

Minister for Public Finance, Planning and Community
Wealth
Tom Arthur MSP



Scottish Government
Riaghaltas na h-Alba
gov.scot

T: 0300 244 4000
E: scottish.ministers@gov.scot

Malcolm Burr
Comhairle nan Eilean Siar

29 November 2021

Dear Malcolm Burr

I am pleased to enclose feedback on your authority's tenth Planning Performance Framework (PPF) Report, for the period April 2020 to March 2021.

This is the first time I have written to you individually in my capacity as Planning Minister since my appointment earlier this year. I am very grateful for the support and welcome I have received and look forward to working with you.

This year has continued to present challenges for people working within planning, in the development sector and across Scotland's communities. We know people are doing the best they can to engage and operate, sometimes in ways and circumstances that may not be ideal, and with many still predominantly working from home. I appreciate that many of you will have had to make difficult choices in what work is prioritised, in much the same way the Government and Planning and Architecture Division has had to. However, we should all be very proud of how planning has responded to the coronavirus pandemic, adjusting as necessary to keep going and supporting recovery. I want to take this opportunity to thank you and your staff for all the work that has been done during the pandemic and to support our ongoing recovery.

When my predecessor wrote to you last year he indicated that the pandemic had required a rethink about the timing and prioritisation of our planning work programme. A number of our workstreams were paused or delayed as a result, including the review of the planning performance and fee regimes, which had been the subject of a detailed consultation that concluded in early 2020. However, in October 2021 we published a revised planning implementation programme (<https://www.gov.scot/publications/transforming-planning-practice-updated-planning->

[reform-implementation-programme/](#)). You will note that we have now recommenced our planning performance and fees review, which reflects the importance Scottish Government attaches to this work. We are currently finalising proposals and intend to lay regulations before the end of the year to introduce increased fees, providing a boost to planning authorities' resources. We also intend to commence the recruitment of the National Planning Improvement Coordinator early in 2022.

Turning to the 2020-21 PPF reporting year, although, as expected, there have been some small changes overall in the markings awarded, the figures indicate that performance has remained relatively stable. This is a testament to the hard work and flexibility of authorities during these very difficult times and I believe that overall good progress continues to be made by Scotland's planning authorities.

If you would like to discuss any of the markings awarded below, please email chief.planner@gov.scot and a member of the team will be happy to discuss these with you.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Tom Arthur', written in a cursive style.

Tom Arthur

Minister for Public Finance, Planning and Community Wealth

CC: Morag Ferguson

PERFORMANCE MARKERS REPORT 2020-21

Name of planning authority: **Comhairle nan Eilean Siar**

The High Level Group on Performance agreed a set of performance markers. We have assessed your report against those markers to give an indication of priority areas for improvement action. The high level group will monitor and evaluate how the key markers have been reported and the value which they have added.

The Red, Amber, Green ratings are based on the evidence provided within the PPF reports. Where no information or insufficient evidence has been provided, a 'red' marking has been allocated.

No.	Performance Marker	RAG rating	Comments
1	Decision-making: continuous reduction of average timescales for all development categories [Q1 - Q4]	Amber	<p>Major Applications You determined one application in the reporting year which took an average time of 9.4 weeks which is faster than last year and the Scottish Average of 41.3 weeks. RAG = Green</p> <p>Local (Non-Householder) Applications Your timescales of 9.6 weeks is slower than the previous year but is faster than the Scottish average of 12.4 weeks. RAG = Amber</p> <p>Householder Applications Your timescales of 8.4 weeks is slower than the previous year and is slower than the Scottish average of 8.1 weeks. RAG = Red</p> <p>Overall RAG = Amber</p>
2	Processing agreements: <ul style="list-style-type: none"> offer to all prospective applicants for major development planning applications; and availability publicised on website 	Green	<p>Processing agreements are offered to prospective applicants through pre-application discussions. RAG = Green</p> <p>You advertise the availability of processing agreements on your website. RAG = Green</p> <p>Overall RAG = Green</p>
3	Early collaboration with applicants and consultees <ul style="list-style-type: none"> availability and promotion of pre-application discussions for all prospective applications; and clear and proportionate requests for supporting information 	Green	<p>You provide a free pre-application advice service and maintained that service during lockdown. This included requesting photos of sites when site visits were prohibited. You have provided examples of your approach to pre-app such as requests for additional information on ornithology, borrow pits for wind farms and other complex wind farm applications and RAG = Green</p> <p>The case studies you provide demonstrate how your approach to requesting supporting information is clear and proportionate such as with Goathill Care Centre and Housing and Lady Matheson's Seminary. RAG = Green</p> <p>Overall RAG = Green</p>
4	Legal agreements: conclude (or reconsider) applications after resolving to grant permission	Green	<p>You did not determine any applications which were subject to a legal agreement during the reporting period.</p>

