

REPORT TO: DEVELOPMENT QUALITY COMMITTEE - 19 MAY 2008

REPORT ON: PERFORMANCE INDICATORS FOR DEVELOPMENT QUALITY 2007/2008

REPORT BY: DIRECTOR OF PLANNING & TRANSPORTATION

REPORT NO: 234-2008

1 PURPOSE OF REPORT

- 1.1 The report outlines aspects of Development Quality performance for the year 2007/2008 in relation to Scottish Government targets and Key Performance Indicators from the Planning and Transportation Service Plan 2007-2011.

2 RECOMMENDATION

- 2.1 It is recommended that the Committee
- a Notes the trends in performance of the Development Quality service.
 - b Reaffirms the approach to quality of planning decision making as its predominant requirement while at the same time seeking the adoption of any measures which will increase the speed of decision and whilst otherwise further improving the standard of service to customers and the service.
 - c Acknowledges the major challenge which the Development Quality service faces in the future in maintaining levels of performance in the face of the issues raised in this report and in particular the present and projected increase in the complexity of the development management process as introduced by the Planning Etc (Scotland) Act 2006.
 - d Authorises the Director of Planning and Transportation to review the levels and management of resources for development management when further details relating to the implementation of the Act are known following the current period of consultation and to report to Committee with recommendations in due course.

3 FINANCIAL IMPLICATIONS

- 3.1 There are no financial implications associated with this report.

4 BACKGROUND

- 4.1 Reference is made to the Minutes of the Development Quality Committee of 16 June 2007 (Report 220-2007 refers). That report contained aspects of Development Quality Service performance for the years 2003/2004 to 2006/2007.
- 4.2 This report outlines performance trends in relation to key performance targets drawing on six monthly returns made to the Scottish Government over the period 2004/2005 to 2007/2008.
- 4.3 Separate reports have been prepared for Committee in relation to appeals, enforcement and tree preservation activity and may be found elsewhere on this agenda. These reports should be read in conjunction with this report.

5 COMMENTARY ON PERFORMANCE AND TRENDS

5.1 Annex 1 tabulates performance trends against the various relevant key indicators during 2007/2008 in comparison with previous years.

5.2 The main issues which may be drawn from the performance trends are as follows:

a Caseloads of Applications Received

2006/2007 was a particularly challenging year in this respect. 13.6% more applications were received in that year compared to 2005/2006. This continued to have an influence into 2007/2008. It will be noted that there was a modest fall in the number of applications received in 2007/2008 compared to the previous year and that there has been an overall drop in statistical performance of approximately 5%. However, with reference to Annex 2 it will be noted had performance in 3 of the 12 months been better to the extent that 30 of the 968 applications determined had been processed in two rather than three months, then the overall annual performance would have matched that of 2006/2007.

The nature of development management means that consistency of performance from month to month can never be guaranteed as the nature of applications received changes and the need for time consuming consultation, negotiation varies and as work on delegatable applications is sacrificed in favour of more complex and time consuming Committee work.

Although the number of householder category applications determined showed a 10% fall, the more complex non-householder category increased by 12.7%.

The statistics also reveal a 22% increase in the number of business and industry category applications determined and a 129% increase in advertisement applications. Overall the number of applications decided has increased by 7.5% since 2005/2006.

b Balance to be Achieved between Delegated and Committee Referred Applications

In 2004/2005 84.6% of all planning applications were determined under powers delegated to the Director. This has fallen to the figure of 78% in 2007/2008. This figure is approximately 7% lower than any of the other Scottish Cities with which we benchmark.

These figures confirm the trend in numbers of applications of all types (especially householder applications) which have to be determined by Committee, frequently as the result of attracting a single relevant objection. For example, over the 11 Committees convened in 2007, Members determined 53 householder applications (25% of their Committee caseload) and considered 77 applications attracting a single letter of objection (36% of their Committee caseload). Reference below is made to the implementation of the new Planning Act in this regard. Monthly cycles of Committee and the preparation work involved rarely means that the determination of a Committee Agenda item occurs within the statutory twomonth period on which the key performance indicators are based.

c Engagement with Applicants/Agents and the General Public

The Council's practice of particularly engaging with applicants and agents at the pre-application stage has continued. In theory this should result in better quality applications and speedier decisions. In reality this process is time consuming and often disproportionate to the amount of added value which often results.

