e.g. the introduction by the planning authority of the HOPS national to ensure clarity and consistency.

42. Also, in relation to added - value, this has to be a joint process agreed between the applicant and the planning officer to ensure that a balance is struck between any aspirational aspects and the need to be pragmatic and deliver a technically appropriate solution.

43. My reading of the various documents referred to me and available to me online confirms that sometimes discussions and positions can become entrenched, but consultants submitted reports are consistently used to ensure that the proposed development complies with the Local Development Plan and the relevant policies and other related requirements. Indeed, consultants’ reports can often be used to substantiate a case for approval where development may otherwise be regarded as unacceptable or non-compliant with the LDP and its policies.

Improvement recommendations for Council consideration

CS1 – There is a need to review the current Design Guidance and hierarchy of advice to provide a coherent and simplified approach without sacrificing national and local aspirations for high quality designs and placemaking.

CS2 - The Council needs to produce an overall Design Guide or similar for Housing in the Countryside, which should be jointly prepared between the Council and applicants/agents.

CS3 - The Council and Developers would benefit from the publication of a jointly agreed document on Planning and Developer Guidelines to set out the key parameters, details and specifications required.

CS4 - The Council should reinstate the annual Developer and Stakeholders Forum to provide a focus for discussion and issue raising to jointly develop improvements and efficiencies. The need for a separate House Builders Forum should also be considered as I know that this operates well in other parts of Scotland and can help to build on and improve relationships and behaviours (This Review Report can assist in setting an agenda for these meetings).

CS5 - The Planning Service should review its communication channels with applicants to ensure that planning advice is clear and succinct and provided at the earliest opportunity, including the role and effectiveness of pre-application advice and consultation.

CS6 – A user- friendly, simplified Validation Checklist, extracted from the Heads of Planning Scotland (HOPS) national version, which has already been adopted by the Council, should be published and made available to all applicants, both internal and external, to confirm the specific requirements for submitting a legally valid planning application.

CS7 – Briefs for external environmental consultants contracted by the Planning Service, on behalf of Orkney Islands Council, should not be solely restricted to EIAs, but they need to be extended to include a wider planning assessment covering other aspects of environmental and related legislation e.g. Extractive Waste regulatory requirements.

CS7 – A follow - up meeting with the applicants and agents interviewed during this Review should be convened as early as possible to discuss the higher - level implications of the Review and its Conclusions and Improvement Recommendations. This should involve senior planning management and

should preferably be convened and chaired by an independent and impartial party.

3.0 OVERALL CONCLUSIONS AND COMMENTS

3.1 It has been my pleasure to carry out this short, focused review for Orkney Islands Council and I will be happy to brief relevant members of staff, councillors and customers on the key findings and proposed improvement areas as directed by the Interim Chief Executive.

3.2 I would also be pleased to offer any further support and guidance to OIC on further developing any of the aspects I have identified for improvement or any other related topics which may subsequently be identified by OIC.

1. Planning staff had been made aware that a few applicants had been in direct contact with the Interim Chief Executive and they felt that the information provided on several occasions regarding timescales and performance levels had been adequate to address any industry concerns.
2. The planning staff were originally concerned about the content and nature of the review which was undertaken at short notice and they felt it was not communicated to them properly and this affected staff morale. At the start of the review the Interim Chief Executive met with the planning staff and senior management to set out the terms of the review and he answered questions posed by the staff. The timing and detail of the review process was obviously outwith my direct control, but I adopted a personal, open and honest approach from the outset to put everyone at their ease.
3. Despite the initial staff wariness and concerns, I hope I have managed to allay these fears during the conversations we held and to present a fair and balanced review of some elements of their positive work ethic and approaches, including how well they perform overall, the quality and added - value they bring to the planning outcomes they achieve and their passion and commitment to working in a challenging workload context.
4. For applicants and agents, their frustrations with the planning process and individual transactions resulting in delays and re-working and additional costs, are understood and appreciated. Although these applications are not the norm in terms of timescales or approaches, I hope I have accurately identified the concerns and frustrations from these planning customers which were brought to the direct attention of the Interim Chief Executive.
5. The Improvement Actions I have identified will, individually and collectively, assist in better project management of OIC applications, better targeted focus on housing applications, and resources support for

the Planning Service. In addition, better staff/customer interactions are highlighted, coupled with some process and procedural adjustments to further enhance existing areas of good practice.

6. I consider that immediate attention needs to be paid to the updating and review of the Service Workforce Plan to pick up on the earlier issues raised on salary scales, career progression spans, and recruitment processes within the Planning Service.
7. For the Council moving forward I see the key challenges as continuing to foster and develop the “Team Orkney” culture and approach initiated by the Interim Chief Executive, which is achieved by services working better together, even within the same Directorate, and not against each other, with an effective senior management and leadership clarity of focus on the OIC project ambitions and aspirations.
8. The customer relationships between planning staff and a few of the regular applicants/agents needs to be reset to the behaviours and standards which were previously achieved and referred to by all of those I met.
9. Regular opportunities for joint dialogue and wider stakeholder forums can assist in this rebuilding process and give improved confidence to both parties. Improved approaches to documentation on Design Guidance, Housing Layouts, and Pre-Consultation opportunities will assist in this important change process, particularly if this involves joint discussions with selected applicants and agents.
10. It is obvious to me that everyone is attempting to work effectively together for the benefit of Orkney and its communities but there will always be instances when matters take a different turn to what is expected. Although some of the cases examined were extreme in terms of the timescales taken, details requested and relationships appear to have broken down in part, it is clear to me in the wider view that thankfully these occurrences are rare and can be better managed in the future with appropriate support and collaborative working. All the participants I spoke with want this outcome to be achieved.

Finally, I would like to extend a thank you to all the participants who assisted me in the review process for their clarity, clear views and evidence, and their collective wish and desire to improve processes, procedures and relationships which ultimately made by job a lot easier to carry out.

The full review Report report, including the evidence base, case studies, conclusions and improvement actions is formally submitted in the separate Part 2 Report, for the careful consideration and assessment by the Orkney Islands Council. In particular, I hope that the recommended Improvement Actions will find support and endorsement and will be implemented in due course to further strengthen the clearly articulated aspirations and ambitions of the Council

APPENDIX 1- THE AGREED PROJECT BRIEF

1.1 The agreed brief is to work directly to the Interim Chief Executive who is seeking an independent and external review of elements of the planning service, primarily associated with developer interactions, in order to validate the approaches taken and to identify any areas for potential improvement in the context of experiences and best practice identified in other parts of the country.

Methodology to be adopted

1.2 Specifically, the brief had to include the following assessment areas:

- Direct engagement and meetings with key developers/applicants and agents — list provided at inception meeting
- Direct engagement with key planning officers
- Direct engagement with the chair and vice chair of the Planning Committee
- Review of planning applications to consider the approach adopted in engaging with developers in terms of proportionality and outcomes which were achieved. Case studies to include major applications e.g. Cairston Road, Stromness, Sub-station, Finstown (national), Carness housing development, Kirkwall, Stronsay Fish farm sites, Costa Head windfarm, Hesta windfarm, Balfour Hospital
- Consider planning advice provided to applicants in terms of consistency of opinion and advice provided to applicants. Access to key documents will be provided, including groups engaged by the Planning Service
- Review of the interpretation of development brief planning guidance to advise on whether this is proportionate or whether it could be streamlined. A case list for review to be agreed.
- Review of approach to preparing and engaging with developers/applicants on development briefs through case studies
- Review of the engagement by the planning team to engage and other council services in the delivery of project outcomes e.g. the house build,

including Carness, quarry extension, community wind project, Glaitness Primary school extension, and former bus station demolition

- Review of the approach to pre-application advice and interaction with developers/applicants including comment on the value which is added through this process, including the provision of the total number of pre-application advice cases, and case study of Walliwall, Kirkwall
- DESK top study of planning performance levels/trends for last 5 years as evidenced in published Planning Performance Frameworks and covering letters from SG to CEOs. e.g. Is Orkney performing well on paper against national targets and the Scottish average
- Details of Orkney Councils self-identified improvement measures, with an assessment of how well they have been fully implemented?
- A comparison of performance and service quality with other Councils
- A review of the services resourcing levels in comparison to other councils to establish if the service is appropriately resourced for the known workplan, in relation to recruitment and retention of staff, including comparison of salaries for equivalent posts in other councils, and whether the posts allow for career progression

Expected Outcomes

1.3 The outcomes from the research and interview phases is to be a concise report providing an opinion on the overall approach of the Orkney planning team in terms of its interaction with the development sector and other council departments and producing evidence of any strengths and/or weaknesses in the approaches adopted. The report includes recommendations for the Council to consider for any necessary improvement actions and procedural changes.

Timeframe

1.4 The project brief was discussed orally in February and the key issues were itemised. The main research phase commenced on 2 March 2020 following a first meeting with the Interim Chief Executive and the report is to be completed by no later than Monday 30 March 2020.

APPENDIX 2 - READING AND REFERENCE LIST

Orkney Best Value Assessment Report, Accounts Commission/Audit Scotland, December 2017

Local Government Benchmarking Framework Report, 2019

Orkney Local Development Plan, Adopted, April 2017

Development Briefs and Design Statements, Planning Policy Advice, June 2017

Orkney and other Scottish Council's annual Planning Performance Frameworks

Internal Audit Report-Capital Programme Slippage, 14 November 2019

Planning Committee- Agenda Papers and Reports

National Benchmarking Overview Report 2018/19

Planning Authority Performance Statistics, Scottish Government Annual reports

National Records of Scotland (NRS) Council Area Projections, February 2019

NRS- Mid Year Population Estimates Mid 2018

Workforce Planning, Report to the HR Sub-Committee, May 2018

Housing Land Audit, Orkney Islands Council, 2019

Strategic Housing Investment Plan (SHIP) 2018/2019 – 2022/2023, August 2017

Complaints Handling Procedure, Version 1.7, December 2018

Key Facts and Figures, Orkney Islands Council, 2019-2020

Letter from Kevin Stewart, Minister for Local Government, Housing and Planning to Chief Executive “Planning Performance Feedback”, 11 February 2020.

Workforce Planning – Report to the Policy and Resources Committee May 2018

Probity and the Professional Planner, RTPI, April 2020

APPENDIX 3 – ACKNOWLEDGEMENTS AND LIST OF INDIVIDUAL CONTACTS AND CONVERSATIONS

I am grateful to the councillors and staff of the Orkney Islands Council who were very welcoming and supporting. Their knowledge and insights were much appreciated, and they have brought a reality and authenticity to the report.

The customers of the planning service who spoke to me were forthright and challenging and their comments and issues were articulated well.

All of the conversations I had were open and honest and showed a strong commitment to Orkney and a desire to getting things done.

Jointly there was an obvious and collective passion and commitment to work together in partnership in a positive manner and for the benefit of the Orkney communities.

I appreciated the candour and rigour shown by these contacts which have contributed to a rounded and balanced report.

I extend my grateful thanks to all the following participants,

Orkney Islands Councillors

James Stockan, Council Leader

Rob Crichton, Chair, Planning Committee

John Ross Scott, Vice - Chair, Planning Committee

Orkney Islands Council Staff

John Mundell, Interim Chief Executive

Gavin Barr, Executive Director, Development and Infrastructure

James Wylie, Executive Director, Education, Leisure and Housing

Roddy Mackay, Head of Planning, Development and Regulatory Services

Jamie Macvie, Planning Manager

Margaret Gillon, Senior Planner

David Barclay, Senior Planner

Sweyn Johnston, Strategic Project Director

Planning Customers

Stephen Kemp, Orkney Builders

Richard Flett, Development and Properties Manager, Orkney Housing Association

Sam Sweeney, Bracewell Stirling, Architectural Practice

Stephen Omand, Chartered Valuation Surveyor

Craig Macinnes, Property Manager

APPENDIX 4 – Jim Birrell Independent Consultancy Services

Jim Birrell provides an independent consultancy service, specialising in planning and environmental services, public sector management, service reviews, research and survey work for the public and government sectors, and also staff training and development requirements.

Separate consultancy services manage these activities where he is the sole operator. He does however have personal access to an extensive network of professional contacts and contributors who can assist in any specialist work areas.

Jim has a proven track record of achievements in these fields based on 45 years' experience in local and central government environments. He is well respected amongst his peers and his views and comments are often sought out from other organisations and researchers.

Prior to retirement in 2015 Jim has held a variety of senior posts in Fife, including Director of Planning and Building Control, Depute Chief Executive and Head of Planning. In addition, Jim has held a host of professional and voluntary roles across a variety of interests and disciplines.

8 years ago, Jim was the lead architect of the Planning Performance Framework which is nationally recognised and used by all Scottish Planning Authorities and endorsed by the Scottish Government.

In the last 3 years Jim has produced a series of influential research and survey reports for both Scottish Government and Heads of Planning Scotland, including Planning Fees, Planning Performance, the Impact of Increased Fees for Major Applications, and Planning Reforms, including the Planning Bill.

Jim is a chartered town planner by profession, and he sits on the Royal Town Planning Institute (RTPI) Scottish Executive Committee. He is also a Director and Board member of Fife Historic Buildings Trust and currently he sits on the Scottish Government/COSLA Ministerial High-Level Group on planning performance.

Currently Jim is contracted to Heads of Planning Scotland (HOPS) as a part-time Project Manager dealing with the planning reforms agenda and new Planning Act and related workstreams. He is also Lead Officer on a research survey for the Scottish Government looking at the relationships and liaison between planning and education services in Scottish councils which is ongoing.



AN INDEPENDENT, EXTERNAL REVIEW TO IDENTIFY THE HIGH-LEVEL CHALLENGES FACING THE COUNCIL IN DEVELOPMENT DELIVERY, CUSTOMER ENGAGEMENT AND OVERALL PERFORMANCE, EFFICIENCY AND REPUTATION.

PART 2 REPORT – EVIDENCE REPORT AND CASE STUDIES - CONCLUSIONS AND RECOMMENDATIONS

**Report to John Mundell OBE, Interim Chief Executive
Orkney Islands Council
March 2020**

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PREFACE

This is an independent, external review of elements and interactions in the Planning Service with a central focus on customer care aspects, performance levels, and relevant internal and external practices and procedures. It looks at timescales, best practice, complaints and concerns, and also looks at added value in negotiations. The staffing resources, salaries and planning workloads are also examined.

The outcomes from the report include 43 Topic Conclusions, 10 Key Conclusions and 19 Improvement Recommendations for consideration by the Council and a clear recognition of the issues raised around developer interactions and engagement and the current negotiating culture.

A critical part of the review is to assess the relationship between Council investment and delivery aspirations and the procedures for customer negotiations and timescales, project management and inter-service working.

The review is not an in-depth investigation, inspection or audit but a focused, high level overview of the topics identified in the Project Brief, agreed with and finalised by the Interim Chief Executive. All of the topic areas included in the report would benefit from further detailed assessment and analysis, but I contend that the salient points and issues raised are sufficiently evidenced, robust and adequately covered off.

The assessment findings, conclusions and recommendations set out in the Report should be read within the wider context of the Brief which was necessarily selective and limited in the numbers of external and internal customers who were interviewed. There was also a time constraint of 4 weeks for the finalisation of the report which was challenging.

Quotes in *red* set out in the Report are real quotes made to me during my visits but none of them are attributed to any of the individuals I met, as I previously agreed with them.

I am particularly indebted to the applicants, professional agents, councillors and Orkney Council staff whom I met, who were all friendly, welcoming and both forthright and forthcoming in their conversations with me.

These conversations have provided a wealth of informed views and comments which I have attempted to capture. However, any errors or misinterpretations deduced from the individual comments made to me and included in the report are mine and mine alone.

I consider the Review to be fair, accurate, balanced and proportionate, and I hope it provides the required assessments and re-assurances the Council expected, and it suggests improvement actions for the Council to consider and reflect upon as it continues to advance its own ideas and aspirations for the next few years.

