



SCOTTISH EXECUTIVE
Development Department

PLANNING
JULY 2004

2003

SIXTH ANNUAL REPORT
OF THE PLANNING AUDIT UNIT

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2003

SIXTH ANNUAL REPORT
OF THE PLANNING AUDIT UNIT



FOREWORD

We are committed to modernising and reforming the planning system to make it work better for Scotland. Efficiency is a key component of a better planning system. Up-to-date plans and effective decision making are important for businesses and communities and can help to increase public confidence in the planning service.

We have been monitoring application determination rates closely since 1996 through the Planning Audit Unit. On the positive side there has been a slight increase in development control performance against a background of increasing applications. Some councils are committed to excellent development control performances, and it is encouraging to see that targets are met – and even exceeded – consistently in some areas.

But performance in other councils consistently falls below the targets in Scottish Planning Policy 1 The Planning System. These councils need to rise to the challenge, and improve their efficiency to match the best.

The audit process has led to some significant performance improvements and I am delighted that some councils have responded so positively. But performance improvements need to be maintained over time and authorities that have undergone audit procedures should aspire to raise the general quality of their service. A culture of continuous improvement should be the norm not the exception.

The position on development plans is of particular concern. We cannot claim to be operating a plan-led system when almost 40% of local plans were adopted more than

10 years ago. Relevant and up-to-date development plans must be at the core of the system and that is why I attach particular importance to the consultation paper, *Making Development Plans Deliver*, which was published in April.

The Executive has set itself high standards in approving structure plans, and dealing with notified planning applications. Our approval times for structure plans has improved, and our casework performance continues to be good. Some casework targets were not, however, achieved. This was due mainly to the 2003 pre-election purdah period when it was inappropriate to issue decisions which may have been considered to be controversial.

The planning system and the planning profession have important roles to play in supporting the Executive's objectives in

relation to economic development, social justice and environmental protection. Out-of-date development plans and a development-control process that is perceived as slow and inconsistent can frustrate these objectives. But development plans that provide certainty and opportunity form the basis for a responsive and confident approach to determining planning applications. That is the system which we must try, together, to create for the benefit of Scotland's land and people.



Margaret Curran, MSP
Minister for Communities



INTRODUCTION

Introduction

The Sixth Annual Report of the Planning Audit Unit follows the same format as last year with the full complement of performance statistics on our Planning Home Page www.scotland.gov.uk/about/planning/audit.aspx. We continue to give a brief commentary on the tables of council, together with the Loch Lomond and Trossachs National Park Authority, and Executive performance on planning. Notes are also provided on the work of the unit, on some of the year's key findings and issues raised for the Executive.

In 2003-04 a full planning audit was completed for South Ayrshire Council while a review of the Glasgow City Council planning service was also undertaken. In 2004-2005 full planning audits are programmed for East Dunbartonshire and Western Isles Councils and a review of the development control service in the City of Edinburgh Council.