However, this is counterbalanced by the positive aspects which are the development of working relationships with applicants and agents.

Agents frequently amend plans during processing whilst projects already approved are frequently subjected to later amendments. At times months of work on an application can come to nothing if the application is withdrawn immediately prior to determination.

The growing complexity of planning is placing additional demands on applicants to provide technical information before an application can be determined, eg contaminated land assessments, tree surveys, landscaping plan, transport assessments, noise assessments, design statements etc. These reports require often time consuming evaluations from within the Council. Delays in processing applications and in issuing decisions can result because these requirements are placing increasing demands on agents/consultants with resultant delays in the receipt of essential technical information. These time delays are not deducted from the application processing time.

The speed of determining an application can be assisted by the imposition of conditions only for officer time to be increasingly deflected to the task of receiving, considering and deciding on the information sought and in enforcing these conditions. A difficult balancing act needs to be undertaken.

The service continues to provide a free and accessible advice function to Dundee citizens. This workload continues to grow as the public's interest in planning grows and as more of our information and activities become accessible on-line.

d Staff Resources

During 2007/2008 the Development Quality Team has again experienced staff changes involving recruitment and to reflect the departmental policy of rotating professional staff for training and experience purposes. Rotational and trainee staff have been deployed flexibly in order to help sustain performance in the routine householder category and to allow more senior staff to undertake more complex work. Application casework is administered by six professional planners and a trainee planner under supervision. This staff complement has remained relatively static over the years despite the increasingly challenging nature of the workload.

e E-Planning and Electronic Document Management

Since January 2004 a structured programme of work in pursuit of on-line development quality functions has been implemented. Familiarisation, training and the adjustment of back office systems delivering electronic document management has been a continuing commitment this year and this too has

impacted on processing timescales. Long term benefits, however, should accrue. The ability for applicants to make on-line planning applications is expected to follow in mid 2008.

f Planning Appeals

A separate Committee report elsewhere on this agenda outlines recent appeal performance against key departmental performance indicators. It will be noted from that report that the appeals workload of the team has increased considerably in the past year with hearings gaining in popularity. This work has impacted on performance in the processing of routine casework.

g Road Construction Consents

Annex 2 outlines recent performance together with influencing factors.

h Section 75 Agreements

During 2007/2008, 18 Section 75 Agreements were imposed on applications determined by Committee. This compares to 7 in 2006/2007. This has mostly resulted from the Council's policy in relation to the control of houses in multiple occupation. Application decision times are therefore extended greatly by legal negotiations and apply further downward pressure on Key Performance Indicators as decision notices are only issued when an Agreement is concluded. In addition, considerable work by case officers and the Council's lawyers is involved and this deflects from work on other cases.

i Implications of the Environmental Agenda

Increasingly, the Department is finding that a wide range of environmental issues are becoming significant material considerations in the planning process (eg contaminated land, air quality, noise, waste management) and in the future certain categories of application may have to be assessed in respect of their carbon emissions. These requirements have placed an additional strain on the Development Quality service and the expert support given to it by the Environmental Health and Trading Standards Department in particular. These pressures on applicants, agents and the Council are likely to intensify.

6 NEW PLANNING ETC (SCOTLAND) ACT - IMPLICATIONS FOR FUTURE DECISION-MAKING

6.1 The content of the new Planning Act will have significant implications for how the Council undertakes its decision making responsibilities in respect of planning applications in the future. The various reports recently considered by the Committee testify.

6.2 In terms of improving performance the requirement to review the Scheme of Delegation, the introduction of revised appeals and local procedures and the proposals for enhanced scrutiny and increased pre-application work are likely to have the greatest impact. Council's are being encouraged to introduce wider delegated powers to officers in an effort to reduce the burden on elected members of deciding large quantities of relatively small scale applications and to redirect their involvement to larger scale or complex applications or which generate a substantial body of

objections or are significant departures from the Development Plan. This approach will be complemented by a revised appeals process where a Local Review Body may be asked to review a case where delegated powers have led to a refusal. Those applications which continue to fall to be determined by elected members in Committee may be appealed to Scottish Ministers as at present.