INITIAL OBSERVATIONS AND IMPRESSIONS

The initial observations and impressions which I formed at the very start of the project from the introductions and conversations I had were,

- Orkney Islands Council (OIC) is the smallest council and planning authority in Scotland with a population of 22,190 in June 2018¹ but its size and remoteness are significantly outweighed by its vision and ambitions to be a leading global player in the fields of marine engineering, technology and innovation, wind power and energy to name but a few
- The Council has substantial financial reserves for its size and compared to other councils but still has to manage budget pressures and reductions and service efficiencies
- It is a Council which *“punches well above its weight”* in national and international matters.
- There is, however, a need to protect the reputational risk to the Council for *“over promising and under delivering”* in the context of reduced investment levels in the future for housing projects and other areas of spend within the Capital Plan
- The Council structure is set out on traditional lines, but it appears disproportionate to the scale of the services required in Orkney
- A supportive and collaborative political structure is evident and councillor/officer relationships are strong and positive
- Dedicated service teams and Directorates are operating within challenging financial and operating circumstances and budget disciplines.
- There are diseconomies of scale which can marginalise the impacts services can achieve
- The Planning Service is *“small in size but big on ambition “with* a clear focus on achieving successful environmental outcomes, which have been externally recognised at national level
- The Planning Service performs at a high - level and provides an overall quality service to customers
- The geographical remoteness of the islands has led to difficulties in recruiting candidates at senior professional levels and filling vacant posts, and this is exacerbated by comparing the salary and grading differentials for mainland posts
- A very limited number of formal customer complaints are submitted annually

¹ www.nrsscotland.gov.uk – Population estimates time series data

- A small number of concerns have been raised recently, directly with the Interim Chief Executive, relating to timescales, negotiations, consistency of advice and added - value benefits
- I detected an obvious desire from all parties to embrace identified improvement actions and a willingness to co-operate with the review process and contribute ideas and suggestions for consideration
- There is a perception within some parts of the Council that there is *“service separation”* and a *“lack of effective communication channels”*

1.0 INTRODUCTION

1.1 The focus of the review report is to identify the high-level challenges facing the Council in development delivery, customer engagement and overall performance, efficiency and reputation recently brought to the direct attention of the Interim Chief Executive (ICE).

1.2 The report is not about apportioning blame on any individual service or person but taking a broader, more holistic approach to set out Improvement Actions for consideration by the ICE and the Council.

1.3 Despite the short time allocated to the review and the relatively limited selection of case studies, and range of internal and external customers interviewed, the process has proved to be proportionate and balanced and it has provided a broad body of evidence to present robust and defensible conclusions and pinpoint business critical areas for Council consideration and improvement. This evidence base is presented in the Part 2 Report.

1.4 The clear, priority areas of concern identified by the ICE on behalf of Orkney Islands Council were,

- Delivery slippage on major Council projects and outcomes, particularly in meeting housing targets and timescales
- Consequent threats to future funding and investment from Council partners and funders, including the Scottish Government
- Reputational risks to the Council and perceptions of under - performing
- A number of customer facing matters which raised concerns about timescales, negotiation tactics, re-working of details and associated costs
- Comparisons with other Councils in terms of resources, workloads, and processes and procedures
- Interpretation of planning advice, the benefits of negotiation and added value, and the consistency of planning advice from planning officers

1.5 The simple methodology identified and jointly agreed to assess these concerns was clarified at the outset of the commission and included,

- Direct engagement with applicants, agents and councillors, including the Chair and Vice Chair of Planning
- Direct engagement with selected senior staff in the Council, and meetings with the Planning Service, and particularly the Development Management Team

- Desk- top study and research into areas of performance and quality, customer care and engagement, benchmarking comparisons with other appropriate councils, and reviews of nationally published data sets
- An assessment of case studies selected by the Council to provide an external view of the evidence to corroborate or challenge the issues identified by customers

1.6 Although the Part 2 report has been structured into separate topic sections to reflect the Project Brief, it is clear to me on reflection that this is a somewhat artificial approach in respect of the undoubted relationships and synergies between the single topics. The report therefore has to be read across in a comprehensive manner to appreciate the relationships between the cross-cutting issues and the cumulative impact of the proposed recommendations.

2.0 PLANNING STAFFING AND RESOURCES

Scope of Brief

2.1 A review of the Planning Service resourcing levels in comparison to other Councils to establish if the Service is appropriately resourced for its known workplan, in relation to recruitment and retention of staff, including comparisons of salaries for equivalent posts in other councils and whether the posts allow for career progression

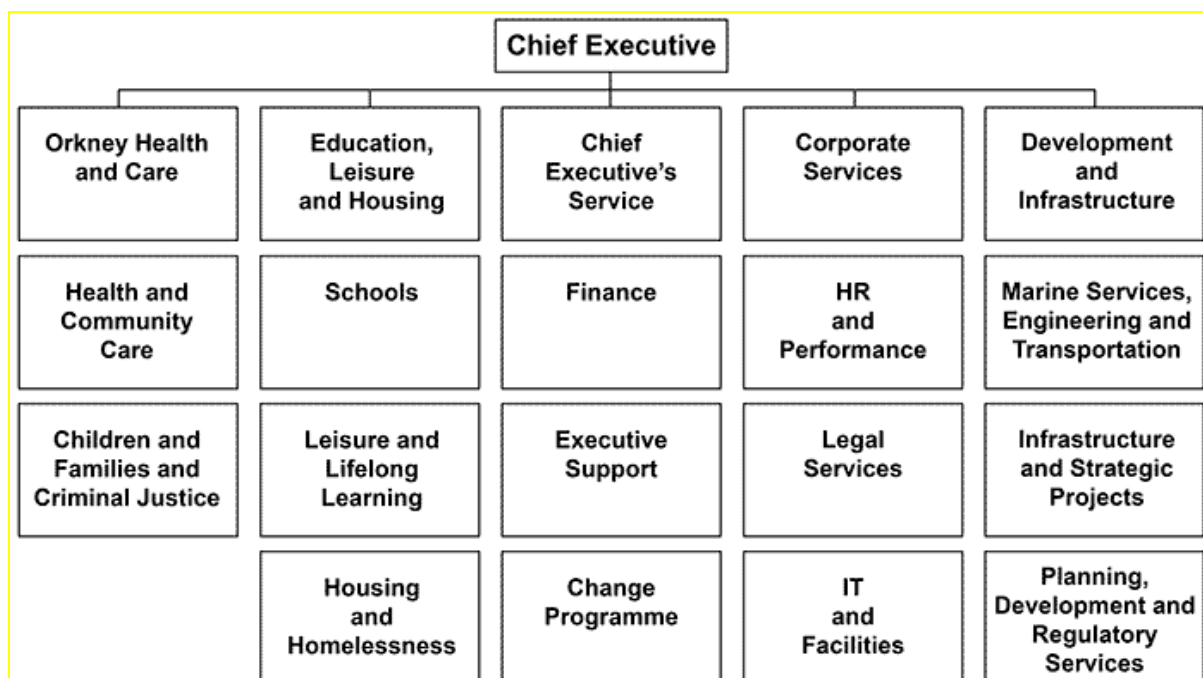
Methodology

2.2 A desktop study of relevant papers and external reports, interviews with planning staff, and comparative statistics from other councils.

Key Findings

2.3 The Planning Service is incorporated within the Planning, Development and Regulatory Service, which also includes Building Standards, Environmental Health, Economic Development, Business Gateway, EU and Leader Programme, Regeneration and Trading Standards.

Figure 1 - Orkney Council Structure



Source – Orkney Council website

2.4 Recent discussions and decisions to introduce the statutory role of Chief Planning Officer in the Planning Act (Scotland) 2019 re-emphasise the critical

corporate role which planning, and the Chief Planning Officer should be involved in. It is a leadership and enabling role at the “top table” to lead, challenge and innovate on key Council visions and project areas to ensure effective land use and infrastructure co-ordination with an overall emphasis on quality of place and design.

2.5 Although revenue spend on the planning account is a relatively small amount of overall Council spend, this is a strategically important area for the Council in terms of the future development of and use of land across Orkney. An efficient, well-functioning planning service plays an important role in facilitating sustainable economic growth and delivering high quality development in the right places, in both rural and urban environments.

2.6 Although there has been a modest increase in the number of posts over the last 2 years, staff numbers remain relatively low with a total headcount of 19, excluding the Head of Planning. The planning structure operates along traditional lines with 2 main teams, covering Development Management (DM) and Development and Marine Planning.

2.7 I noted that in previous years there have been budget cuts and staff savings made and in these times of austerity and the budget challenges facing all councils it is difficult to maintain never mind increase staffing levels.

TABLE 1 Planning Staffing Levels, 2014-2019

Planning Activity	2014/15	2015/16	2016/17	2017/18	2018/19
Development Management	9	9	9	5	10
Development Planning	10	9	9	5	9
TOTALS	19	18	18	19	19

Source: Planning Performance Frameworks, 2014-2019

2.8 The Council’s small-scale staffing resource 1743 FTEs² in the last quarter in 2020 has inherent staffing challenges. For all Council services it is self-evident that the loss of a few staff can have an amplified effect on the capacity of teams and the skills range, particularly when individual officers have the sole lead and knowledge of an area of work. This is particularly acute in the DM team where the Planning Manager is responsible for a very wide workload span. The current approach to “growing your own “is to be encouraged and supported. This approach can be strengthened by reviewing salary levels and grades and

² Orkney Council HR and Performance, Corporate Services

considering lengthening the grade spans to encourage professional career aspirations from assistant planner, to planner, to senior planner etc. but any such review has to be undertaken within the existing overall corporate context and hierarchical tiers and structures, taking cognisance of relevant policies and procedures set out by COSLA, Single Status and Equal Pay requirements.

2.9 Although it is not within my remit to undertake a detailed review of staffing structures it is immediately clear to me that the DM team, which is my primary focus in this review, operates at a minimal level and this raises serious concerns,

- Limited capacity for staff to participate in external/mainland discussions as days away from the office have to be protected to maintain service and customer standards. This also holds true for being able to “share services” with other adjacent planning authorities
- All chartered planners have an annual 50 -hour commitment to Continuing Professional Development and opportunities to fulfil this must be maximised by the Council
- The staff work in a small, integrated team environment, which has many advantages for knowledge sharing, mutual support and briefings but does not have the breadth of experience or expertise for specialist work, such as Environmental Impact Assessments
- The Service now uses an environmental consultant for the larger more complex cases particularly involving EIA applications, and I would advocate that this specialist resource is retained, even if staffing levels are increased as per my recommendations
- The workload for the senior officers is high and runs the risk of “professional burnout” and absences from work
- There is no scope for differentiating application types, such as Minor, Major, Fast Track and Council Projects, which is common in other councils as the workload is distributed amongst the single Team.
- Junior staff are carrying out duties above their pay grade

2.10 Notwithstanding the above concerns, as set out in the Performance and Quality section, the Council performance levels are maintained at a high level and match or better the Scottish averages.

2.11 There are substantial and fluctuating variations in planning costs across Scotland, ranging from £1,048 to £8,817 in 2018/19. While rural authorities continue to spend less on average than urban and semi-urban authorities, this

difference is no longer statistically significant (£3,686 compared to £4,733 and £4,420 respectively).³

Salary comparisons

2.12 Comparisons of salary ranges and differentials is always an area fraught with difficulty both internally within the Council, and also with external comparisons with other councils. Salary differential and fairness issues have been raised by the staff and although I have not evidenced significant variations in comparing salary grades across Scotland, Orkney is placed at the bottom of similar salary grades. There are obvious constraints on Orkney, due primarily to its small population base, and its relative remoteness from the mainland. This leads to a situation where all the Council salaries are set lower than the national averages for equivalent posts and the recruitment levels, in terms of both numbers and quality can be artificially compromised.

TABLE 2 Comparison of recent external council salary levels

Council	Post	Starting salary	Top salary
Dundee	Principal Planning Officer	£42,215	£46,206
Orkney	Planning Manager	£41,170	£44,984
Inverclyde	Senior Town Planner	£38,603	£40,976
Orkney	Senior Planner	£34,454	£37,154
Highland	Planner	£35,362	£38,656
Western Isles	Planning Officer	£35,068	£38,256
Shetland	Natural Heritage Officer	£34,967	£36,531
Glasgow	Woodland Project Co-ordinator	£34,842	£40,978
Scottish Borders	Planning Officer	£34,545	£37,757
Midlothian	Planning Officer	£34,376	£37,588
Angus	Strategic Policy and Planning Officer	£33,170	£37,820
Fife	Planner	£32,944	£36,473
West Dunbartonshire	Planning Officer	£31,096	£33,943
Edinburgh	Planning Officer	£30,563	£36,499
Orkney	Planning Officer	£30,184	£33,961
Highland	Ecology Assistant	£27,518	£31,012
Fife	Planning Assistant	£25,980	£32,944
Cairngorms	Graduate Planner	£25,823	£30,209
Edinburgh	Assistant Planning Officer	£25,623	£30,563
Scottish Borders	Assistant Planning Officer	£25,001	£31,571
Highland	Graduate Planner	£24,133	£27,118
Orkney	Planning Policy Support Officer	£18,851	£20,585

Source: Survey data from Planning Service – advertised posts in media-2019/2020

³ National Benchmarking Overview Report, 2018 /2019

2.13 Further to this national snapshot of salaries it is more relevant to look at the comparative salary levels within the Island Councils as set out in Table 3 below.

TABLE 3 - Similar salary comparisons with Islands Councils

Technician/Business Support/Support - Validation, consultations, representations, document management, decisions.	
Orkney	£18,851 - £21,761
Shetland	£24,500 - £25,600
Western Isles	£24,103 - £27,127
Graduate Planner/Planner - Planning graduate but no experience, other degree with some experience, not chartered planner	
Orkney	£26,790 - £29,709
Shetland	£31,411 - £32,898
Western Isles	£27,527 - £30,944
Senior Planner/Chartered Planner - Significant experience, chartered planner (MRTPI)	
Orkney	£34,436 - £37,064
Shetland	£38,632 - £40,428
Western Isles	£34,839 - £38,027
Planning Control/Enforcement	
Orkney	£26,790 - £29,709
Shetland	£31,411 - £32,898
Western Isles.	No current post equivalent

Source: Planning Services, Orkney Islands Council

2.14 Obviously, I am not in a position to review any single post in the Planning Service as I do not have access to the detailed job profiles and job descriptions. During discussions with the staff, however, I was made aware of a recent review within the Directorate for the post of Engineering Services Manager on a salary scale of £52,229-£57,886. On the face of it the job purpose and details look very similar to the post of Planning Manager which has a salary grade of £41,151-£44,966 but this is entirely a matter for the Council to consider within the wider corporate context.

2.15 It also has to be emphasised that the technical staff on Orkney carry out planning application casework, which is not the case elsewhere and there is a far greater disparity in their salary levels.

2.16 The structure of these services is different, and the duties carried out by staff do not match exactly across all 3 planning authorities but comparing the job specifications does enable fair comparisons to be made.

2.17 The important point to be made here is that all 3 Island councils face the same issues around staff recruitment and retainment set against similar workloads, but both Shetland and Western Isles Councils reacted to that situation by reviewing salary structures and career gradings.

TABLE 4 - Workload comparisons with similar councils

Council	Local	Household	Housing	Major	EIAs
Orkney	237	108	119 (66%)	2	3
Shetland	110	54	60 (18%)	0	2
W/Isles	253	68	120 (63%)	1	0

Source: Latest Council Planning Performance Frameworks, 2018/2019

Staff recruitment

2.18 A recurring theme running through my conversations with planning staff was staff recruitment. For example, the Planning Control Officer Post (Enforcement) is currently vacant and has been for the past 2 years. ***“our geographical remoteness and lower salary levels have been key reasons for the lack of interest in advertised posts”***

2.19 Recognising the unusually high workload pressures experienced over the last few years a 2- year temporary Planning Officer/Senior Planner post was established in September 2019 but after 3 rounds of recruitment this crucial post remains vacant.

2.20 I noted that the planning Service recently advertised for 3 posts in a national UK publication⁴ for planners and there are candidates suitable to be interviewed. Some of these posts are re-advertisements e.g. Enforcement Officer post which has been vacant for some time. This followed on from an instruction from the Interim Chief Executive following discussions with senior management about delays in the processing of certain major applications and the need to identify additional resources.

