

The background of the slide features a large, light blue watermark of the City of Vancouver's coat of arms. The crest includes a crown at the top with four maple leaves, a shield with a ship on the left and a grizzly bear on the right, and a banner at the bottom with the motto 'A NE FOR A'.

Agenda Item 7

**Local Government Benchmarking
Framework Indicator :
Cost per planning application-
Update report**

Falkirk Council

Title: Local Government Benchmarking Framework Indicator : Cost per planning application- Update report
Meeting: Scrutiny Committee
Date: 4 April 2019
Submitted By: Director of Development Services

1. Purpose of Report

- 1.1. This report provides an update on the Local Government Benchmarking Framework indicator ECON2 on the cost per planning application which was requested by the Committee at its meeting on 5 April 2018.

2. Recommendation

- 2.1. **It is recommended that the Committee:**

- 1) notes the feedback from Scottish Government on the Council's Planning Performance Framework submission 2017-18**
- 2) notes the results of the cost of the planning exercise conducted by Heads of Planning Scotland and the Improvement Service**
- 3) notes the work undertaken to identify potential service improvements to reduce the cost of the planning service and the intended actions for the service.**

3. Background

- 3.1 At its meeting on 5 April 2018, the Committee considered a report on the cost per planning application having previously considered this issue as part of its review of the Local Government Benchmark Framework indicators. The report set out:

- details of the component costs which make up the ECON2 indicator;
- comparative information for all Scottish Local Authorities;
- contextual information and information to show recent costs and the trend;
- a detailed explanation of the planning process (including timescales) and its costs;
- an overview of Audit Scotland audit of major planning applications; and
- an overview of the national Planning Review and the recent Planning (Scotland) Bill

- 3.2 The Committee noted that there was to be a review of the costs of service provision as part of work undertaken in respect of the Planning Bill and asked for an update when this was completed. This report provides a further update on this work together with:

- a summary of the findings of the cost of planning exercise carried out by the Heads of Planning Scotland and the Improvement Service;

- an update on the Council's most recent Planning Performance Framework; and
- a summary of work undertaken to identify potential service improvements to reduce the cost of the planning service and the intended actions.

4. Considerations

a) *Local Financial Returns - indicator ECON2*

- 4.1. The ECON2 indicator is calculated by the Improvement Service by dividing the total costs applicable to the planning service by the number of non-major applications decided in the reporting period. The gross costs are part of the annual Local Finance Return (LFR) submitted by all local authorities to the Improvement Service. The number of planning applications is taken from Scottish Government data, also supplied by local authorities. Authorities are ranked in ascending order on a table from lowest to highest cost per application with the lowest cost being at the top of the table.
- 4.2 The costs submitted for planning includes the cost of delivering:
 - planning policy;
 - development management;
 - building standards; and
 - environmental improvements.
- 4.3 Examination of the make-up of these costs has indicated that the environmental improvements costs (£851k in 2016-17) previously included some costs that should have been allocated to the Countryside Recreation and Management LFR category rather than Planning. For 2017-18 costs, the following activities were directed to the countryside category in the LFR return:
 - Conservation Projects;
 - Countryside Projects;
 - Woodland in and around towns (WIAT) projects; and
 - Outdoor Ranger Service.
- 4.4 As a consequence, the environmental improvements costs for 2017-18 have reduced to £96k.
- 4.5 A breakdown of the costs incurred by the service in 2017-18 is given in Appendix 1. In 2016-17 £699k was spent on administration. In 2017-18 this cost has reduced to £547k, partly as a consequence of the acquisition of Abbotsford House, where the service is based.
- 4.6 In 2016-17 Falkirk Council ranked as 29th out of 32 local authorities in Scotland for indicator ECON2 with a cost of £6741 per application. In 2017-18, as a result of the changes described above, Falkirk Council has the highest improvement of all 32 local authorities rising 13 places in the table and is now 16th out of 32 local authorities in Scotland with a cost of £4,600 per application. Appendix 2 shows the performance for this indicator for all Scottish local authorities for 2017-18, ranked by placing with a comparison against 2016-17. As a result of these change for 2017-18, Falkirk's cost is £219 lower per application than the Scottish average of £4,819.

- 4.7 It should be noted that LFR guidance is interpreted differently by local authorities across Scotland, so there is some doubt as to whether the cost per planning application reported by each local authority is directly comparable. To some extent this explains the fluctuation between yearly results reported by local authorities. Table 1 below shows the authorities reporting the most significant variation between 2016/17 and 2017/18:

Table 1: 2017/18 ECON2 Results – Authorities with significant variation

| Authority | Cost per application £ | Increase/ (Decrease) on 16/17 £ | Position | Improve/ (Decline) |
|------------------|-----------------------------------|--|-----------------|-------------------------------|
| Angus | 4269 | (613) | 13 | 9 |
| Falkirk | 4600 | (2,141) | 16 | 13 |
| Scottish Borders | 5010 | 1142 | 22 | (12) |
| Inverclyde | 7280 | 3675 | 27 | (21) |
| West Lothian | 8704 | 4271 | 29 | (12) |

- 4.8 The Heads of Planning Scotland recognise this problem and are working with the Scottish Government and Councils to improve consistency in reporting of the indicator.

b) Planning Review and the Planning (Scotland) Bill

- 4.9 On 4th December 2017, the Scottish Government published a new Planning Bill. The Bill is a key element of the Government's Review of Planning which was commenced in 2015. The Review is intended to strengthen and simplify the planning system, with a greater focus on delivery, particularly of housing and infrastructure.
- 4.10 The Bill has been subject to consultation and the Council submitted a response on the draft bill highlighting a number of uncertainties arising from the proposed planning reforms and the cost implications of the proposals. In response to the consultation, the Scottish Government has expressed concern over the 230 amendments that have been suggested. This includes 91 new duties (of which 66 duties would fall on local authorities), creating additional demands on the planning service. Appendix 3 shows RTPI Scotland's briefing on the additional duties introduced at Stage 2 of the Planning (Scotland) Bill.
- 4.11 Further work is to take place, aiming to resolve pressures arising from the suggested changes however any additional demands would be of concern at a time of severe budgetary constraints in local government.

