

**REPORT TO: DEVELOPMENT QUALITY COMMITTEE - 19 MAY 2008**  
**REPORT ON: PLANNING APPEALS PERFORMANCE 2007/2008**  
**REPORT BY: DIRECTOR OF PLANNING & TRANSPORTATION**  
**REPORT NO: 236-2008**

**1 PURPOSE OF REPORT**

1.1 To advise the Committee of the Council's planning appeals performance for the year 2007/2008.

**2 RECOMMENDATION**

2.1 It is recommended that the Committee notes the contents of the report.

**3 FINANCIAL IMPLICATIONS**

3.1 The costs of conducting these appeals have been met from the Planning and Transportation Revenue Budget for the respective year.

**4 BACKGROUND**

4.1 The Council reports annually to the Accounts Commission for Scotland on its planning appeals performance. The Performance Indicator target is included in the Planning and Transportation's Annual Service Plan 2007-2011.

4.2 Reference is made to the Minutes of the Development Quality Committee of 18 June 2007 and to Report 218-2007 when appeals performance was last reported to Committee. The purpose of this report is to comment on the nature of the detail of the Council's appeals performance during the year as compared to previous 2005/2006 and 2006/2007 performances and to inform Committee of the number of outstanding appeals

4.3 The attached table indicates the following changing patterns of performance:

- a there has been a significant increase in the number of appeals determined and pending compared to 2006/2007. The reasons for such a stark increase are not known but may have something to do with the forthcoming changes to the appeals procedure;
- b members will wish to note the increase in appeals relating to residential developments of all kinds, householder and non-householder; and
- c the percentage of appeals dismissed (ie refused planning permission) as a proportion of all applications and appeals determined shows a continuing and evident improvement; and
- d the former Blackness Nursery site and the Donalds Lane public inquiries, and to a lesser extent the hearings were found to be very consumptive of resources, although it has to be said that the hearings system as a process is more user friendly, speedy and does not appear to represent any diminution in the quality of examination or decision.

- 4.4 Overall, the sharp increase in the in the number of appeals determined and lodged in 2007/2008 has had an adverse impact on other case management timescales (see Report 234-2008 to be found elsewhere on this agenda).

## 5 DEPARTMENTAL SERVICE PLAN 2007-2011: KEY PERFORMANCE MEASURES AND TARGETS

- 5.1 The appeals performance outlined in this report has been compared to the baseline and target performance results outlined in the Departmental Service Plan as follows:

Key Performance Results	Baseline	Target or Direction	2005/2006	2006/2007	2007/2008
Number of appeals determined	25	25	26	23	40
% appeals dismissed as % of all applications decided	1.8%	1.8%	0.7%	0.9	2.1%
% dismissed as % of all appeals determined	40%	70%	26.9%	40.9%	52.5%

## 6 IMPLICATIONS OF THE NEW PLANNING ETC (SCOTLAND) ACT FOR APPEALS AND INQUIRIES

- 6.1 The new Planning Act links the introduction of enhanced decision making powers for officers in a revised Scheme of Delegation to a new system where appeals by applicants against these delegated decisions will be referred to a Local Review Body and not to Scottish Ministers as at present. Those decisions retained for determination by Elected Members in Committee will continue to be subject to the existing appeals mechanism. The detail of these proposals was reported to the April Development Quality Committee (Report 176-2008 refers) and Members will be aware of the significance of the proposed changes in respect of decision making procedures.
- 6.2 When the Secondary Legislation is confirmed later this year and transitional arrangements occur following further consultation, a further report will be prepared recommending a Revised Scheme of Delegation and establishment, organisation and servicing of the Local Review Body.

## 7 CONCLUSIONS

- 7.1 In conclusion, it is considered that the Council's appeal performance is statistically satisfactory and that this displays a high level of consistency in decision making. The direction of improvement is in line with the Departmental Service Plan.

## 8 POLICY IMPLICATIONS

- 8.1 This Report has been screened for any policy implications in respect of Sustainability, Strategic Environmental Assessment, Anti-Poverty, Equality Impact Assessment and Risk Management. There are no major issues.

**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 Departmental Appeals Records.
- 10.2 Individual appeals reports to Development Quality Committee.
- 10.3 Planning and Transportation Department Service Plan 2007-2011.
- 10.4 The Planning Etc (Scotland) Act 2006.
- 10.5 Report 234-2008 - Performance Indicators for Development Quality 2007-2008.
- 10.6 Report 218-2007 - Planning Appeals performance 2006-2007.
- 10.7 Report 176-2008 - Modernising Planning Appeals.

Mike Galloway  
Director of Planning & Transportation

Ian Mudie  
Head of Planning

IGSM/IAR/KM

17 April 2008

Dundee City Council  
Tayside House  
Dundee

## APPEALS PERFORMANCE SUMMARY 2004/2005 - 2007/2008

	2004/2005		2005/2006		2006/2007		2007/2008	
Total Applications Determined								
Householder	442		407		447		403	
Non Householder	477		495		501		565	
Total	<b>919 (+7.2%)</b>		<b>902 (-1.8%)</b>		<b>948 (+5%)</b>		<b>968 (+2.1%)</b>	
Total Appeals Determined	16		26		22		40	
Total Appeals Withdrawn/Invalid	5		1		0		1	
Total Appeal Decisions Pending	4 (2)		6(2)		18		24	
Determined by Written Presentation	16		26		20		36	
Public Inquiry/Hearing	0		0		2		4	
	Dismissed	Upheld	Dismissed	Upheld	Dismissed	Upheld	Dismissed	Upheld
Residential/Householder	6	3(1)	4	6(1)	5	3(1)	4(3)	9(5)
Leisure/Commercial/Retail	1	3(1)	1(1)	5	4(1)	6(2)	3(1)	6
Industrial	0	0	1(1)	0	0	0	0	0
Advertisements	1	2	0	0	0	0	1	0
Telecommunications	0	0	1(1)	8(7)	0	4(4)	1	3(3)
HMO Applications							0	1
<b>Total</b>	<b>8</b>	<b>8(2)</b>	<b>7(3)</b>	<b>19(8)</b>	<b>9(1)</b>	<b>13(7)</b>	<b>21(4)</b>	<b>19(8)</b>

( ) Committee decision to refuse contrary to officer recommendation

Years relate to end of March - beginning of April

Excludes Enforcement, Amenity Notice and Tree Replacement Notice Appeals

Sources: Planning and Transportation Department Records and Statutory Appeals Registers 2004-2008