⁴ The Planner Magazine, February 2020

Social media impacts

2.21 Due to the intimate, small scale nature of the Islands and the fact that there is a level of familiarity and close ties and relationships which is particularly keenly felt in the Development Management Team, the practices of the press and within social media have provided challenges for the staff particularly when they are placed under the spotlight and erroneous allegations are made and personalised. As one member of staff told me,

” It feels like we are under the microscope all the time. The Team sometimes feels threatened and undermined when personalities are identified and erroneous rumours are put in the public domain ”

2.22 These types of experiences can undermine the morale of the Team and the individual staff concerned and management and the wider Council needs to be supportive and take formal action where necessary.

2.23 The recent addition of audiocasting at all Committees can exacerbate this issue when third parties’ comments are broadcast on Orkney radio without any context or ability for responses to be made.

2.24 I would expect all such issues to be raised in writing and discussed with senior management levels in a timely manner as appropriate.

Planning Staffing and Resourcing Conclusions

1. Planning services in Orkney are delivered by a small team of staff. The Development Management (DM) Team in particular has a staff headcount of only 9 carrying out all statutory work on planning applications and enforcement, as well as license, notifications, assessment applications and many other related processes.
2. The breadth of the workload is comprehensive and challenging and there are no specialist officers or teams to deal with complex major applications, Council investment projects or Environmental Impact Statements etc. All applications are simply allocated within the team and there are obviously inherent limitations in this approach.
3. Overall, I consider that the Planning Service staffing levels are low, and this can inevitably compromise the workload allocations and leave the Service and Council vulnerable when staff vacancies and absences occur. It is also not a sustainable, long-term approach to delivering a high-quality planning service.
4. Staff numbers have been relatively stable over the last 5 years, but vacancies have proved difficult to fill, primarily due to geographical

remoteness and salary differentials - the vacant Enforcement Officer post in particular has caused difficulties as the workload has had to be absorbed by the Manager who is already operating beyond capacity.

5. Within a small team it is difficult to take time out of the office to engage with mainland authorities in areas of best practice, benchmarking and peer review and this difficult situation can only partly be compensated for by video and audio conferencing, media blogs etc. Mandatory professional Continuous Professional Development (CPD) requirements are being met but staff confirmed ***“this is becoming increasingly challenging”***.
6. There is an increasing emphasis being placed within the Service on ***“growing our own”*** and this needs to be encouraged together with clearer career grades and progression routes to provide internal promotion opportunities. This both motivates staff further and improves staff morale at a time when workload pressures are high and increasing.
7. Salary gradings and career progression spans are limited, and this adversely impacts on staff/team morale, and ultimately on career development opportunities for further professional and career advancement.
8. There are areas of workload pressures where the DM Team do not have the specialist experience to deal with matters in - house e.g. Environmental Impact Assessments, and these currently require to be contracted out to consultants. (This practice is not exclusive to Orkney)
9. Identifying existing gaps in skills and experience should be assessed as a matter of priority to reduce staff burdens and exposure – some staff are operating beyond their post remits and levels of responsibility, particularly at junior level. It may well be that a Training Needs Analysis or similar approach needs to be undertaken within the Development Management Team in consultation with the Human Resources Service in line with recommendation SAR1 outlined below on the Service Workforce Plan.
10. Serious matters raised by staff about excessive media exposure, adverse publicity, including the release of personal matters, need to be reported to senior management in writing and investigated formally in accordance with the relevant Council policies and procedures when they occur.

Improvement recommendations for Council consideration

SAR1 – The Planning Service needs to continue to further develop and expand the detailed Planning Service Workforce Plan to fully include and consider as requested in the Council’s Workforce Planning Report⁵

- Future planning workforce needs
- Current and future capacity levels
- Competitive and proportionate career grades and salary levels and placings, compatible with overall Council salary levels and grades
- Progression opportunities for all DM Staff
- Recruitment Processes
- Areas where specialist skills are not available

SAR2 – The Council needs to assess and consider the possibilities and opportunities for additional staff specifically in the following 3 priority areas:

- **Housing Applications** – Key Project Management Skills allied with RTPI Membership
- **Environmental Impact Assessment** – Short term use of contracted specialist consultants to continue but consider appointment of environmental/specialist planner with appropriate experience and skill levels to assist with this area of work and to complement the specialist advice.
- **Capital Plan Projects** - The appointment of an experienced planner to assist with Capital Plan Projects and major commercial investment proposal, including windfarms, located within the appropriate corporate team – I suggest this post should be located in the Infrastructure and Strategic Projects Team within the Development and Infrastructure Directorate to ensure separation of roles from the Planning Service to avoid any confusion or conflict.

SAR3 - The DM Team should self-identify areas of workload where it can reduce or minimise workloads without compromising on the quality of outcomes or professional and statutory duties e.g. the excessive use of Development Briefs and micro-managing housing applications

⁵ Workforce Planning – Policy and Resources May 2018

SAR4 - Planning staff, and indeed all other Council staff, need to be advised of the informal and formal processes available to them when unjustified and inaccurate social media and comments are posted online and in the newspapers and broadcasts on the radio from committee meetings. The staff need to be formally supported by senior management and the relevant Council services, when serious media issues are raised by staff

3.0 DELIVERING THE CAPITAL PLAN AND PROGRAMME

Scope of Brief

3.1 Review the engagement of the planning team and other Council services in delivery of project outcomes

Methodology

3.2 Interviews with senior Council officers, desk study of relevant Council papers and external reports and review of submitted case studies.

Case Studies

3.3 The following case studies were agreed by the Council to assist in the identification of different forms of engagement and the issues identified during the various planning processes

House build projects, including Carness
Quarry extension
Community wind project
Glaitness PS extension
Garden House extension
Former bus station demolition

Key Findings

3.4 Orkney Island Council (OIC) has benefited from a strong financial position for many years but the Council is acutely aware of its changing position and challenging financial position and the need to manage its Strategic Reserve Fund in a longer term, sustainable manner.

3.5 The Council is ambitious, with clear strategic and regional goals coupled with high expectations for the timeous delivery of Council projects, encouraging innovation and investment in new technology. Its primary aim is to deliver efficient and effective services and facilities to the communities within Orkney.

3.6 There is however a serious mismatch between these high-level ambitions and the recent record of delivery on the ground, particularly in relation to housing targets. This has had consequences and negative impacts in terms of the continuation of external housing investment streams and it **runs the risk for the Council of a negative and reputational risk environment being created and sustained.**

3.7 This position was well summarised in the Best Value Assessment Report by Audit Scotland in 2017⁶ which stated that,

“The Council’s comfortable financial position has allowed it to be ambitious in agreeing its capital programme for a number of years. However, the desire to invest heavily in capital projects, including new buildings and transportation infrastructure, has been difficult to fulfil due to limited capacity. This has resulted in the Council having a history of slippage that is not completing (or commencing) capital projects and applying the budgets within the planned timeframes”

3.8 A recent internal audit report⁷ on Capital Plan Slippage in November 2019 however reports that,

“the audit provides adequate assurance that the processes and procedures relating to Capital Programme Slippage are well controlled and managed”

but despite this assurance, the report goes on to say that the Planning and Design Stage (Stage 1 of 6 stages, and the crucial first stage in the project management cycle) **accounts for a staggering 80% of the Council’s slippage.**

3.9 The report sets out the common factors identified at this initial planning stage leading to an under-estimation of the time and requirements to carry out and fulfil Council projects. These were,

- Preparation of detailed planning applications with various required statements
- Reports and assessments
- Building Regulation approval
- Landowner negotiations
- Public consultation
- Adequate scoping of the overall project
- Designs completed later than expected
- Formal permission to start being received from the appropriate funder
- Awaiting completion of dependent pre-project work

3.10 Obtaining planning permission and building warrant approval are key statutory consents which the Council as applicant require to obtain. **Early discussions and engagement with both teams is an essential pre-requisite in**

⁶ Best Value Assurance Report, Accounts Commission- Audit Scotland, December 2017

⁷ Orkney Council Internal Audit Report, November 2019

any project planning process and needs to be both encouraged and promoted as best practice and formally included in Council processes.

3.11 I was particularly pleased to note that the recent audit report included a recommendation relating to seeking pre-application advice and requirements from the Planning Service and these should be detailed within the agreed client specification documents where planning consent will be required. I will expand on that and will set out recommendations for further improvements to service joint working for the Council to consider at the end of this section.

Delivering the Capital Plan and Programme Conclusions

1. There is a clear recognition within the Council that effective management of the Capital Plan, and particularly the slippage trends, is a critical corporate issue which affects project delivery to communities and the reputation of the Council. It also runs the risk of losing future external funding.
2. The Planning Service has a key role to play in assisting and supporting internal Council processes prior to planning applications being submitted to ensure the successful delivery of Council projects.
3. The Council structure has been downsized in recent years, but it is similar to many other Councils, including much larger Councils, as it still requires to deliver the broad range of statutory and non-statutory duties and other specialist areas of activity disproportionate for its size as Scotland's smallest local authority.
4. There are only 3 Directorates involved in delivering the Capital Plan, but the relevant spans of control can lead to an impression of departmental **“silos”** which can hinder effective cross-service and partnership working, particularly in the overall project management of the Capital Plan.
5. I feel that the Council culture of development delivery is curtailed by a lack of prioritisation and **“ownership”** and to me there has to be a more shared and corporate “Team Orkney” approach on the processes around the Capital Plan, which is being successfully championed and promoted by the Interim Chief Executive in other areas of Council activity.
6. Areas such as early officer engagement, pre-application consultations, pragmatic and proportionate project management, senior management

leadership of the Capital Plan and a holistic appreciation within the Council of realistic timescales for delivery and especially the obtaining of statutory consents, such as planning permission and building standards approval, are all critical elements for immediate attention.

7. Surprisingly, the Planning Service is seen by other services and individual officers as a *“burden”* and *“unhelpful”* and is not recognised as the key element in the whole project and delivery process. The Council has to prioritise the need for an integrated approach and model its internal processes and relationships accordingly.
8. The wider corporate Council and Service Departments have to recognise and respect the discrete and separate roles performed by the Planning Service as an internal Council service, and the Council in its role as the Planning Authority.

Improvement recommendations for Council consideration

CPP1 - An internal, cross-service protocol needs to be introduced which clearly sets out the roles, relationships and responsibilities of the Council, where it is acting jointly or individually as developer, investor, applicant, agent and planning and building control authority. This should include, as a minimum standard,

- Formal record of pre-application discussions and preferably a formal Planning Application Consultation (PAC)
- Identification of Validation Requirements, both legal validation and professional validation, to ensure a timely, competent and quality submission is made by the Council
- A combined Planning and Building Control Customer Checklist would assist in this process.

CPP2 – In addition to Recommendation CPP1 above, the Council needs to implement and incorporate the Internal Audit Recommendation 1⁸ re pre-application advice and detailed requirements being included in agreed client specification documents.

CPP3 -The Senior Management Team (SMT) should have a focused Capital Plan meeting monthly to be aware of project progress and reasons for any

⁸ OIC Internal Audit Report, Capital Programme Slippage, 14 November 2019

slippage. Key officers, including the lead planning officer, should attend this meeting to advise SMT on remedial and intervention measures required to maintain progress and timetable targets.

CPP4 – The Council should carefully consider and assess who fulfils the role of the Chief Planning Officer (as set out in the new Planning Act as a statutory requirement) and maximise the opportunities for participating in the SMT discussions on capital projects and wider corporate developments and environmental matters linked to community planning, place- making and health and well-being.

4.0 CUSTOMER CARE AND DEVELOPER ENGAGEMENT

Scope of Brief

Review of the interpretation of Development Brief Guidance
Review of the approach to pre-application advice and developer interactions
Overall customer care standards and approaches

Methodology

A desktop study of relevant papers and external reports, interviews with senior planning officers, and a few agents and applicants.

Key Findings

Customer Care

4.1 The Council has a strong commitment to providing guidance to all applicants at the earliest stages in the planning process. This includes officer availability in person at the planning reception desk, Monday to Thursday 09.00-10.00 and 16.00-17.00. Several other councils have removed this level of service in recent years, and although it is temporarily suspended due to the COVID-19 situation, it is a service which should be retained by the Planning Service as the face to face contact is advantageous to both staff and applicants and helps with early application advice and guidance.

4.2 Pre-application discussions are promoted by the service and last year the level of pre-application discussions was 63% for all applications, which was slightly lower than the previous year at 68%.

4.3 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.

4.4 In 2018/19 the Council received 3 formal complaints about the Planning Service, two relating to possible maladministration in the planning process (neither upheld) and one relating to the Council not taking appropriate enforcement action following a possible breach of a planning condition (upheld). Formal complaints to the Scottish Public Services Ombudsman (SPSO) over the last few years have been at a very minimal level.

4.5 Elsewhere in the report references are made to some recent informal complaints, raised directly with the Interim Chief Executive, from the development sector relating to several planning applications. On the face of it these issues appear to me to be relatively minor in nature and reference differences in professional opinion, protracted timescales and too much

attention to fine detail. They are assessed in more detail in Section 8 - Case Studies. Ultimately, and despite difficulties and delays negotiations between the parties have ultimately proved successful in the main and planning permission has been granted.

4.6 I was pleased to note in the current Planning Performance Framework document for 2018-2019, which is submitted to the Scottish Government on an annual basis as the Council's "planning report card" further elements being introduced by the Service to further improve customer quality and care e.g.

- To aid quality of written pre-application submissions to Development Management, a pre- application form has been developed with a specific page created on the Council website. The form is in an accessible format, and guidance is provided on the multiple ways for the information to be provided.
- A "Validation Checklist" is also provided 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.
- A proposal to provide validation training for local agents has been delayed due to "staffing pressures" but **I see this as a priority area for the service to further enhance its engagement with customers and to clarify information requirements in advance.**
- 6 monthly Development & Infrastructure Managers Away Days are held to improve cross- service communication and awareness of cross cutting projects and professional capabilities.
- Since June 2015, the Council audio casts committee meetings through its website, increasing the community's access to the Council's decision-making processes. Committee agendas, reports, minutes and audio files are all available on the Council's website.

Development Briefs and Design Statements

4.7 The Council has set out a structured approach for assisting applicants in submitting applications for planning permission.

1. The Orkney Local Development Plan (OLDP) provides the policy framework and land allocations for dealing with planning applications efficiently and with certainty.
2. Supplementary Guidance is produced for given policy areas and subjects when highlighted in the OLDP.
3. Planning Policy Advice (PPA) provides further information and advice on policies and issues. This includes Development Briefs and the following related guides

- Design Statements for Individual Buildings
- Site Development Statements-Informing document prepared by the applicant
- Development Briefs-Submitted in advance of planning application and approved by Elected Members. Notified to the Scottish Government and if satisfied becomes Supplementary guidance.
- Masterplans

4. Development Management Guidance (DMG) provides advice on technical issue and the interpretation of given policies. These are generally prepared by Development and Marine Planning staff and require Committee approval.

4.8 This hierarchical approach seems to be quite complex and complicated for customers to comprehend fully and it relies on the applicants and agents engaging with Planning Services at the earliest opportunity to identify what level of detail is required for submitting a particular planning application.

Customer Care and Developer Engagement Conclusions

1. The Planning Service clearly runs a high - quality operation which is externally recognised. It is a small service in resource and staffing terms, but it is responsible for a wide range and complexity of applications.
2. My limited, personal experience of the Team finds that it is motivated, positive, professional, passionate about planning and importantly, operates within a ***“self-supporting environment”***.
3. It is to the credit of the Planning Service, which has no specialist staff at its disposal, that such high levels of professional standards have been set and achieved. Overall, my impression is a positive one and the Council has a Team which is energetic and thorough and evidently committed to achieving successful and positive environmental outcomes for the communities in Orkney.
4. Nevertheless, there are some operational and customer concerns about the over - use of Development Briefs and related supplementary guidance set out in the Local Development Plan. These concerns need to be clarified and streamlined to assist applicants and reduce unnecessary workloads for the planning staff.
5. There are clear and demonstrable elements of good practice within the Planning Service relating to customer accessibility and openness,

and evidence of the added -value and benefits successfully achieved through negotiations with applicants.

