

ORKNEY
ISLANDS COUNCIL

NATIONAL PLANNING IMPROVEMENT FRAMEWORK

Performance Assessment

Cohort 2

December 2024

Introduction

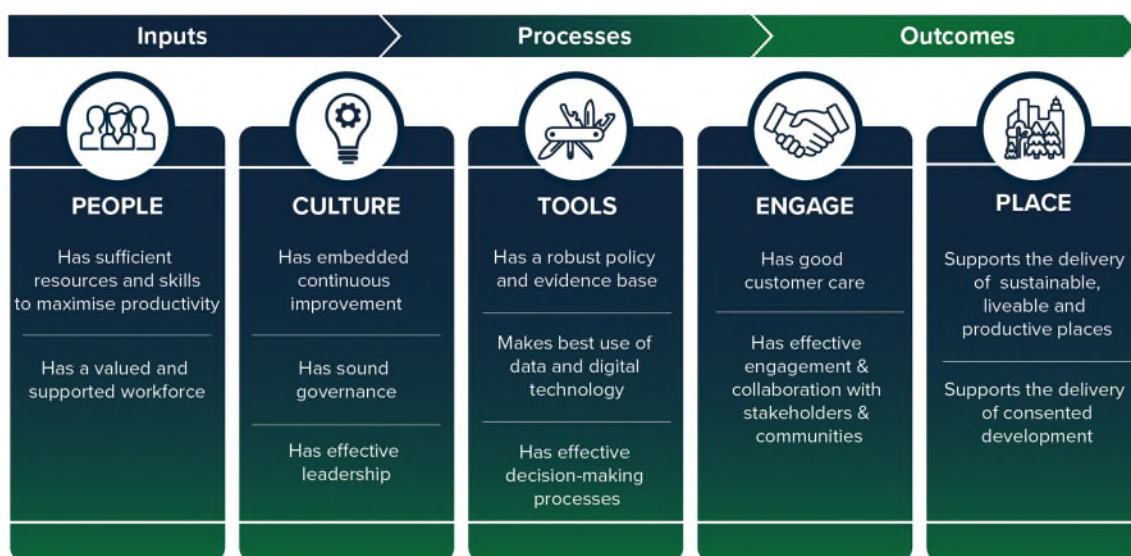
The Planning (Scotland) Act 2019 introduced a new approach to measuring the performance of planning authorities. It made it mandatory for planning authorities to prepare a report on their performance as soon as reasonably practicable after the end of each financial year. This report is to be published and submitted to Scottish Ministers.

A new role of National Planning Improvement Champion (NPIC) was introduced in the Act to monitor the performance of planning authorities and provide advice to them, and other people considered appropriate, on the steps that might be taken to improve.

The National Planning Improvement Framework (NPIF) has been developed by the NPIC and the NPIF process comprises the following 4 stages:

- Stage 1 where the planning authority undertakes a self-assessment exercise and identifies improvement areas.
- Stage 2 where the improvement action plan and performance assessment arising from stage 1 undergoes peer collaborative review.
- Stage 3 where the agreed improvement action plan and performance assessment are published and sent to Scottish Ministers and the Council's Chief Executive.
- Stage 4 where the improvement action plan is actioned and monitored.

Stage 1 - the self-assessment is focused on the 12 attributes of highly performing planning authority, which are grouped around five themes. These are:



For each of the 12 attributes a score is awarded in line with the scoring matrix below.

|  PRIORITISE |  REVIEW |  DEVELOP |  BUILD UPON |  CONSOLIDATE |
|---|--|---|---|---|
| No progress | Making limited progress | Making fair progress | Making good progress | Making excellent progress |
| 5 | 4 | 3 | 2 | 1 |
| Prioritise fundamental review and revisit approach taken. Engage with NPI Learn from others | Review ambition Review approach taken Inform NPI Learn from others | Increase ambition in targets Review and improve implementation | Increase ambition in targets Share learning with others | Share learning with others |

From this an action plan for the areas of improvement is identified and developed, specifying improvement actions, the owner of that action, priority, timescales and resources required. The improvement action plan gives an opportunity to outline the ambitions of the Planning Service in the short, medium and long term.

The Council's Planning Service is incorporated within the Planning and Community Protection Service which also includes the Building Standards, Environmental Health, and Trading Standards teams and is located within the Neighbourhood Services and Infrastructure Directorate which also includes Roads, Waste Management, Civil Engineering, Estates Management, Architects and Capital Projects.

The service covers predominantly statutory functions delivered by two teams – Development Management which deals with all planning application and enforcement issues; and Development and Marine Planning which deals with marine and terrestrial planning policy, archaeology, active travel, biodiversity, and other rural planning matters.

This report details the outcomes of Stage 1 of the process and is presented to the Peer Review Group along with the Draft Improvement Action Plan 2024 in order to provide them with the opportunity to assist the Planning Service improve its performance based upon their knowledge and experience of interacting with the service.

Roddy Mackay
 Head of Planning and Community Protection
 December 2024



A high performing planning authority needs to have the right number of people to do the work expected of it with the right skills set. It also needs to have a strategy to ensure that it retains and recruits the right staff in the future. It supports staff to upskill and to be prepared for changes in policy, legislation, and new circumstances.

ATTRIBUTE 1: THIS PLANNING AUTHORITY HAS SUFFICIENT RESOURCES AND SKILLS TO MAXIMISE PRODUCTIVITY

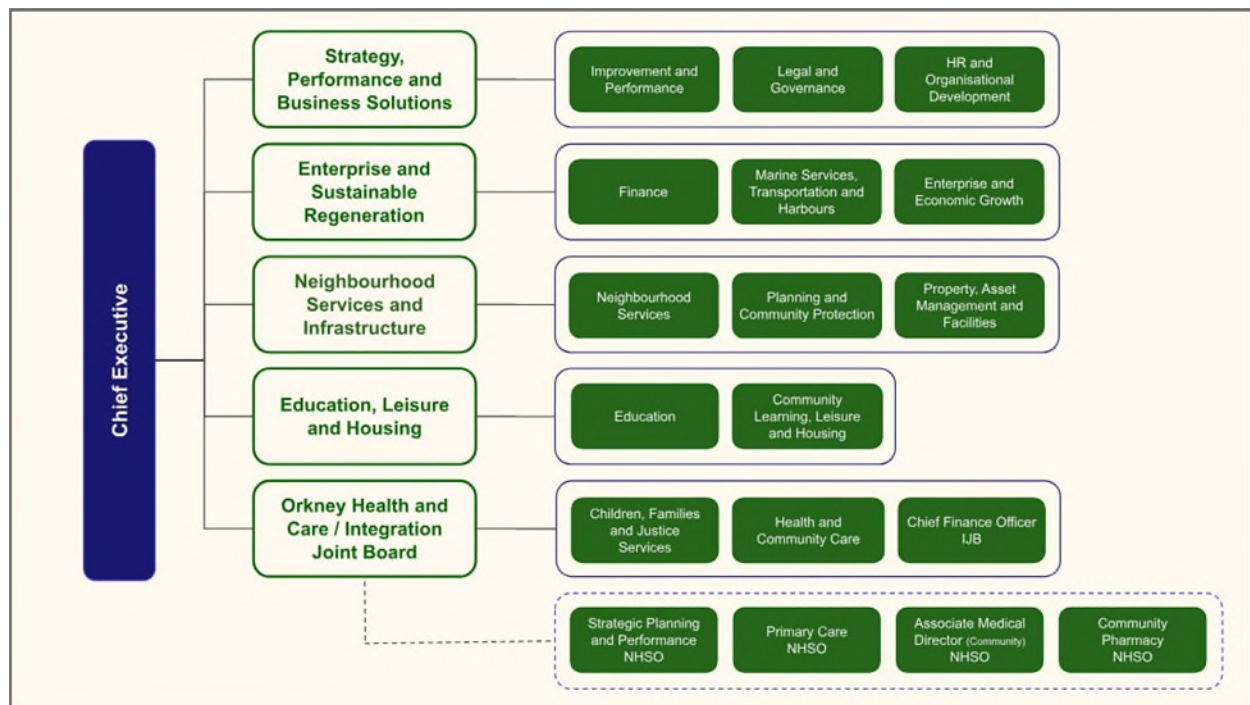
Please consider the following when thinking about this attribute and how you have performed over the last year:

- Does the planning authority have the sufficient level of staff to carry out all activities within the required timeframes?
- Does the planning authority have the ability to carry out all activities within the required timeframes with its current budget?
- Does the planning authority have the ability to carry out all activities within the required timeframes with its current income?
- Does the planning authority received responses from consultees within the prescribed timescale when assessing planning applications?
-

Staffing Levels and Structures

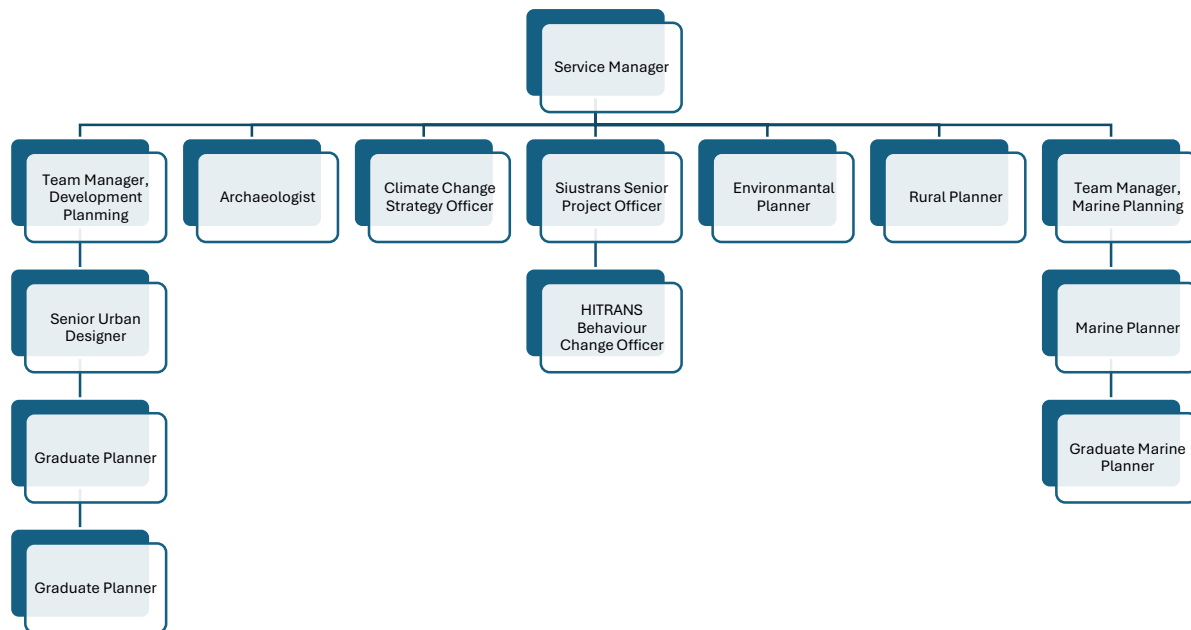
The Planning Service is incorporated within the Planning and Community Protection Service which also includes the Building Standards, Environmental Health, and Trading Standards teams. The Planning and Community Protection Service is in the Neighbourhood Services and Infrastructure Directorate. This directorate delivers many of the services that Orkney residents use on a daily basis, from roads to waste, from Council buildings to IT services provided by the Council and the whole range of regulatory services which keep us and our community safe.