THE PLANNING AUDIT UNIT

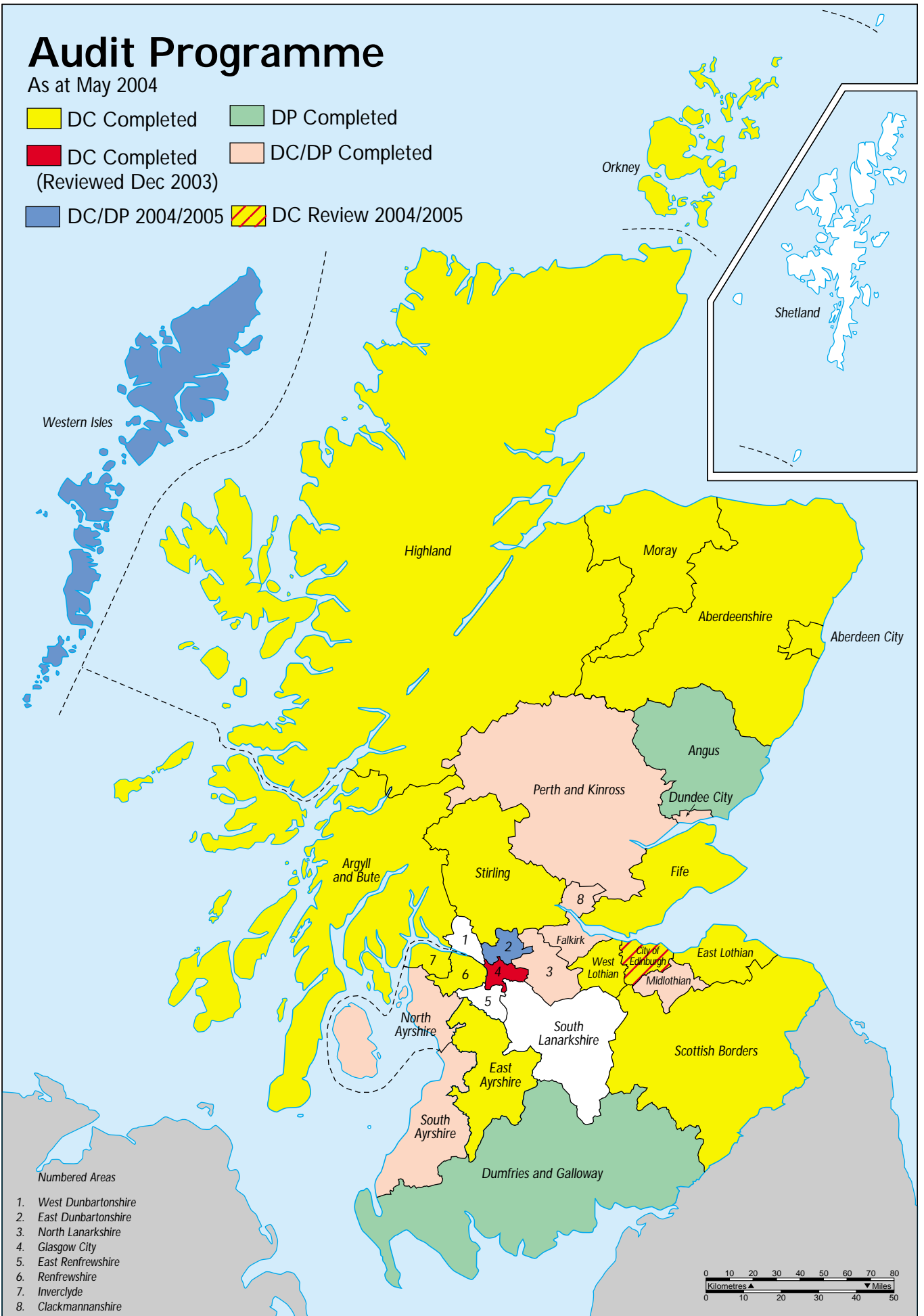
The Planning Audit Unit

The Planning Audit Unit was formed in 1996 to review councils' development control performance, to work with individual councils to identify best practice and areas where improvements could be made to the processes and services. The audits were later extended to cover development planning. Over 80% of planning authorities have now had a planning audit. The map overleaf shows audit coverage to date and proposals for the forthcoming year.

Audit Programme

As at May 2004

- DC Completed
- DP Completed
- DC Completed (Reviewed Dec 2003)
- DC/DP Completed
- DC/DP 2004/2005
- DC Review 2004/2005



PLANNING AUTHORITY
PERFORMANCE

Planning Authority Performance

All Applications

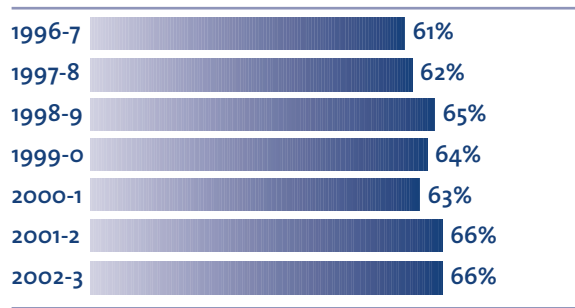
The number of planning applications decided totalled 48,751, following a rising trend and up 3% on last year. Clackmannanshire, Falkirk, East Renfrewshire, Scottish Borders, South Lanarkshire and Renfrewshire all recorded increases in excess of 10%. The national level of performance in determining applications within 2 months remains at 66% despite the increase in applications. This compares favourably with 61% of 39,789 applications determined within 2 months in the period 1996-97. Historically, performance has fluctuated seasonally with summer highs and winter lows, but this year the determination rate of 66% has remained constant across the year.

The *Fifth Annual Report* highlighted a significant rise in householder applications and this trend has continued, rising from 20,985 last year to 23,090 in the current accounting period. In most other categories there has been a slight fall in decided applications.