- 6.3 The implications for the Council's decision making performance will very much depend on the revision it will make to its decision making procedures in response to the requirements of the Act and on the resources required to carry these through. A further report on this will be placed before Committee when the outcome of the current consultation exercises leads to confirmed secondary legislation.
- 6.4 It has become clear from the various consultation papers that the additional demands on the Development Quality service (officers and Members) will not be able to be sustained by existing resources despite the promise of potential additional income from a revised fees regime. Precise impacts on both officers and members is difficult to precisely quantify at this stage as this depends on the final definition of the planning hierarchy, the range of applications to be exposed to enhanced scrutiny, the way in which the Council will define its Scheme of Delegation, and how the Local Review Body will be constituted and operate.
- 6.5 The modernising agenda is likely to mean that a crude statistical method of assessing development management performance as at present is not sustainable in the future. To a degree this has been acknowledged by Scottish Government in the proposals for the assessment of Councils as the Act's provisions are implemented (Report 275-2007 to the Planning and Transport Committee of 11 June 2007 refers).
- 6.6 Report 220-2007 approved in June 2007 at recommendation d indicated that the Director of Planning and Transportation would undertake a review of resources for the development management (quality) service. It was, however, decided in view of the implications of the proposed secondary legislation to defer this exercise until the implications become clearer. The stage has now been reached when this reassessment can begin and a report will be made to the Committee prior to the end of 2008.

7 POLICY IMPLICATIONS

- 7.1 This Report has been screened for any policy implications in respect of Sustainability, Strategic Environmental Assessment, Anti-Poverty, Equality Impact Assessment and Risk Management.

Although there are no sustainability policy issues directly arising from this report, the Council should be aware that environmental issues are becoming more and more relevant as material planning considerations. These are new and complex areas for applicants, agents and officers to thoroughly discharge. This is having a progressive adverse impact on application processing timescales. In particular, issues of ground contamination, noise and air quality are increasing in frequency as potential material considerations and making the process of assessing applications more challenging. The range of material considerations is likely to get even wider as the agenda for promoting and enforcing environmental standards increases.

8 CONCLUSION

- 8.1 The performance figures are set against consistently increasing application and non-application workloads, and is a barometer of investment trends throughout the City. Regardless of the influences noted above and, in particular, the Council's acknowledgement of the importance of quality of decision and the need to maintain a high level of service delivery offered to citizens, developers, applicants, and agents, the Council has historically sought to maintain levels of performance comparable to Scottish average standards and with its city benchmarking partners. However, the Committee is asked to acknowledge that increasing workload pressures, ever increasing expectations on performance from applicants, agents, the general public and the Scottish Government coupled with the ever increasing complexity of the planning process and the need for accuracy, it too became increasingly difficult to maintain performance with the resources presently available to the Development Quality Team.
- 8.2 The new Planning Act will bring further changes which will influence decision making patterns. It is considered, therefore, that it is now appropriate to undertake a comprehensive review of the workload/responsibilities/resources balance within the Development Quality service in response to the issues raised in this report and in the light of the implications of the new Planning Act.

9 CONSULTATIONS

- 9.1 The Chief Executive, Depute Chief Executive (Support Services), Depute Chief Executive (Finance), Head of Finance and Assistant Chief Executive (Community Planning) have been consulted and are in agreement with the contents of this report.

10 BACKGROUND PAPERS

- 10.1 Six monthly Performance Indicator Returns to Scottish Executive 2004/2005 to 2007/2008.
- 10.2 Planning and Transportation Department Service Plan 2007-20011.
- 10.3 SPPI The Planning System Scottish Executive Development Department 2002.
- 10.4 Report of the Targets Working Group. Scottish Executive Development Department October 1999.
- 10.5 Resources for Planning - Ove Arup & Partners 2005 (Para 7.29).
- 10.6 The Planning Etc (Scotland) Act 2006.
- 10.7 Recent Scottish Government Consultation Papers and Draft Secondary Legislation relating to development management processes and procedures.