OIC Structure Chart – Corporate Directors and Remits



The Head of Planning and Community Protection (and statutory Chief Planning Officer) is supported by service managers covering the two distinct teams within the service - Development Management, which includes planning enforcement and Development and Marine Planning which covers marine and terrestrial planning policy. There are 13 posts in the Development Management team and 12 in the Development & Marine Planning function plus the posts of Sustrans Senior Project Officer (Active Travel) and HITRANS Behaviour Change Officer which are embedded within the Council.

Development and Marine Planning Staff Structure

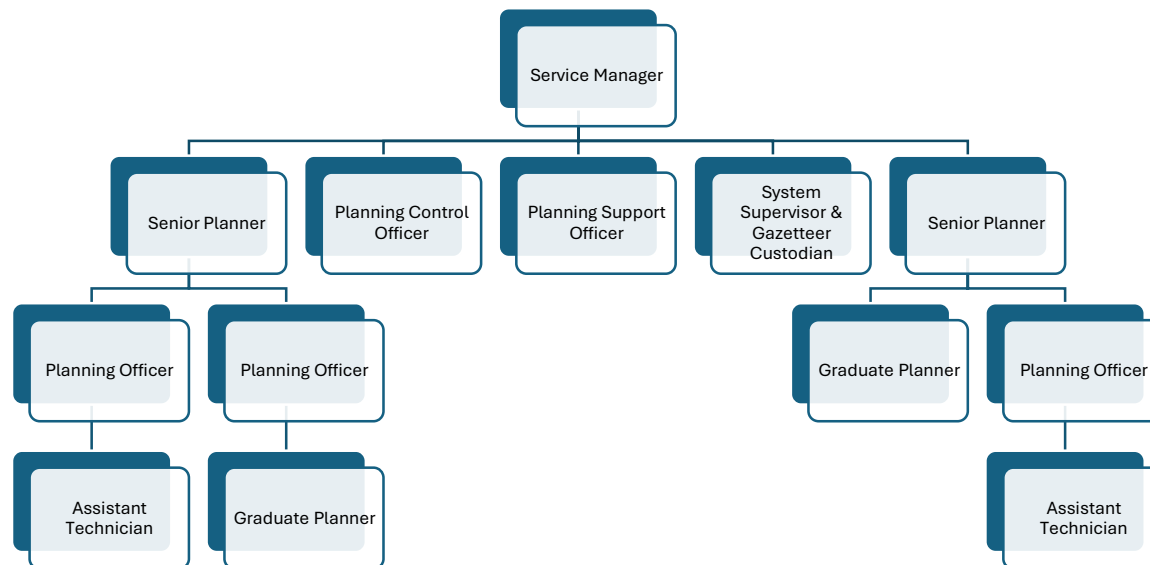


Development and Marine Planning Functions

| | |
|--|---|
| • Local Development Plan | • Archaeology/World Heritage Site |
| • Supplementary Guidance | • Urban Design |
| • Regional Spatial Strategy | • Natural Heritage |
| • Regional Marine Plan and Supporting Guidance | • GIS/Spatial Data |
| • Placemaking | • Local Place Plans |
| • Climate Change | • Local Reviews |
| • Outdoor Access | • Planning Application Consultations |
| • Trees and Woodlands | • Active Travel |
| • Management of Land & Property Assets | • Strategic Environmental Assessment/Habitats Regulations Appraisal |

The broad remit of the Development and Marine Planning which includes archaeology, climate change and marine planning requires specialists in various disciplines, which means that not all posts in the service are traditional planning officer posts.

Development Management Staff Structure



Development Management Functions

| | |
|--|---|
| <ul style="list-style-type: none"> • Pre-application Advice and Enquiries | <ul style="list-style-type: none"> • Planning Enforcement |
| <ul style="list-style-type: none"> • Validate/Register Planning Applications | <ul style="list-style-type: none"> • Planning Casework Database Administration |
| <ul style="list-style-type: none"> • Processing of Planning Applications – Householder, Local, Major and National | <ul style="list-style-type: none"> • Planning Appeals |
| <ul style="list-style-type: none"> • Determination of Planning Applications – Conditions/Issue Decision Notices | <ul style="list-style-type: none"> • Development Monitoring |
| <ul style="list-style-type: none"> • Processing/determination of other applications -Listed Building Applications, advertisement consent, prior Notifications | <ul style="list-style-type: none"> • Property and Street Naming/Numbering |
| <ul style="list-style-type: none"> • Planning Agreements/Obligations | <ul style="list-style-type: none"> • Corporate Address Gazetteer Custodian |
| <ul style="list-style-type: none"> • Marine Works Licenses | <ul style="list-style-type: none"> • Performance Statistics |
| <ul style="list-style-type: none"> • Scope and Assessment of Environmental Impact Assessments | |

As a small local authority all three functions of the Planning Service – Development Management, Development Planning and Marine Planning all operate with the minimum

number of staff possible to deliver a satisfactory service. A number of specialist areas in the Development Planning team are covered by singleton posts e.g. access, active travel, archaeology and natural heritage, and within the Development Management team planning enforcement and management of corporate address gazetteer are also potential single points of failure. It should also be noted that a number of posts including the Sustrans and HITRANS roles covering active travel are temporary and rely on external funding to cover the costs. In addition, Marine Scotland provide an annual grant which part funds the costs of the Marine Planning team.

There are a few key areas where the level of in-house expertise is not sufficient to provide a level of appropriate specialist advice.

- Firstly, in relation to undertaking detailed assessments of Environmental Impact Assessment (EIA) applications. This has been addressed by the employment of an environmental consultancy firm since 2019 to undertake peer review of EIAs. The use of the consultancy firm allows a quicker response to submissions, even where multiple applications are received simultaneously across a wide range of industries.
- Secondly, the lack of a dedicated conservation specialist in relation to the substantial statutory and non-statutory duties to provide specialist conservation advice in respect of the historic environment with Orkney having a large number of listed buildings, conservations areas and other historic environment assets for such a small rural authority. Attempts to secure funding for such a post have been unsuccessful in recent years but are continuing.
- Finally, there are several areas of specialist skills which the Council lacks including landscape architecture, hydrology and development viability. Whilst the demand for these services does not justify full-time posts the lack of such expertise has an impact on the service, particularly at a time when there a number of infrastructure and renewable energy projects being planned/developed. In the absence of such expertise the only alternative is to engage consultants with the relevant skills.

The experience of operating with small teams indicates that staff vacancies, delays in recruiting to posts and periods of sickness absence often contribute to delays in undertaking activities within timescales. Consequently, staff may be required to take on additional duties putting further pressure on staff.

On a positive note, as at the end of October 2024 there were no vacant posts in the Planning service.

The age profile and length of service with the Council of the staff* is detailed below.

| Staff Age Profile | Headcount |
|-------------------|-----------|
| Under 30 | 5 |
| 30-39 | 7 |
| 40-49 | 5 |
| 50 and over | 9 |

*Table above excludes the embedded posts of Sustrans Senior Project Officer (Active Travel) and HITRANS Behaviour Change Officer

| Length of Service | Headcount |
|-------------------|-----------|
| Under 5 years | 14 |
| 6-15 years | 5 |
| 16-25 years | 6 |
| 26 years and over | 1 |

*Table above excludes the embedded posts of Sustrans Senior Project Officer (Active Travel) and HITRANS Behaviour Change Officer

The Royal Town Planning Institute is a membership organisation and the professional body which represents planners. Of the 27 posts in the Planning Service, 10 are Chartered Town Planners. Other staff are members of professional institutes relevant to their area of expertise e.g. Chartered Institute of Ecology and Environmental Management. The Council does not pay for officer's professional membership fees.

Budget/Income

The budget costs for 2024/25 for each element of the Planning Service are detailed below with the total cost of the service amounting to just over £1.9 million. Excluding apportioned costs i.e. the cost of Central Support Services (Chief Executive, Administration, Legal, Finance & Technical Services) recharged to Service Areas, staffing costs account for 82% of the total budget.

| | Staff Costs | Non staff costs | Apportioned Costs | Total Expenditure | Total Income |
|-------------------------|-------------|-----------------|-------------------|-------------------|--------------|
| Planning Administration | 112.3 | 27.3 | 262.5 | 402.1 | 0 |
| Development Management | 544.5 | 76.7 | 19.9 | 641.1 | 403.9 |
| Development Planning | 598.3 | 172.5 | 42.9 | 813.7 | 233.0 |
| Archaeology | 51.7 | 3.6 | 0 | 55.3 | 0 |
| Total | 1,306.8 | 280.1 | 325.3 | 1,912.2 | 636.9 |

Fee income from planning applications and other fees has risen considerably in the last three years.

| Year | Planning Application Fee Income | Other Fee Income |
|---------|---------------------------------|------------------|
| 2023/24 | £482,200 | £13,600 |
| 2022/23 | £414,600 | £18,700 |
| 2021/22 | £340,500 | £21,000 |

During financial year 2022/23 the establishment of a new 1.0 FTE Planning Technician post was approved, funded from increased planning application fee income.

