

## PEOPLE, COMMUNITIES AND PLACES

# Planning Application Performance Statistics Guidance Notes 2021

Planning authority performance data is a statistical collection undertaken to establish the number of planning applications determined by Scottish planning authorities, and their performance in processing them. The Scottish Government Communities Analysis Division collects data from all 32 local authorities and the two planning authorities (Cairngorms National Park and Loch Lomond and The Trossachs National Park) on the detail of planning decisions and timescales. The key objective of the statistics is to allow Scottish Government and the planning authorities to monitor performance in the timeliness of deciding planning applications. The statistics monitor the impact of the development management system, part of the modernising planning agenda, which was implemented on 3rd August 2009. Further details are available at: <https://www.gov.scot/publications/planning-performance-statistics-uses-of-the-data/>.

Data is collected and published biannually.

The latest published results can be found at:  
<https://www.gov.scot/collections/planning-statistics/>

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## 1. Introduction

**The following notes provide guidance on completing the statistical data return the Scottish Government will be using to monitor planning authority performance.**

We ask you to provide us with six sets of data using templates we provide.

### 1. Template 1 – Applications Decided.

Information on individual applications where a decision was issued during the relevant period.

### 2. Template 1a – Clock Stops

Information about periods where the ‘Stopping the Clock’ protocol has been applied. In some cases it is appropriate to remove a length of time from the total determination time for an application. We have called this process of removing a specific length of time “stopping the clock”.

### 3. Template 2 – Local Reviews

Information on individual applications where a Local Review decision was made during the relevant period.

### 4. Template 3 – Enforcement Activity

Aggregated information on enforcement.

### 5. Template 4 – Applications Received and Applications Validated

The number of applications received during the period by application type and the number of applications validated during the period by application number

In addition to these five templates there is also an opportunity for you provide a short contextual statement in the **Context** sheet included with the above templates. We are happy to accept this after you have received our summary analysis of your data.

A worksheet has been added to the template for this year to allow you to note any impacts of the COVID-19 pandemic on applications. This may include details of any issues/concerns about processing times or numbers of applications received or processed, or comments about data quality.

Additional Information is included on separate worksheets within the templates file.

## 2. Completing Template 1 – Applications Decided

The following describes the information that we would like to collect for individual applications where a decision was issued during the relevant reporting period. We realise that variable names may vary between authorities therefore may not match the corresponding field that holds the information within your system. If you have any questions about what information is required please let us know.

### Please include the following:

- Applications for planning permission for development under Regulations 9 and 10, 11 and 12 and 35 of [The Town and Country Planning \(Development Management Procedure\) \(Scotland\) Regulations 2013](#);
- Applications for limited period permissions, for the renewal of permissions, and for variation of conditions or the removal of conditions;
- Applications for listed building consent or to modify listed building consent under sections 6 & 17 of the [Planning \(Listed Buildings and Conservation Areas \(Scotland\) Act 1997](#);
- Applications for conservation area consent under sections 66 & 67 of the above Act;
- Applications for consent to display advertisements under regulation 5 of [The Town and Country Planning \(Control of Advertisement\) \(Scotland\) Regulations 1984](#);
- Applications for consent under [The Town and Country Planning \(Hazardous Substances\) \(Scotland\) Regulations 2015](#)
- Applications for certificates of lawfulness of existing use or development;
- Applications for certificates of lawfulness of proposed use or development;
- Applications for certificates of appropriate alternative development;
- Applications for Prior Notification/Approval-  
Please include all cases where prior approval is not required;  
Where prior approval is required include a single entry in your returns with the outcome of the prior approval assessment and NOT an initial entry noting Prior Approval was required followed by a second entry with the outcome of the prior approval;
- Applications by the Coal Authority or licensed operator under Class 60 & 62 of [The Town and Country Planning \(General Permitted Development\) \(Scotland\) Order 1992](#)  
[The Town and Country Planning \(General Permitted Development\) \(Scotland\) Amendment Order 1994](#)  
[The Town and Country Planning \(General Permitted Development and Use Classes\) \(Scotland\) Amendment Order 2020](#)
- Applications relating to development by the planning authority;

- Demolition applications. (Legislation commenced on 21 November 2011, ensured that demolition was classed as development, however like lots of other types of development there are extensive permitted development rights (PDR) for this. Where there are no PDRs then an application is required to be submitted. Such applications usually form part of another application to develop a site so as such they should be included/counted for with the main application. They should however be included where they form a stand-alone application);