6. Although the range of selected case studies was a small sample of the total application workload , they provided a wealth of detail about planning processes and culture, relationships between the parties and the common problems experienced in all planning authorities relevant to non-valid submissions, inadequate information, time delays in submitting requested information, and the time required to negotiate successful outcomes.
7. Relationships between Council services are based on different experiences, but a senior manager confirmed that, *“some inter-service relationships are poor as planning is seen as being negative and holding things up”*
8. The normal customer service levels provided to applicants by the Planning Service is high, but a few customers have raised relevant concerns about key aspects of the planning process, particularly different officer viewpoints being expressed, impractical suggestions being made for improvements to be made which were not feasible, the time taken for decisions to be issued and views on micro-management and the expression of seemingly *“personal rather than professional opinions”*. This allegation was specifically raised with the Interim Chief Executive in relation to the progress being made on the Cairston Road site, Stromness (Case Study 3) and senior management confirmed to him that the case officer involved was expressing a professional planning opinion and not a personal opinion. The Royal Town Planning Institute (RTPI) Code of Conduct makes it clear that other chartered planners may hold a different view and it is legitimate to do so.
9. This is always a disputed area in planning discussions, but it is worth remembering that all chartered town planners must follow a specific Code of Conduct which requires RTPI members to adhere to five core principles, namely:
 - **Competence, honesty and integrity** – Members must take all reasonable steps to maintain their professional competence throughout their career; and should be honest and informed by appropriate technical inputs in carrying out their duties;

- **Independent professional judgement** – Members must exercise fearlessly and impartially their independent professional judgement to the best of their skill and understanding;
- **Due care and diligence** – Members must discharge their duty to their employers, clients, colleagues and others with due care and diligence;
- **Equality and respect** – Members must not discriminate on grounds including but not limited to race, nationality, gender, **sexual orientation, religion, disability or age**;
- **Professional behaviour** – Members are expected at all times to conduct themselves in such a manner that does not prejudice their professional status or the reputation of the RTPI.

10. Planning is often a controversial area to work in and deliver successful outcomes and every decision made can satisfy some parties and upset other parties in equal measure. Sometimes matters cannot be satisfactorily resolved to everyone's satisfaction. Despite all the efforts made and there always will be differences of opinion especially on design proposals, and matters can get complicated and frustrating where there are differences of opinion and interpretation and the Planning Service has the final deciding position.
11. One applicant confirmed that ***“I do not feel like I am being treated as a customer as the Planning Service dictated to me and did not listen to my viewpoint”***.
12. None of the planning - related issues I was asked to assess, and the evidence provided to me, indicates that there are major or critical Council interventions to be made. **This is not a failing service, quite the opposite, but it does need some fine - tuning adjustments to be made to some practices and procedures and it needs to rebuild confidence levels with some regular customer interactions and relationships.**

Improvement recommendations for Council consideration

CCS1 - The focus in future Planning Performance Frameworks (PPFs) should continue to feature effective progress being made in the areas of “Quality of Service and Engagement” and “Culture of Continuous Improvement”. This focus would be strengthened by taking an inclusive, not internal, approach with selected, key stakeholders involved in formulating future improvement actions.

CCS2 - The Planning Service should introduce a Planning Customer Survey so that applicants can formally comment on quality of decision- making and raise any issues they experienced with their applications. This should then provide a focus for future service changes and improvements to accommodate the concerns raised.

CSS3 - The Royal Town Planning Institute (RTPI) has recently published guidance on “Probity and the Professional Planner”⁹ to help planners confidently use their independent professional judgment and I recommend that this practical advice is disseminated to the chartered planning staff to guide and support them in negotiating situations with applicants.

⁹ Probity and the Professional Planner, RTPI
www.rtpi.org.uk/probity

5.0 PLANNING PERFORMANCE AND QUALITY

Scope of Brief

5.1 What are the planning performance levels and trends over the last 5 years as evidenced in the published Planning Performance Frameworks and covering letters from the Scottish Government to the Chief Executive?

Is Orkney performing well on paper against national performance targets and the Scottish average?

What further improvement actions have been identified by the Council?

A comparison of performance and service quality with other councils

Methodology

5.2 A desktop study of relevant performance papers and external reports, interviews with senior planning officers, and a few agents and applicants.

Case Studies

5.3 A wide variety of case studies are submitted in the annual Planning Performance Frameworks and these will be referred to where appropriate to evidence planning achievements and outcomes on the ground and what added value and negotiations have been delivered on behalf of the Council and its communities.

Key Findings

5.4 The Council operates an efficient and high performing Planning Service which is consistently operating at or beyond the Scottish national average for planning application determinations.

5.5 The key performance indicators measured by the Scottish Government clearly show,

- Consistently high approval rates (96%) and delegated levels (94%) averaged over the last 5 years, resulting in faster decision making and demonstrating a positive pro-development attitude.
- A real and demonstrable emphasis on aspects of design, place making, protection of the historic environment and attention to detail.
- Customer use of pre- application services operate at a high level – 5- year average of 67% of all planning applications received.

5.6 It is a well-respected service which has won both Scotland and UK wide national awards and external recognition. The Council won the overall award at the 2017 Scottish Awards for Quality in Planning for its Team Stromness project which featured a Council-wide task force to coordinate several distinct

regeneration projects within the historic core of the town. The feedback from the judging panel was that:

"Team Stromness was an exemplary Urban Design Framework delivering on the ground. The Council's passion to see Stromness modernise whilst maintaining its historical elegance was to be congratulated."

It won in all 4 categories of Partnership, Place Plans and Process confirming the integrated teamwork undertaken by the Planning Service.

5.7 The Council also won the Excellence in Planning for a Successful Economy category and the overall award of the Silver Jubilee Cup at the RTPI Awards for Planning Excellence in 2018 for its Team Stromness project. **This is recognised as the highest level of planning award in the UK.** The judges' citation read,

"This innovative, collaborative approach to regeneration has successfully delivered high-quality public realm works and landmark civic buildings. The distinctive architectural language established through the modern works has successfully influenced private developments out with the initial project area and the endeavors of 'Team Stromness' has culminated in the recent multi-million-pound investment to create the Orkney Research and Innovation Campus on another redevelopment opportunity site identified within the Local Development Plan. When considered against the wider accomplishments of 'Team Stromness', the delivery of a new primary school and new commercial pier, the regeneration effort has been a great success"

5.8 The winning of these national planning awards, confirms that, despite its small size, the staff in the planning team with their Council colleagues and community partners can deliver projects of excellence and high quality

5.9 The Scottish Government provides independent, annual feedback on each council's planning performance levels in terms of statistics and outcomes. In February this year SG provided its formal response on the year 2018-2019 in a letter to the Interim Chief Executive and Head of Planning which is very positive. Under the Red, Amber, Green (RAG) assessment ratings Orkney had 11 Green indicators and 2 Amber indicators and no Red indicators. The positive areas covered,

- Decision-making timescales
- Use of processing agreements
- Early interactions and pre-application service with applicants and consultees
- Continuous improvement

- Regular and proportionate policy advice
- Corporate working across council services

5.10 Some of these areas do feature in this review for assessment and confirm the position that overall planning service provision is in good order, but there will always be events and occurrences at the micro - level which raise specific issues and concerns.

TABLE 4 - KEY PERFORMANCE STATISTICS 2014-2019

	2014/15	2015/16	2016/17	2017/18	2018/19
Major Applications	1	1	0	0	2
Av timescale weeks	7	24	N/A	N/A	32.6
Major Housing	1	0	0	0	0
Local housing/2 months	67	60	68	68	79
Local housing weeks	6.7	6.7	6.5	6.3	6.8
Local housing 2 months+	51	50	35	44	40
Local housing weeks	12.6	12.5	12.6	12.7	11.5
Pre- Applications	68%	71%	67%	68%	63%
Delegated Rate	92%	92%	93%	96%	96%
Approval Rate	97%	95%	96%	96%	96%

Source - The data has been extracted from the Council's annual Planning Performance Frameworks (PPFs)

Planning Performance and Quality Conclusions

1. Overall the Planning Service operates a high-quality and a high-performing service as demonstrated by recent national awards and published planning performance data.
2. Measured against all the Scottish Government's performance targets and key markers Orkney performs well and often performs better than the Scottish average.
3. The Council approval rates - 96%, and delegation levels - 96% for planning applications are high and further demonstrate the importance of delivering positive planning outcomes in a timely fashion.
4. There is a real and demonstrable emphasis placed on aspects of design, detail, place-making and protection of the built and natural environment.

5. This, however, has to be proportionate and balanced as some customers refer to excessive detail requirements and elements of “*micro-managing*” applications.

Improvement recommendations for Council consideration

PAQ1 – Overlapping with Recommendation CCS1, continue to further develop and expand the elements set out in the PPF process with particular focus on Quality of Service and Engagement and Culture of Continuous Improvement to fully include and consider:

- A better balanced and proportionate approach to pre-application discussions and processes
- Use of Added - Value Codes or similar when assessing planning outcomes on each decision made

6.0 EVIDENCE BASE – OVERALL ASSESSMENT OF THE CASE STUDIES

6.1 The project brief requires a series of 14 case studies to be assessed which were identified for me by Orkney Islands Council. In addition, I decided to add in a further 2 case assessments identified by me following an accompanied walk about tour in central Kirkwall. These were identified by me because I was impressed by the quality of design achieved and I wanted to identify the role of the Planning Service in negotiations and also the key discussions and negotiations with the applicant. Coincidentally, both sites were developed by the applicants/agents I have interviewed.

6.2 A total of 16 case studies have therefore been identified to inform this report and to set out achievements, outcomes and issues raised. In the time period for the brief I have not been able to visit all the case study sites but I have visited, the Gin Distillery, Former Free Library, Carness, Walliwall, Cairston Road, the former bus station, Balfour Hospital, new Orkney hospital, Garden House and other housing sites and areas.

6.3 I have viewed all the applications online and discussed the relevant details and history with staff and applicants/agents I have also had copies of Council documents, including letters and e-mails, between planning staff and applicants. The overview approach is limited in as much it does not enable me to gauge the live interactions, frustrations conversations and phone calls which took place during the processing of these applications.

6.4 This assessment section is therefore not a “blow by blow “account of each application or a forensic assessment of the planning application file and correspondence. I did receive detailed correspondence and e mail trails from applicants/agents and whilst I have had regard to them the primary purpose of the assessment is to take a broad overview of the case files and assess the key issues which were identified and any relevant implications for both the Council and the applicant/agent.

6.5 The Case Studies are intended to evidence key elements of the concerns outlined by planning customers, applicants, agents, developers and the Council relating to,

- Engagement with developers and services
- Degree of proportionality
- Outcomes and Added Value achieved

- Consistency of officer advice and opinions
- Value of pre-application advice
- Quality of application submissions

Personally Selected Case Studies

1. Craft Distillery and Visitors Centre, Kirkwall – Application 16/162PP
2. Kirkwall Free Library

Council Selected case Studies

3. Erect 13 houses at Cairston Road, Stromness – private sector housing
4. The Finstown substation - 19/113/NATEIA
5. Carness housing - 15/461/PPMAJ and 18/533/PP – OIC housing application
6. Walliwall Housing applications – private sector housing
7. Stronsay fish farms - 19/124/MAR - private sector commercial
8. Costa Head wind farm - 16/580/TPPMAJ -
9. Balfour Hospital - 16/295/AMCMAJ
10. Cursiter Quarry extension - 19/143/PPMAJ – OIC industrial
11. Quanterness wind farm - 20/037/TPPMAJ
12. Glaitness Primary School extension - (19/381/PP - withdrawn) - 20/067/PP - OIC education
13. Garden House extension - (19/241/PP - withdrawn) - 19/365/PP -
14. Former bus station demolition - (19/271/PP - withdrawn) - 20/048/PP - OIC transportation

6.6 A standard summary template has been used to assess the 12 sites identified by the Council identified in the Project Brief and all the case studies are set out below.

Case Study 1

Planning Application 16/514/PP

Erect a building to house craft distillery, visitor centre and associated storage sheds, Ayre Road, Kirkwall

Site Overview:

A new gin distillery was proposed at a former warehouse site in central Kirkwall, within the designated Town Centre and close to the boundary of Kirkwall Conservation Area. The warehouse was located between relatively modern flats to the east, another warehouse, a nightclub and a hotel to the west. The site is in a prominent, harbourfront location on one of the main routes into Kirkwall town centre.

The site is at risk of surface water flooding, requiring a raised floor level, above that of the adjoining footway. However, it was a planning requirement that the building was located immediately at the back edge of the footway to maintain the existing historic building line, so there was no space for a ramp or steps.

It was also a planning requirement that the building be of a simple form, and proportions of narrow gables and steep pitched roofs to reflect existing neighbouring buildings. Innovative or contemporary materials and detailing were encouraged, within that more traditional building envelope, including materials that would reflect the former industrial use of the site. It was apparent that the quality of design of this site could influence any future redevelopment of the adjacent site.

Planning Goals:

- Facilitate redevelopment of a redundant site in the town centre.
- Encourage new development following strict design principles of building lines, and building form and proportions
- Encourage the use of innovative design and materials, in conjunction with traditional form.
- Create a facility for residents and visitors, within the town centre.
- Create employment, through production and staffing the visitor experiences.
- Improve the public realm.

Planning Gain and Added Value Outcomes:

The building was designed immediately on the back edge of the footway, as required.

To overcome the height difference with the footway, a solution was negotiated with the roads authority that a parking bay was removed immediately in front of the building, allowing a section of the footway to be graded up to door threshold level, and as part of the negotiation of allowing that, the footway was widened and the remainder laid with flagstones to match the footways in the adjacent conservation area. Level access was therefore achieved without affecting the building footprint, and whilst improving public realm.

The scale relates to neighbouring buildings, and is based on a main gabled section, with the roof line continuing to the rear, but with a different cladding material to emphasise the traditional gable shape. A through-coloured fibre sheeting was used to clad the walls, with extensive glazing, dark framed windows and doors, and a black corrugated metal roof. Storage buildings to the rear were also clad on walls and roof with the same corrugated metal, echoing the former industrial use of the site.

- The rear yard has been enclosed with a stone boundary wall, and planting has been carried out.
- An electric car charging point was also installed, adding to the network of points in Orkney.
- The development has resulted in a building of high-quality architecture on a redundant site in the centre of Kirkwall, creating employment and an additional facility for residents and visitors.
- It sets a high bar for quality of development on neighbouring sites, and has achieved level

Photo 1 – The Orkney Distillery



Source: Planning Application File

Report Assessment: An excellent example of positive engagement between Council services, and the applicant/agent to create a modern building in a sensitive historic environment. Positive response to the Development Brief from the applicant and clear public realm benefits. A proportionate response to the range of issues and clear added value and benefits. Applicant, agent and planning staff worked well together to deliver an excellent modern building which sets the standard for other such redevelopment opportunities in this area of Kirkwall.

Case Study 2

Planning Application 16/308/PP

Change of use to form gallery, café and restaurant, music venue and erect side extension, internal and external alterations, Former Library, Kirkwall

Site Overview:

This application comprised the former Kirkwall Free Library, modern flat roofed extensions, demolish house to the rear and refurbish the library and librarians house. The proposal also included change of use of the former library to a shop with gallery spaces

Planning Goals:

- Traditional and sympathetic re use of existing Listed Building
 - Modern, well designed extensions which do not detract
 - Accommodate a music venue and restaurant at rear with no impact on frontage and minimum impact on neighbours at rear.
- The physical alterations to the former library

Planning Gain and Added Value Outcomes:

The physical alterations to the former library are executed in great detail and attention to historical heritage features, including replacement of Norwegian slated roof, metal signs, black iron rainwater goods.

A disused, former library building on a prominent frontage has been successfully restored

Report Assessment:

This is an excellent example of appropriate and proportionate attention to design detailing. Full compliance with LDP Policies and the requirements set out in the Supplementary Guidance - Urban Conservation Areas Management Plan and Listed Buildings and the Orkney Local List.

Design Statement by applicant.

This building and its sensitive design sets a high standard for others to follow.