In addition to this the fee income was also used to increase a Graduate Planner post, created as part of the Phase 2 Restructure, from 0.8 FTE to 1.0 FTE and re-graded from G7 to G8.

New and additional service spending pressures are proposed collectively by the Corporate Leadership Team and approved by the Council. As part of the budget process for 2025/26 service pressure bids were invited for "known unavoidable service pressures". These fall into three general groupings: contractual obligations; historical funding deficiencies; or budgets becoming detached from actual performance.

The Planning Service has put forward a single budget pressure item to cover the establishment of a new post of Historic Environment Officer – whilst Orkney has a large number of listed buildings, conservations areas and other historic environment assets for such a small rural authority, there is currently no expertise within the Council to provide support and advice on the conservation and preservation of Orkney's historic built environment (listed buildings, conservation areas, gardens and designed landscapes) and there is no capacity within the Development and Marine Planning revenue budget to establish a new post. A similar pressure bid made in 2024/25 was unsuccessful.

Savings and efficiencies are also proposed collectively by the Corporate Leadership Team and approved by the Council. As part of the budget setting process for 2025/26, Services have been asked to present proposals for increasing charges, implementing efficiencies or for service redesign.

The only proposal put forward by the Planning Service is the introduction of a new charge for considering a request for written confirmation of compliance with a condition imposed on the grant of planning permission. It is anticipated that the new charge will generate additional fee income of £10,000 per annum. It is also proposed to investigate whether there would be merit in introducing a fee for providing for pre-application planning advice.

There is a requirement for further budget savings to be made in future years if the Council budget is to remain sustainable in the medium term. As such each Service has been allocated savings targets for 2026/27 and 2027/28.

Consultee Response Times

Staff shortages in internal Council services consultees such as Roads and Engineering Services continue to have a major impact particularly in terms of the decision-making timescales for planning applications. This situation is reflected in our overall performance in determining planning applications this year. Consultation responses from Engineering Services have taken an average of 49 days in 2023/24 and responses from Roads have taken 43 days. Although this shows an improvement over the previous year both services are well outwith the 21-day timescale set by Development Management. Responses from external consultees – SEPA and NatureScot also fail to meet the target deadline.

Clearly, other than a position where planning applications are routinely issued without critical consultation responses, these delays inevitably impact on overall performance. However, determination of a planning application without a consultation response from the roads authority where a response is critical in relation to road safety would be difficult.

| Consultation Respondents | 2023/24 | | 2022/23 | | 2021/22 | |
|---------------------------------|---------|--------------|---------|--------------|---------|--------------|
| | Number | Average Days | Number | Average Days | Number | Average Days |
| <u>Internal</u> | | | | | | |
| Development and Marine Planning | 327 | 7 | 86 | 27 | 102 | 20 |
| Engineering | 55 | 49 | 80 | 63 | 67 | 37 |
| Environmental Health | 111 | 20 | 154 | 13 | 159 | 12 |
| Roads | 280 | 43 | 329 | 55 | 332 | 30 |
| <u>External</u> | | | | | | |
| NatureScot | 16 | 37 | 19 | 20 | 23 | 27 |
| SEPA | 27 | 30 | 12 | 11 | 22 | 22 |
| Scottish Water | 225 | 9 | 278 | 8 | 295 | 7 |
| Historic Scotland | 37 | 17 | 37 | 29 | 28 | 12 |

The Planning Service is working with internal consultees to identify actions that will mitigate issues which may arise from delays in consultation responses. This includes providing additional guidance for developers in respect of roads and drainage matters as

well as tailored multi-disciplinary pre-application advice for larger scale development proposals.

Access to Advice, Evidence and Data

Access to data is key to informing the decision-making process around all elements of the Planning Service, informing our performance reporting, statutory timescales, and preparation and monitoring of the Local Development Plan.

The way in which the Council holds data, prepares data and shares data between services is not very well developed, does not make use of technology and in many cases is not digitised. Often the data is not updated regularly and there is a lack of cross departmental working on data sharing. There is no dedicated data analyst staff resource within the Planning Service, or the Council as a whole. As a result, in the preparation of the Evidence Report for the Local Development Plan significant time has had to be spent in digitising existing data or manually create data in order that the data can be interrogated to provide an evidence-based report.

The full capability of the existing Uniform Planning casework management system to assist with information and data management and spatial analysis is currently not being fully utilised due to lack of staff resources to implement the required improvements.

ATTRIBUTE 2: THE PLANNING AUTHORITY HAS A VALUED AND SUPPORTED WORKFORCE

Please consider the following when thinking about this attribute and how you have performed over the last year:

- Does the planning authority have a workforce planning strategy in place?
- Does the planning authority have the ability to support staff development and upskilling and send staff on relevant courses?
- Does the planning authority have a deliverable commitment to support staff health and wellbeing?

Workforce Planning Strategy

The Council's workforce strategy - People Plan 2022-26 - was approved in June 2022 containing four key strategic priorities:

- Creating a shared leadership culture that underpins our agenda for change and organisational growth.
- Building a talented, confident and resilient workforce with the capabilities to adapt to our changing environment.
- Establishing a new people and learning infrastructure to drive transformational change and enable growth in key areas that will support income generation.
- Valuing everyone's contribution through creating modern, flexible employment packages.

In terms of implementing the plan, the Council achieved the Investors in People (Standard) Award for the first time in January 2023 and a new VIP Annual Staff Awards Scheme was launched with the first awards and recognition event taking place in June 2024.

Individual Service Workforce Plans were last prepared in 2016-17 and a new approach to preparing these plans linked to service change and budget strategy is currently being planned. Once completed, any key actions emerging from the plans will be incorporated into the Neighbourhood Services and Infrastructure Directorate Delivery Plan.

A short life recruitment taskforce was convened comprising officers from across the Council to redesign recruitment approaches in order to optimise impact and personalisation.

Actions identified included:

- Making more efficient and effective recruitment processes through the re-design of adverts and advertising approach and the redesign of job descriptions and person specifications. It is also proposed that a Welcome Pack will be issued to all successful interview candidates.
- Maximising interest in job vacancies and attracting more job applications through closer working with Schools, College and Universities to promote opportunities of working with the Council. The need to improve relocation support and assistance offered to an applicant relocating to Orkney and make conditions of service more competitive is also recognised.

Salary competitiveness is commonly quoted as one of the significant factors in recruitment and retention challenges and was identified as a key factor in an Independent Review of the Planning Service undertaken in 2020. The report noted that the salary gradings and career progression spans of staff in the Planning Service were limited and this adversely impacts on career development opportunities. In the intervening period progress has been made in regard to widening career grades in a number of posts to allow staff to be financially rewarded as they develop the necessary experience, but further work is required to enhance the staffing structure. The Council also needs to ensure that pay offered is competitive with the rest of Scotland and the UK, and not just focused on Orkney. A review of salary levels (salary bands attached to grading structure, not re-job evaluation of posts) to ensure that Council salaries are attractive also needs to be undertaken.

The Council is committed to developing a policy and approach that fully supports the offer of remote and home working, within and outwith Orkney so that we can attract and retain employees. The Council introduced Hybrid Working Guidance for staff in early 2022 and this guidance is currently under review to evaluate how well it has been received and inform of any changes and improvements that can be made.

Recognising the need to retain staff as they develop in their careers, we have created opportunities by developing career-graded posts e.g. Graduate Planner/Planner to allow staff to progress up as they obtain the necessary skills and experience.

Staff Development

The Council staff review and development framework has been redesigned with a new process known as “Good Conversations” launched in August 2023, as a less formal and conversation based approach. The conversation model is based on continuous conversations taking place with staff throughout the year, wherever possible. One annual

conversation is held where priorities are set followed by ongoing check-ins to monitor progress and to cover topics including wellbeing, development and the embedding of the Council's values. At the end of October 2024 there were six members of Planning staff with an outstanding annual appraisal.

There is no training budget available for the Planning Service however every effort is made to ensure that all Planning staff attend regular training events or seminars/conferences/forums that contribute to Continuing Professional Development (CPD). However, opportunities to attend in-person training events outwith Orkney can be curtailed due to travel and accommodation costs and the time required to attend off-island events. Consideration will be given to supporting learning and development opportunities for new graduate planners by providing them with an opportunity to work in both Development Plans and Development Planning functions.

Corporately there are several mandatory e-learn training modules covering matters such as information security; health, safety and wellbeing; and diversity awareness that all staff require to undertake on an on-going basis to ensure that they are familiar with processes affecting their daily working activities.

Staff Health and Wellbeing

The Council launched its Wellbeing Hub in July 2024 which is a new platform providing staff with access to the Council's Employee Assistance Programme (EAP) and a range of benefits and discounts. The EAP provides free, confidential and independent support to help with any personal, work or family related issues.

Corporate initiatives raising awareness of specific wellbeing topics are issued by the Council's Organisational Development team on a regular basis with topics covered recently including: the introduction of Fragrance-Free Zones; National Inclusion Week and World Menopause Day.

Planning has always been an emotive subject for many people but unfortunately in the current era dominated by social media, online misinformation about local planning matters is becoming an increasing problem. Local Facebook groups which provide a platform for members of the public to express opinions without accountability result in the spread of misinformation about the Planning Service. On several occasions recently the number of negative comments has reached a point where it is having a negative impact on the wellbeing of some members of the Planning team. The impact of social media on staff was highlighted as an issue in the Independent Review of the Planning Service undertaken in 2020. The report details that "Due to the intimate, small scale nature of the Islands and

the fact that there is a level of familiarity and close ties and relationships which is particularly keenly felt by the Development Management Team, the practices of the press and within social media have provided challenges for the staff particularly when they are placed under the spotlight and erroneous allegations are made and personalised”. This continues to be a major area of concern despite increased support being provided in the intervening period.