**Please don't include the following:**

- Applications which are not valid in terms of Regulation of [The Town and Country Planning \(Development Management Procedure\) \(Scotland\) Regulations 2013](#);
- Applications for tree felling licences, Tree Preservation Orders (TPO); issues of TPOs, applications to fell under TPOs and applications to fell in conservation areas.
- Reviews of old mineral permissions.
- Revisions and modifications to existing or approved schemes, unless new application is involved.
- Non-material variations (refer to in context commentary if significant).
- Modification/Discharge of planning obligations.
- Applications anticipating disposal of Crown land, by statutory undertakers, or for continuation of electricity undertakings (but refer to in commentary if significant).
- Information on applications around section 75s. This is where a developer doesn't want to comply with what might have previously been agreed as part of a section 75 or wants the section 75 discharged so they don't need to meet any of the terms. Permission has been granted for the application – it's the section 75 they wish to revisit. Therefore we won't be counting them and they are not classed for the purpose of the stats as 'new' applications as they aren't an application for a consent.
- Scoping or screening applications.
- High Hedge notices.
- Proposal of application notices.
- Applications where the decision to approve/reject has been made by an external body e.g. Scottish Ministers or Historic Scotland.
- Withdrawn applications.

**2.1 T1.1 Application Reference Number**

Please enter your Local Authority unique identifier code for each relevant planning application.

## **2.2 T1.2 Development Type Number**

Enter the standard code for each development type. See [Annex 1](#) for a list of agreed development type codes.

## **2.3 T1.3 Development Type Description**

Enter the description of development type. For example: Householder, Business and Industry-Local, Housing-Major, Waste Management - Local (with EIA) etc.

Guidance on choosing between categories is provided below. Although these will not be reported in this level of detail in the Planning Performance Framework (PPF), the existing development types will be used to aggregate to the main categories identified in the PPF.

### **N01 - Householder development**

Include all applications for development in the curtilage of a residential property which are not change of use and require the submission of a planning application. Exclude applications to change the number of dwellings in a building.

### **N02A/B/C - Minerals**

Include surface mineral workings, surface installations for underground workings, mineral handling installations, brick and tile works, pipelines, conveyors etc. (NLUC classifications mi01a, mi01b, mi01d, ma06a, tr05b).

Major minerals applications (N01A) are defined as applications where the site area is or exceeds 2 hectares.

Local minerals applications should be recorded as N02B or N02C depending on whether they are subject to an Environmental Impact Assessment (EIA).

### **N03A/B/C - Housing**

Include developments within class 9 of the of the T&CP (Use Classes) (Scotland) Order 1997 along with flatted residential developments since for the purpose of the hierarchy and fees these count as housing. Omit householder development (included in N01), hotels, hostels, caravan sites etc. (included in N10 – Other Developments).

Major applications (N03A) are defined as 50 or more dwellings or a site area that is or exceeds 2 hectares.

Local housing development should be recorded as N03B or N03C depending on whether they are subject to an EIA.

### **N04A/B/C - Business and Industry**

Include developments in Use Classes 2 and 4 to 6 (including wholesale distribution) unless they fall into another specific category. Note that this excludes Class 1 (retail) which should be included under N10 – Other Developments.

Major business and Industry applications are defined as being a gross floor space of the building, structure or other erection that is or exceeds 10,000 square metres or the area of the site is or exceeds 2 hectares.

Local business and industry developments should be recorded as N04B or N04C depending on whether they are subject to an EIA.

### **N05A/B/C - Waste Management**

Include developments that relate to the construction of facilities for use for the purpose of waste management or disposal.

Major waste applications are defined as developments where the capacity of the facility is or exceeds 25,000 tonnes per annum or where the development in relation to facilities for use for the purpose of sludge treatment, a capacity to treat more than 50 tonnes (wet weight) per day of residual sludge.

Local waste management developments should be recorded as N05B or N05C depending on whether they are subject to an EIA.

### **N06A/B/C - Electricity Generation**

Include developments which are capable of electricity generation. Include generating stations, wind farms, hydro-electric schemes, non-domestic micro generation, energy from waste and biomass schemes.

Major applications are defined as developments where the capacity of the generating station is or exceeds 20 megawatts.