c) Findings of the national cost of planning exercise

4.12 As reported in April 2018, the Council was approached by the Scottish Government to assist with an exercise being conducted involving the Chartered Institute of Public Finance and Accountancy (CIPFA), Improvement Service and Heads of Planning Scotland on the cost of planning. The work was intended to provide evidence of planning costs across the country and its findings will contribute to the production of the new legislation and recommendations for any efficiencies in due course. The work involved:

- establishing and inputting agreed financial data for comparison purposes;
- time recording planning/non-planning staff and identifying other overheads as inputs to the service; and
- comparison of the data

4.15 12 Authorities including Falkirk Council participated in the exercise, which was a follow up to a similar project which ran in 2013 and 2014.

4.16 The data from the survey was comprehensive and covered the following critical cost areas:

- Cost of handling applications;
- Costs per application - 6 categories;
- Planning costs per hour;
- Basket analysis of similar applications
- Performance analysis, which includes applications valid on receipt, zero fee applications, pre-application advice, appeals, speed of processing and enforcement costs; and
- Appendices cover recorded staff costs, staff hours and cost calculation, non-staff costs and direct and indirect costs.

4.17 Table 2 below shows the headline findings for Falkirk Council compared against the average of the 12 local authorities who participated in the exercise. Cells shaded green represent figures 20% or more below the 12 authority average. Cells shaded red represent figures 20% or more above the 12 authority average:

Table 2: Headline findings of the Costing the Planning Service Project

| | Falkirk | 12 authority average |
|---|----------------|-----------------------------|
| Percentage of total costs covered by fees | 60% | 66% |
| Cost per productive hour | | |
| Handling planning applications (direct) | £54 | £52 |
| Handling planning applications (indirect) | £46 | £45 |
| Planning policy | £47 | £59 |
| Compliance and delivery | £60 | £48 |
| Delegation rate of all applications | 95% | 90% |
| Percentage of total cost of handling applications | | |

| | Falkirk | 12 authority average |
|--------------------------------------|--------------------------------|-----------------------------|
| Receipt and validation | 14% | 13% |
| Consultation | 13% | 23% |
| Evaluation and negotiation | 27% | 19% |
| Delegated reports and decisions | 19% | 23% |
| Committee reports and decisions | 16% | 13% |
| Decision notice, agreements | 4% | 4% |
| Planning appeals | 6% | 5% |
| Total cost per application | | |
| Major non-residential | Too few to calculate unit cost | £15,721 |
| All dwellings | £3,430 | £1,884 |
| Local non-residential | £939 | £1,160 |
| All others | £742 | £434 |
| Householders | £473 | £443 |
| Heritage | £786 | £394 |
| Cost per standard application basket | £2.35m | £1.77m |

4.18 Possible explanations for costs being significantly higher or lower than the 12 authority average are given below:

- **Planning policy** – During the 5 year preparation cycle of Local Development Plans (LDP) there are certain periods which incur higher costs e.g. during LDP examination. Falkirk Council was going through one of the lower cost periods of the LDP preparation cycle. This may change next year should an Inquiry relating to the LDP2 be necessary;
- **Compliance and delivery** – The reporting period involved a period of time for significant amounts of work relating to delivery of planning related projects including the Falkirk THI, the M80 Junction 7 slips Housing Infrastructure Fund project and the Zetland Park Regeneration project;
- **Evaluation and negotiation** – Falkirk Council may have a lower bar for validating planning applications than some other local authorities, meaning that additional time is spent during the evaluation and negotiation stage seeking to secure the production of the supporting information necessary to properly determine an application;
- **Committee reports and decisions** – Council officers may be required to spend more time on preparing reports to support applications called in to the planning committee or where determination is deferred until after a site visit has occurred;
- **All dwellings** - Pressures over the extent of the effective housing land supply has led to a higher volume of speculative planning applications for housing development on unallocated sites. These applications can lead to higher than average processing costs. This trend may continue until housing land supply issues are resolved as planned via the LDP2 proposed plan;
- **All others** – The reporting period coincided with the processing of a number of large applications in Grangemouth by Forth Ports and Ineos, resulting in higher costs;

- **Heritage** – The reporting period coincided with the processing of a number of applications relating to the Falkirk Townscape Heritage Initiative meaning the Falkirk Council had a higher than average volume of more complex heritage related applications; and
- **Costs per standard application basket** – This indicator takes a standard basket of application types across the 12 participating authorities and applies each authority's processing cost for each type of application to it. While intended to level out inconsistencies in cost between authorities it does suggest the Council's costs were higher than other authorities for an equivalent package of applications during the period examined.