A high performing planning authority has a positive culture through ensuring it has sound governance, effective leadership and a commitment to continuous improvement. The authority has an identified chief planner, who is supported by a strong leadership group to advise on decision-making, policy and operational management.

ATTRIBUTE 3: THIS PLANNING AUTHORITY HAS EMBEDDED CONTINUOUS IMPROVEMENT.

Please consider the following when thinking about this attribute and how you have performed over the last year:

- Has the planning authority undertaken an annual assessment of its performance and acted upon areas previously identified as in need of improvement?
- Has the planning authority achieved recognition at relevant awards or through performance accreditation frameworks?
- Has the planning authority engaged in peer review, good practice exchange or improvement activities?
- Has the planning authority addressed any complaints upheld by the Scottish Public Services Ombudsman and have evidence of this and that it has learned from valid cases?

Annual Performance Assessments

In the last Planning Performance Framework, the following service improvements were identified for 2023/24:

- i. **Action** - Implement the IDOX Enterprise Case Management system for Development Management.

Outcome - This action remains outstanding.

- ii. **Action** - Publish the Local Development Plan Scheme outlining the programme for the review of the Local Development Plan.

Outcome – the Local Development Plan Scheme was published in December 2023.

- iii. **Action** - Undertake early and detailed engagement with elected members on the review of the Local Development Plan.

Outcome – A seminar on the Local Development Plan Scheme and timetable for reviewing the Local Development Plan was held with elected members in October 2023. Elected members were also briefed in May 2024 on planned local development plan engagement drop in events.

- iv. **Action** - Publication of a jointly agreed document on Planning and Developer/Stakeholder Guidelines to set out the key parameters, details and specifications required in submitting planning applications (focus on Roads and Flooding).

Outcome – This work has commenced.

- v. **Action** - Following on from publication of National Planning Framework 4, develop updated guidance in respect of Biodiversity and Business Development in the Countryside.

Outcome – Development Management Guidance on Business Development outwith Town Centres was approved in September 2023.

- vi. **Action** - Complete a Development Brief covering a number of key housing sites in Stromness.

Outcome – The Stromness South Development Brief was approved in June 2024

- vii. **Action** - Undertake a comprehensive consultation exercise on the draft Regional Marine Plan.

Outcome – Following Scottish Ministers approval of the Plan for the purpose of public consultation in June 2024, consultation a 12-week consultation exercise was undertaken in August-October 2024.

- viii. **Action** - Undertake a comprehensive review of the Scheme of Administration and Delegation in relation to Planning.

Outcome – a review was completed with an updated Scheme of Administration/Delegation being approved in June 2023. This included changes

to the Planning Committee Hearings process. An updated Planning Scheme of Delegation was approved by Scottish Ministers in August 2024.

- ix. **Action** - Undertake a review of indicators used to monitor and report on the performance of the Planning Service.

Outcome – indicators were reviewed in the preparation of the Neighbourhood Services and Infrastructure Directorate Delivery Plan 2023-28 which was approved in November 2023. This included the addition of a new performance indicator covering planning enforcement.

- x. **Action** - Consider, assess and appoint to the role of Chief Planning Officer following the publication of Scottish Government guidance.

Outcome – Following the publication by the Scottish Government of statutory guidance on the role of Chief Planning Officers in March 2024, the Head of Planning and Community Protection was designated as the Chief Planning Officer for the Council with effect from 1 April 2024.

Awards and Performance Accreditation Frameworks

The Council's Considering and Including Biodiversity in Development development management guidance was commended in the 2024 RTPI Scotland Awards for Excellence in Planning - Excellence in Planning for the Natural Environment and is now a finalist in the RTPI Awards for Planning Excellence national awards.

The Marine Planning team were nominated by the Scottish Government Marine Directorate to attend the Royal Garden Party at the Palace of Holyroodhouse in July 2024 in recognition of services to marine planning in Scotland.

Good Practice and Improvement

We actively participate in Heads of Planning Group and Sub-groups where issues of best practice are continuously being discussed. We also participate in the National Development Plans Forum, North of Scotland Development Plans Forum, National Enforcement Forum, Local Authority Urban Design Forum and the joint Local Authority Aquaculture Planning group. We continue to share good practice (primarily by e-mail) with other local authorities in the HoPS rural authorities benchmarking club.

We participate in the National Marine Planning Forum to support the Scottish Government development of National Marine Plan 2. We are also members of the Scottish Government Regional Marine Planning Forum to support the development of regional marine planning across Scotland. The Council's Marine Planning team, along with our Shetland colleagues, have significant experience and expertise in marine planning and play an important role in sharing good practice with Scottish Coastal Forums (Local Coastal Partnerships) and other Marine Planning Partnerships.

A Planning Enforcement Consultant was commissioned in May 2023 to review the Council's planning enforcement service including reviewing the Planning Enforcement Charter, contributing to a review of the Scheme of Delegation, and reviewing enforcement templates. This has resulted in process improvements to the enforcement function which have improved efficiency and consistency.

A planning law consultancy was commissioned in August 2024 to undertake an assessment of the effectiveness of the Council's current LRB procedures and make suggestions for improvements that could be made. Several recommendations were made which will improve the effectiveness of reporting to and presentations at the Local Review Body and these improvements are currently in the process of being implemented.

A detailed review of National Planning Framework 4 (NPF4) was undertaken to identify the requirement for additional Development Management Guidance which would assist the interpretation and application of national policies alongside the current Orkney Local Development Plan 2017. This has resulted in new Development Management Guidance on Housing in the Countryside; Business Development outwith Town Centres and Considering and Including Biodiversity in Development.

The Environmental Planner delivered a Continuing Professional Development lunchtime talk to the RTPI Highlands and Islands Chapter on how the Considering and Including Biodiversity in Development Guidance was created with stakeholder engagement, and also delivered a talk at the Chartered Institute of Ecology and Environmental Management Scotland conference in October on nature networks in relation to NPF4.

Benchmarking with other local authorities was undertaken as part of a review of the Council's Planning Scheme of Delegation.

Complaints

The Council has a Complaints Handling Procedure which provides a standard approach for dealing with customers who are unhappy with the service that they have received.

The Complaints Handling Procedure was reviewed and updated in 2024 to provide additional clarification with respect to dissatisfaction with planning matters e.g. the planning system has processes to allow an applicant to seek review or appeal in the event of time delays to progress a submitted application or reach a decision, and such matters are therefore not regarded as a complaint.

During 2023/24 four “Stage 2” complaints about the Planning Service were responded to, relating to:

- Failure to take adequate and timely planning enforcement action in relation to a complaint from a member of the public – partially upheld.
- The process followed in the making of a Tree Preservation Order – not upheld.
- How the Council handled and determined a planning application – not upheld
- How the Council dealt with a planning objection – not upheld.

Arising from the complaint that was partially upheld, a number of amendments were made to the Planning Enforcement Charter which was reviewed in February 2024 to provide additional and improved guidance on the standards of service that can be expected when enquiries are made about unauthorised developments.

There were no complaints submitted to the Scottish Public Services Ombudsman during 2023/24.

ATTRIBUTE 4: THE PLANNING AUTHORITY HAS SOUND GOVERNANCE

Please consider the following when thinking about this attribute and how you have performed over the last year:

- Does the planning authority have an effective scheme of delegation in place?
- Have all councillors who exercise a planning function undergone statutory training and is there evidence of ongoing training for members?
- Have more than x % of officer recommendations have been overturned by councillors at committee or Local Review Body.

Scheme of Delegation

Following a series of workshops with members of the Planning Committee, the Council's Scheme of Delegation and Scheme of Administration were reviewed during 2023 with updates approved in June 2023 to reflect Council decisions, best practice and benchmarking with other local authorities. An updated Planning Scheme of Delegation was approved by Scottish Ministers in August 2024. The review resulted in updates to the hearings process for the Planning Committee and amendments to the timescales in which elected members can "call-in" planning applications for committee determination.

The number of planning applications determined by the Planning Committee and reviews determined by the Local Review Body over the last three years are detailed below. 93.3% of applications were delegated to officers to determine in 2023/24 which is below the Scottish average of 96.5% and compares with a delegation rate of 97.7% in Shetland.

| | 2023/24 | 2022/23 | 2021/22 |
|--------------------|---------|---------|---------|
| Planning Committee | 21 | 16 | 10 |
| Local Review Body | 6 | 7 | 12 |

There is a case to be made to increase the level of delegation provided to officers to determine planning applications in line with other local authorities. Of the 47 applications which have been presented to the Planning Committee for determination during the latest three-year period 16 (34%) have been because of a single letter of objection to the proposal being received to an application recommended for approval. To ensure that planning decisions are made efficiently and effectively it is recommended that the next review of the Council's Scheme of Delegation provides a greater level of delegation to officers to determine applications. For example, in Highland Council only planning

applications where there have been five or more separate objections and are recommended for approval are referred to their planning committee. Shetland Islands Council offers even greater delegation with determination of all planning applications for “local developments” other than those where there is an unresolved objection from a statutory consultee and recommended for approval, delegated to officers.

Elected Member Training

While the Scottish Government consider the introduction of mandatory training for elected members as introduced by the Planning (Scotland) Act 2019 the Council has continued to provide training to elected members sitting on the Planning Committee/Local Review Body.

Workshop sessions were held with elected members in 2023 to (a) reflect on their experience in terms of the operation of the Planning Committee and Local Review Body and consider any issues arising; and (b) set the scene for the review of the Local Development Plan including consideration of the implications of NPF4 on the current Orkney Local Development Plan.

Following the re-appointment process to the Council’s standing committees in May 2024 a training session was held with elected members newly appointed to the Planning Committee/Local Review Body in June. The same members serve on the Planning Committee and the Local Review Body.

An additional training session for the Council’s Local Review Body (LRB) on all the key aspects relating to the effective operation of an LRB was provided by planning law specialists in September 2024.

Further seminars/workshops will be held with elected members during 2025 commencing with a joint Planning and Housing seminar to map a way forward for planning for housing in Orkney following completion of the Local Housing Strategy and Strategic Housing Investment Plan together with the on-going review of the Local Development Plan.