In comparison with the previous 12 months, 18 councils have improved their performance. Since the commencement of

the Planning Audits 23 authorities have improved their performance and five have remained constant. Clackmannanshire, East Renfrewshire and West Lothian exceeded or reached the 80% target. Two councils have 2-month performance levels lower than 55%, Glasgow City and East Ayrshire, while the Loch Lomond and Trossachs National Park (LLTNP), in its first year as a planning authority, fell below target at 30%.

The graph below shows the trend in average performance over time.



The target of determining 85% of applications in 3 months has been met or exceeded by Aberdeen City, Angus, Argyll and Bute, Clackmannanshire, Dundee City, East Dunbartonshire, East Renfrewshire, Fife, Inverclyde, Moray, Orkney, South Lanarkshire, Stirling, West Dunbartonshire, West Lothian and the Western Isles. The lowest rate for a council was 71%, the same as last year, with the LLTNP achieving 51%.

ALL APPLICATIONS

TOTAL NUMBER DECIDED, PER CENT DECIDED IN 2 MONTHS –

TARGET: 80%

Planning Authority	1 Apr-96 to 31 Mar-97		1 Apr-01 to 30 Sep-01		1 Oct-01 to 31 Mar-02		1 Apr-02 to 30 Sep-02		1 Oct-02 to 31 Mar-03		1 Apr-03 to 30 Sep-03	
	Total number	% in 2 months	Total number	% in 2 months	Total number	% in 2 months	Total number	% in 2 months	Total number	% in 2 months	Total number	% in 2 months
Aberdeen City	2341	67	1081	61	1041	56	1114	64	1150	68	1182	76
Aberdeenshire	3536	65	1721	71	1618	66	1921	73	1544	67	1683	63
Angus	1209	74	566	75	577	72	641	68	560	72	659	75
Argyll and Bute	1162	45	693	63	730	70	774	68	709	72	769	68
Clackmannanshire	334	67	159	81	156	90	132	88	181	88	172	84
Dumfries & Galloway	1654	66	847	68	822	60	1053	64	951	60	1091	58
Dundee City	909	51	317	64	341	58	396	70	331	67	465	66
East Ayrshire	824	69	395	64	354	58	481	59	351	52	526	50
East Dunbartonshire	627	64	452	70	459	72	609	74	514	73	588	79
East Lothian	1034	42	576	80	587	73	592	80	626	74	648	75
East Renfrewshire	524	71	414	0	366	75	484	74	429	82	524	77
Edinburgh City	2606	40	2395	53	2093	61	2485	66	1918	59	2290	53
Falkirk	818	61	432	62	386	62	438	66	470	66	496	73
Fife	3890	70	1687	75	1532	77	1741	82	1522	75	1821	76
Glasgow City	3065	49	1484	50	1568	49	1563	56	1473	56	1525	47
Highland			1778	62	1645	57	2006	61	1725	59	2243	62
Inverclyde	482	59	247	76	238	74	259	79	185	74	279	73
LLTNP									126	28	167	31
Midlothian	593	63	369	65	401	63	394	71	359	71	488	65
Moray	1037	52	504	76	559	77	630	77	562	73	647	77
North Ayrshire	809	60	384	65	370	57	448	61	384	59	471	66
North Lanarkshire	1397	67	711	60	787	46	827	59	714	61	909	71
Orkney	292	58	167	68	143	67	185	81	141	64	193	67
Perth and Kinross	1872	76	873	74	756	71	986	72	783	58	1071	60
Renfrewshire	917	60	548	76	529	63	576	64	563	67	669	64
Scottish Borders	1495	46	908	64	849	65	967	69	945	61	1095	62
Shetland	420	81	196	79	152	61	201	67	173	61	187	73
South Ayrshire	1347	63	700	65	627	63	656	68	608	69	725	75
South Lanarkshire	1723	62	987	70	875	68	1110	72	1006	73	1226	75
Stirling	943	62	503	64	521	54	521	65	448	78	490	71
West Dunbartonshire	441	59	200	67	199	61	203	62	188	71	209	74
West Lothian	1037	83	581	79	568	71	668	81	570	81	677	82
Western Isles	451	53	194	78	174	76	228	80	152	72	205	74
Scotland	39789	61	23069	66	22023	64	25289	67	22361	66	26390	66

Householder

During 2002/03, 82.5% of householder applications were decided within 2 months, a fall of 1% over the previous year, against a target of 90%. Eight councils met the 90% target: Argyll and Bute, Clackmannanshire, Falkirk, Inverclyde, Moray, Shetland, South Lanarkshire and West Lothian.