PHOTO 2 – Former Free Library redevelopment, Kirkwall



PHOTO 3 – Extension to former Free Library, Kirkwall



Case Study 3

Planning Application 19/376/PP

Erection of 13 houses at Cairston Road, Stromness

Site Overview:

The site is identified in the LDP for housing with a notional capacity for 5 houses. It is a vacant site within the established settlement pattern of Stromness. No obvious physical features or external constraints to development. The site is in an identified Flood Risk Area and required the submission of a Site Development Statement to comply with the Stromness Urban Design Framework.

Planning Goals:

Professional planning assessment of the planning application
Provision of much needed housing within Stromness
Resolution of all technical and policy issues
Compliance with the LDP and related supplementary guidance
Acceptable levels of residential amenity

Planning Gain and Added Value Outcomes:

No significant planning gain or added value. The time taken to negotiate on this application and the correspondence became excessive.
Resulted in unresolved dispute between the Council and the applicant/agent

Report Assessment:

On the face of it this was a simple and straightforward site to develop for housing with very few design and layout alternatives available to the applicant.

The site was allocated in the LDP for a notional capacity for 5 houses, but the site is physically capable of taking between 10 and 15 houses depending on house types and density.

There were 3 houses formed a grouping at the south end of the site laid out in an offset manner to take advantage of harbour views which proved to be contentious with the Planning Service.

The Developer chose to design the site layout to ensure, as far as is practicable, a sea view for the 3 properties at the end of the cul-de-sac but the case officer decided that this was unacceptable preferring re-orientation of these houses towards the access road. The Developer disagreed because the potential “off-plan” buyers were only interested in purchasing subject to the sea view and this therefore created a risk of withdrawal from purchase/loss of sales.

It is worth noting that pre-application advice was provided in line with a subsequent request for amendment and it was an applicant decision not to follow that advice. This issue became an unresolved issue between the developer and the planning case officer which led to the removal of the 3 houses from the original application.

This was a reasonable compromise to reach in all the circumstances, but it simply delays the resolution of the 3 houses - indicated by the red dotted line in the Indicative Site Plan below.

The timescale to determine the application was not considered to be excessive.

I anticipate the submission of an additional application for the remaining 3 houses which will require to be separately assessed and presumably considered by the Planning Committee. If the application is refused the applicant will have a formal right of appeal to the Department of Planning and Environmental Appeals

Referral to the Chief Executive and senior leadership levels should not have been required to resolve matters but it was a serious matter for the applicant to raise.

There should have been an opportunity for an open and honest discussion between the parties on the possibilities of accepting the additional 3 houses, which I believe were already pre-ordered by customers off-plan from the planned layout to achieve views of the bay.

I consider that an alternative design solution may well be possible and feasible. It could actually benefit the overall residential layout by making a design statement at the end of the internal road, subject to any technical constraints on that part of the site and having interesting elevations on all sides.

PLAN 1 - INDICATIVE SITE PLAN AND LAYOUT, CAIRSTON ROAD, STROMNESS



Source: Planning Application file

Case Study 4

Planning Application 19/113/NATEIA

Erection and operation of a 220/132KV substation – a platform area, electrical infrastructure and buildings, plant, landscaping and construction compound area

Site Overview:

The development site lies to the south west of Finstown
Agricultural land

Planning Goals:

Professional planning assessment of the planning application
Compliance with the National Planning Framework 3 and the LDP
Protection of the site and local environmental quality

Issues raised:

A variety of planning issues identified, including,
Complexity of the application
Assessment of the technical and environmental data, including Environmental Scoping and Screening
Public meetings required
Assessment of 10 objections

Planning Gain and Added Value Outcomes:

Always seen as a balance between economic and environmental factors
Boost to the Orkney economy without compromising the quality and integrity of the landscape and wider environment

Report Assessment:

This was a complex and contentious proposal to assess and required expert inputs and specialist services coordinated by the planning staff.

It was a nationally important development and a crucial project for Orkney in both economic and energy terms

**As this was a National Project it required robust and forensic assessment
The decision had to be taken by the Full Council and it was granted conditional approval by 10 votes to 4.**

A particular feature of this application is the limited capacity within the Planning Team to deal with an application of this complexity without sacrificing time and capacity for other workloads. Despite this the application was very effectively project managed by the planning staff

Case Study 5

Planning Applications 15/461/PPMAJ and 18/533/PP Erection of 46 houses at Carness, Kirkwall

Site Overview:

Former agricultural land on the outskirts of Kirkwall.

Allocated for housing development in the LDP- 35 houses- notional capacity
OIC ownership and housing proposal, via a Design and Build tender process
OIC is the applicant

Planning Goals:

Professional planning assessment of the planning application

Compliance with the LDP policies and supplementary guidance

Delivery of Orkney Council housing as part of the Capital Plan and Strategic
Housing Investment Plan (SHIP)

Negotiate planning gain and added value where possible

Issues raised:

Timescale to resolve the site layout issues relating to an adjacent Scottish Water
Pumping Station – submitted in September 2015 but not yet determined- 4 years
plus

Noise and residential amenity issues

Inability to comply with normal residential noise levels at edge of site housing

Land ownership on the site- it was not all owned by the Council

Planning Gain and Added Value Outcomes:

No decision taken as yet so application is still being assessed

Housing layout and house designs are all acceptable and create a good quality
local environment

Successful negotiations took place with the planning officers who were able to
allow the construction of some houses prior to the noise issues being alleviated
in order to fulfil part of the housing land release for the Council.

The phased approach adopted to the layout initially but may need to change the
final housing numbers if the noise attenuation solution is not totally resolved.

Report Assessment:

**There was an excellent Design Brief prepared for the site by planning staff
with a clear focus on placemaking principles and connectivity**

**I am not sure why the critical noise issue was not detected an earlier stage
in the planning process or even at project inception stage - No indications
are provided on the online file.**

**If the negotiations here prove to be impracticable or become unresolved an
alternative housing layout to mitigate the noise issue may be required**

which will further escalate the time this project has taken and may also reduce the number of houses proposed.

I remain unsure as to who actually has the ultimate responsibility to resolve the situation with Scottish Water, but I assume it is a joint SW/OIC improvement which should have been prioritised earlier to meet housing and housing investment targets.

There was also an issue relating to separate land ownership interests within the site, which should never have occurred at the planning application stage. This was entirely a matter for the legal input to the Capital Plan project team to resolve.

Case Study 6

Planning Application 19/071/PP

Erection of 15 houses, roads and Associated landscaping, Old Finstown Road, Kirkwall

Site Overview:

Redundant farmland

Allocated in the LDP for housing- part of site K5

Planning Goals:

Professional planning assessment of the planning application

Compliance with the LDP and related policies and guidance

Residential environment and design of houses and layout- integrated design solution

Landscaping and SUDS provisions

Issues raised:

Part of a wider residential allocation in the LDP

Different sites developed out by different developers

No apparent overall Masterplan for the entire site – this is Phase 6

Legitimate non -valid letters issued re scale and site boundary- requirement for a solid red line application site boundary on the plans

No pre-application discussions with OIC as applicant found the process unhelpful

Looks like a “catch up “process as sites all developed separately

Different advice from different officers

Officer preferences for active road frontages

“Too much planner interference and use of personal design preferences”

Planning Gain and Added Value Outcomes:

Application not yet determined

Report Assessment:

This was a straightforward site to develop, allocated in the LDP, but lengthy timescales were experienced and there was detailed conversations and correspondence on design and layout matters

No recent activity appears online on the file since March 2019- Applicant preparing a Development Brief – but correspondence has taken place.

Appears to be delays by the applicant between March and December 2019

Case Study 7

Planning Application 19/124/MAR

Create salmon fish farming site, Mill Bay, Stronsay

Site Overview:

Mill Bay is a large and relatively shallow bay open to the North Sea 900 metres off the coast of the Bay

Planning Goals:

Professional planning assessment of the planning application which is a specialist area of expertise

Compliance with the LDP and related policies and guidance

Protection of the site and local environmental quality

Special marine environmental and nature interests

Minimise landscape and visual impacts

Issues raised:

Formal screening and scoping-17/477/MARSS- November-December 2017
Compliance with National Marine Plan and 14 related policies and Scottish Planning Policy

Detailed EIA report by specialist consultants- Cooke Aquaculture Scotland

Objections from Orkney Fisheries Association and RSPB

Habitat Regulations Appraisal required to be carried out by Planning Service

Planning Gain and Added Value Outcomes:

Sensitively located fish farm

Detailed controls for wildlife and vermin

Possible future need for on shore facilities

Report Assessment:

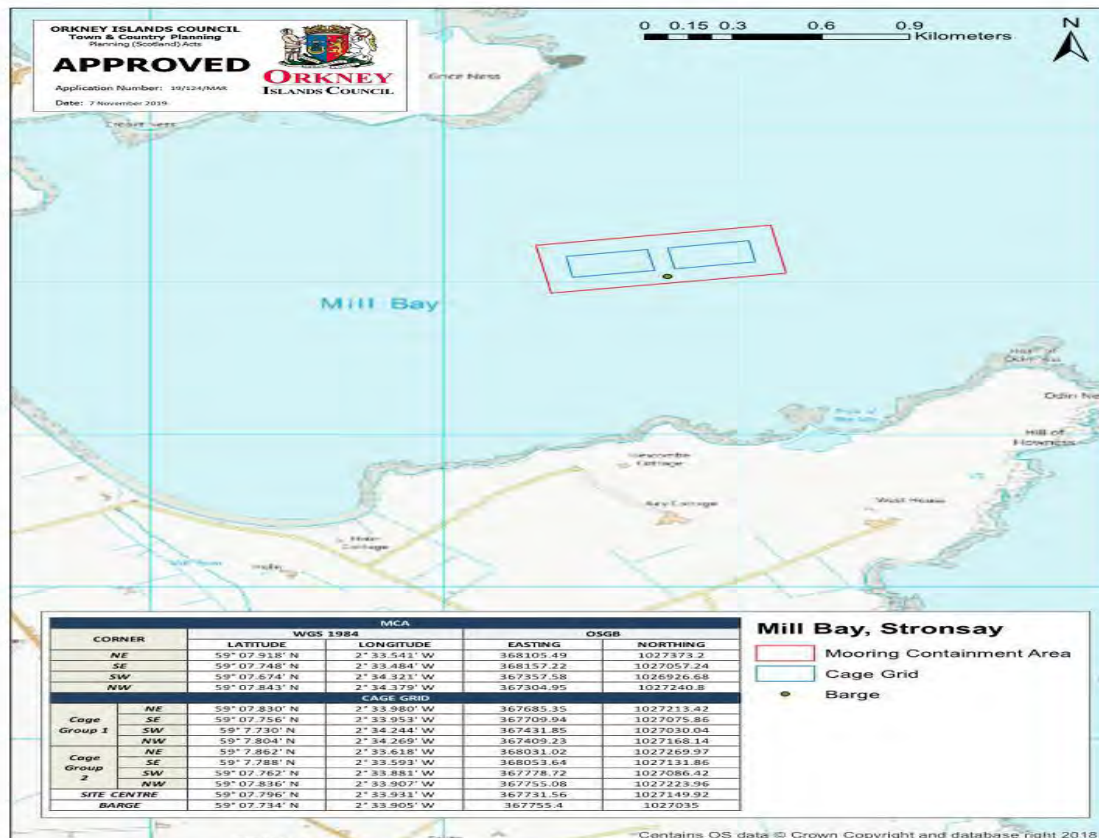
This application was validated in March 2019 and determined in November 2019, with a start on site of March 2020.

It was a Planning Committee decision which supported the officer's recommendation for conditional approval.

Specialist consultations were involved including, European Sites and Habitat Regulations but the application was thoroughly and comprehensively assessed by officers

A very thorough, comprehensive and competent assessment of a specialist application

PLAN 2 – Site Plan for Stronsay Fish Farm



Source: Planning Application file

Case Study 8

Planning Application 17/083/TPPMAJ

Siting of 5 wind turbines and associated roads and infrastructure, Hesta Head, South Ronaldsay

Site Overview:

Agricultural land

Planning Goals:

Professional planning assessment of the planning application

Compliance with the LDP and related policies and guidance

Protection of the site and local environmental quality

Landscape and visual amenity considerations

Issues raised:

Assessment of major planning application – 358 documents on file to be assessed

Subject to EIA

Environmental Statement assessed

Letters of objection and support

Officer recommendation for refusal

Planning Committee decision to refuse application

Applicant appealed to DPEA and application was conditionally approved

DPEA concluded that the proposal accorded with the LDP and there were no other material considerations to alter that decision

There were significant impacts, but they were considered to be acceptable

Positive net economic benefits

The planning officer report confirmed that the recommendation was a finely balanced one between the economic benefits and adverse environmental and residential impacts

Different weightings could be applied by the decision maker i.e. The Planning Committee

Planning Gain and Added Value Outcomes:

Minimal environmental impacts

Net economic benefits

Report Assessment:

This application is similar to the Costa Head application for 4 wind turbines at 125 metres high- 16/580/TPPMAJ except planning officers recommended conditional approval and the Planning Committee refused the application.

The application was appealed to the DPEA who conditionally approved the application. Again, the judgment was one of significant but acceptable impacts and compliance with the LDP.

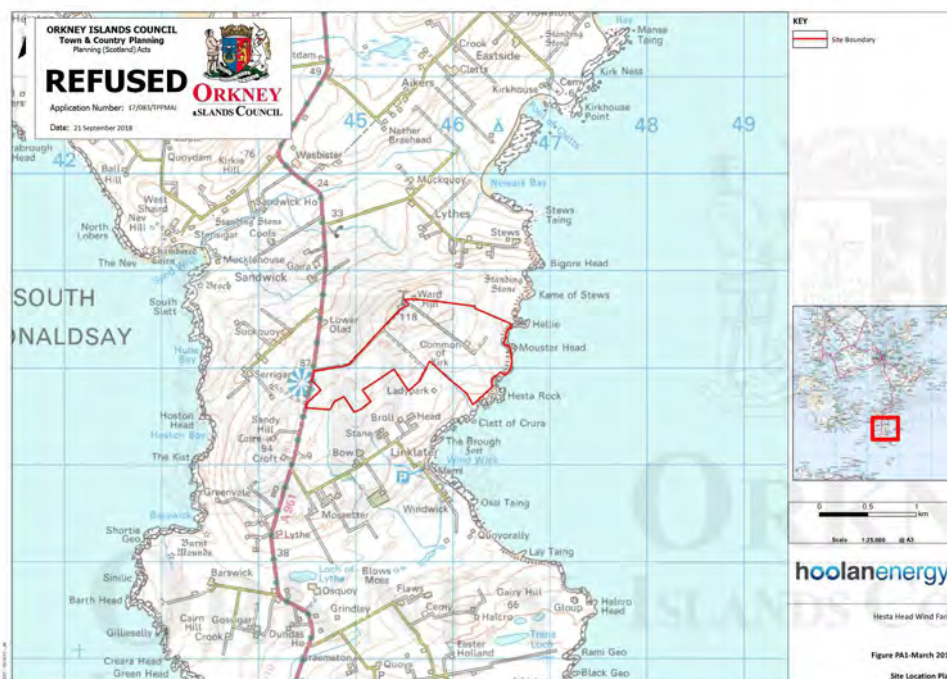
The application was validated 6 March 2017, determined by Council on 21 September 2018 and a decision issued by DPEA on 18 April 2019 - 2- year process from start to finish

This was a major, complex application with lots of supporting information and data to assess and consult others on.

Full consideration of all the issues was undertaken by the Planning Service and a proportionate and balanced approach commensurate with the status and complexity of the proposal was taken.

Ultimately a balanced assessment was taken by all parties, albeit with different final outcomes by the DPEA.