Overtured Officer Recommendations

Although the numbers are small there is an element of concern in regard to the number of reviews which are resulting in officer decisions being overturned by the Local Review Body with five out of seven decisions not supported in 2022/23.

| | 2023/24 (no, %) | 2022/23 (no, %) | 2021/22 (no, %) |
|---------------------------------|--------------------|--------------------|--------------------|
| Overtaken at Planning Committee | 0 | 3 (19%) | 1 (10%) |
| Overtaken at Local Review Body | 3 (50%) | 5 (71%) | 3 (25%) |
| Overtaken by DPEA | 0 | 1 | 0 |

Further investigation of the types of applications where officer decisions are not supported at the Local Review Body indicates that in seven of the eleven cases where a decision was overturned the development related to the building of single houses and new housing clusters in the countryside.

ATTRIBUTE 5: THE PLANNING AUTHORITY HAS EFFECTIVE LEADERSHIP

Please consider the following when thinking about this attribute and how you have performed over the last year:

- Does the planning authority have an identified Chief Planning Officer in place?
- Does the Chief Planning Officer advise on corporate decision making and policy within the broader organisation?
- Is the planning authority's Chief Planning Officer a member of the Royal Town Planning Institute?
- Does the Chief Planning Officer advise and support external bodies through engagement in organisations' committees, advisory groups or working groups?
- Does the planning authority have a strong leadership team that supports a culture of continuous improvement?

Chief Planning Officer

A new duty for planning authorities to appoint a Chief Planning Officer came into force on 1 April 2024 with the Scottish Government publishing guidance on the role of an authority's Chief Planning Officer which provided clarity on the role and responsibilities. The Chief Planning Officer is to help strengthen leadership on planning and corporate recognition of the importance and positive influence of planning within their authorities. The Chief Planning Officer should possess a degree in town planning, or an associated discipline and it is highly desirable for the Chief Planning Officer to hold chartered membership of the Royal Town Planning Institute (RTPI).

The Head of Planning and Community Protection was formally designated as the Council's Chief Planning Officer with effect from 1 April 2024. The Chief Planner has been a full member of the Royal Town Planning Institute since 1988. With the retirement of the current post-holder at the end of 2024, a new Chief Planning Officer will be required to be appointed.

Corporate Decision Making and Policy

A key part of the Chief Planner role is to ensure that planning is at the forefront of local authority planning and investment plans, positioning planning as an enabler and influencer on corporate priorities such as place making, economic development and infrastructure delivery. This will help to ensure that local authorities take planning and place into account when making strategic decisions about investment, asset management, resources and integrated service delivery.

The Chief Planner should play a key role in the leadership, vision and strategic direction of the planning authority, carrying out a strategic role that works to raise the profile of planning in authority decisions. This entails providing relevant professional planning advice and support to the authority's senior management team and elected members and assisting in developing corporate objectives and translating these into place-based strategies. Currently the Chief Planner provides early advice to the Corporate Director on items of relevance to be considered by the Council's Corporate Leadership Team. Whilst this does provide some input into the corporate decision-making process there should be an obligation for other key officers to consult with the Chief Planner on key strategic decisions, at a much earlier stage.

The Council Plan 2023-28 and associated Delivery Plan identifies three strategic priorities - Growing our Economy; Strengthening our Communities and Developing our Infrastructure and the Delivery Plan contains priority actions listed to indicate the work which would be undertaken to achieve the target outcomes for each of the strategic priorities. A key aim of the Growing our Economy priority is to work towards becoming net zero and with duties related to climate change being part of the remit of the Planning and Community Protection Service, the Chief Planner has played a key role in progressing an evaluation of baseline data relating to the Council's carbon emissions and in future the development and implementation of the Council's Climate Change Strategy and Action Plan

In terms of community planning three delivery groups have been established to the strategic priorities identified in the Orkney Community Plan/Local Outcomes Improvement Plan 2023-2030 with the Chief Planner sitting on the Sustainable Development Delivery Group which has been set up to exploit the synergy between the development of a wellbeing economy and combating the climate emergency. Outcomes include the development of an integrated route map for climate action and an adaptation and mitigation strategy to protect communities, habitats and wildlife from the effects of climate change.

The Chief Planner is involved in the following:

- working collaboratively with the Council's Housing Service to ensure that the planning system contributes all it can to support delivery of quality homes and maximise opportunities to build the right houses in the right places in the numbers required to meet housing need and demand.

- as a member of the Corporate Asset Management Planning Sub-Group which assesses potential Council capital projects at the initial stages of development.
- as a member of the Islands Growth Deal Local Programme Board which for Orkney includes the following projects: the Scapa Flow Future Fuels Hub, Orkney Community Vertical Farm, Orkney World Heritage Site Gateway, Orkney Research Innovation Campus Phase 2 as well as three joint islands projects including Islands Centre for Net Zero, Creative Islands and Wellbeing, and TalEntEd.
- as a member of the Project Orkney Board, which is developing the Council's Orkney Community Windfarm Project consisting of three six-turbine wind farms.
- as a member of the Council's cross service and multi-agency Sustainable Travel Group set up to make efficient use of investment in active and sustainable travel by joining up council plans and strategies and identifying funding and delivery mechanisms.

Leadership Team

The Head of Planning and Community Protection is supported by two Service Managers (covering Development Management and Development and Marine Planning) and team managers covering Development Plans and Marine Planning. The Planning management team meet on a regular basis to consider a variety of matters affecting the service including performance and improvement.

Members of the Leadership team also participate in the Heads of Planning Scotland Development Planning and Development Management Committees; and the Scottish Government National Marine Planning Forum and Regional Marine Planning Forum to support the Scottish Government development of National Marine Plan 2 and regional level planning in Scotland.



A high performing planning authority needs to have an effective local development plan and other strategies in place to provide a vision for the future of the area. It needs to be able to set and deliver on policy ambitions and priorities by clearly informing decision making and providing certainty and predictability for communities, developers and investment. The authority's development management systems need to be effective in making the right decisions about development and be efficient as possible in doing this. The planning authority makes best use of digital technology and how it manages and uses data.

ATTRIBUTE 6: THE PLANNING AUTHORITY HAS A ROBUST POLICY AND EVIDENCE BASE

Please consider the following when thinking about this attribute and how you have performed over the last year:

- Does the planning authority have an up-to-date Local Development Plan in place and/ or is on track to adoption?
- Does the planning authority have an up-to-date Regional Spatial Strategy in place/ or on track to adoption?
- Has the planning authority's Local Development Plan Evidence Report been approved by the Department of Planning and Environmental Appeals and/ or on track for approval?
- Has the application of the Local Development Plan's policies been found to be deficient at appeal or judicial review?

Local Development Plan

Planning authorities must prepare a Local Development Plan (LDP) which sets out a spatial strategy for the development of their area. The LDP must take into account the National Planning Framework adopted by Scottish Ministers, any approved Regional Spatial Strategy and any Local Place Plans prepared by local communities.

The current Orkney Local Development Plan was adopted in April 2017 and is now over five years old. Work has commenced on a replacement LDP with a timescale for adoption of March 2027 as shown below.

There has been a slight change in the updated indicative Development Plan Scheme 2025 timetable for the timing of the Gatecheck assessment, with this process commencing in March 2025 rather than January 2025. It is not anticipated that this change in the timetable will impact on the target adoption date for the next Local Development Plan which remains as March 2027.

| Stage | Expected date - DPS 2025 | Change from DPS 2024 |
|--|--------------------------|----------------------|
| Publish Evidence Report and SEA Scoping Report | March 2025 | + 4 months |
| Gatecheck | March to May 2025 | + 1 month |
| Publish and consult on the Proposed LDP | January to March 2026 | No change |
| Examination of the Proposed LDP | July to November 2026 | No change |
| Submit Proposed Plan to Scottish Ministers | February 2027 | No change |
| Adopt new LDP | March 2027 | No change |

Regional Spatial Strategy

The Planning (Scotland) Act 2019 introduced a new duty requiring local authorities to prepare a Regional Spatial Strategy (RSS) however this statutory requirement will only come into force once secondary legislation has been approved by Scottish Ministers and this is still awaited.

The purpose of a RSS is to identify the need for strategic development in an area. The outcomes to which the Council consider that strategic development will contribute, priorities for delivery of strategic development and the proposed locations of any strategic development.

Following a request from the Scottish Government in 2019 for Planning Authorities to prepare interim Indicative Regional Spatial Strategies to inform the drafting of National Planning Framework 4 the Council prepared and approved the Orkney Indicative Regional Spatial Strategy in March 2021.

A full Regional Spatial Strategy will be prepared following the adoption of the Local Development Plan and once regulations have been enacted and guidance on the preparation of RSS has been published by the Scottish Government.

Local Plan Evidence Report

The Evidence Report is a new element in the preparation of the LDP where evidence must be gathered to show why a new LDP is needed and evidence provided that supports the aims and aspirations for development planning in Orkney.

Drafting of the Evidence Report is well underway having commenced in June 2023 and is due to be published in March 2025, which is four months later than originally anticipated.

Evidence to be provided to the Scottish Government formally through a Gatecheck process will include:

- Geographical Demographics (school rolls, birth and death rates, healthcare statistics, inward migration).
- Housing Need and Demand Assessment.
- Economic Change (Agriculture, Energy, Tourism, Food and Drink, Retail).
- Digital Connectivity.
- Sustainable Transport Data.
- Environmental baseline and issues (Historical and Natural).
- Evidence of Community Engagement and Consultation (Local Place Plans).
- Open Space Strategy and Play Sufficiency Assessment.
- Self-Build Housing Demand Register.
- Evaluate whether the previous plan has delivered on its outcomes, and allocations and consider appropriateness of previous strategy.
- Infrastructure such as communications, transport, drainage systems, supply of water, energy, health care and education facilities of the county and how it is used.

Throughout 2024 work has focussed primarily on data collection and summarising evidence into different Topic Papers. Research has been commissioned where gaps in information have been identified in evidence. For example, work is underway to prepare a surface water management study for Kirkwall and Sustrans are bringing extra capacity to the Council investigating how people move and travel in some of our settlements.