The target for determining householder applications in 3 months is 95%. Returns to the year ending September 2003 show 19 councils achieving the target. The Scottish average remains at 94%. Apart from Loch Lomond and Trossachs National Park no planning authority had a 3-month householder performance of less than 84%, a slight fall from the level recorded in the annual report for 2002.

Minerals

During the period, 21 planning authorities considered 68 mineral applications, 31 of which were dealt with by Aberdeenshire, Argyll and Bute and Highland Councils. No other Council received more than five applications. The number of applications decided within 2 months fell slightly from 20% to 18%. Those processed within 3 months accounted for 42% of the total compared with 34% for the previous year. Most mineral applications for new or extended sites are likely to raise complex issues and

accompanied by an Environmental Impact Assessment. For these and other reasons, for example addressing community concerns and the conclusion of planning agreements, applications tend to take longer to process. Within the period, 21 of the 33 authorities did not determine any mineral applications, six less than last year.

Conservation

In this period there were 3,470 applications for listed building or conservation area consent. This total is similar to previous years and continues to account for approximately 7% of the total caseload. The amount of time taken to determine applications is also similar to previous years with 35% of applications being determined in 2 months and 65% in 3 months. Edinburgh and Glasgow account for almost a third of all applications in Scotland, although Fife also has a high caseload. There continues to be considerable variation in the speed with which local authorities deal with applications for listed building and conservation area consent.

Section 75 Agreements

Decisions incorporating Planning Agreements have increased by 18% over the year, totalling 235 in the period 1 October 2002 to 30 September 2003. There continues to be significant differences between planning authorities; Edinburgh at 56 records the

highest number of agreements surpassing Aberdeenshire's 23, while 12 authorities have not entered into any Section 75 Agreements within the last year.

Enforcement

Planning authorities have the discretionary powers to take formal enforcement action where it appears there has been a breach of planning control. Powers are fully described and explained in *PAN 54: Planning Enforcement*, published March 1999.

In the year to September 2003, 7,341 cases were investigated and 991 notices issued. The majority of enforcement cases investigated arise from complaints to planning authorities about alleged unauthorised development, or activities that cause nuisance to neighbours. The majority of these alleged breaches of planning regulations are successfully resolved through negotiation, correction of the breach and the submission of retrospective applications where necessary. Where such action fails the authority will seek to correct the situation with the use of Enforcement Notices, Stop Notices, Breach of Condition Notices or Direct Action.

There is a wide variation between authorities in the number of cases investigated and notices served. Over Scotland the rate of notices served to cases investigated is almost

the same as the previous year at 13.5%. In Fife, Glasgow City, Loch Lomond and Trossachs National Park, West Dunbartonshire and the Western Isles the rate is over 30%, while in Angus, East Dunbartonshire, Edinburgh City, Moray and Shetland it is less than 5%. Only Orkney issued no notices in the last year.

Development Plan Departures

Applications advertised as potential departures fell from 1,621 to 1,528 in the reporting year, reflecting a fall in applications in most categories apart from householder for the year. The rate of approved departures has fallen slightly at almost 13 in every 1,000 applications. As in previous years there remain significant variations between planning authorities. South Lanarkshire was well ahead with in excess of 40 per 1,000 applications. Four councils recorded no approved departures.

Development Plan Coverage

There has been a small increase in the number of plans adopted in the last 5 years but almost 40% of local plans were adopted more than 10 years ago. The approval of the Glasgow and the Clyde Valley Joint Structure Plan in May 2002, coupled with the Glasgow City Plan adopted August 2003, is a positive step and provides the authority with complete and up-to-date development plan coverage.

Telecommunications

Planning authorities have been asked to submit separate statistics on applications for telecommunications developments since the introduction of the new planning controls in July 2001.

The number of telecommunications applications received by planning authorities during 2003 was 850, this was a drop from the previous year's figure of 1,011 applications. During 2003 the average number of telecommunications planning applications determined within 2 months was 57%. However, the number of authorities failing to submit their return has increased, so these figures should be treated with some caution.

Other noticeable changes are a reduction in the delegation of decision making and a fall in the number of appeal cases, with decisions on appeal being more evenly divided between appeals upheld and appeals dismissed.