Local electricity generation schemes should be recorded as N06B or N06C depending on whether they are subject to an EIA.

### **N07A/B/C - Freshwater Fish Farming**

Include developments for the placing or assembly of equipment for the purpose of freshwater fish farming within the meaning of section 26(6).

Major applications are defined as developments where the surface area of water covered is or exceeds 2 hectares.

Local developments should be recorded as N07B or N07C depending on whether they are subject to an EIA.

### **N08A/B/C - Marine Fin Fish Farming**

Include developments for the placing or assembly of equipment for the purpose of marine fin fish farming within the meaning of section 26(6).

Major applications are defined as developments where the surface area of water covered is or exceeds 2 hectares.

Local developments should be recorded as N08B or N08C depending on whether they are subject to an EIA.

### **N09A/B - Marine Shellfish Farming**

Include developments for the placing or assembly of equipment for the purpose of marine shellfish farming within the meaning of section 26(6).

Major applications are defined as developments where the surface area of water covered is or exceeds 2 hectares.

Local developments should be recorded in N09B. Shellfish farms are not subject to EIA.

### **N10A/B/C - Other Developments**

Include all developments and uses not covered, unless they fall into one of the other specific categories of application. (Note that Class 1 (retail) should be included in this category).

Major developments are defined as developments where the gross floor space of any building, structure or erection constructed as a result of such development is or exceeds 5,000 square metres or the area of the site is or exceeds 2 hectares.

Local Other Developments should be recorded as N10B or N10C depending on whether they are subject to an EIA.

### **N11 - Telecommunications**

Include all types of telecommunications development and infrastructure but do not include, for example, a new BT office development.

### **Approval of Matters Specified in Conditions (AMSCs)**

Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013 – Regulation 26 covers time periods for decisions. Reg 26(1) identifies all the types of application to which the regulation applies – including AMSC applications under regulation 12, required in relation to planning permission in principle.

Regulation 26(2) then goes on to say the periods are (a) 4 months after the validation date for an application for planning permission (which includes planning permission in principle) for major or national developments and (b) in all other cases 2 months (e.g. applications for planning permission for local development, and any applications for AMSC or prior approval). Applications for AMSC are not applications for planning permission (nor are applications for prior approvals or other approval, consent or agreements required by conditions attached to planning permission).

These periods are amended where EIA is required to 4 months from the date of submission of the environmental report and accompanying documents, if that is later than the validation date.

Circular 3/2013 on these procedures sets this out in paragraphs 4.79 to 4.86.  
<https://beta.gov.scot/publications/planning-series-circular-3-2013-development-management-procedures/>

### **N12 - AMSCs (under 2 months)**

Include all applications for approval of matters specified in conditions unless they are subject to an EIA. Count only the application, not the number of conditions they are seeking approval for.

### **N13 - AMSCs (under 4 months)**

Include applications for approval of matters specified in conditions which are subject to an EIA. Count only the application, not the number of conditions they are seeking approval for.

### **N14 - Listed Buildings and Conservation Area Consents**

Include decisions on application for listed building consent to extend, alter or demolish, and any other consents under listed buildings and conservation areas legislation.



### **N15 - Advertisements**

Include applications for consent to display advertisements under regulation 5 of the T&CP (Control of Advertisements) (Scotland) Regulations 1984.

### **N16 - Hazardous Substances Consent**

Include applications for consent under Regulation 5 of the T&CP (Hazardous Substances) (Scotland) Regulations 1993.

### **N17 - Other Consents and Certificates**

Include applications for established use certificates, applications for certificates of lawfulness of existing use or development.

### **N18 – Prior Notification/Approval**

For the seven N18 categories listed below please include the following:

- All cases where prior approval is not required – this includes applications where no response has been issued by the planning authority within the 28 day period. The decision date should be recorded as the date on which the authority notifies the applicant that prior approval is not required. Where the authority does not respond within the 28-day period, the decision date should be recorded as 28 days from the date of validation of the prior notification application. For certain telecoms PDR under class 67, the relevant period is 56 days.
- For prior notification/approval applications where prior approval is required include a single entry in your returns with the outcome of the prior approval assessment and NOT an initial return noting Prior Approval was required followed by a second return with the outcome of the prior approval.