4.19 It is evident that the evaluation and negotiation of applications and production of committee reports and decisions are important areas where the Council incurs a higher than expected cost per planning application. Further work is taking place to look in detail at the processes and arrangements which govern how the Council processes applications given that more time is spent on these activities than other local authorities participating in the exercise. The aim of the review is to identify service improvements and to tackle any inefficiencies in the system.

d) Planning Performance Framework

4.20 The Council's annual Planning Performance Framework (PPF) was submitted to the Scottish Government in July 2018 covering the period April 2017 – March 2018 and is shown at appendix 4. Performance is marked against 15 key markers with red, amber or green status awarded by the Scottish Government dependent on performance. Since the introduction of the PPF in 2012-13, Falkirk Council has made steady improvement year on year. Table 2 below shows performance against the 13 applicable key markers reported on in the 2017-18 PPF:

Table 3: Planning Performance Framework progress

| | Red | Amber | Green |
|---------|-----|-------|-------|
| 2012-13 | 2 | 6 | 5 |
| 2013-14 | 0 | 5 | 8 |
| 2014-15 | 0 | 3 | 10 |
| 2015-16 | 0 | 3 | 10 |
| 2016-17 | 0 | 3 | 10 |
| 2017-18 | 0 | 2 | 11 |

4.21 This year, two key markers moved from amber status to green status i.e. "Decision making timescales" (which were significantly faster than the Scottish average) and "Development plan scheme" (with LDP2 on timetable for adoption within 5 years of the adoption of LDP1). The key markers we were awarded amber status for related to "continuous improvement" and "stalled sites/legacy cases". The reasons for being awarded amber appear to be because of over ambition with improvement commitments (8 out of 15 were completed) and a reduction in the pace of clearing legacy cases (9 were cleared within the reporting year). A letter from the Scottish Government

welcoming Falkirk Council's performance for 2017-18 is shown at appendix 5. The 2018-19 PPF is due for submission in July 2019.

- 4.22 The Service is keen to examine the cost of planning issues in more depth and a working group has been established to explore opportunities for service improvements and efficiencies. This work is aligned with the Council of the Future initiative and a number of service improvement workshops have been held to gather suggestions from staff about opportunities for service improvement and efficiencies
- 4.23 A series of recommendations has been made and improvement actions identified. Amongst these are:

Local Development Plan

- Progress of the Planning Bill should be closely monitored and any legislative requirements relating to further integration of spatial planning and community planning and the introduction of Local Place Plans should be considered; and
- In advance of LDP3, the approach to member involvement should be reviewed with a view to creating a more streamlined process;

Strategy Preparation

- The Open Space Strategy; Falkirk Greenspace: A Strategy for our Green Network; the Long Term Forestry and Woodland Strategy; and the Sports Pitch Strategy should be amalgamated and consolidated by October 2021;
- unless a specific requirement of legislation or a particularly contentious item, strategies should be presented to the Executive for approval once finalised following consultation;

Technical and Systems Support

- A workforce plan should be prepared for technical and systems support function to enable career development and more flexible use of technical support;
- The Council should consider the creation of a comprehensive Council asset database with a public interface which enables a single reporting tool;

Development Management

- The Council's scheme of delegation should be reviewed with a view to reducing the overall planning costs related to taking applications to Planning Committee or to subsequent site visits;
- Additional work to reduce expenditure and maximise income relating to: staff levels; funding of external consultants; external licences and IT software; dealing with internal consultees; and charging for services;
- Additional work to reduce time spent across current workloads through review of procedures and processes and/or introducing a scheme of charging for: duty planning service; general enquiries; pre-application

discussions; advert fees; enforcement enquiry screening; planning officer involvement in local review board; and planning appeals; and

- work to reducing costs relating to: enquiries; referral of planning applications; planning committee report format; streamlining legal input to committee reports; planning committee site meetings; local review boards; permitted development letters; neighbour notification; charging for administration services; and written procedures for tasks.

4.24 Local Authority Building Standards Scotland is working on similar national benchmarking exercise, the outcome of which will be analysed and action points for the service considered.

4.25 Officers are considering the next steps in implementing these actions and, where necessary, these will be the subject of follow-up reports to members.

Consultation

5.1 No consultation is required.

6 Implications

Financial

6.1 There are no direct financial implications arising from this report.

Resources

6.2 There are no direct resource implications arising from this report.

Legal

6.3 No implications

Risk

6.4 There are no risks arising from the recommendations in this report. Further consideration will be given as the particular changes emerge.

Equalities

6.5 An equality and poverty impact assessment was not required. Some of the service improvements may require individual equality and poverty impact assessments.

Sustainability/Environmental Impact

6.6 A sustainability/environmental assessment is not required.

7 Conclusions

- 7.1 This report provides an update on the Council's planning service related performance in: the LFR tables; the national costing the planning service project; and the Planning Performance Framework. Performance is at a high level and has been shown to be improving; however opportunities for improvement and to increase efficiencies remain.
- 7.2 This area of activity will be under further assessment by the Scottish Government as a consequence of the Planning (Scotland) Bill and we will continue to work with national organisations as the situation evolves. The Service is also progressing opportunities for service improvement aligned with the Council of the Future initiative. Detailed recommendations for improvement will be reported in due course.

pp Director of Development Services

Author – Danny Thallon, Environment Coordinator

Date: 18 March 2019

Appendices

Appendix 1 - Breakdown of Cost of Planning services - 2017-18 (attached)

Appendix 2 - Cost of Planning: Comparison with other authorities (attached)

Appendix 3 - RTPI Scotland briefing – Planning Scotland Bill – Additional duties introduced at stage 2 (attached)

Appendix 4 - Falkirk Council Planning Performance Framework report 2017-18 - document available at:
<http://www.falkirk.gov.uk/services/planning-building/docs/performance/planning/Planning%20Performance%20Framework%202018.pdf?v=201808071431>

Appendix 5 - Falkirk Council Planning Performance Framework report 2017-18 Letter from Minister for Local Government & Housing in Scotland (attached)

List of Background Papers:

The following papers were relied on in the preparation of this report in terms of the Local Government (Scotland) Act 1973:

- None

Breakdown of Cost of Planning services - 2017-18

| LFR DATA 2017/18 | Building Control £000s | Development Management £000s | Planning Policy £000s | Environmental Improvements £000s | TOTAL PLANNING £000s |
|-------------------------------------|---------------------------------------|---|--------------------------------------|---|-------------------------------------|
| Employee Expenses | 618 | 690 | 277 | 148 | 1,733 |
| Property Expenses | 8 | 0 | 0 | 15 | 23 |
| Transport Expenses | 0 | 0 | 2 | 0 | 2 |
| Supplies & Services | 40 | 141 | 28 | 6 | 215 |
| Third Party Payments | 0 | 0 | 0 | 7 | 7 |
| Departmental Admin & Accom | 199 | 309 | 31 | 8 | 547 |
| Central Support | 55 | 195 | 48 | 0 | 298 |
| Internal Income charges excluded | -61 | -32 | 0 | -88 | -181 |
| Total cost | 859 | 1,303 | 386 | 96 | 2,644 |
| Income | -479 | -612 | -24 | -50 | -1,165 |
| Net cost | 380 | 691 | 362 | 46 | 1,479 |

Appendix 2

2017/18 ECON 2 Results

| Authority | No of Applications | Cost of Planning £ | Cost per Application £ | Increase / (Decrease) on 16/17 £ | Position | Improve / (Decline) |
|---------------------|--------------------|-----------------------|---------------------------|--|-----------|---------------------|
| East Lothian | 802 | 2,034,000 | 2,536 | (287) | 1 | 1 |
| Highland | 2,580 | 6,893,000 | 2,672 | (1,012) | 2 | 5 |
| Dumfries & Galloway | 1,039 | 3,059,000 | 2,944 | (222) | 3 | 0 |
| Argyll & Bute | 1,034 | 3,240,000 | 3,133 | 334 | 4 | (3) |
| East Dunbartonshire | 699 | 2,339,000 | 3,346 | (447) | 5 | 4 |
| South Ayrshire | 731 | 2,524,000 | 3,453 | (510) | 6 | 7 |
| Eilean Siar | 351 | 1,216,000 | 3,464 | 78 | 7 | (2) |
| Moray | 654 | 2,441,000 | 3,732 | (147) | 8 | 3 |
| Fife | 1,696 | 6,444,000 | 3,800 | (167) | 9 | 5 |
| North Ayrshire | 456 | 1,925,000 | 4,221 | 434 | 10 | (2) |
| South Lanarkshire | 1,290 | 5,486,000 | 4,253 | 323 | 11 | 1 |
| Orkney Islands | 332 | 1,417,000 | 4,268 | 1,045 | 12 | (8) |
| Angus | 551 | 2,352,000 | 4,269 | (613) | 13 | 9 |
| North Lanarkshire | 732 | 3,170,000 | 4,331 | (314) | 14 | 4 |
| Dundee City | 429 | 1,909,000 | 4,450 | (393) | 15 | 6 |
| Falkirk | 510 | 2,346,000 | 4,600 | (2,141) | 16 | 13 |
| West Dunbartonshire | 213 | 1,005,000 | 4,718 | (91) | 17 | 3 |
| Edinburgh City | 1,984 | 9,609,000 | 4,843 | 738 | 18 | (2) |
| Midlothian | 459 | 2,281,000 | 4,969 | (13) | 19 | 4 |
| Aberdeenshire | 1,810 | 9,008,000 | 4,977 | 224 | 20 | (1) |
| East Renfrewshire | 570 | 2,839,000 | 4,981 | 937 | 21 | (6) |
| Scottish Borders | 594 | 2,976,000 | 5,010 | 1,142 | 22 | (12) |
| Perth & Kinross | 1,273 | 6,434,000 | 5,054 | (275) | 23 | 2 |
| Stirling | 624 | 3,242,000 | 5,196 | 181 | 24 | 0 |
| Clackmannanshire | 194 | 1,280,000 | 6,598 | 864 | 25 | 1 |
| Glasgow City | 1,581 | 11,302,000 | 7,149 | 694 | 26 | 2 |
| Inverclyde | 329 | 2,395,000 | 7,280 | 3,675 | 27 | (21) |
| Shetland Islands | 243 | 1,856,000 | 7,638 | 1,458 | 28 | (1) |
| West Lothian | 577 | 5,022,000 | 8,704 | 4,271 | 29 | (12) |
| Aberdeen City | 688 | 6,832,000 | 9,930 | 2,566 | 30 | 1 |
| East Ayrshire | 414 | 4,409,000 | 10,650 | 3,372 | 31 | (1) |
| Renfrewshire | 554 | 5,984,000 | 10,801 | 2,295 | 32 | 0 |
| Scotland Average | | | 4,819 | 254 | | |

Planning (Scotland) Bill – Additional duties introduced at Stage 2

RTPI Scotland briefing

Context

In briefing MSPs prior to the Stage 2 debate of the Planning (Scotland) Bill RTPI Scotland outlined our concerns that resource implications of the Bill as laid before Parliament, along with the number of amendments tabled, have not been rigorously costed and will place new demands upon the planning service. We pointed out that Heads of Planning Scotland and COSLA had similar concerns. We therefore urged members to be mindful throughout the Stage 2 debate of the expectation on local authorities to implement considerable reforms, with no new resource committed.

90 Additional Duties

These concerns have been heightened by the number of further additional duties and responsibilities that have been introduced at Stage 2. Our analysis shows that recent amendments made to the Planning Bill will place up to **91** new duties and responsibilities on planners without resources required to undertake them: **66 new and unfunded duties will be put on planning departments** with a further **25 responsibilities placed on Scottish Government**.

This additional work comes at a time of severe resourcing pressures for planning departments which have already seen a 23% loss of planning staff since 2010.

The new duties include the need planning authorities to ensure that Local Development Plans assess the need for public toilets, water refill points and for preserving disused railway infrastructure.