An important element of the evidence gathering work has been engaging with a wide range of communities and other stakeholders to understand their views of the baseline information across a range of topics including existing infrastructure, housing, and the existing natural and historic assets. As part of the community engagement, several community consultation events have been held including meetings with a number of

community councils and attendance at different stakeholder forums such as the Orkney Business Forum. A “call for ideas” consultation which included the opportunity for landowners to submit their land for inclusion in the LDP has also been undertaken.

The next stage in the process is to share relevant topic papers with key interested parties and agencies to ensure the views of different key stakeholders are incorporated into the evidence papers and seek their agreement with its content. The completed Evidence Report will be presented to the Council for formal approval early in 2025 prior to submission for the Gatecheck process with the Scottish Government.

Local Development Plan Policies

Since National Planning Framework 4 was adopted and published in February 2022 there have been seven planning related appeals (including enforcement notice appeals) determined by the Scottish Government Planning and Environmental Appeals Division affecting Orkney developments. The two most recent appeals have related to conservation area/listed building matters where the Council’s Policy on the Historic Environment and Cultural Heritage has been a key determining factor. The appeals have been dismissed indicating that the current policy is robust and remains relevant.

ATTRIBUTE 7: THE PLANNING AUTHORITY MAKES BEST USE OF DATA AND DIGITAL TECHNOLOGY

Please consider the following when thinking about this attribute and how you have performed over the last year:

- Has the planning authority encouraged and promoted planning applications to be submitted through the e-development portal?
- Does the planning authority have a data governance strategy in place for the management of planning data?
- Does the planning authority have the ability to use interactive web-mapping, GIS and spatial data?
- Does the planning authority have the ability to use digital approaches to engagement, including website, social media and other platforms?

e-Development Portal

The Planning Service has promoted the submission of planning applications on-line since the ePlanning Scotland portal was launched in April 2009.

99% of applications were submitted on-line in 2023/24 which compared with the estimated Scottish average of 90%.

| | 2023/24 | 2022/23 | 2021/22 |
|-----------------------------|---------|---------|---------|
| Online Submissions – Orkney | 99% | 96% | 88% |

Data Governance

Between 2021 and 2022 a review of electronic case management systems in the Council (including Uniform) to check compliance with records management policy was undertaken.

In terms of the findings, the areas in which the system was non-compliant were around the retention and disposal process. Whilst the system has the capacity to apply retention rules and can carry out destruction of records automatically, these processes were still being undertaken manually due to risk of inadvertently destroying records which needed to be kept (legal duty). Where this is the case, it is important to use the Council's records retention schedule to provide some mitigation, but this would still require someone to

undertake a periodic review of the data held in the system and erase or anonymise it when no longer needed.

The message to all teams, particularly staff involved in the retention review and disposal of records, is to ensure that where a case management system is not fully automated in terms of records management the retention schedule is used, and diary reminders made to carry out manual checks.

Further investigation needs to be undertaken into the implementation of the electronic file retention feature within the IDOX Uniform system.

Interactive Web Mapping, GIS and Spatial Data

Most of the data the Planning Service holds is spatial data. All planning constraints are digitised and officers have the ability to interrogate the mapping. Constraints for individual planning applications are automatically pulled into the Uniform system.

The need to develop the Council's digital service delivery is broadly acknowledged. And whilst the Council has made some progress in recent years underlying business processes have not yet been fully developed to utilise digital capabilities. A Council-wide Digital Strategy Delivery Plan 2023 – 2026 was approved in September 2023.

There is no dedicated technical staffing support within the Planning Service to support Interactive Web Mapping, GIS and Spatial Data however two of the Graduate Planners within the Development and Marine Planning teams have the Geographical Information System (GIS) skills necessary to support the monitoring of the Local Development Plan and the Regional Marine Plan.

The Marine Planning team has worked with the Scottish Government and the Improvement Service to make the Orkney Regional Marine Plan spatial data available on the Scottish National Marine Plan Interactive (NMPi). This is an interactive tool which enables public access to spatial information relating to the marine environment and activities and has been designed to assist in the development of national and regional marine planning. This involved establishing an entirely new approach to making local authority marine spatial data available online and is the first time that the IS has worked with an individual local authority to publish their bespoke marine data in a standardised form, allowing other organisations to find, access and use the information over the internet.

However, improvements are required across the Council in terms of how data, information, and intelligence are used. Wider support, co-ordination and collaboration across Services in the Council is required to support the provision of good quality information and training on the use of appropriate tools for effective information analysis.

Digital Technology

To drive greater productivity, increase automation, and improve customer experience further, the Planning Service needs to be more digitally enabled. It is unfortunate that the Scottish Government led Digital Planning Programme framework aimed at achieving a whole system digital transformation of planning over a five year period was closed down earlier this year and this has impacted significantly on future digital improvements.

Examples of recent use of digital technology by the Planning Service include:

- Use of ArcGIS Story Maps with smart surveys for the Development Plans Scheme/early consultation on the review of the Local Development Plan
- An online interactive mapping tool has been prepared to support the Orkney Islands Marine Region: Finfish Farming Spatial Guidance. The tool allows users to identify areas of greater and lesser potential sensitivity and/or constraint for finfish farming development. The spatial data provides greater clarity for stakeholders on the significance, and potential sensitivity of identified environmental, historic, social, economic and infrastructure features or receptors and allowing users to identify nearby receptors from a given point by clicking on a desired location. This is the most advanced spatial guidance for finfish farming in the UK and goes significantly beyond existing practice.

Social media, primarily Facebook has also been used to engage with the public with mixed success. The feedback from younger people is that platforms such as Instagram and TikTok or other image/video based social media are more likely to get them engaged in planning conversations. With public messaging undertaken via the Council's Communications team delays can sometimes be encountered depending on the workload of the team.

Digital technology is not currently used to its full potential. Further opportunities for enhancing service delivery using digital means need to be explored further. A member of the Development Management team attended a webinar recently covering the use of Power BI to help support Planning functions, including the benefits of using software to create dashboards and back-office reports to assist with data-driven decision making. Other developments to be considered include the use of cloud-based systems to provide better access to data files, more collaborative working and allow for the use of more advanced technologies.

ATTRIBUTE 8: THE PLANNING AUTHORITY HAS EFFECTIVE AND EFFICIENT DECISION MAKING PROCESSES

Please consider the following when thinking about this attribute and how you have performed over the last year:

- Does the planning authority planning have the ability to make decisions on planning applications within the required timeframes?
- Are less than x% of planning decisions overturned at appeal or judicial review?
- Does the planning authority have an up-to-date Enforcement Charter in place?
- Does the planning authority have the ability to resolve enforcement cases?

Decision Making Timescales

The performance of the Planning Service in many aspects of the work it delivers relies on timescales being met by consultees external to the service. During 2023 and 2024 difficulties in recruiting to key internal Council services – Roads and Engineering – have resulted in delayed consultation responses impacting on decision making timescales. This situation is reflected in our overall performance in determining planning applications in 2022/23 and has continued into 2023/24.

Validation

The successful and early validation of applications is important as it is the beginning of the planning assessment process and if the correct information is not submitted it can result in significant delays and frustrate all the parties involved causing unnecessary work for the Council, applicants and agents. In recent years a significant number of planning applications have been invalid on receipt with only 21% of applications being valid on receipt in 2023/24. This is below the Scottish average which is estimated at around 40%. For each invalid application a series of correspondence is then required to ensure whatever information is missing is received, which would not be necessary if it were valid on receipt.

| % of planning applications valid on receipt | 2023/24 | 2022/23 | 2021/22 |
|---|---------|---------|---------|
| Orkney | 21% | 35% | 30% |

Validation Timescales (Average Working Days)

The validation of a planning application once it has been submitted to the Council is a critical stage in the planning process in ensuring that a submitted application is legally valid and complies with the legislation. Since neighbour notification follows the validation process, it is important that planning applications are processed with the minimum of delay. The administrative checking of applications in this regard should be carried out as soon as possible but certainly within five working days of receiving the application.

Unfortunately, the timescale for undertaking the validation check of planning applications has increased over the last three years and is now taking twice as long as recommended in Scottish Government development management guidance. Consideration needs to be given to how the validation process can be made more efficient to ensure the five-day target is met.

| Application Type | 2023/24 (average working days) | 2022/23 (average working days) | 2021/22 (average working days) |
|--------------------------------------|--------------------------------------|--------------------------------------|--------------------------------------|
| Major Developments | - | 14 | 11 |
| Local Developments (non-householder) | 10 | 8 | 5 |
| Householder Developments | 9 | 8 | 6 |
| Environmental Impact Assessments | - | 14 | 13 |

Processing Times

The timescales for the determination of planning applications are four months for national and major developments, and for developments which environmental impact assessment; and two months for all other application types.

| Application Type | No. of Apps | 2023/24 (weeks) | 2022/23 (weeks) | 2021/22 (weeks) |
|--------------------------------------|----------------|--------------------|--------------------|--------------------|
| Major Developments | 0 | - | 20.3 | 15.7 |
| Local Developments (non-householder) | 186 | 14.2 | 10.8 | 9.4 |
| Householder Developments | 69 | 8.6 | 7.5 | 6.5 |
| Environmental Impact Assessments | 0 | - | 37.2 | - |

There has been a deterioration in the processing times for planning applications over the last three years with householder applications taking 8.6 weeks to determine in 2023/24 compared with 6.5 weeks in 2021/22. This compares with a Scottish average of 8.3 weeks.

For other local developments (non-householder) the average timescale for determination of 14.2 weeks in 2023/24 has increased significantly from 9.4 weeks in 2021/22. This figure is still slightly below the Scottish average of 14.8 weeks. Some factors which are outside the control of the Planning Service have impacted on decision times, including consultation responses, as explained in this report.

Legacy Cases

As at the end of October 2024 there were 29 “legacy cases” remaining to be determined. A legacy planning application is defined as one which is more than one year old. The main reasons why applications have not been determined after this length of time in the system are as a result of the Development Management team not being fully staffed for a number of years and awaiting outstanding information from developers.

