

**REPORT TO: DEVELOPMENT QUALITY COMMITTEE - 18 JUNE 2007**  
**REPORT ON: PLANNING APPEALS PERFORMANCE 2006/2007**  
**REPORT BY: DIRECTOR OF PLANNING AND TRANSPORTATION**  
**REPORT NO: 218-2007**

**1 PURPOSE OF REPORT**

1.1 To advise the Committee of the Council's planning appeals performance for the year 2006/2007.

**2 RECOMMENDATIONS**

2.1 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 SUSTAINABILITY POLICY IMPLICATIONS**

4.1 There are no sustainability policy implications arising from this report.

**5 EQUAL OPPORTUNITIES IMPLICATIONS**

5.1 There are no equal opportunities implications arising directly from the content of this report.

**6 BACKGROUND**

6.1 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.

6.2 Reference is made to the Minutes of the Development Quality Committee of 24 April 2006 and to Report 255/2006 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 2004/2005 and 2005/2006 performance and to inform Committee of the number of outstanding appeals.

6.3 The attached table indicates the following patterns of performance:

- a There has been no material change in the number of appeals determined compared to 2005/2006.
- b Members will wish to note the statistics concerning appeal decisions relative to telecommunications developments.

- c The % of appeals dismissed (ie refused planning permission) as a proportion of all appeals determined has been improved significantly over the previous year.

## 7 DEPARTMENTAL SERVICE PLAN: KEY PERFORMANCE MEASURES AND TARGETS

- 7.1 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	2004/2005	2005/2006	2006/2007
Number of appeals determined	25	25	16	26	23
% appeals dismissed as % of all applications decided	1.8%	1.8%	0.9%	0.7%	0.9
% dismissed as % of all appeals determined	52%	75%	50%	26.9%	40%

\*Actual 2002/2003

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

- 8.1 The new Planning Act links the introduction of enhanced decision making powers for officers in the 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 determined by elected Members in Committee will continue to be subject to the existing appeals mechanism.
- 8.2 These new statutory procedures will raise fundamental decision making issues for the Council. Further reports on this and related matters linked to the implementation of the Act will be made to the Council in the near future.

## 9 CONCLUSIONS

- 9.1 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. It should be noted that the Council has been able to maintain a satisfactory level of statistical performance in its development quality responsibilities and a consistently high quality level of service to its stakeholders. A separate report on these issues is contained elsewhere on the agenda. Further reports will be made to the Council in the near future on the implications for decision making and new appeals procedures.

**10 CONSULTATIONS**

- 10.1 The Chief Executive, Director of Finance, Director of Support Services and Director of Corporate Planning have been consulted and are in agreement with the contents of this report.

**11 BACKGROUND PAPERS**

- 11.1 Statutory Appeals Register.
- 11.2 Individual appeals reports to Development Quality Committee.
- 11.3 Planning and Transportation Department Service Plan 2004-2007.
- 11.4 The Planning Etc (Scotland) Act 2006.

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29 March 2007

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**APPEALS PERFORMANCE SUMMARY 200 - 200**

	2003/2004		2004/2005		2005/2006		2006/07	
Total Applications Determined								
Householder	323		442		407		447	
Non Householder	534		477		495		501	
Total	<b>857 (+18%)</b>		<b>919 (+7.2%)</b>		<b>902 (-1.8%)</b>		<b>948 (+5%)</b>	
Total Appeals Determined	16		16		26		22	
Total Appeals Withdrawn/Invalid	-		5		1		0	
Total Appeals Pending	-		4 (2)		6(2)		18	
Determined by Written Presentation	15		16		26		20	
Public Inquiry/Hearing	1		0		0		2	
	Dismissed	Upheld	Dismissed	Upheld	Dismissed	Upheld	Dismissed	Upheld
Residential/Householder	9	1	6	3(1)	4	6(1)	5	3 (1)
Leisure/Commercial/Retail	0	1	1	3(1)	1(1)	5	4 (1)	6 (2)
Industrial	1	0	0	0	1(1)	0	0	0
Advertisements	2	0	1	2	0	0	0	0
Telecommunications	0	2	0	0	1(1)	8(7)	0	4 (4)
<b>Total</b>	<b>12(0)</b>	<b>4(0)</b>	<b>8</b>	<b>8(2)</b>	<b>7(3)</b>	<b>19(8)</b>	<b>9 (1)</b>	<b>13 (7)</b>

( ) Committee decision to refuse contrary to officer recommendation

Years relate to end March-beginning April

Excludes Enforcement, Amenity Notice and Tree Replacement Notice Appeals.

Sources: Planning and Transportation Department Records and Statutory Appeals Registers 2003-2007