### **N18AR – Prior Notification/Approval Conversion of agricultural building to residential use**

### **N18AC - Prior Notification/Approval Conversion of agricultural building to commercial use**

### **N18FR - Prior Notification/Approval Conversion of forestry building to residential use**

### **N18FC - Prior Notification/Approval Conversion of forestry building to commercial use**

### **N18P - Prior Notification/Approval Peatland restoration**

### **N18T - Prior Notification/Approval Telecoms**

### **N18X - Prior Notification/Approval Other**

Include applications for any prior notification/approval that does not fall into one of the above six categories.

#### **2.4 T1.4 Application Type**

Please enter a description of the application type. For example: Householder, Full Planning Permission, Listed Building Consent, Planning Permission in Principle, Prior Notification, Section 42 application etc.

#### **2.5 T1.5 Application Status or Decision**

Please indicate the status of the application.

For applications N01 to N16 this should be set to either Approved or Refused.

Applications classed as N17 may have any status.

For N18 applications the status should be set to one of the following three options

- Prior approval not required
- Prior approval required – granted
- Prior approval required – refused

#### **2.6 T1.6 Decision Type**

Please enter Committee, Delegated, Sched, or Full Council.

#### **2.7 T1.7 Date Application Validated**

Please enter the date the application was validated in the format dd/mm/yyyy.

For prior notification/approval applications where prior approval was required the validation date should reflect the validation date of the original notification.

#### **2.8 T1.8 Date Decision Issued**

Please enter the date the decision was issued in the format dd/mm/yyyy.

#### **2.9 T1.9 Planning/Legal Agreement**

Please enter Y or N to indicate whether the application is subject to a planning or legal agreement (Legal obligations associated with a planning permission; concluded under section 75 of the Town and Country Planning (Scotland) Act 1997 or section 69 of the Local Government (Scotland) Act 1973).

#### **2.10 T1.10 Processing Agreement or other project plan or agreed time extension**

Please enter “Y” to indicate where the application was subject to a managed project plan or where there was an agreed extension to dates for appeal of non-determination made in advance or “N” where there was no project plan or pre-agreed timescale extension.

Applications should only have the value set to Y where there is evidence that the application has a mutually agreed project plan or time extension.

#### **2.11 T1.11 Agreed timescales met**

For those applications subject to a project plan or with a pre-agreed target date please enter Y or N to indicate whether the decision was made by the Local Authority within the timescales agreed between themselves and the developer.

#### **2.12 T1.12 Number of days clock stopped**

Please leave this field blank and enter details of all clock stops on the separate Template 1a – Clock Stops sheet.

Once clock stops for all applications have been entered clicking the ‘Calculate Clock Stops’ option on the Template 1a – Clock Stops sheet will automatically populate this field with the total number of clock stopped days for all applications with clock stops.

### **2.13 T1.13 Reason to exclude application**

If you are uncertain as to whether the application should be included or excluded please give a reason for potentially excluding the application from average time calculations. There is no need to enter anything in here for applications with processing agreements.

### **2.14 T1.14 Easting**

The Easting (X coordinate) of the centroid of the site the application relates to.

### **2.15 T1.15 Northing**

The Northing (Y coordinate) of the centroid of the site the application relates to.

### **2.16 Running the error checks**

Click the ‘Run error checks’ button once details have been entered for all applications. This will do some basic checking of the data. Any errors found will be displayed on the Error\_Report sheet and the cells with errors will be highlighted in yellow. Please make any required changes then click the ‘Run error checks’ button again. This can be repeated if there are still errors to fix.

If you need to add additional applications after the checks have been done add them on the next available row and click the checks button again once they’ve been added.

**NOTE:** The error checks are still being further developed. If anything is flagged as an error that you think should not be or if you get an excel error message indicating a mismatch somewhere please don’t worry about the errors and just return your data as you entered it.

### **2.17 Calculating the number of decision days**

The ‘Calculate Days’ button will calculate the decision time (in days) and for local applications indicate whether or not the 2 month target has been met.

You do not need to use this functionality as this will be done as part of our review process but if you wish to see this information then click the button once all data has been entered, where possible any issues identified as part of the error checks have been fixed, and clock stop details have been entered and the days have been calculated on the clock stops sheet.

**NOTE:** If you get an unexpected error message please don’t worry about the values in these columns and return your data as you entered it.

## **3. Completing Template 1a – Clock Stops**

Please enter the application reference, stop and start dates, and a reason for each period where the ‘Stop the Clock’ protocol was applied.