Approval Rates

The approval rate in Orkney is 94.2% of all applications which is above the Scotland average of 92.3%.

| | 2023/24 | 2022/23 | 2021/22 |
|--------------------|---------|---------|---------|
| Decisions Approved | 94.2% | 96.1% | 95.6% |
| Decisions Refused | 5.8% | 3.9% | 4.4% |

Local Review and Appeals

Although the numbers are small there is an element of concern in regard to the number of reviews which are resulting in officer decisions being overturned by the Local Review Body (LRB) with four out of seven decisions not supported in 2023/24. The Scottish average shows the original decision being upheld by LRBs in 59% of review cases compared with the Orkney figure of 43%. The overall timescale for the determination of LRB cases in Orkney has increased to 16.9 weeks which is above the Scottish average of 15.8 weeks. Whilst there is no prescribed time limit within which a LRB requires to determine a review it is concerning that the timescale is above the Scottish average and efforts should be made to reduce the period.

There is no evidence of policy deficiency arising from appeals made to the Department of Planning and Environmental Appeals and the outcomes of DPEA appeals are circulated to elected members for their awareness.

| Type | Total number of decisions | Average Time (Weeks) | Original decision upheld | | | |
|-------------------------------|---------------------------|----------------------|--------------------------|------|-----------|------|
| | | | 2023-2024 | | 2022-2023 | |
| | | | No. | % | No. | % |
| Local reviews | 7 | 16.9 | 3 | 42.9 | 3 | 42.9 |
| Appeals to Scottish Ministers | 0 | - | - | - | 3 | 0 |

Enforcement

The Planning Enforcement Charter was reviewed and updated in February 2024. Three key changes were made to the Charter to introduce (a) a priority system following reporting of alleged breaches of planning control; (b) an initial site investigation timescale for each of the three respective case priority levels; and (c) additional stages when complainants would be provided with an update on investigations.

Enforcement cases are dealt with by a single Planning Control Officer. Difficulties in filling the post meant that between 2020 and 2022 enforcement action was only pursued in the most extreme cases resulting in a historic backlog of cases. Our enforcement activity is detailed below.

| Detail | 2023-24 | 2022-23 | 2021-22 |
|------------------------------|---------|---------|---------|
| Cases Taken Up | 140 | 76 | 83 |
| Notices served | 19 | 11 | 6 |
| Reports to Procurator Fiscal | 0 | 0 | 0 |
| Prosecutions | 0 | 0 | 0 |
| Breaches Resolved | 51 | 40 | 33 |

With the historic backlog of cases dating from 2022 or earlier, a key focus this year has been on reducing this long-term backlog. However, the planning enforcement caseload remains stubbornly high and is increasing. The planning enforcement caseload, which was 275 at the start of 2024 had increased to 316 by the end of November. This is a very heavy caseload for a single officer and also means that there is no time available for monitoring planning conditions associated with more recent permissions.

Consequently, there is justification for providing further staff assistance/new support post for the planning control function.



A high performing planning authority should ensure a wide range of people are involved in shaping their future places. Engagement should be fair and inclusive, early, collaborative, meaningful and proportionate and should include difficult to reach groups. The authority should engage with a wide range of partners at a national, regional and local level to ensure a joined-up approach and that links are made across policies and programmes. The planning authority should demonstrate good customer care, transparency and effective communication.

ATTRIBUTE 9: THE PLANNING AUTHORITY HAS GOOD CUSTOMER CARE

Please consider the following when thinking about this attribute and how you have performed over the last year:

- Does the planning authority have the ability to offer pre-application advice where it is requested?
- Has the planning authority held regular engagement events with developers and communities?
- Do the results from the customer and stakeholder survey show that customers are satisfied with the service offer by the planning authority?

Pre-application advice

The Planning Service offers a pre-application advice service, allowing applicants and developers to seek advice before submitting a planning application. This is a non-statutory, valuable service, with professional advice provided by the Development Management team, intended to guide and inform development proposals and reduce delays. Advice is provided free of charge and the target to provide a written response is 20 working days. The potential requirement for further information, a site visit, or other priorities mean that an extension to this timescale may be required to ensure the best possible response.

This service is supplemented by a dedicated page on the Council's website detailing the pre-application advice service has published guidance and pre-application advice forms to ensure the correct information is being submitted as well as a tailored pre-application advice form for individuals looking to operate a business from home.

In addition, a Development Management officer is available in-person at the Council Offices to provide planning advice to members of the public from Monday to Friday between 1000-1200 and 1400-1600.

47% of all planning applications were subject to pre-application advice in 2023/24.

Developer and Community Engagement

The Planning Service regularly engages with local communities and developers.

As part of the early engagement on the review of the Local Development Plan public engagement drop-in events were held in Stromness, Dounby, Kirkwall and St Margaret's Hope during April – June 2024 to promote the review including – a “Call for Ideas” and a “Call for Sites”.

To promote the review of the Local Development Plan, the Development Plan team have attended a number of community council meetings and a dedicated meeting on the review of the Plan was also held with the Planning and Building Stakeholder Forum (representatives from local builders, developers and planning agents). The team also attended Orkney Matters 2, a community engagement programme which saw partners from across the Orkney Partnership meet with communities across Orkney to identify key issues to these areas.

Officers from both the Development Management and Development Planning teams also attended a specific session with business representatives at a meeting of the Orkney Business Forum to discuss a variety of planning related matters.

Drop-in sessions were held between August and October 2024 at ten locations throughout Orkney as part of the public consultation on the draft Regional Marine Plan. Two online engagement events for those unable to attend the public sessions and further dedicated sessions were held to engage with schools and youth clubs.

The Service Manager (Development Management) and the Planning Control Officer visited the local further education college – UHI Orkney, having been invited by the then-Curriculum Leader for Construction and Interim Assistant Principal. They gave a presentation to the construction apprentices, followed by a Q&A session on various aspects of Planning.

Customer and Stakeholder Satisfaction

The last customer satisfaction survey to allow users of the Planning Service to share their experiences was undertaken in 2021. At that time 46% rated their experience with the Planning Service as excellent, a further 14% rating it good and 18% satisfactory.

To provide an indication of the level of satisfaction with the planning advice provided by the Service it is considered that customer feedback on the provision of the in-person planning advice service at the Council Offices be sought.

ATTRIBUTE 10: THE PLANNING AUTHORITY HAS EFFECTIVE ENGAGEMENT AND COLLABORATION WITH STAKEHOLDERS AND COMMUNITIES

Please consider the following when thinking about this attribute and how you have performed over the last year:

- Does the planning authority have a community engagement strategy and infrastructure in place to ensure engagement is early, collaborative, meaningful and proportionate?
- Has the planning authority undertaken community engagement, for example consistent and effective use of the Place Standard Tool, to inform decision-making processes? Has the planning authority encouraged and promoted planning applications to be submitted through the e-development portal?
- Has the planning authority engaged with a good representation of the community including young people, gypsies and travellers, people with protected characteristics, including disability, race, age, sex and sexual orientation, and including people from a range of socio-economic backgrounds?
- Has the planning authority supported the production of Local Place Plans when requested?
- Do the results from the customer and stakeholder survey show that stakeholders are satisfied with their collaboration with the planning authority?

Community Engagement

The Council is in the process of developing a joint approach and modernised suite of tools and protocols for community consultation and engagement which meet the needs and expectations of the community and ensure better co-ordination between the Council and its public sector partners. As part of this process the Council's existing Communications and Engagement Strategy is currently being reviewed and updated. The Strategy aims to ensure that we consult effectively with stakeholders to inform policy development and decision making. Consulting and engaging with our communities is at the heart of this strategy.

The Local Development Plan Scheme includes a Participation Statement that sets out when, how and why stakeholders and the public should get involved in the various stages of preparing the Local Development Plan. The statement identifies the groups the Council will consult and engage with throughout the preparation of LDP, together with the proposed methods for information sharing, engagement and consultation.

The Local Development Plan "Call for Ideas" has used the Place Standard tool questions as a basis for engagement with the public on different topics/matters.

To support the preparation of the Regional Marine Plan a Statement of Public Participation outlining the key stages involved in producing the plan and how stakeholders and the wider public can engage with the process was prepared. The statement built upon a Principles of Engagement guidance document prepared by the Marine team to ensure the highest standards of engagement and best practice were followed.

Drop-in sessions were held between August and October 2024 at ten locations throughout Orkney as part of the public consultation on the draft Regional Marine Plan. Two online engagement events for those unable to attend the public sessions and further dedicated sessions were held to engage with schools and youth clubs.

Engaging with a representation of the Community

The Development Plan Scheme commits the Council to consulting and engaging with under-represented groups such as disabled people, children and young people, gypsies and travellers. Although there are no gypsy or traveller sites within Orkney and the Housing Need and Demand Assessments have not identified any specific need, we will still consider if engagement is required.

As part of Play Sufficiency Assessment, the Development Plans team have heard from 340 young people or their carers talking about outdoor play spaces and associated open space and they also engaged with the Youth Local Action Group on their views around priorities for play and planning more generally.

The Marine Planning team has engaged with local primary and secondary schools to raise awareness of regional marine planning, seek input to policy and to help young people develop an interest in STEM subjects. Three Marine Spatial Planning Challenge Game workshops were delivered with P6 to S2 pupils at Kirkwall Grammar School as part of a SMART STEM learning programme.

Local Place Plans

Local Place Plans are community led and aimed at providing communities with a new way to have their ideas and aspirations considered during the preparation of a LDP. We have developed a Local Place Plan page on the Council's website to advise on how the Planning Service can support the preparation of Local Place Plans. Financial support has also been

offered by the Council's Economic Development team to assist local communities prepare a Place Plan.

The Planning Service has invited all community councils and local development trusts in Orkney to prepare a Local Place Plan for their area by the end of March 2025 so that they can be fed into the early stages of the new Local Development Plan. Further advice and support have been provided to communities showing an interest in producing a plan.

The Planning Service is actively working with the community in Dounby to pilot a Local Place Plan which will become the first registered Local Place Plan in Orkney to be taken into account in the preparation of the new Local Development Plan.