Plan 3 – Site Plan for Hesta Head Windfarm



Case Study 9

Planning Application 16/295/AMCMAJ

Erection of a health care facility, associated infrastructure and landscaping, New Scapa Road, Kirkwall

Site Overview:

Edge of settlement boundary
Agricultural land

Planning Goals:

Professional planning assessment of the planning application
Compliance with the LDP and related policies and guidance
Minimise residential amenity issues
A modern, well designed facility

Issues raised:

Major application for assessment
152 documents submitted on planning file
29 policy constraint considerations
2 objections to resolve
Previously agreed in principle - 14/100/PIPMAJ
Design considerations were paramount
Architectural and Design Scotland submitted detailed design comments for consideration
Planning Committee report on 9 November 2016 - validated 18 July 2016 and decision issued on 6 December 2016. Very fast and efficient processing time

Planning Gain and Added Value Outcomes:

A new modern health facility for Orkney

Report Assessment:

This was a very detailed assessment of the design and impact issues and it certainly benefitted from the work carried out by planning staff on the earlier Planning in Principle consent.

The final outcome is a very positive one providing a modern, well - designed health facility for the Orkney community.

The whole application process was handled quickly and efficiently despite the complex nature of the proposal.

Plan 4 – Site plan for proposed health care facility, Kirkwall



Photo 4 – Photo image of proposed new health care



Case Study 10

Planning Application 19/143/PPMAJ

Extend quarry, continued extraction of stone and landscaping, Cursiter Quarry, Firth

Site Overview:

Existing operational quarry

Lengthy legacy of quarrying activity established on the site

Planning Goals:

Professional planning assessment of the planning application

Compliance with the LDP and related policies and guidance

Protection of the site and local environmental quality

Effective noise and pollution controls

Traffic controls and management

Ensure adequate controls for protected species

Minimise adverse environmental impacts

Safeguarded area for minerals and waste facility

Issues raised:

Planning history back to May 2017

Operation of tar plant without planning permission

82 documents accompanying the planning application

Full EIA submission by AECOM

Complex major planning application

Resubmission application validated on 11 April 2019 and still awaiting a decision

Deficient noise information

Formal Stage 2 complaint to OIC from Director of AECOM on behalf of OIC, the applicant

Scheduled to be determined at March 2020 Committee but withdrawn by officers to resolve outstanding/overlooked issue re Extractive Waste legislation

“Inter Council liaison was considered to be poor”

Planning Gain and Added Value Outcomes:

Continuity of employment and important local source of quarry stone

Devonian Flagstone in much demand locally

Retain 90,000 tonnes per annum production

Report Assessment:

The application was complex and complicated in the sense of the detail to be assessed and understood.

Mineral extraction applications are always difficult to analyse due to their technical nature and consultation responses are critical to the planning assessment.

The principle of the proposal was straightforward and supported by the policies in the LDP, but it does appear to demonstrate yet another example of a lack of “Team Orkney” approach and attitude to this particular project.

The application was unfortunately delayed at the last minute and removed from the March 2020 Planning Committee agenda to investigate the implications of the Extractive Waste legislation and requirements, which should have been identified much earlier in the process and before a planning application was submitted.

Photo 5 -Existing Cusiter Quarry



Source: Planning application file – AECOM submission

Case Study 11

Planning Application 20/037/TPPMAJ

Erection of 6 turbines (149.9 metres max), Quarterness, north of Kirkwall

Site Overview:

Agricultural land to the north west of Kirkwall – see Site Location Plan
41 policy constraints listed in LDP

Planning Goals:

Professional planning assessment of the planning application
Major application status
Compliance with the LDP policies and related guidance
Protection of the site and local environmental quality
Nature conservation interests
Balanced assessment between the economic benefits and visual and environmental quality
Landscape impacts

Issues raised:

Pre application discussion took place – ITP Energise consultants for OIC
Subject to EIA scoping process
Several design iterations
Invalid application at submission- no scale or dimensions shown on plans- legal and planning challenges by OIC consultants
Letters of objection and support submitted
A Processing Agreement is currently being discussed but not signed as yet between the applicant (OIC) and the Planning Service (OIC)
Concerns about the discharge of conditions for temporary meteorological masts on the site
Planning delays at conception stage of project - *“planning perceived as very slow and unhelpful- seen as a road-block in the progress of the project”*

OIC decision to refer application to the Scottish Government for determination on the grounds that the development is of national importance

Planning Gain and Added Value Outcomes:

This is a recently submitted application – January 2020- and is currently being assessed
Will be income generation for the local community
Currently generating 120% of grid capacity meaning some turbines are switched off

Report Assessment:

This was a Community Windfarm Project where OIC is the applicant and it is considered crucial to the case for the New Transmission Connector which is vital to the local economy and enables surplus energy generated to be exported.

Excellent publicity notes and information for the general public was published by OIC as applicant and the complex details were simplified in easy to understand graphic form.

This is the first application out of 3 to be submitted by OIC, others to be in Hoy and Faray in the North Isles.

This is a nationally significant and strategic set of applications which demand a truly effective and efficient “Team Orkney” approach without compromising the statutory duties of the Council as Planning Authority. I would also expect applications of this magnitude to be identified at the outset within the Planning Service as significant corporate projects which require to be led by the Head of Planning and his staff and afforded the highest level of priority. Monthly progress monitoring is essential as timescales are business critical.

There is no evidence in the planning files of whether there was prior consultation with the Planning Service before these Council sponsored sites were chosen but I would like to think that this joined up approach had been undertaken, even although there are different roles and responsibilities for the Council acting as Planning Authority. This is another essential component of a “Team Orkney” approach.

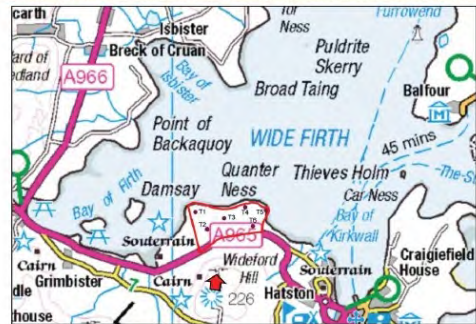
Plan 5: Site plan and indicative photo montage, Quaterness windfarm



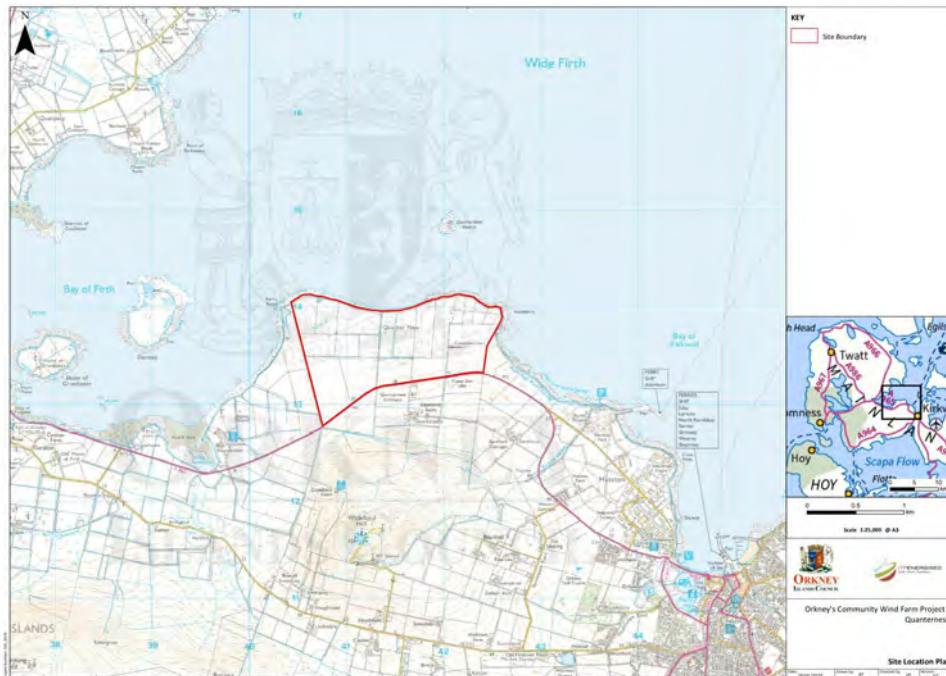
View from Wideford Hill



Turbine Tip Height: 149.9 m
Hub Height: 82 m
Rotor Diameter: 136 m
OS reference: 341197 E 1011674 N
Eye level: 222.61 m AOD
Direction of view: 8°
Nearest turbine: 1.751 km
Horizontal field of view: 53.5° (planar projection)



Orkney's Community Wind Farm Project



Case Study 12

Planning Application 20/067/PP

Extension to Glaitness Primary School, Kirkwall

Site Overview:

Existing primary school building and complex

Restricted curtilage

Resubmission of previous application 19/381/PP due to proposed material changes

Design Statement submitted by agent- HRI Munro Architecture – on behalf of OIC

Planning Goals:

Professional planning assessment of the planning application

Compliance with the LDP policies and any supporting guidance

Preserve local environmental quality

High standard of design

Protection of residential amenity

Issues raised:

Initial pre-application with Planning policy staff - April 2019- to discuss the general form and character of the proposed buildings

Unusual in itself as Development Management staff would usually advise on a planning application?

Planning Gain and Added Value Outcomes:

Application not determined at this stage

Proposed extensions required to comply with education requirements and new legislation

Report Assessment:

Proposal appears to be straightforward with no policy or detailed design issues

Raises issues of inter-service liaison and cooperation levels - Team Orkney approach

Another example of an OIC project in the Capital Plan which takes longer to determine than appears necessary at first glance.

Plan 6 – Site Plan for Carness Primary



Source: Planning application file

Case Study 13

**Planning Application 19/365/PP Garden House, New Scapa Road, Kirkwall
Change of Use from Offices (Class 4) to offices and Class 2 uses, alter car
park and stop up public road**

A similar proposal 19/241/PP was withdrawn

Site Overview:

Existing office building complex

Sloping site with existing trees and car parking area

Planning Goals:

Professional planning assessment of the planning application

Compliance with the LDP and related policies and guidance

Protection of the trees on the site and maintaining local environmental quality

Safe and appropriate car parking to meet OIC standards

Issues raised:

Previously withdrawn application did not provide sufficient car parking spaces for the extended uses

Existing trees on site were adversely affected with the loss of trees.

Planning Gain and Added Value Outcomes:

The application is a current application still to be determined but it was discussed in full at the Planning Committee on 4 March 2020 who continued the application for a site visit to look at the closure of the public road and road safety concerns

The officer recommendation is for conditional approval with conditions including saving the existing trees and the provision of adequate car parking, agreed with Roads Service

Report Assessment:

The application has been delayed due to the unacceptability of the original proposals and the decision to delay for a Planning Committee site visit

The resubmitted application is acceptable in planning terms but as there are 23 objections the application has to be thoroughly assessed

Planning officer advice was consistent with LDP policies and proportionate to the proposal

Case Study 14

Planning Application 20/048/PP

Demolition of former bus station and change of use of land to form car park, Kirkwall

Site Overview:

Demolition of former bus depot and resurfacing and redesigning the car park layout

Resubmission of earlier application 19/271/PP which was validated on 22 July 2019 and withdrawn/returned on 18 February 2020

Planning Goals:

Professional planning assessment of the planning application

Compliance with the LDP and related policies and guidance

Local environmental quality and residential amenity

Safe accesses and acceptable details

Issues raised:

Issue of non-valid letter- minor matter re red line boundary and lack of scale shown on drawings

Design and impact assessments which were not supported by Roads and Transportation services who objected to the proposal

Objections from adjacent house re amenity and noise considerations

Previous planning application 19/271/PP was withdrawn to renegotiate the proposal, but no correspondence retained online to assess the issues raised in any detail

Concerns about use as a lorry park

Planning Gain and Added Value Outcomes:

Planning application not determined

Demolition of unsightly building

Reinstatement with traditional building materials

Report Assessment:

Straightforward proposal which needed joined up Council effort across services

Internal Council services submitted objections against the proposal

There is no evidence online of any pre-application processes or discussions

It is not obvious to me what the reasons for delay actually are

Plan 7 – Location and Site plan, former bus depot, Kirkwall





Key Findings

6.7 As stated earlier, the Case Studies have been used to evidence the concerns raised by planning staff and applicants, both private sector applicants and OIC applications. The assessments have included a desktop assessment of all the relevant planning files via the Council's online system, but they are not a detailed examination of all the components and supporting documents set out in the planning files. They do however reflect on the high-level concerns cited at the outset by the Interim Chief Executive.

6.8 I have restricted my analysis and comments to assist in putting the concerns into context and to suggest improvements to process and procedures to improve some of the contentions which have been identified.

6.9 The Planning Service deals with a complex and varied workload, including national, major and large- scale proposals which can impact on their internal capacity and experience and specialist areas of knowledge and awareness

6.10 Formal and informal pre-application consultations and conversations are varied in their quality and can be over-demanding and too detailed.

6.11 Timescale delays are evident in the work of both applicants and planning staff for various reasons e.g. late consultation responses, lack of sufficient detail submitted with applications, invalid applications being submitted etc.

6.12 The submission of details by OIC as the internal applicant can be sub-standard to the point of not being "legally valid" and external legal and planning consultants then debate the finer points.

6.13 Council applications do not appear to be given any special status or treatment and can be over-managed, with no real relationships between the service departments, even within the same Directorate.

6.14 All applicants require to be treated in exactly the same manner but there is a view that the Council applications are unduly penalised in order to ensure that the Council is protected from legal challenge or judicial review processes. This is an approach which can adversely affect the timescales which the Council is anticipating to progress projects. Inevitably conflicts can arise between the views held by individual services and individual staff members.

Evidence Base – Assessment of the Case Studies

- 6.15 The Case Studies have proved to be very informative in obtaining a selective picture of the interactions between applicants and the Council and providing clear evidence of the benefits, added - value, proportionality of requests and demands, and also the healthy tensions which exist between the Council and applicants when in negotiating and comprising territory.
- 6.16 The Council's elected members are strong supporters of policy and the Planning Service focus is on achieving positive and enhanced outcomes for the environment and the communities within Orkney. Housing in the Countryside policies were raised by all parties as an example of a need for clarity and design guidance, which was previously provided but was subsequently withdrawn.
- 6.17 There are a small number of instances when the planning process can appear to break down and timescales can become elongated and outcomes become less predictable. Reasons for this can lie with the Council and also the applicant, so that effective and clear communication between the parties becomes paramount.
- 6.18 Existing design guidance is too complex and complicated, and it consumes unnecessary resources for both the Council staff and the applicant and lengthens the planning process.
- 6.19 The applicants and agents I met each represented 30 years of experience in working in Orkney with successive planning officers. The key concerns they raised with me, with examples, included,
- Observed changes in planning advice and approaches over the last 3/4 years
 - Over-use of Development Briefs - 16 Kirkwall sites provided as an example- all require Development Briefs
 - A sense of too much early focus on detailed requirements, including application validation tests - seen as too excessive
 - Often conflicts between Road Construction Consent (RCC) requirements and design requirements and aspirations
 - Officer requirements/intentions are more aspirational than enabling
 - Unusually, applicant issues were elevated to Chief Executive level as no tangible progress was being made and there was ***“no certainty re critical Committee deadlines to ensure job security/continuity”***

- Developers have increasingly been taking a pragmatic approach to pre-application discussions and negotiations and settling for “second best” to obtain consent. This can lead to lost opportunities for added value and planning gain in terms of design, landscaping and plan making.
- A lack of proportionality being applied by officers and little or no account taken of professional consultant’s experience and expertise when assessing proposals.

6.20 As we have seen from the Case Studies and the assessments in the other sections of the report there are documented Planning Service responses to these matters. e.g. the introduction by the planning authority of the HOPS national to ensure clarity and consistency.

6.21 Also, in relation to added value, this has to be a joint process agreed between the applicant and the planning officer to ensure that a balance is struck between any aspirational aspects and the need to be pragmatic and deliver a technically appropriate solution.

6.22 My reading of the various documents referred to me and available to me online confirms that sometimes discussions and positions can become entrenched, but consultants submitted reports are consistently used to ensure that the proposed development complies with the Local Development Plan and the relevant policies and other related requirements. Indeed, consultants’ reports can often be used to substantiate a case for approval where development may otherwise be regarded as unacceptable or non-compliant with the LDP and its policies.

Improvement recommendations for Council consideration

CS1 – There is a need to review the current Design Guidance and hierarchy of advice to provide a coherent and simplified approach without sacrificing national and local aspirations for high- quality designs and placemaking.