The Executive is considering a change in the arrangements for gathering information on telecommunications applications, such as collecting information consistent with the 6-monthly general data gathering exercise for planning applications.

SCOTTISH EXECUTIVE
PERFORMANCE

Scottish Executive Performance

Structure Plans

Scottish Ministers aim to approve structure plans within 40 weeks of submission, unless an EIP is necessary. Performance in processing

submitted plans to approval against the 40-week target since March 2000 has been variable but in the last year the Perth and Kinross and Western Isles plans have been successfully determined in 38 and 34 weeks respectively.

STRUCTURE PLANS: TIME TAKEN FOR APPROVAL

Structure Plan	Submitted:	Approved:	Weeks:
Highland	17 March 2000	23 March 2001	53
Lothian (Opencast)	31 March 2000	19 March 2001	50
North East Scotland Together	26 April 2001	21 December 2001	34
Glasgow & The Clyde Valley	19 July 2000	1 May 2002	93
Stirling & Clackmannanshire	24 August 2000	21 March 2002	82
Shetland Islands	4 September 2000	19 January 2001	20
Fife	31 January 2001	3 July 2002	74
Falkirk	5 February 2001	29 May 2002	69
Orkney	18 May 2001	29 November 2001	28
Borders	31 May 2001	12 September 2002	67
Argyll & Bute	19 November 2001	14 November 2002	52
Dundee & Angus	8 February 2002	14 October 2002	36
Perth & Kinross	13 September 2002	5 June 2003	38
Western Isles	17 April 2003	11 December 2003	34

Casework Performance

In the period April 2003 to March 2004, 84% of cases notified to Scottish Ministers were determined within 28 days against a target of 80%, while 94% were determined within 2 months against a target of 100%. Since 1997/98 the the number of cases handled has increased by more than 50%.

Notified Applications

(including NIDs):
time taken to clear or call-in

	Total Cases	In 28 days	%	In 2 months	%
1997/98	213	179	84	204	96
1998/99	242	201	83	227	94
1999/00	261	213	82	243	93
2000/01	282	242	86	273	97
2001/02	251	230	92	247	98
2002/03	327	283	87	316	97
2003/04	329	277	84	308	94

In the same period the percentage of decisions on inquiry cases made within 2 and 3 months of receipt of report from Scottish Executive Inquiry Reporters Unit (SEIRU) was 74% against a target of 80% and 82% against a target of 100% respectively.

Inquiry Cases

(including recalled appeals and called-in notified and NID cases): time taken to determine from receipt of report from SEIRU

	Total Cases	In 2 months	%	In 3 months	%
1997/98	49	41	84	46	94
1998/99	58	50	86	56	97
1999/00	47	28	60	37	79
2000/01	71	48	68	62	87
2001/02	58	44	75	47	81
2002/03	32	28	88	32	100
2003/04	34	25	74	28	82

Scottish Ministers' Involvement in Planning Cases

The table opposite sets out the number of planning decisions made in each local authority and the level of Scottish Executive involvement (the number of notified applications, Notice of Intention to Develop cases and recalled appeals). Since the number of cases annually is fairly small, the figures are given for the period April 1996 to September 2003. Ministers' involvement in casework is very limited in all parts of the country compared to the number of decisions made by councils.

PLANNING DECISIONS AND SCOTTISH EXECUTIVE CASES: April 1996-September 2003

	Total decisions	Total Executive cases decided
Aberdeen City	16309	3
Aberdeenshire	25184	11
Angus	8627	1
Argyll & Bute	10104	18
Clackmannanshire	2497	0
Dumfries & Galloway	12866	3
Dundee City	5916	5
E. Ayrshire	6036	3
E. Dunbartonshire	6362	3
E. Lothian	8277	6
E. Renfrewshire	5299	5
Edinburgh	28004	19
Falkirk	6377	8
Fife	25439	11
Glasgow	22961	13
Highland	27081	37
Inverclyde	3636	2
Midlothian	5217	16
Moray	8025	2
N. Ayrshire	5919	2
N. Lanarkshire	11244	31
Orkney	2544	0
Perth and Kinross	13327	4
Renfrewshire	7649	3
Scottish Borders	12004	6
Shetland	2808	5
South Ayrshire	9379	4
South Lanarkshire	13638	23
Stirling	7064	6
W. Dunbartonshire	3253	1
W. Lothian	8090	1
Western Isles	2856	1
National Parks	293	0
Scotland TOTAL	334285	253

The table opposite shows notified cases. Over the period April 1996 to March 2004, 1,597 cases were notified to the Scottish Ministers. During that period 214 (13%) were called-in and a decision to refuse was made in 98 (6%). Edinburgh, Glasgow and North Lanarkshire Councils had the highest number of notified applications, while Highland Council had the highest number called-in and refused, most were trunk road referrals.