Adding these new duties to the workload of already stretched planning departments could see the system grind to a halt. If we are not able to process planning applications and agree development plans this means we won't be able to build more new homes, help regenerate our town centres or protect our most treasured buildings and landscapes."

We believe that the aims of the many of the new duties could be covered by existing processes and so are calling on MSPs to take step back to consider if they really need to be included within the Bill. The alternative would be to make sure that there is funding put in place to enable planning authorities to deal with them but this could cost hundreds of thousands of pounds.

New Duties

The new duties and responsibilities are set out below.

For more information
please contact
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| Stage 2 Amendme nts | Scottish Government – 25 new duties in total | Planning Authorities – 66 new duties in total |
|----------------------------|---|--|
| Section 1 – NPF | 13 new duties | 8 new duties |
| 30/31 | <ul style="list-style-type: none">- NPF must include targets for the use of land in different areas for housing- NPF must be prepared with regard to other relevant policies and strategies (transport, climate change, marine plan, infrastructure etc) | |
| 32/33 | | <ul style="list-style-type: none">- Planning authorities required to provide evidence on housing need and demand specifically to inform the preparation of NPF- Planning authorities required to provide evidence on education capacity to inform the preparation of NPF |
| 39 | <ul style="list-style-type: none">- NPF is to be approved through the resolution of Parliament Consultation with planning authorities and key agencies is required. | |
| 71/72 105/106 170 | | <ul style="list-style-type: none">- Planning authorities required to provide evidence on 'cultural' issues to inform the preparation of NPF- Planning authorities required to provide evidence on 'built heritage' issues to inform the preparation of NPF- Planning authorities required to provide evidence on capacity of health services issues to inform the preparation of NPF- Planning authorities required to provide evidence on 'health needs of the population of the area' issues to inform the preparation of NPF- Planning authorities required to provide evidence on 'housing needs of older and disabled people' issues to inform the preparation of NPF |
| 104/211 | <ul style="list-style-type: none">- NPF has to include a statement that considers health effects of | |



| | | |
|--------------------|---|--|
| | <p>development within the framework</p> <ul style="list-style-type: none">- NPF must have regard to the desirability of ensuring that the population of rural areas of Scotland increases, and that resettlement is encouraged in rural areas that have become depopulated | |
| 160/167 168/169 | <ul style="list-style-type: none">- Requires NPF to have regard to preserving disused railway infrastructure for future reuse- Requires NPF to specify priorities for housing for older and disabled people to meet such housing need- Requires NPF to include targets for housing for older and disabled people and to consult on such targets- NPF participation statement has to include explicit reference to older people, disabled people, carers, developers, planning authorities, and other associated groups | |
| 186 | <ul style="list-style-type: none">- Ministers are required to consult with the Chief Medical Officer and CE of NHS Scotland on the NPF | |
| 187 | <ul style="list-style-type: none">- Ministers are to issue guidance on how evidence should be provided to inform the NPF | |
| 219 | <ul style="list-style-type: none">- Ministers are to consult with statutory bodies on the compliance of the NPF with the Climate Change (Scotland) Act. This advice must be published and if NPF does not comply with Climate Act, reasons why must be published. | |
| 188/188A | <ul style="list-style-type: none">- Ministers are required to publish a report every 2 years on how housing needs of older people and disabled people are being met. Requires consultation with older people, carers, etc. | |

| | | |
|---|---------------------|---|
| 171 | | - Planning authorities are required to prepare and publish an open space strategy. |
| Section 2 – SDP | | 2 new duty |
| 42 | | - Reintroduces the need to produce SDPs for authorities in SDP areas |
| 189 | | - Requires planning authorities to prepare an evidence report when producing SDPs |
| Section 3 – LDP | 2 new duties | 29 new duties |
| 9 | | - Requires planning authorities to extend LDP consultation to 12 weeks (currently 6, indirectly introduces further need for resourcing) |
| 35/36/ 52/54 73/82/ 107/108 109/117 | | <ul style="list-style-type: none"> - Requires planning authorities to identify sites for self-build within the LDP - Requires planning authorities to include a vision statement which deals with housing needs within the LDP - Requires planning authorities to consider the needs of disabled people, and housing needs for older and disabled people within the LDP - Requires planning authorities to consider needs of older people and disabled people within the LDP - Requires planning authorities to address built heritage issues within the LDP - Requires planning authorities to address cultural issues within the LDP - Requires planning authorities to include a statement of health effect of the LDP within the LDP - Requires planning authorities to take account the capacity of health services in the area within the LDP - Requires planning authorities to take account of the 'health needs of the population of the area' within the LDP |



| | | |
|---|--|--|
| | | <ul style="list-style-type: none">- Requires planning authorities to address education facilities, availability of land for housing and availability of and requirements for housing issues within the LDP |
| 124/126 127 | | <ul style="list-style-type: none">- Requires planning authorities to published the proposed plan and, if applicable, modifications, where a section 18 examination is requested- Requires planning authorities to prepare a report on modifications made to plan following publication of proposed LDP- Requires planning authorities to seek the views of the public on the LDP participation statement |
| 161/162 163 172/174 222/223 175/176 190/191 224/224 | | <ul style="list-style-type: none">- Requires planning authorities to include statement about policies on providing public toilets within the LDP- Requires planning authorities to include statement about policies on providing water refill points within the LDP- Requires planning authorities to have regard to preserving disused railway infrastructure for future reuse within the LDP- Requires planning authorities to set targets on housing for older and disabled people within the LDP- Requires planning authorities to address how they will meet NPF targets for housing for older and disabled people within the LDP- Requires planning authorities to include summary of action to support and promote accessible design within the LDP- Requires planning authorities to include summary of action to support and promote age and dementia friendly design within the LDP- Requires planning authorities to designate land for housing for older and disabled people within the LDP |