CS2 – The Council needs to produce an overall Design Guide or similar for Housing in the Countryside, which should be jointly prepared between the Council and applicants/agents.

CS3 – The Council and Developers would benefit from the publication of a jointly agreed document on Planning and Developer Guidelines to set out the key parameters, details and specifications required.

CS4 – The Council should reinstate the annual Developer and Stakeholder Forum for discussion and issue raising to jointly develop improvements and efficiencies. The need for a separate House Builders Forum should also be considered as I know that this operates well in other parts of Scotland and can help to build on and improve relationships and behaviours. (This Review Report can assist in setting an agenda for these meetings).

CS5 – The Planning Service should review its communication channels with applicants to ensure that planning advice is clear and succinct and provided at the earliest opportunity, including the role and effectiveness of pre-application advice and consultation.

CS6 – A user friendly, simplified Validation Checklist extracted from the Heads of Planning Scotland (HOPS) national version, which has already been adopted by the Council, should be published and made available to all applicants, both internal and external, to confirm the specific requirements for submitting a legally valid application submission.

CS7 – Briefs for external environmental consultants contracted by the Planning Service, on behalf of Orkney Islands Council, should not be solely restricted to EIAs, but they need to be extended to include a wider planning assessment covering other aspects of environmental and related legislation e.g. Extractive Waste regulatory requirements.

CS7 – A follow-up meeting with the applicants and agents interviewed during this Review should be convened as early as possible to discuss the higher - level implications of the Review and its Conclusions and Improvement Recommendations. This should involve senior planning management and should preferably be convened and chaired by an independent and impartial party.

3.0 OVERALL CONCLUSIONS AND COMMENTS

3.1 It has been my pleasure to carry out this short, focused review for Orkney Islands Council and I will be happy to brief relevant members of staff, councillors and customers on the key findings and proposed improvement areas as directed by the Interim Chief Executive.

3.2 I would also be pleased to offer any further support and guidance to OIC on further developing any of the aspects I have identified for improvement or any other related topics which may be identified by OIC.

1. Planning staff had been made aware that a few applicants had been in direct contact with the Interim Chief Executive and they felt that the information provided on several occasions regarding timescales and performance levels had been adequate to address any industry concerns.
2. The planning staff were originally concerned about the content and nature of the review which was undertaken at short notice and they felt it was not communicated to them properly and this affected staff morale. At the start of the review the Interim Chief Executive met with the planning staff and senior management to set out the terms of the review and he answered questions posed by the staff. The timing and detail of the review process was obviously outwith my direct control, but I adopted a personal, open and honest approach from the outset to put everyone at their ease.
3. Despite the initial staff wariness and concerns, I hope I have managed to allay these fears during the conversations we held and to present a fair and balanced review of some elements of their positive work ethic and approaches, including how well they perform overall, the quality and added - value they bring to the planning outcomes they achieve and their passion and commitment to working in a challenging workload context.
4. For applicants and agents, their frustrations with the planning process and individual transactions resulting in delays and re-working and additional costs, are understood and appreciated. Although these applications are not the norm in terms of timescales or approaches, I hope I have accurately identified the concerns and frustrations from these planning customers which were brought to the direct attention of the Interim Chief Executive.
5. The Improvement Actions I have identified will, individually and collectively, assist in better project management of OIC applications, better targeted focus on housing applications, and resources support for the Planning Service. In addition, better staff/customer interactions are highlighted, coupled with some process and procedural adjustments to further enhance existing areas of good practice.

6. I consider that immediate attention needs to be paid to the updating and review of the Service Workforce Plan to pick up on the earlier issues raised on salary scales, career progression spans, and recruitment processes within the Planning Service.
7. For the Council moving forward I see the key challenges as continuing to foster and develop the “Team Orkney” culture and approach initiated by the Interim Chief Executive which is achieved by services working better together, even within the same Directorate, and not against each other, with an effective senior management and leadership clarity of focus on the OIC project ambitions and aspirations.
8. The customer relationships between planning staff and a few of the regular applicants/agents needs to be reset to the behaviours and standards which were previously achieved and referred to by all of those I met.
9. Regular opportunities for joint dialogue and wider stakeholder forums can assist in this rebuilding process and give improved confidence to both parties. Improved approaches to documentation on Design Guidance, Housing Layouts, and Pre-Consultation opportunities will assist in this important change process, particularly if this involves joint discussions with selected applicants and agents.
10. It is obvious to me that everyone is attempting to work effectively together for the benefit of Orkney and its communities but there will always be instances when matters take a different turn to what is expected. Although some of the cases examined were extreme in terms of the timescales taken details requested and some relationships appear to have temporarily broken down in part, it is clear to me in the wider view that thankfully these occurrences are rare and can be better managed in the future with appropriate support and collaborative working. All the participants I spoke with want this outcome to be achieved.

3.3 Finally, I would like to extend a thank you to all the participants who assisted me in the review process for their clarity, clear views and evidence, and their collective wish and desire to improve processes, procedures and relationships which ultimately made by job a lot easier to carry out.

3.4 The full Review Report, including the evidence base, case studies, conclusions and improvement actions is formally submitted for the careful consideration and assessment by the Orkney Islands Council. In particular, I hope that the recommended Improvement Actions will find support and endorsement and will be implemented in due course to further strengthen the clearly articulated aspirations and ambitions of the Council.

APPENDIX 1

1. The Agreed Project Brief

1.1 The agreed brief is to work directly to the Interim Chief Executive who is seeking an independent and external review of elements of the planning service, primarily associated with developer interactions, in order to validate the approaches taken and to identify any areas for potential improvement in the context of experiences and best practice identified in other parts of the country.

Methodology to be adopted

1.2 Specifically, the brief had to include the following assessment areas:

- Direct engagement and meetings with key developers/applicants and agents — list provided at inception meeting
- Direct engagement with key planning officers
- Direct engagement with the chair and vice chair of the Planning Committee
- Review of planning applications to consider the approach adopted in engaging with developers in terms of proportionality and outcomes which were achieved. Case studies to include major applications e.g. Cairston Road, Stromness, Sub-station, Finstown (national), Carness housing development, Kirkwall, Stronsay Fish farm sites, Costa Head windfarm, Hesta windfarm, Balfour Hospital
- Consider planning advice provided to applicants in terms of consistency of opinion and advice provided to applicants. Access to key documents will be provided, including groups engaged by the Planning Service
- Review of the interpretation of development brief planning guidance to advise on whether this is proportionate or whether it could be streamlined. A case list for review to be agreed.
- Review of approach to preparing and engaging with developers/applicants on development briefs through case studies
- Review of the engagement by the planning team to engage and other Council services in the delivery of project outcomes e.g. the house build,

including Carness, quarry extension, community wind project, Glaitness Primary school extension, and former bus station demolition

- Review of the approach to pre-application advice and interaction with developers/applicants including comment on the value which is added through this process, including the provision of the total number of pre-application advice cases, and case study of Walliwall, Kirkwall.
- DESK top study of planning performance levels/trends for last 5 years as evidenced in published Planning Performance Frameworks and covering letters from SG to CEOs. e.g. Is Orkney performing well on paper against national targets and the Scottish average
- Details of Orkney Councils self-identified improvement measures, with an assessment of how well they have been fully implemented?
- A comparison of performance and service quality with other Councils
- A review of the services resourcing levels in comparison to other councils to establish if the service is appropriately resourced for the known workplan, in relation to recruitment and retention of staff, including comparison of salaries for equivalent posts in other councils, and whether the posts allow for career progression

Expected Outcomes

1.3 The outcomes from the research and interview phases is to be a concise report providing an opinion on the overall approach of the Orkney planning team in terms of its interaction with the development sector and other council departments and producing evidence of any strengths and/or weaknesses in the approaches adopted. The report includes recommendations for the Council to consider for any necessary improvement actions and procedural changes.

Timeframe

1.4 The project brief was discussed orally in February and the key issues were itemised. The main research phase commenced on 2 March 2020 following a first meeting with the Interim Chief Executive and the report is to be completed by no later than Monday 30 March 2020.

APPENDIX 2 - READING AND REFERENCE LIST

Orkney Best Value Assessment Report, Accounts Commission/Audit Scotland, December 2017

Local Government Benchmarking Framework Report, 2019

Orkney Local Development Plan, Adopted, April 2017

Development Briefs and Design Statements, Planning Policy Advice, June 2017

Orkney and other Scottish Council's annual Planning Performance Frameworks

Internal Audit Report-Capital Programme Slippage, 14 November 2019

Planning Committee- Agenda Papers and Reports

National Benchmarking Overview Report 2018/19

Planning Authority Performance Statistics, Scottish Government Annual reports

National Records of Scotland (NRS) Council Area Projections, February 2019

NRS- Mid Year Population Estimates Mid 2018

Letter from Kevin Stewart, Minister for Local Government, Housing and Planning to Chief Executive "Planning Performance Feedback", 11 February 2020.

Workforce Planning – Report to the Policy and Resources Committee May 2018

Probity and the Professional Planner, RTPI, April 2020

APPENDIX 3 – ACKNOWLEDGEMENTS AND LIST OF INDIVIDUAL CONTACTS AND CONVERSATIONS HELD

I am grateful to the councillors and staff of the Orkney Islands Council who were very welcoming and supporting. Their knowledge and insights were much appreciated, and they have brought a reality and authenticity to the report.

The customers of the planning service who spoke to me were forthright and challenging and their comments and issues were articulated well.

All of the conversations I had were open and honest and showed a strong commitment to Orkney and a desire to getting things done.

Jointly there was an obvious and collective passion and commitment to work together in partnership in a positive manner and for the benefit of the Orkney communities.

I appreciated the candour and rigour shown by these contacts which contributed to a rounded and balanced report.

I extend my grateful thanks to all the following participants,

Orkney Islands Councillors

James Stockan, Council Leader

Rob Crichton, Chair, Planning Committee

John Ross Scott, Vice - Chair, Planning Committee

Orkney Islands Council Staff

John Mundell, Interim Chief Executive

Gavin Barr, Executive Director, Development and Infrastructure

James Wylie, Executive Director, Education, Leisure and Housing

Roddy Mackay, Head of Planning, Development and Regulatory Services

Jamie Macvie, Planning Manager

Margaret Gillon, Senior Planner

David Barclay, Senior Planner

Planning Customers

Stephen Kemp, Orkney Builders

Richard Flett, Development and Properties Manager, Orkney Housing Association

Sam Sweeney, Bracewell Stirling, Architectural Practice

Stephen Omand, Chartered Valuation Surveyor

Craig Macinnes, Property Manager

APPENDIX 4 – JIM BIRRELL INDEPENDENT CONSULTANCY SERVICES

Jim Birrell provides an independent consultancy service, specialising in planning and environmental services, public sector management, service reviews, research and survey work for the public and government sectors, and also staff training and development.

He runs separate consultancy services to manage these activities where he is the sole operator. He does however have personal access to an extensive network of professional contacts and contributors who can assist in any specialist work areas.

Jim has a proven track record of achievements in these fields based on 45 years' experience in local and central government environments. He is well respected amongst his peers and his views and comments are often sought out from other organisations and researchers.

Prior to retirement in 2015 Jim has held a variety of senior posts in Fife, including Director of Planning and Building Control, Depute Chief Executive and Head of Planning. In addition, Jim has held a host of professional and voluntary roles across a variety of interests and disciplines.

8 years ago, Jim was the lead architect of the Planning Performance Framework which is nationally recognised and used by all Scottish Planning Authorities and endorsed by the Scottish Government.

In the last 3 years Jim has produced a series of influential research and survey reports for both Scottish Government and Heads of Planning Scotland, including Planning Fees, Planning Performance, the Impact of Increased Fees for Major Applications, and Planning Reforms, including the Planning Bill.

Jim is a chartered town planner and sits on the Royal Town Planning Institute (RTPI) Scottish Executive Committee. He is a Director and Board member of Fife Historic Buildings Trust and currently he sits on the Scottish Government/COSLA Ministerial High-Level Group on planning performance.

Currently Jim is contracted to Heads of Planning Scotland (HOPS) as a part time Project Manager dealing with the planning reforms agenda and new Planning Act. He is also Lead Officer on a research survey for the Scottish Government looking at the relationships and liaison between planning and education services in Scottish councils.



Development and Infrastructure

External Review Planning Actions

Title	Description	Owner	Updater	RAG	Overall Status	Baseline Start Date	Baseline End Date	Comment
PSR1 – Continue to further develop and expand the detailed Service Workforce Plan.	<p>The Planning Service needs to continue to further develop and expand its detailed Service Workforce Plan to fully include and consider as requested in the Councils Workforce Planning Report:</p> <p>(1) Future planning workforce needs</p> <p>(2) Current and future capacity levels</p> <p>(3) Competitive and proportionate career grades and salary levels and placings, compatible with overall council salary levels and grades</p> <p>(4) Progression opportunities for all DM Staff</p> <p>(5) Refresher training and up-skilling for all planning staff e.g. development processes, the impact of other consents and guidelines</p> <p>(6) Recruitment Processes</p> <p>(7) Areas where specialist skills are not available</p>	Gavin Barr	Roddy MacKay	⊖	In Progress	01 Jun 2020	31 Dec 2021	Recruitment is progressing for existing vacancies and it is anticipated that this will be concluded Autumn 2020. Following this, a management review of the existing workforce plan will be commenced, working with Human Resources colleagues to ensure consistency with the corporate process. This action relates to both Development Management and Development and Marine Planning.



Development and Infrastructure

External Review Planning Actions

Title	Description	Owner	Updater	RAG	Overall Status	Baseline Start Date	Baseline End Date	Comment
PSR2 - Explore the possibilities and opportunities for additional staff specifically in Housing Applications, Environmental Impact Assessments and Capital Project Plans.	<p>To explore the possibilities and opportunities for additional staff specifically in the following 3 priority areas:</p> <p>(1) Housing Applications – Key Project Management Skills allied with RTPi Membership.</p> <p>(2) Environmental Impact Assessment – Short-term use of contracted specialist consultants to continue but consider appointment of environmental/specialist planner with appropriate experience and skill levels to assist with this area of work and to complement the specialist advice.</p>	Gavin Barr	Jamie Macvie	⊖	In Progress	01 Jun 2020	31 Dec 2020	This will link to action PSR1 in terms of the workforce plan. However, the opportunity to consider short term additional staff will also be explored in advance of this through the Change in Establishment Process, noting that it may be difficult to recruit to short term posts. For example we have not been able to recruit to current temporary posts after several attempts which included national marketing.



Development and Infrastructure

External Review Planning Actions

Title	Description	Owner	Updater	RAG	Overall Status	Baseline Start Date	Baseline End Date	Comment
PSR2a - Explore the possibilities and opportunities for additional staff specifically in Housing Applications, Environmental Impact Assessments and Capital Project Plans.	Capital Plan Projects - The appointment of an experienced planner to assist with Capital Plan Projects and major commercial investment proposal, including windfarms, located within the appropriate corporate team – suggest this post should be located in the Infrastructure and Strategic Projects Team within the Development and Infrastructure Directorate to ensure separation of roles from the Planning Service to avoid any confusion or conflict.	Gavin Barr	Darren Richardson	⊖	In Progress	01 Jun 2020	30 Jun 2021	This proposal has been the subject of previous consideration by the Director and Heads of Service teams and was not progressed previously due to limitations in the staffing establishment. This position will be reviewed again in the context of the current Capital Programme commitments. Recent approval of additional Council capital projects including the Kirkwall Care Facility and Nursery projects may provide a sufficient fee based to support this additional post in the Capital team.