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ANNEX 1: COMPARATIVE DEVELOPMENT QUALITY PERFORMANCE 2004/2005 - 2007/2008

Performance Indicator	2004/2005	2005/2006	2006/2007	2007/2008
% Householder applications determined <2 months SE Target: 90% Service Plan Target: 80%	77.0%	85.75%	80.0%	75.0%
% all applications determined <2 months SE Target: 80% Service Plan Target: 60%	62.5%	62.0%	59.0%	56.0%
% Householder applications determined <3 months SE Target: 95% Service Plan Target: 95%	90.9%	95.8%	93.7%	89.6%
% All applications determined <3 months SE Target: 85% Service Plan Target: 80%	82.2%	79.4%	79.2%	74.1%
% Major applications determined <4 months SE Target: 80% Service Plan Target: N/A	74.0%	66.0%	71.0%	62.4%
Applications Received	969 (+2.8%)	975 (+0.6%)	1,132 (+16.1%)	986 (-12.9%)
Applications Determined	919 (+7.2%)	902 (-1.8%)	948 (+5.0%)	968 (+2.1%)
Applications Received per Case Officer per annum (7 case officers)*	161	163	184 (+12.9%)	140 (-24%)
Service Plan Performance Measure % of road construction consent applications determined in 8 weeks Target: 70%	38.8%	76.0%	66.7%	62.5%

Source: Scottish Executive 6 Monthly Statistical Returns 2004/2005-2007/2008

*A recent report by Ove Arup & Partners for the Scottish Executive indicated that the estimated Scottish average of 143 applications received per case officer.

ANNEX 2: MONTHLY STATISTICAL TREND 2007/2008

	Apr 07	May 07	June 07	July 07	Aug 07	Sept 07	Oct 07	Nov 07	Dec 07	Jan 08	Feb 08	Mar 08	2007/2008
% Householder Applications Determined in Two Months	58.6	85.0	75.0	78.1	65.1	78.9	71.1	63.9	83.0	83.3	72.7	82.9	75.0
% Non-Householder Applications Determined in Two Months	28.1	25.3	32.3	76.4	32.4	39.5	37.1	40.9	43.0	45.0	48.7	44.4	43.0
% of All Applications Determined in Two Months	43.0	54.0	43.0	77.0	50.0	59.0	51.0	51.0	59.0	59.0	60.0	65.0	56.0

Source: Planning and Transportation Records 2007/2008

Notes

- 1 In the householder category April, August and November 2007 were the months which recorded the poorest statistical performance. However, overall had 20 householder applications (from 403) over the course of the year been determined in two months rather than three months then the overall annual performance would have been equivalent to that of 2006/2007, ie 80%.
- 2 Similarly, in the "All Applications" category if a further 30 applications (from 968) had been dealt with in two months rather than three months then the performance would have been equivalent to that of 2006/2007.

ANNEX 3**ROAD CONSTRUCTION CONSENT PERFORMANCE INDICATORS**

Year	Total No of RCC Applications	Average Processing Time (weeks)	% of applications processed in 8 weeks	% of applications processed in 12 weeks
2001/2002	21	6	80.9%	100.0%
2002/2003	20	10	45.0%	80.0%
2003/2004	22	9	59.1%	77.3%
2004/2005	19	10	38.8%	78.9%
2005/2006	13	7	76.0%	93.0%
2006/2007	27	7	66.7%	92.5%
2007/2008	16	7	62.5%	93.8%

The Service Plan Performance target for the processing of Road Construction Consent (RCC) applications is to have 70% processed within 8 weeks.

The above figures indicate that the target figure of 70% of applications considered within eight weeks has not been met. This may be due to a revision in the lead in time to Planning & Transportation Committee. In previous years an RCC application could be put on a Planning & Transportation agenda up to four weeks ahead of the agenda being approved. This time has now increased to five/six weeks prior to the agenda being approved. An investigation of the figures shows that 93.8% of the applications would have been considered within eight weeks if the lead in time to Committee was not increased.

It should be noted, however, that there are overriding factors which contribute to this pattern. The applications that took an unusually long time to process were held up due to matters outwith the RCC process. For example, it should also be noted that with such a low number of applications, statistically if one or two applications are delayed, this can have a disproportionately adverse effect on the figures.

Most Local Authorities in Scotland work to a 12 week cycle for processing RCC applications and do not submit the RCCs to Committee for approval.