CASES NOTIFIED TO SCOTTISH EXECUTIVE, CALL-INS, REFUSALS: April 1996-March 2004

	Notified cases	Called-in	Refused
Aberdeen City	42	8	3
Aberdeenshire	78	8	2
Angus	10	0	0
Argyll & Bute	48	13	9
Clackmannanshire	7	0	0
Dumfries & Galloway	43	6	3
Dundee City	23	1	0
E. Ayrshire	43	4	1
E. Dunbartonshire	24	0	0
E. Lothian	24	1	0
E. Renfrewshire	28	2	1
Edinburgh	165	10	3
Falkirk	42	8	3
Fife	65	4	1
Glasgow	157	6	4
Highland	96	35	19
Inverclyde	21	1	0
Midlothian	65	19	10
Moray	39	3	1
N. Ayrshire	31	3	2
N. Lanarkshire	152	29	16
Orkney	10	0	0
Perth and Kinross	19	6	3
Renfrewshire	43	2	1
Scottish Borders	26	5	3
Shetland	15	4	5
South Ayrshire	57	3	1
South Lanarkshire	88	22	6
Stirling	27	3	1
W. Dunbartonshire	13	0	0
W. Lothian	90	8	0
Western Isles	5	0	0
National Parks	1	0	0
Scotland TOTAL	1597	214	98



POINTS FOR THE SCOTTISH EXECUTIVE

In audits this year, these key points were made by service users, councillors and staff.

Guidance and Advice

- The high number of SPPs, NPPGs, PANs and Circulars is resulting in information overload. *The number of SPPs, NPPGs, PANs and Circulars is an unavoidable consequence of the complexity of the issues which the modern planning system has to address. We need to ensure that decision makers and users of the planning system have the information they require to carry out their jobs. New policy or advice is however, only produced when there is a clearly identifiable need and we aim to make any guidance as understandable and straightforward as possible. The number of NPPGs will be reduced through consolidation and review as SPPs.*
 - SPPs, NPPGs and PANs can be vague, which means that both the supporters of development proposals and those against are able to find policy statements that support their viewpoint. *We aim to provide clear policy and advice, however there are limits to how precise it can be without prejudicing its effectiveness. It is not possible for policy or advice to cover all situations and there is a need to allow flexibility. Planning authorities must balance policy*
- and advice alongside the development plan and other material considerations when reaching a decision.*
- The Scottish Executive needs to encourage house builders to improve design standards. *Designing Places was published in November 2001. This has been followed by PANs on Housing Quality and Design Statements. The importance of design is emphasised in our regular discussions with the house builders. The Executive is also undertaking some research to compare and contrast the process to achieve good housing design between Scotland and Bavaria. As part of this research representatives from the house builders and other interested parties were taken to Bavaria to look more closely at their housing developments. In addition, the publication of research into improving residential street design is due to be issued as a PAN this summer.*
 - The resource implications of new initiatives such as Transport Assessment and SuDS need to be considered. Also how initiatives such as green travel plans are monitored and enforced. *National policy is now subject to regulatory impact assessment which considers, amongst other things, the financial implications of new policy.*

- Need detailed publications on trees, as there is none available except those applicable to England. *In 2002, the Executive commissioned research into the effectiveness of TPOs in Scotland. The report concluded that the present system is fundamentally sound, although it did make a number of recommendations for action by Ministers and local authorities. The need for additional guidance was highlighted in the report. Measures to amend TPO procedures will be considered for inclusion in the forthcoming Planning Bill. In this context the Executive is considering the need for additional guidance relating to trees and tree preservation orders.*

Development Control

PLIs and appeals place a high level of demand on local authority resources. *The consultation paper Modernising Public Local Inquiries was issued in June 2003. The paper considered the scope for modernising the inquiry process and opportunities for better practice. The responses to the consultation, which ended in November 2003, are being analysed.*

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