Please enter clock stop details for all applications where this protocol was applied.

### **3.1 ‘Stop the Clock’**

In some cases, it is appropriate to remove a length of time from the total determination time for an application. We have called this process of removing a specific length of time “stopping the clock”.

The Stop the Clock protocol should **not** be used for every application; it is about reasonably and consistently adjusting the data to produce more accurate and relevant performance statistics for applications that would otherwise have been skewed by cases of delay outwith the planning authority’s control.

The latest guidance on use of the ‘Stop the clock’ protocol has been included in [Annex 2](#).

### **3.2 Application Reference Number**

Please enter your Local Authority unique identifier code for each relevant planning application exactly as it has been entered on the main template.

### **3.3 Date Clock Stopped**

Please enter the date the clock was stopped as dd/mm/yyyy.

### **3.4 Date Clock Started**

Please enter the date the clock was restarted as dd/mm/yyyy.

### **3.5 Reason to Stop the Clock**

Please give the reason the clock was stopped.

### **3.6 Calculating the number of days the clock was stopped.**

Click the ‘Calculate Clock Stop Days’ button once clock stop start and stop dates have been entered for all applications. This will do some basic checking of the data and calculate the number of clock stop days for each row and the total for an application reference. It will also update the clock stop days for the corresponding application reference on the Template 1 – Applications Decided sheet.

Any errors found will be displayed on the Clock Stop Errors sheet and the cells with errors will be highlighted in yellow. Please make any required changes then click the calculate button again. This can be repeated if there are still errors to fix.

If you need to add additional clock stops after the calculations have been done add them on the next available row and click the calculate button again once they’ve been added. The number of days and total days will be recalculated for each application.

If you are entering multiple clock stops for an application please make sure the date ranges do not overlap.

Please make sure the clock stop date for an application is not before the validation date.

Please make sure the clock start date is not after the decision date for that application.

**NOTE:** If anything is flagged as an error that you think should not be or if you get an excel error message indicating a mismatch somewhere please don’t worry about the calculations and just return your data with the first four columns completed.

## 4. Completing Template 2 – Local Reviews

The following describes the type of information that we would like to collect for individual applications where a local review body (LRB) decision was issued during the relevant reporting period. This data will allow us to calculate the average time taken for a decision made by the LRB.

### 4.1 T2.1 Local Review Decisions

Please enter the total number of decisions made in each quarter within the six month period, along with the number of decisions upheld.

Original decision upheld means the number of decisions the LRB agreed with (e.g. application was refused, LRB refused appeal).

### 4.2 T2.2 Application reference number

Please enter your Local Authority unique identifier code for each relevant planning application. The application may also be included in Template 1 or alternatively may be from an earlier reporting period.

### 4.3 T2.3 Local Review Body Received Date

Please enter the date the LRB received the application in the format dd/mm/yyyy.

### 4.4 T2.4 Local Review Body decision Date

Please enter the LRB decision date in the format dd/mm/yyyy.

### 4.5 T2.5 LRB Decision

Please enter the decision - Allowed, Refused or Withdrawn.

## 5. Completing Template 3 – Enforcement Activity

Please report on actions taken to investigate or remedy any actual, suspected or anticipated breach of planning control.

This template collects information under five separate headings. Please provide us with aggregated information for each quarter within the six month period. Please enter 0 where there were none.

### 5.1 Cases taken up

Record all cases in the period where parties were formally notified in writing that enforcement action may be taken by the authority.

### 5.2 Notices Served

Notices Served include enforcement notices, breach of condition notices, planning contravention notices, stop and temporary stop notices, fixed penalty notices and Section 33 notices.

- **Enforcement Notices** - Record the number actually issued, where 2 or more copies of the notice were served on multiple parties, only one notice should be recorded.
- **Breach Notices** - The number of breach notices (one per breach, not the total served to everyone with an interest in the land).

- **Contravention Notices** -The number of planning contravention notices recorded will depend on how the authority has used them to investigate suspected breaches of control. Where the same notice has been served on different people known or thought to have an interest in the same land, only one should be recorded. Where the first notice is served again later in the investigative process because the first notice was ignored or not fully answered, these subsequent services should be included in the total.
- **Stop Notices** - Where identical notices prohibiting the same activity on land were served on a number of people, only one should be recorded. Stop notices included in this table for a given period may of course relate to enforcement notices issued in an earlier period and included in a previous return.
- **Temporary Stop Notice** - Where identical notices prohibiting the same activity on land were served on a number of people, only one should be recorded.
- **Fixed Penalty Notice (FPN)** - Record each FPN served per activity.
- **Section 33 Notice** - Record each section 33 notice served.