| | | |
|--|--|---|
| | | <ul style="list-style-type: none"> - Requires local authorities to take into account their open space strategy within the LDP - Requires planning authorities to take into account the health of the population within the LDP - Requires planning authorities to take account of rural areas of declining population with the LDP - Requires planning authorities to allocate land for the purpose of resettlement within the LDP - Requires planning authorities to outline how land for the supply of renewable energy could be made available within the LDP |
| 194 | | <ul style="list-style-type: none"> - Requires local authorities to promote and facilitate involvement of children and young people in the preparation of the LDP |
| 201 | - Requires Ministers to issue guidance on effective community engagement when preparing LDP | |
| 2 | | <ul style="list-style-type: none"> - Requires planning authorities to take account of 'culturally significant zones' within the LDP (along with NPF and LOIPs) |
| 227 | - Ministers should outline the form, consultation and publication of the play opportunity assessment | <ul style="list-style-type: none"> - Requires planning authorities to assess play opportunities when preparing the evidence report of the LDP |
| Section 3 – LDP Evidence Report | | 11 new duties |
| 118/119/76 | | <ul style="list-style-type: none"> - Requires local authorities to seek the view of key agencies, other prescribed persons, and the public as well as children when preparing evidence reports - Requires local authorities to seek views of Gypsies and Travellers and children and young people, and state how these have been taken into account within evidence report - Requires planning authorities to set out how communities have |

| | | |
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| | | been invited to prepare LPPs, and how the authority has supported the production of LPPs within the evidence report |
| 120 | | - Requires the local authority to approve the evidence report before it's being submitted to Ministers |
| 195/196 198/202 | | <ul style="list-style-type: none"> - Requires planning authorities to include statement on consultation, and how views heard have been taken into account within evidence report - Requires planning authorities to make an assessment of need for and provision of student housing within evidence report - Requires consultation on draft evidence report including children and young people - Requires planning authorities to consult community councils and access panels on the draft of LDP |
| 221/226 | | <ul style="list-style-type: none"> - Brings strategic and cross-boundary policies and proposals in the scope of an LDP - Requires non SDP area local authorities to consider strategic matters, relate them to adjacent planning authorities and how they will collaborate with neighbouring authorities and include them within the LDP evidence report. |
| 77 | | - Requires planning authorities which are located within Central Scotland Green Network Partnership area to consult with CSGNP as long as CSGNP is part of the NPF |
| Section 9 - LPP | | 4 new duties |
| 78 | | - Requires local authorities to invite communities to prepare LPPs before beginning work on the LDP. This invitation should include how and when LPPs are to be prepared to be taken into account in LDP prep, and what assistance will be |



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| | | available from local authorities to prepare LPPs. |
| 137/138/ 139 | | <ul style="list-style-type: none"> - Requires LDPs to take into account any 'registered' LPPs - Requires any amendment of an LDP to take into account any 'registered' LPPs - Requires local authorities to keep a register of LPPs. Enables regulation making about the availability of the register. Requires local authorities to publish a map of LPPs. |
| Section 10 - Masterplan Consent Areas | 2 new duties | 1 new duty |
| 299 | | <ul style="list-style-type: none"> - Requires planning authorities to consider the need of masterplan consent areas every 5 years. |
| 12 | <ul style="list-style-type: none"> - The Scottish Ministers must make regulations on land value capture provisions relating to masterplan consent areas. | |
| 56 | <ul style="list-style-type: none"> - Should Ministers seek to make or alter a MCA it must do it so by providing notification in writing and publish it in a manner Ministers deem appropriate. | |
| Section 11 - Culturally Significant Zone | | 1 new duty |
| 305 | | <ul style="list-style-type: none"> - Defines and creates 'culturally significant zones'. Planning authorities are to take them into account during the preparation and monitoring of LDPs. Planning authorities must designate areas in accordance with the definition. Planning authorities must give notice to Scottish Ministers should a zone be added, varied or removed. Such changes must also be published in the Edinburgh Gazette and a local paper. |

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| | | Planning authorities are to publish guidance on preservation and enhancement of such zones from time to time. Planning application within 100m of a zones are to be published in a local newspaper and displayed at the site. |
| Section 12 | 1 new duty | 1 new duty |
| 113 | - Scottish Ministers must make provision about how likely health effects are to be considered before giving planning permissions for national and major development | - Planning Authorities will be required to consider the likely health effects of major development before giving planning permission in accordance with the provision made by Scottish Ministers |
| Section 14 | | 4 new duties |
| 208 | | - Planning Authorities cannot grant consent on greenbelt applications unless a statement is included on why the development could not happen on brownfield, and which brownfield alternatives have been considered. Also they may not grant planning permission should application have adverse effect on an intrinsic natural or cultural value. (Although these documents will be prepared by the private sector, it will take additional time for local authorities to assess such documents and require further assessments from the LA side) |
| 307 | | - Requires Local Planning Authorities to notify councillors, MSPs and House of Commons on major planning permissions, development orders, approval of conditions and S75. |
| 258 | | - Regardless of the consultation period, the Music Venues Trust must be consulted if development includes a music venue or is on land on which there is a music venue |
| 306 | | - Specifies that impacts on cultural venues are a consideration that should be taken into account by planning |