Development and Infrastructure

External Review Planning Actions

Title	Description	Owner	Updater	RAG	Overall Status	Baseline Start Date	Baseline End Date	Comment
PSR3 - Self-identify areas of workload where it can reduce or minimise workloads without compromising on the quality of outcomes or their professional and statutory duties.	The DM and DaMP Teams should self-identify areas of workload where they can reduce or minimise workloads without compromising on the quality of outcomes or their professional and statutory duties e.g. the excessive production and use of Development Briefs and unnecessarily micro-managing housing applications. Often this is a fine balance to be achieved if added-value outcomes are to be realised within a supportive and positive development environment and this can legitimately involve paying attention to detail, and identifying clearly the planning requirements needed to comply with the Local Development Plan.	Gavin Barr	Roddy MacKay	⊖	In Progress	01 Jun 2020	30 Apr 2021	Team workload review to begin urgently after the summer leave period. Review of development brief master considered an early win opportunity. Target the Spring 2021 Development and Infrastructure Committee with the proposal to review the design brief and supplementary guidance requirements to focus on 'major' sites only. Organise seminar with Elected Members to establish steer and then inform policy development in terms of Planning Authority approach to consideration of design detail in planning applications.



Development and Infrastructure

External Review Planning Actions

Title	Description	Owner	Updater	RAG	Overall Status	Baseline Start Date	Baseline End Date	Comment
PSR4 - Advise staff on informal and formal processes available when unjustified and inaccurate social media comments are posted online and in the newspapers and broadcast on radio from committee meetings.	Planning staff, and indeed all other council staff, need to be advised of the informal and formal processes available to them when unjustified and inaccurate social media comments are posted online and in the newspapers and broadcast on radio from committee meetings. The staff need to be formally supported by senior management and the relevant council services when serious media issues are raised by staff.	Gavin Barr	Gavin Barr	⊖	In Progress	01 Jun 2020	30 Sep 2020	Arrange staff briefing and training session with Human Resources and the Communications team to ensure clarity on appropriate medium, and the support steps available to staff.



Development and Infrastructure

External Review Planning Actions

Title	Description	Owner	Updater	RAG	Overall Status	Baseline Start Date	Baseline End Date	Comment
CPP1 - Introduction of an internal, cross service protocol which clearly sets out the roles, relationships and responsibilities of the Council, where it is acting jointly or individually as developer, investor, applicant, agent and planning and building standards authority.	<p>Introduce an internal cross service protocol, this should include, as a minimum standard:</p> <p>(1) Formal record of pre-application discussions and preferably a formal Planning Application Consultation (PAC).</p> <p>(2) Identification of Validation Requirements, both legal validation and professional validation, to ensure a timely, competent and quality submission is made by the council</p> <p>(3) A combined Planning and Building Standards Customer Checklist would assist in this process.</p> <p>(4) Consideration should be given to the introduction of a cross-check system between DM and BS relating to development commencements and development completions.</p>	Gavin Barr	Gavin Barr	⊖	In Progress	01 Jun 2020	31 Dec 2020	Work with existing Development and Infrastructure property/planning design team meeting group to establish a protocol. Arrange cross CPD service event to review manning legislation.



Development and Infrastructure

External Review Planning Actions

Title	Description	Owner	Updater	RAG	Overall Status	Baseline Start Date	Baseline End Date	Comment
CPP2 – In addition to recommendation CPP1 the Council needs to implement and incorporate the Internal Audit (IA) Recommendation 1 pre-application advice and detailed requirements being included in agreed client specification documents.	In addition to recommendation CPP1 the Council needs to implement and incorporate the Internal Audit (IA) Recommendation 1 pre-application advice and detailed requirements being included in agreed client specification documents. Ref: IA Report - Capital Slippage, 14 November 2019.	Gavin Barr		⊖	Closed	01 Jun 2020	30 Sep 2020	Process and client specification has been revised to incorporate these requirements.



Development and Infrastructure

External Review Planning Actions

Title	Description	Owner	Updater	RAG	Overall Status	Baseline Start Date	Baseline End Date	Comment
CPP3 - Focused Capital Plan monthly Senior Management Team (SMT) meetings - to be aware of project progress and reasons for any slippage.	The Senior Management Team (SMT) should have a focused Capital Plan meeting monthly to be aware of project progress and reasons for any slippage. Key officers, including the lead planning officer, should attend this meeting to advise SMT on remedial and intervention measures required to maintain progress and timescale targets.	Gavin Barr		⊖	Complete	01 Jun 2020	30 Jun 2020	The Head of Development, Planning and Regeneration, the Head of Infrastructure and Strategic Projects and the Planning Manager (Development Management) have been added to the Senior Management Team Capital Programme meetings. Action complete week of 29 June 2020.



Development and Infrastructure

External Review Planning Actions

Title	Description	Owner	Updater	RAG	Overall Status	Baseline Start Date	Baseline End Date	Comment
CPP4 – Carefully consider and assess who fulfils the role of the Chief Planning Officer (as set out in the new Planning Act as a statutory requirement).	The Council should carefully consider and assess who fulfils the role of the Chief Planning Officer (as set out in the new Planning Act as a statutory requirement) and maximise the opportunities for participating in the SMT discussions on capital projects and the wider corporate developments and environmental matters linked to community planning, place-making and health and well-being.	Gavin Barr	Roddy MacKay	⊖	In Progress	01 Jun 2020	31 Mar 2021	Currently awaiting guidance from the Scottish Government, the guidance was due to be published by Quarter 4 2020 which we suspect has been delayed due to COVID19. Meantime, as noted in CPP3 the Head of Planning will be invited to all future meetings of the Capital Programme Board.



Development and Infrastructure

External Review Planning Actions

Title	Description	Owner	Updater	RAG	Overall Status	Baseline Start Date	Baseline End Date	Comment
CCDE1 - The focus in future Planning Performance Frameworks (PPFs) should continue to feature effective progress being made in the areas of "Quality of Service and Engagement" and "Culture of Continuous Improvement".	The focus in future Planning Performance Frameworks (PPFs) should continue to feature effective progress being made in the areas of "Quality of Service and Engagement" and "Culture of Continuous Improvement". This focus would be strengthened by taking an inclusive, not internal, approach with selected, key stakeholders involved in formulating future improvement actions.	Gavin Barr	Roddy MacKay	🟢	Complete	01 Jun 2020	30 Jul 2020	The PPF was submitted at the end of July 2020, this included workforce planning and succession planning and re-establishment of the stakeholder group and planning customer survey.



Development and Infrastructure

External Review Planning Actions

Title	Description	Owner	Updater	RAG	Overall Status	Baseline Start Date	Baseline End Date	Comment
CCDE2 - Introduce a Planning Customer Survey to allow applicants to formally comment on quality of decision- making and raise any issues they experienced with their applications.	The Planning Service should introduce a Planning Customer Survey so that applicants can formally comment on quality of decision- making and raise any issues they experienced with their applications. This should then provide a focus for future service changes and improvements to accommodate the concerns raised.	Gavin Barr	Roddy MacKay	⊖	In Progress	01 Jun 2020	31 Dec 2020	The previous rolling Customer Survey is being re-visited to bring things up to date. Once updates are made the survey will be added to the Smart Survey system and a link to the survey will be added to all Development Management and Development and Marine Planning out-going correspondence and to the Council's web site.



Development and Infrastructure

External Review Planning Actions

Title	Description	Owner	Updater	RAG	Overall Status	Baseline Start Date	Baseline End Date	Comment
CSDE3 - Royal Town Planning Institute (RTPI) guidance on "Probity and the Professional Planner" - disseminate to chartered planning staff.	<p>The Royal Town Planning Institute (RTPI) has recently published guidance on "Probity and the Professional Planner" to help planners confidently use their independent professional judgment, practical advice should be disseminated to the chartered planning staff to guide and support them in negotiating situations with applicants.</p> <p>Ref: Probity and the Professional Planner, RTPI, April 2020.</p>	Gavin Barr	Roddy MacKay	⊖	In Progress	01 Jun 2020	31 Aug 2020	The guidance will be circulated to all planning staff.



Development and Infrastructure

External Review Planning Actions

Title	Description	Owner	Updater	RAG	Overall Status	Baseline Start Date	Baseline End Date	Comment
PAQ1– Overlapping with recommendation CCDE1 continue to further develop and expand the elements set out in the PPF process with particular focus on Quality of Service and Engagement and Culture of Continuous Improvement.	<p>Overlapping with recommendation CCS1, continue to further develop and expand the elements set out in the PPF process with particular focus on Quality of Service and Engagement and Culture of Continuous Improvement to include and consider:</p> <p>(1) A better balanced and proportionate approach to pre-application discussions and processes</p> <p>(2) Use of Added - Value Codes or similar when assessing planning outcomes on each decision made to evidence the added-value achieved by the Development Management Team in its decision-making role.</p> <p>(Some local planning authorities already use such techniques and current RTP1 research into planning outcomes is likely to include recent examples in this area).</p>	Gavin Barr	Jamie Macvie	🟢	In Progress	01 Jun 2020	31 Jul 2021	The research paper was due to be published by the end of July 2020 by Kevin Murray Associates, this is not yet available which we suspect is due to COVID19 and is currently out with our control. These elements will be incorporated in future practice, and mechanisms developed to deliver this.



Development and Infrastructure

External Review Planning Actions

Title	Description	Owner	Updater	RAG	Overall Status	Baseline Start Date	Baseline End Date	Comment
CS1 – Review current Design Guidance and hierarchy of advice.	There is a need to review the current Design Guidance and hierarchy of advice to provide a coherent and simplified approach without sacrificing national and local aspirations for high quality designs and placemaking.	Gavin Barr	Susan Shearer	⊖	In Progress	01 Jun 2020	30 Sep 2021	<p>There have been numerous reviews of design guidance over the years. The principle of a review and streamlining has been agreed and will be implemented. This is a time consuming process to ensure that all stakeholders are engaged, industry, Architecture and Design Scotland and the Scottish Government. This will be progressed as soon as possible and within the next year.</p> <p>It should be noted that this is about the current hierarchy of planning advice including development briefs and design statements. Within the review of the planning system, the Scottish Government have removed the statutory status of Supplementary Guidance and therefore we expect regulations in 2021 on how additional planning guidance is to be provided.</p>



Development and Infrastructure

External Review Planning Actions

Title	Description	Owner	Updater	RAG	Overall Status	Baseline Start Date	Baseline End Date	Comment
CS2 - Produce an overall Design Guide or similar for Housing in the Countryside.	The Council needs to produce an overall Design Guide or similar for Housing in the Countryside, which should be jointly prepared between the Council and applicants/agents.	Gavin Barr	Susan Shearer	-	In Progress	01 Apr 2021	31 May 2024	There have been a number reviews of design in the countryside guidance over the years. However, it is accepted that it would be helpful to refresh this work. These previous reviews have proven controversial, and it has been challenging to establish design guidance criteria which have consensus support in the past, hence the 2017 Scottish Government focused on higher level policy elements rather than a design guide. In 2021, Development and Marine Planning will commence the review of the Plan and the housing in the countryside. Considering design as part of the core policy would be advantageous as the two elements inter-relate and this will allow for full public involvement.



Development and Infrastructure

External Review Planning Actions

Title	Description	Owner	Updater	RAG	Overall Status	Baseline Start Date	Baseline End Date	Comment
CS3 - The Council and Developers would benefit from the publication of a jointly agreed document on Planning and Developer Guidelines to set out the key parameters, details and specifications required.	The Council and Developers would benefit from the publication of a jointly agreed document on Planning and Developer Guidelines to set out the key parameters, details and specifications required in submitting planning applications. This guidance should also include processes and procedures for pre-application discussions and consultations and link in to improvement areas CS1 and CS2 identified above.	Gavin Barr	Jamie Macvie	🟢	In Progress	01 Jun 2020	30 Jun 2021	This will be progressed jointly between the Development Management and Development and Marine Planning teams and where relevant engagement with other Council professional teams such as engineering through the developer forum. There is a target of Spring 2021 to take to the Development and Infrastructure Committee. The target here is to provide a single point of communication across the Development and Infrastructure Service to manage developer contacts and to avoid uncertainty on the routes for formal correspondence and to ensure that information is not being submitted in an ad hoc fashion.



Development and Infrastructure

External Review Planning Actions

Title	Description	Owner	Updater	RAG	Overall Status	Baseline Start Date	Baseline End Date	Comment
CS4 - Reinstate the annual Developer and Stakeholders Forum to provide a focus for discussion and issue raising to jointly develop improvements and efficiencies. Consider the need for a separate House Builders Forum to help build on and improve relationships and behaviours.	The Council should reinstate the annual Developer and Stakeholders Forum to provide a focus for discussion and issue raising to jointly develop improvements and efficiencies. The need for a separate House Builders Forum should also be considered as this operates well in other parts of Scotland and can help to build on and improve relationships and behaviours (This Review Report can assist in setting an agenda for these meetings).	Gavin Barr	Roddy MacKay	⊖	In Progress	01 Jun 2020	31 Oct 2020	The Planning Developer Stakeholder Forum will be re-instated to focus specifically on planning procedural and performance issues only, with an early item to be discussed being the planning and developer guidelines (action CS3) and other relevant items emerging from this report. A second forum of the House Build Stakeholders will be established linked to progression of the Strategic Housing Investment Programme.



Development and Infrastructure

External Review Planning Actions

Title	Description	Owner	Updater	RAG	Overall Status	Baseline Start Date	Baseline End Date	Comment
CS5 - Review communication channels with applicants to ensure that planning advice is clear and succinct and provided at the earliest opportunity, including the role and effectiveness of pre-application advice and consultation.	The Planning Service should review its communication channels with applicants to ensure that planning advice is clear and succinct and provided at the earliest opportunity, including the role and effectiveness of pre-application advice and consultation.	Gavin Barr	Roddy MacKay	⊖	In Progress	01 Jun 2020	30 Oct 2020	In addition to the planning and developer guidelines, advice will be sought from the Orkney Islands Council Communications team on any improvements and additional measures which the team could adopt in relation to customer and public communications. This is to include consideration of a regular "Planning Matters" slot in the Orcadian to seek to build positive profile of the team (Question and Answers type slot) for both Development Management and Development and Marine Planning. Development and Marine Planning will be included in this process also.



Development and Infrastructure

External Review Planning Actions

Title	Description	Owner	Updater	RAG	Overall Status	Baseline Start Date	Baseline End Date	Comment
CS6 – Publish a user-friendly, simplified Validation Checklist - make available to all applicants, both internal and external.	A user- friendly, simplified Validation Checklist, extracted from the Heads of Planning Scotland (HOPS) national version, which has already been adopted by the Council, should be published and made available to all applicants, both internal and external, to confirm the specific requirements for submitting a legally valid planning application. For the avoidance of doubt, this is not to replace or detract from the national HOPS guidance, but rather a short, focused guidance directing applicants and agents to the legal validation process and the HOPS national guidance.	Gavin Barr	Jamie Macvie	🟢	In Progress	01 Jun 2020	30 Oct 2020	Guidance will be prepared, seeking support from the Council's Communication team on format, and launched at the October 2020 developer forum.



Development and Infrastructure

External Review Planning Actions

Title	Description	Owner	Updater	RAG	Overall Status	Baseline Start Date	Baseline End Date	Comment
CS7 – Extend briefs for external environmental consultants to include a wider planning assessment covering other aspects of environmental and related legislation.	Briefs for external environmental consultants contracted by the Planning Service, on behalf of Orkney Islands Council, should not be solely restricted to EIAs, but they need to be extended to include a wider planning assessment covering other aspects of environmental and related legislation e.g. Extractive Waste regulatory requirements.	Gavin Barr	Jamie Macvie	🟢	In Progress	01 Jun 2020	31 Jan 2021	These are likely to be case dependent, but where relevant the scope will be amended in line with this recommendation. A procurement process is being undertaken to establish specialist advisors 'on call' for future applications where required.



Development and Infrastructure

External Review Planning Actions

Title	Description	Owner	Updater	RAG	Overall Status	Baseline Start Date	Baseline End Date	Comment
CS8 – A follow-up meeting with the applicants and agents interviewed during this Review should be convened as early as possible to discuss the higher - level implications of the Review and its Conclusions and Improvement Recommendations.	A follow-up meeting with the applicants and agents interviewed during this Review should be convened as early as possible to discuss the higher - level implications of the Review and its Conclusions and Improvement Recommendations. This should involve senior planning management and should preferably be convened and chaired by an independent and impartial party.	Gavin Barr		🟢	Complete	01 Jun 2020	30 Jun 2020	A follow up meeting took place on 18 June 2020.