### 5.3 Reports to the Procurator Fiscal

Please enter the total number.

### 5.4 Prosecutions

Please enter the total number.

### 5.5 Number of breaches resolved

Please enter the total number of breaches resolved without the need for a formal notification.

## 6. Completing Template 4 – Applications Received and Validated

Please enter the total number of applications received, the total number of applications that were deemed valid on receipt and the total number validated for each listed application type for each quarter within the six month period. Please do not count Appeals, Notice of Review (NoR), and Post Submission Additional Documents (PSAD) forms. These should include all applications and notifications that were received or validated during the period, whether decisions were issued or not.

Householder Applications (HA)  
Planning Permission (PA)  
Listed Building Consent (LBC)  
Conservation Area Consent (CAC)  
Advertisement Consent (ADV)  
Tree Works (TW)  
Prior Notification (PN)  
Certificate of Lawfulness – Existing Use (CLEU)  
Certificate of Lawfulness – Proposed Use (CLPU)

If any other application types have been received or validated (other than Appeals, Notice of Review (NoR), and Post Submission Additional Documents (PSAD) forms please enter a value for 'All other Application Types'.

## 7. Completing the contextual statement

**Please provide a short contextual statement. Focus on reasons/factors which have influenced performance and any increase/decrease.**

Please supply a commentary which details your performance. We are happy to accept this after our summary analysis of your data has been returned to you. This commentary should be used to highlight any significant areas of work not covered in the return that you wish to make us aware of and to provide us with qualitative information. You should draw on other sources of information to support your return for example a service improvement plan and quality of service feedback. You may also wish to highlight good practice and what steps you are taking to monitor or improve levels of performance.

Please also include specific details for the following applications outlining any reasons for the length of the decision time:

- Major applications without a processing agreement with a decision time of more than a year,
- Major applications with a processing agreement where the agreed timescales were not met.

## ANNEX 1 – Development Type Codes

Local	Major	Developments with EIA	Other consents
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Code	Development type description
N01	Householder developments
N02A	Minerals - Major
N02B	Minerals - Local
N02C	Minerals - Local (with EIA)
N03A	Housing - Major
N03B	Housing - Local
N03C	Housing - Local (with EIA)
N04A	Business and industry - Major
N04B	Business and industry - Local
N04C	Business and Industry Local (with EIA)
N05A	Waste Management - Major
N05B	Waste Management - Local
N05C	Waste Management - Local (with EIA)
N06A	Electricity Generation - Major
N06B	Electricity Generation - Local
N06C	Electricity Generation - Local (with EIA)
N07A	Freshwater Fish farming - Major
N07B	Freshwater Fish farming - Local
N07C	Freshwater Fish farming - Local (with EIA)
N08A	Marine Finfish Farming - Major
N08B	Marine Finfish Farming - Local
N08C	Marine Finfish Farming - Local (with EIA)
N09A	Marine Shellfish farming - Major
N09B	Marine Shellfish farming - Local
N10A	Other developments - Major
N10B	Other developments - Local
N10C	Other developments - Local (with EIA)
N11	Telecommunications
N12	AMSCs (under 2 months)
N13	AMSCs (under 4 months - with EIA)
N14	Listed bldg.+con.area consents
N15	Advertisements
N16	Hazardous substances consents
N17	Other consents and certificates
N18AR	Prior Notification/Approval - Conversion of agricultural building to residential use
N18AC	Prior Notification/Approval - Conversion of agricultural building to commercial use
N18FR	Prior Notification/Approval - Conversion of forestry building to residential use
N18FC	Prior Notification/Approval - Conversion of forestry building to commercial use
N18P	Prior Notification/Approval - Peatland restoration
N18T	Prior Notification/Approval - Telecoms
N18X	Prior Notification/Approval – Other (please use this for any prior notification/approval that does not fall into one of the above six N18 categories)



## **ANNEX 2 – Stop the Clock**

### **Planning Performance Statistics – Stop the Clock Protocol**

#### **Context**

1. In some cases, it is appropriate to remove a length of time from the total determination time for an application. We have called this process of removing a specific length of time “stopping the clock”.
2. This document provides guidance on the use of this protocol with the aim of enabling consistent application of ‘stopping the clock’ between authorities. Use of this protocol by authorities is mandatory to ensure that we can demonstrate consistency in performance data.
3. The Stop the Clock protocol should **not** be used for every application; it is about reasonably and consistently adjusting the data to produce more accurate and relevant performance statistics for applications that would otherwise have been skewed by cases of delay outwith the planning authority’s control.