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| | | authorities when determining planning applications |
| Section 16 | 1 new duty | |
| 22 | - Requires Ministers to make regulations on circumstances in which applications can be called in | |
| Section 19 – Planning Obligations | | 2 new duties |
| 166/320 | | <ul style="list-style-type: none"> - Requires planning authorities to publish and promote a relevant instrument which is brought to the attention of the area to which the planning obligation relates to - Requires planning authorities to publish an annual report on the number of planning obligations entered that year, planning obligation not expired yet from the previous year and planning obligations not yet complied with as well as the person who has entered the obligation. |
| Section 20 | 2 new duties | |
| 146 | - Scottish Ministers are to publish guidance on what similar applications and significant changes are in relation to declining an application | |
| 314 | - Scottish Ministers can make regulations on compensations should planning permission on development orders be withdrawn | |
| Section 21 | 2 new duties | |
| 264/265 | <ul style="list-style-type: none"> - Gives Scottish Ministers the powers to waive or reduce planning fees - Gives Scottish Ministers the power to specific circumstances in which fees can be waived or reduced | |
| Section 23 | 1 new duty | 1 new duty |
| - | | |

| Enforcement | | |
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| 267 | - Scottish Ministers are to set out how the charging order should be registered with Minister | - Charging Bodies are to register discharging orders as prescribed by Ministers |
| Section 26 | | 2 new duties |
| 152 | | - Requires Local Planning Authorities to notify neighbours should on application for listed building consent |
| 158 | | - Each Local Planning Authority must have a Chief Planning Officer |
| Section 32 | 1 new duty | |
| 277 | - Scottish Ministers must consult local authorities and any other person considered appropriate before making any regulations enabled by this Bill | |

RTPI Scotland other inputs

RTPI Scotland [briefing](#) on Stage 1 of the planning (Scotland) Bill

RTPI Scotland vision for a new planning system "[Repositioning Planning: Building a Successful and Sustainable Scotland](#)"

[Response to Scottish Government consultation *Places, People and Planning*](#)

[Briefing on Empowering Planning to deliver great places – the report of the Independent review of the Scottish planning system](#)

The Royal Town Planning Institute

The Royal Town Planning Institute (RTPI) is the champion of planning and the planning profession. We work to promote the art and science of planning for the public benefit. We have around 2100 members in Scotland and a worldwide membership of over 25,000. RTPI Scotland's members will in large part be responsible for the successful implementation of the Bill, once enacted.

Minister for Local Government and Housing
Kevin Stewart MSP



Scottish Government
Riaghaltas na h-Alba
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Mr Kenneth Lawrie
Chief Executive
Falkirk Council

10 January 2019

Dear Mr Lawrie

PLANNING PERFORMANCE FRAMEWORK FEEDBACK 2017-18

I am pleased to enclose feedback on your authority's 7th PPF Report for the period April 2017 to March 2018. Considerable progress has been made since the introduction of the Planning Performance Framework and key markers, although performance still remains variable over some authorities and markers.

As you may be aware, the Planning Bill has recently passed through the second stage of parliamentary consideration, during which the Local Government and Communities Committee voted to remove the proposed provisions on planning performance, provisions to make training for elected members mandatory, and the existing penalty clause provisions. We expect Stage 3 of the bill process to begin in the new year.

Whatever the outcome of the Planning Bill, I believe now is the time to look again at how we measure the performance of the planning system. The High Level Group on Planning Performance recently met to discuss performance measurement and other improvements. I very much hope that we can continue to support ongoing improvements in our planning service and further demonstrate the value which the planning system can add to people's lives. Ministers see an important connection between performance and fees and I am aware that any proposals to increase fees will raise applicants' expectations of an efficient and effective service.

We need to be able to measure performance to provide that crucial evidence to support any increases in fees, to help ensure that authorities are appropriately resourced to deliver on our ambitions. With this in mind, we will continue to liaise with COSLA, SOLACE and Heads of Planning Scotland on matters of the Bill's implementation and planning performance measures going forward.

If you would like to discuss any of the markings awarded below, please email chief.planner@gov.scot and a member of the team will be happy to discuss these with you.

Kind Regards

KEVIN STEWART

CC: Mr Douglas Duff, Head of Planning and Economic Development

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www.gov.scot



PERFORMANCE MARKERS REPORT 2017-18

Name of planning authority: **Falkirk Council**

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

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

| No. | Performance Marker | RAG rating | Comments |
|-----|--|------------|--|
| 1 | Decision-making: continuous reduction of average timescales for all development categories [Q1 - Q4] | Green | <p>Major Applications Your timescales of 23.7 weeks are faster than the previous year and faster than the Scottish average of 33.6 weeks. RAG = Green</p> <p>Local (Non-Householder) Applications Your timescales of 9.5 weeks are faster than the previous year and is faster than the Scottish average of 10.7 weeks. RAG = Green</p> <p>Householder Applications Your timescales of 6.1 weeks are faster than the previous year and is faster than the Scottish average of 7.3 weeks. RAG = Green</p> <p>Overall RAG = Green</p> |
| 2 | Processing agreements: <ul style="list-style-type: none"> offer to all prospective applicants for major development planning applications; and availability publicised on website | Green | <p>You offer processing agreements to applicants for during pre-application discussions and in correspondence with applicants and agents. RAG = Green</p> <p>Your guidance and template for processing agreements are available on your website. RAG = Green</p> <p>Overall RAG = Green</p> |
| 3 | Early collaboration with applicants and consultees <ul style="list-style-type: none"> availability and promotion of pre-application discussions for all prospective applications; and clear and proportionate requests for supporting information | Green | <p>The number of applications subject to pre-applications advice has increased and you continue proactively offer these to developers and agents. RAG = Green</p> <p>Early collaboration with applicants along with LDP and supplementary guidance helps ensure requests are clear and proportionate to the application. RAG = Green</p> <p>Overall RAG = Green</p> |
| 4 | Legal agreements: conclude (or reconsider) applications after resolving to grant permission reducing number of live applications more than 6 months after resolution to grant (from last reporting period) | Green | Your average timescales for determining legal agreements for local developments are faster than the previous year and the national average. There have been no recorded major applications subject to legal agreement. |