Customer and Stakeholder Survey Results

As indicated previously, the last customer satisfaction survey to allow users of the Planning Service to share their experiences was undertaken in 2021 and the key feedback was in relation to the Council website and making it more user friendly/easier to navigate. Subsequently improvements have been made.

The introduction of the proposed annual national survey of planning services across Scotland by the Improvement Service will in future provide the opportunity for local stakeholders to provide formal feedback on their experience of using the Planning Service in Orkney and whether they are satisfied with their collaboration with the service.



A high performing planning authority should demonstrate place leadership by taking a collaborative place-based approach in line with the Place Principle. It should use the Place and Wellbeing Outcomes in decision-making processes, to achieve the three spatial principles outlined in NPF4: Sustainable places, where we reduce emissions, restore and better connect biodiversity; Liveable places, where we can all live better, healthier lives; and Productive places, where we have a greener, fairer and more inclusive wellbeing economy. The planning authority should seek to ensure that there are no impediments to delivering agreed development.

ATTRIBUTE 11: THE PLANNING AUTHORITY SUPPORTS THE DELIVERY OF SUSTAINABLE, LIVEABLE AND PRODUCTIVE PLACES

Please consider the following when thinking about this attribute and how you have performed over the last year:

- Is the planning authority aware of the [Place and Wellbeing Outcomes](#), the evidence that sits behind them and is it using them in decision-making processes?
- Has the planning authority identified tools and approaches to delivering sustainable, liveable and productive places and is implementing them?

Places and Wellbeing Outcomes

The Places and Wellbeing Outcomes set out the things we know we need to get right about a place for people and planet to thrive. They are also key features for delivering Scotland's local living and 20-minute neighbourhood ambition. There are thirteen Place and Wellbeing Outcomes, organised by five themes – Movement, Spaces, Resources, Civic, and Stewardship.

The Scottish Government published guidance on Local living and 20-minute neighbourhoods in April 2024. The guidance presents a Local Living Framework which together with a list of key considerations will support the implementation of local living, ensuring that daily needs can be met appropriately in a place. It is designed to

complement tools and resources already available for placemaking and design, including the Place Standard Tool and the Place and Wellbeing Outcomes.

As part of the review of the Local Development Plan we are seeking to take a place-based approach at all stages of developing the next Local Development Plan. For example, the approach to assessing the suitability of sites that have been submitted by landowners as part of the “Call for Sites” exercise will consider the suitability of the sites to contribute to the delivery of the Place and Wellbeing outcomes this will be based on information obtained through the evidence base exercise. Where sites are considered suitable and put forward for inclusion in the next Local Development Plan it is intended future development sites will have clearer developer requirements within each settlement and at the site level. To communicate these requirements the use of design tools such as settlement statements and development briefs will support delivery of these outcomes.

In terms of the recently drafted policy, the Consultation Draft of the Orkney Regional Marine Plan includes a policy on Amenity, Wellbeing and Quality of Life which aims to embed wellbeing considerations into decision-making in the marine environment.

Tools and Approaches to support Sustainable, Liveable, Productive Places

Whilst the Planning Service is fully aware of the tools and approaches available to support the delivery of sustainable, livable and productive places there appears to be a lack of desire and awareness across other services in the Council and local delivery partners of the tools available to drive forward improvements in our places and spaces.

Generally, the Council’s overall approach and attitude to placemaking lags behind that of other local authorities. More action needs to be undertaken to champion placemaking within the Council. This will require a more integrated, collaborative, and participative approach to decisions about services, land and buildings in order to implement the Place Principle. This also requires the Chief Planning Officer to be engaged at an early stage in the Council’s decision-making procedures to ensure that the Place Principle is being taken into consideration.

In the current review of the Local Development Plan options that will allow us to improve the quality of built development/approach to design of buildings and spaces are being explored. The Evidence Report includes a topic paper on Design, Quality and Place reviewing the current approach used in the existing Local Development Plan alongside

potential options for the next Local Development Plan to apply to improve the quality of built development/approach to design of buildings and spaces. Initial ideas include:

- Reintroduce further policy positions on design, quality and placemaking within the plan to assist with up-front clarity on the aspirations, requirements and minimum standards for designing places and space within Orkney.
- Update existing placemaking guidance, incorporating it into the plan, with a tailored approach to better recognise and respond to the variety of urban, rural, landscape and islands characters across Orkney.
- Ensure new Local Development Plan will be more visual and map-based, with placemaking principles design in from the start of the process. Settlement Statement maps which incorporate wider strategies and evidence will be included to provide a holistic settlement/area-based approach to placemaking.
- Consider new masterplans to ensure a structured approach to long-term growth in appropriate areas in Orkney.
- Additional combined/individual allocation plans will be included that draw in relevant existing points within development briefs, and strengthen site-specific approaches to layout, massing, heights and scale, character areas, typology, landscape setting, green and blue networks, open space, biodiversity and drainage.
- Explore opportunities to develop a Design Panel/Quality Auditing of applications against Placemaking policies to deliver improvements in placemaking and design standards, providing up-front clarity and consistency to applicants on expectations and requirements, and championing good design and places.
- Consider the potential for Design Codes, both site-specific and wider area/county level, to elevate the quality, identity and aspirations of new developments and open space, in addition to providing certainty and clarity on what constitutes acceptable design.

ATTRIBUTE 12: THE PLANNING AUTHORITY SUPPORTS THE DELIVERY OF CONSENTED DEVELOPMENT

Please consider the following when thinking about this attribute and how you have performed over the last year:

- Has the planning authority provided clear and proportionate expectations of Section 75 agreements and set these out in the LDP and pre-application discussions and they are concluded within 6 months of resolution to grant?
- Does the planning authority take a proportionate approach to imposing conditions?
- Does the planning authority have an ambitious local housing land requirement that exceeds the Minimum All Tenure Housing land requirements in NPF4 and is it on track to support delivery?
- Are the number of processing agreements the planning authority has agreed with applicants increasing?
- Does the planning authority have an effective delivery programme in place that supports the delivery of development on the ground?

Section 75 Agreements

A Section 75 agreement, sometimes known as a planning obligation, is a contract which can be entered into between a developer and the Council, as part of the planning application process. The agreement may restrict use of the land and/or regulate activities on the land being developed. The agreement may also oblige the developer to make a financial contribution to the Council which must be used for the purposes that are outlined in the Section 75 agreement.

Generally, the use of a Section 75 agreement to restrict the use of land or activities on land is used very sparingly with the only agreement being signed in the last three years having been concluded in December 2022. This agreement was concluded within six months of the planning application being determined.

Opportunities for seeking financial contributions from developers in Orkney are limited due to the small scale of development/developers. The last monetary figure secured through a developer contribution in Orkney was in 2011. A limited number of instances where developer contributions may be required are identified in site-specific Development Briefs and whilst the review of the Local Development Plan will consider the matter further, we recognise the important role developers play in a fragile island economy, particularly in a

challenging financial climate, so we will maintain a proportionate approach to developer funding.

Planning Conditions

Planning conditions are used to make an otherwise unacceptable development acceptable or to “fine-tune” an acceptable development. Planning conditions should only be imposed where they are: necessary; relevant to planning; relevant to the development to be permitted; enforceable; precise and reasonable in all other respects.

Any conditions imposed take into account the scale of the development and meet the tests set out above.

Minimum All Tenure Housing Land Requirements

The Minimum All Tenure Housing Land Requirement (MATHLR) represents the minimum capacity of housing land that the Council must allocate for residential development during the 10-year period of the Local Development Plan period. The MATHLR is set out by the Scottish Government in National Planning Framework 4 for each local authority area, and the local housing land requirement is expected to exceed this requirement. The requirement for Orkney is enough land to accommodate 1,600 housing units.

There is currently a good supply of housing land available for development as identified in the existing Local Development Plan sufficient to meet the MATHLR requirement for 1,600 homes and broadly in line with the Council’s Housing Needs and Demand Assessment high scenario estimate for 10 years of 1,645 homes. The review of the Local Development Plan will continue to ensure that there is an appropriate level of housing land allocated overall, and by Housing Market Area.

Processing Agreements

A Planning Processing Agreement (PPA) is an agreement between the Planning Service and a developer to determine the key milestones in the planning application process and identify the information that will need to be submitted to support the application. The purpose of a PPA is to achieve greater efficiency in the handling of national and major planning applications. Benefits of the agreement include greater transparency in decision-

making for everyone involved in the process and extra predictability and certainty over the timing of key stages in the process.

As the scale of development in Orkney is not significant, opportunities for using processing agreements for national and major developments are limited. Whilst the availability of processing agreements is publicised on our website, to date only two processing agreements - new Balfour Hospital in 2016 and the erection of a 220/132KV electricity substation in 2019 – have been signed.

Delivery Programme

Local Development Plan Action/Delivery Programmes identify what is required to implement the policies and deliver the proposals contained in the Local Development Plan, the persons or organisations responsible for delivery and the expected timescales.

The Action Programme for the current Local Development Plan dates back to April 2017 and has not been updated since. In light of the importance of supporting housing delivery through a plan-led approach the Scottish Government wrote to all local authorities in June 2024 require that action programmes for constituted local development plans be reviewed, updated, and published as a delivery programme by the end of March 2025. This review and update is currently being progressed.

As part of the review of the Local Development Plan, a preparation of a Delivery Programme is being considered at the outset of the plan preparation and its development will run in tandem with the preparation of the plan. It will support delivery of the plan providing a clear route for delivery of sites and proposals in the adopted plan by project managing the timing of the Council's financial investment for the delivery of the plan, and any co-ordination with private or other funding identified required to deliver intended plan outcomes. Publication of the Delivery Programme is expected in March 2027.

Thereafter, the Delivery Programme is required to be updated annually to reflect the progress of development proposals.

The Scottish Government Minister for Public Finance announced the Planning and Housing Emergency Delivery Plan to the Scottish Parliament in November 2024. The Delivery Plan sets out the actions government will be taking in collaboration with planning authorities to tackle the housing emergency. At a local level the Council has recently established an

internal Housing and Planning Liaison Group involving relevant officers from Housing and Planning to discuss any matters which are within the remit of housing, planning and related services to identify barriers to housing supply and agree potential solutions to enable housing supply targets to be met.