	reducing number of live applications more than 6 months after resolution to grant (from last reporting period)		
5	Enforcement charter updated / re-published within last 2 years	Green	Your enforcement charter was 1 year and 3 months old at the end of the reporting period.
6	Continuous improvement: <ul style="list-style-type: none"> • progress/improvement in relation to PPF National Headline Indicators; and • progress ambitious and relevant service improvement commitments identified through PPF report 	Amber	Your LDP and enforcement charter are up-to- date and your LDP is on track for replacement. There has been some improvement with regards to your decision making timescales for major applications however, local applications are slower than last year and some legacy cases remain unresolved. RAG = Amber You completed 1 out of your 4 improvement commitments with the others ongoing. You have identified a good range of improvement projects for the year ahead. RAG = Amber Overall RAG = Amber
7	Local development plan less than 5 years since adoption	Green	Your LDP was 2 Year 4 months old at the end of the reporting period.
8	Development plan scheme – next LDP: <ul style="list-style-type: none"> • on course for adoption within 5 years of current plan(s) adoption; and • project planned and expected to be delivered to planned timescale 	Green	Your LDP is scheduled to be replaced within the required 5 year timescale. However, you have indicated that you may move to a new style LDP which is in line with the Planning Act 2019 provisions. RAG = Green Your Development Plan Scheme sets out the timescales and approach you are taking to replace your LDP and will be project managed by the Development Plan and Marine Planning teams. RAG = Green Overall RAG = Green
9	Elected members engaged early (pre-MIR) in development plan preparation – <i>if plan has been at pre-MIR stage during reporting year</i>	N/A	
10	Cross sector stakeholders* engaged early (pre-MIR) in development plan preparation – <i>if plan has been at pre-MIR stage during reporting year</i> <i>*including industry, agencies and Scottish Government</i>	N/A	
11	Regular and proportionate policy advice produced on information required to support applications.	Green	Your DP and MP team are working on adopting updated and new guidance on wind energy, marine fish farming, caravans, hits and temporary buildings. Work will be progressed on new Minerals guidance and conservation areas in the coming year.
12	Corporate working across services to improve outputs and services for customer benefit (for example: protocols; joined-up services; single contact	Green	You have provided examples of working with others to deliver the Goathill Care Centre and Housing, including working with SEPA to assess applications for disposing of the 40,000 tonnes of topsoil excavated form the site. Your planning technicians also collect and collate datasets form other

	arrangements; joint pre-application advice)		council services such as on assets, infrastructure and facilities.
13	Sharing good practice, skills and knowledge between authorities	Green	You provide some examples of sharing good practice including through benchmarking and HOPS including the DM and DP sub-groups, a joint Planning Authority Annual Meeting on fish farming and you also attend the North of Scotland Development Plan Forum.
14	Stalled sites / legacy cases: conclusion or withdrawal of old planning applications and reducing number of live applications more than one year old	Amber	You cleared 2 legacy cases during the reporting year however 3 legacy cases were live at the end of the reporting year. This is an increase from last year.
15	Developer contributions: clear and proportionate expectations <ul style="list-style-type: none"> • set out in development plan (and/or emerging plan); and • in pre-application discussions 	Green	<p>Policy on developer contributions is set out in your LDP. RAG = Green</p> <p>Your report sets out how developer contributions are discussed during pre-application discussions through one of the case studies you have included. RAG = Green</p> <p>Overall RAG = Green</p>

COMHAIRLE NAN EILEAN SIAR COUNCIL

Performance against Key Markers

Marker	13-14	14-15	15-16	16-17	17-18	18-19	19-20	20-21
1 Decision making timescales								
2 Processing agreements								
3 Early collaboration								
4 Legal agreements								
5 Enforcement charter								
6 Continuous improvement								
7 Local development plan								
8 Development plan scheme								
9 Elected members engaged early (pre-MIR)	N/A	N/A			N/A	N/A	N/A	N/A
10 Stakeholders engaged early (pre-MIR)	N/A	N/A			N/A	N/A	N/A	N/A
11 Regular and proportionate advice to support applications								
12 Corporate working across services								
13 Sharing good practice, skills and knowledge								
14 Stalled sites/legacy cases								
15 Developer contributions								

Overall Markings (total numbers for red, amber and green)

	Red	Amber	Green
2012-13	3	4	6
2013-14	0	5	8
2014-15	0	0	13
2015-16	0	0	15
2016-17	0	1	14
2017-18	4	5	4
2018-19	0	1	12
2019-20	0	1	12
2020-21	0	3	10

Decision Making Timescales (weeks)

	13-14	14-15	15-16	16-17	17-18	18-19	19-20	20-21	2020-21 Scottish Average
Major Development	44.9	28.5	-	-	36.9	-	18.9	9.4	41.3
Local (Non-Householder) Development	10.5	12.3	8.9	8.1	9.7	8.3	8.5	9.6	12.4
Householder Development	7.8	7.1	7.1	6.1	7.5	5.8	7.5	8.4	8.1