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| 5 | Enforcement charter updated / re-published within last 2 years | Green | Your enforcement charter was 1 month old at the end of reporting period. |
| 6 | Continuous improvement: <ul style="list-style-type: none"> progress/improvement in relation to PPF National Headline Indicators; and progress ambitious and relevant service improvement commitments identified through PPF report | Amber | <p>You LDP was adopted last year and your enforcement charter was renewed this year. Clear timescales exist for adopting the next LDP. While more progress should be made to your legacy cases, all of your timescales are faster than last years and the Scottish average.</p> <p>RAG = Green</p> <p>You have completed 8 out of 15 improvement commitments and identified a further 11 commitments for the next year. A number of these commitments would benefit from explaining what outcome you are seeking to achieve.</p> <p>RAG = Amber</p> <p>Overall RAG = Amber</p> |
| 7 | Local development plan less than 5 years since adoption | Green | Your LDP was 2 years and 8 months old at the end of the reporting period. |
| 8 | Development plan scheme – next LDP: <ul style="list-style-type: none"> on course for adoption within 5 years of current plan(s) adoption; and project planned and expected to be delivered to planned timescale | Green | <p>You are on course for the adoption of the LDP within the timescales. You have reduced the expected delay for submission of the plan to Scottish Ministers by one month from the last reporting year.</p> <p>RAG = Green</p> <p>You have set out a project plan for the publication of the proposed plan within the expected timescales, adjusted for expected delays.</p> <p>RAG = Green</p> <p>Overall RAG = Green</p> |
| 9 | Elected members engaged early (pre-MIR) in development plan preparation – <i>if plan has been at pre-MIR stage during reporting year</i> | N/A | |
| 10 | Cross sector stakeholders* engaged early (pre-MIR) in development plan preparation – <i>if plan has been at pre-MIR stage during reporting year</i> <i>*including industry, agencies and Scottish Government</i> | N/A | |
| 11 | Regular and proportionate policy advice produced on information required to support applications. | Green | You provide 16 supplementary guidance documents which advise developers on policy. You have demonstrated the proportional basis for these reports. |
| 12 | Corporate working across services to improve outputs and services for customer benefit (for example: protocols; joined-up services; single contact arrangements; joint pre-application advice) | Green | You regularly meet with other services to integrate strategies throughout the year. Elsewhere, you provide case studies, such as on Denny town centre regeneration, which demonstrate this. |
| 13 | Sharing good practice, skills and knowledge between authorities | Green | Your staff utilise the Knowledge Hub to share information and experience with others and you participate in your SOLACE benchmarking group. |
| 14 | Stalled sites / legacy cases: conclusion or withdrawal of old planning applications and reducing | Amber | You have cleared 9 cases during the reporting year, with 6 cases still awaiting conclusion. Based on this and last year's figures, 9 reached legacy status during the reporting year. We note that you are monitoring these cases. |

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| | number of live applications more than one year old | | |
| 15 | Developer contributions: clear and proportionate expectations <ul style="list-style-type: none"> • set out in development plan (and/or emerging plan); and • in pre-application in pre-application discussions | Green | <p>You set out clear guidance in your LDP and supplementary guidance.</p> <p>RAG = Green</p> <p>The LDP's reference to developer contributions is mentioned in pre-application discussions. Phased payments are discussed to mitigate their impact for developers.</p> <p>RAG = Green</p> <p>Overall RAG = Green</p> |

FALKIRK COUNCIL
Performance against Key Markers

| Marker | | 2012-13 | 2013-14 | 2014-15 | 2015-16 | 2016-17 | 2017-18 |
|--------|--|---------|---------|---------|---------|---------|---------|
| 1 | Decision making timescales | | | | | | |
| 2 | Processing agreements | | | | | | |
| 3 | Early collaboration | | | | | | |
| 4 | Legal agreements | | | | | | |
| 5 | Enforcement charter | | | | | | |
| 6 | Continuous improvement | | | | | | |
| 7 | Local development plan | | | | | | |
| 8 | Development plan scheme | | | | | | |
| 9 | Elected members engaged early (pre-MIR) | N/A | N/A | N/A | | | N/A |
| 10 | Stakeholders engaged early (pre-MIR) | N/A | N/A | N/A | | | N/A |
| 11 | Regular and proportionate advice to support applications | | | | | | |
| 12 | Corporate working across services | | | | | | |
| 13 | Sharing good practice, skills and knowledge | | | | | | |
| 14 | Stalled sites/legacy cases | | | | | | |
| 15 | Developer contributions | | | | | | |

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

| 2012-13 | 2 | 6 | 5 |
|----------------|---|---|----|
| 2013-14 | 0 | 5 | 8 |
| 2014-15 | 0 | 3 | 10 |
| 2015-16 | 0 | 3 | 12 |
| 2016-17 | 0 | 3 | 12 |
| 2017-18 | 0 | 2 | 11 |

Decision Making Timescales (weeks)

| | 2012-13 | 2013-14 | 2014-15 | 2015-16 | 2016-17 | 2017-18 | 2016-17 Scottish Average |
|-------------------------------------|---------|---------|---------|---------|---------|---------|--------------------------------|
| Major Development | 184.4 | 27.9 | 135.3 | 84.3 | 60.2 | 23.7 | 33.6 |
| Local (Non-Householder) Development | 18.4 | 11.4 | 11.2 | 12.3 | 10.3 | 9.5 | 10.7 |
| Householder Development | 7.3 | 6.5 | 6.9 | 6.9 | 7.2 | 6.1 | 7.3 |