#### **Implementation**

4. The Stop the Clock protocol is for use where there has been a delay caused by the applicant or external consultees, and it is outwith the planning authority’s control that progress has been halted with an application. Any registered application can be subject to the protocol.
5. Authorities should not be removing short periods of time from the determination period using this protocol to “tidy up” statistics or to hide modest time delays which have missed the statutory deadlines. Stopping the clock is about periods of inactivity that unreasonably impact on determination. It is for individual authorities to decide when they consider it necessary to ‘stop the clock’ on a case by case basis.
6. The earliest that a stopped period can commence is the date on which progress on the application had to cease. This cannot be before the date provided to the applicant/consultee for the submission of the required information. Deadlines for submission of information should always be reasonable, reflecting the nature and extent of the required information.
7. On-going negotiations on any aspect of an application indicate work is continuing between parties to progress it, so this time should **not** be removed from the determination period using the Stop the Clock protocol. Use of this protocol is also only appropriate when it is not possible to progress **any** element of consideration of the application by the authority. The lack of information on one aspect does not mean that other assessment work cannot be carried out in all cases.

#### **Credibility and robustness of statistical data**

8. We need to make sure that the data we get is robust and will stand up to scrutiny if required, therefore where a planning authority cannot produce written/documented evidence of delays outwith their control, the time stays in. We don’t want to routinely see evidence for each case but planning authorities **must** be able, if asked, to demonstrate the following:

- They were unable to make any progress with the application during the stop-start period(s).
  - Delays are a direct result of inaction on the applicants/agents/external consultees/landowners part (rather than ongoing negotiations or disputes over the terms of an agreement).
  - Timescales being removed do not include periods in which the planning authority could have made progress on any aspect of the application.
9. In order that we are able to “stop the clock” for periods in the determination of an application, we need planning authorities to provide us with the following information.
- A. Start and end dates for all “stop the clock” periods so that we can calculate the number of days to subtract from overall decision-making time.
- B. A valid reason for this length of time being removed that can be backed up with evidence. Examples of reasons include (but are not limited to):
- Reason: Inactivity while the land transaction was on hold.  
Evidence: Correspondence to that effect from the developer.
- Reason: Applicant failed to provide amended drawings on time despite repeated requests and meetings.  
Evidence: Correspondence from planning authority to applicant, chasing up the request (minimum one reminder).
- Reason: Site survey required in relation to European Protected Species that must await a particular season.  
Evidence: Correspondence showing that survey was necessary, requesting survey from applicant and demonstrating when it was carried out.
- Reason: Delay in consultation response from external consultee.  
Evidence: Correspondence from planning authority to consultee chasing up the request (minimum one reminder).
- Reason: Request to sist application by applicant/agent.  
Evidence: Letter from applicant/agent requesting the sisting and planning authority response.
- Reason: Inactivity during preparation of legal agreement.  
Evidence: Correspondence to that effect from applicant/agent/lawyers.
10. We are happy to accept your reasons in good faith so do not require you to send us your evidence. However, be advised that you may be asked to produce this evidence for audit purposes.

### **Identifying applications for stopping the clock**

11. Any registered application can be subject to the stop the clock protocol. Periods of delay should be recorded on file during the determination period, based on correspondence between the authority and applicant/consultee. On-going recording

of potential delays should reduce the time required to review applications for potential 'stop the clock' periods following determination.

12. The events tab on the Uniform system (if you use it) can provide a useful tool for noting down periods where the application appears to have stalled or been put on hold for the reasons identified above. This can then be used to highlight applications that might be considered against the stop the clock criteria and to provide supporting evidence.

***Please note applications subject to a Processing Agreement will not be included in average time calculations but to help our understanding of issues requiring clock stops please include details of clock stops for these applications.***

***Applications that have been decided by either Historic Scotland or Scottish Ministers will not be included in the analysis so no clock stop details are required for these applications.***