



RTPI

mediation of space · making of place

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Ms Sandra Carey
Scottish Executive
Planning Division
Victoria Quay
Edinburgh
EH6 6QQ

14th June 2007

Dear Sandra

Developing the New Planning Performance Assessment Framework – Consultation Paper

The Royal Town Planning Institute (RTPI) is grateful for the opportunity to respond to this consultation, which addresses the critical task of assessing and improving planning authority performance, with the aim of ensuring that good quality planning outcomes are achieved across Scotland. The Institute has a particular interest in performance assessment in view of the key role which will be played by our members in implementing the new planning system.

The RTPI is the UK body chartered to represent the planning profession and offers these comments from the point of view of a diverse and policy neutral professional body committed to supporting devolved government in Scotland. The Institute has approximately 1900 members in Scotland working across all sectors. Since devolution, the Institute has empowered its RTPI in Scotland Office, together with its Scottish Executive Committee, with the responsibility for working with government and public bodies generally for the improvement of the planning system in Scotland. This is in accordance with its charter obligation to work for the public interest.

The Institute has established a Task Group on Development Management to take the lead in responding to proposed guidance and secondary legislation relating to development management. This response has been developed in consultation with the members of the Task Group and members of the RTPI's Scottish Executive Committee. Further details of the Task Group and its work are available on the RTPI in Scotland website.

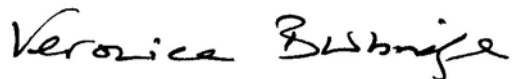
General Comments

In general, the Institute welcomes the approach being taken in the consultation paper. The Institute agrees that regular measurement and assessment are essential to achieving best value and a consistently high quality of service delivery across the country. We believe that sharing good practice across authorities can generate improvements, encourage innovation and increase confidence in the system. We remain very concerned about available skills, training and resources to underpin the application and development of the new assessment framework and of the current shortage of trained staff in some local authorities. The Institute also recognises the need to engage the interest, involvement and commitment of all interests who use and are affected by the planning system – including applicants, developers, the wider public and interest groups. We remain committed to supporting members in the development of these new duties through our education, training and support services and to engagement with wider interests through work on the culture change agenda.

The Institute's detailed responses to the questions raised in the consultation paper are set out in the attached Annex.

The Institute trusts that these comments are of assistance and has no objection to its comments being made available to the public in the usual way. Should you wish any clarification or further assistance please do not hesitate to contact me at our Edinburgh office: 57 Melville Street Edinburgh, EH3 7HL phone: 0131 226 1959, or email: veronica.burbridge@rtpi.org.uk

Yours sincerely



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The response from the Royal Town Planning Institute in Scotland

General Comments

1. In general, the Institute welcomes the approach being taken in the consultation paper. The Institute agrees that regular measurement and assessment are essential to achieving best value and a consistently high quality of service delivery across the country. We believe that sharing good practice across authorities can generate improvements, encourage innovation and increase confidence in the system. We remain very concerned about available skills, training and resources to underpin the application and development of the new assessment framework and about the current shortage of trained staff in some local authorities. The Institute also recognises the need to engage the interest, involvement and commitment of all interests who use and are affected by the planning system – including applicants, developers, the wider public and interest groups. We remain committed to supporting members in the development of these new duties through our education, training and support services and to engagement with wider interests through work on the culture change agenda.
2. The Institute's detailed comments in response to the questions raised in the consultation paper are set out below.

Question 1: Do you agree that there should continue to be a range of quantitative and qualitative measures for monitoring purpose?

3. The Institute agrees in principle that there should be a range of quantitative and qualitative measures for monitoring purposes. Quantitative measures must be realistic and proportionate against the increasing complexity of development management processes and the likely continuing downward pressure on resources. The move away from a target based approach is welcomed but further consideration is required to identify and pilot effective qualitative measures. Quantitative measures should recognise and reflect the proposed changes to the development management system and, in particular, the proposed removal of a percentage of householder applications from the system, which tend to be the easier and faster applications to determine. The current two month decision making performance indicator may therefore need to be revised accordingly.

Question 2: What other effective ways of monitoring performance should be used?

4. The Institute considers that the effectiveness of the system needs to be assessed as a whole and in a fully integrated and holistic fashion. "*Performance*" can be hugely influenced by the "*performance*" of others involved in the system including applicants, agents and statutory consultees. Actions and measures to explore the effectiveness of their engagement would be welcomed as part of the exercise. This is necessary to ensure continuous improvement and to identify areas where further guidance or additional measures may be helpful. The additional resources involved need to be clearly recognised.

Question 3: What are your views on the proposed set of performance measures?

5. The proposed set of performance measures are very wide ranging and would benefit from further refinement. In designing any performance assessment system it will be essential to

consider the purpose of each indicator, what it seeks to demonstrate, who it will be used by and the purpose for which it will be used. It may be useful to approach these within a hierarchical balanced scorecard approach. Performance management itself requires resourcing and many of the statistics required for the proposed indicators are not currently capable of being generated from back-office systems. It is suggested that unless a clear need for each of the categories to be recorded can be justified, the effort of collating the figures for the sake of doing so would clearly outweigh any benefits. It is essential that those collecting and recording measures view this information as a tool for improving their own performance and not as a 'tick box' exercise. A key test of any indicator must be the extent to which the action it seeks to measure is entirely within the control of the body concerned. It is suggested that the current listing should be assessed against these factors.

6. There is a need to guard against authorities selecting only those criteria against which performance is consistently good or improving. In addition, there will be a need for some consistency of use of criteria if the Scottish Executive is to establish benchmarks against which the auditors can compare relative performances. Final choice therefore needs to be considered within the framework of how the system will operate and the degree of consistency of approach to be achieved across authorities and the need for continuity of monitoring through time. It should be borne in mind that seeking to comply with one performance indicator may impact on the quality of performance elsewhere in the system. An increase in the rate of determining applications, for instance, may result in a decrease in customer care and quality of service and ultimately lead to an increase in appeals and a reduction in the appeal success rate of councils. Some means of addressing the measurement of successful outcomes is therefore what is really needed.
7. Many of the criteria will provide a suitable basis for discussion and for self evaluation. However, the Institute considers that criteria should be designed to measure on-going improvement and worded in such a way as to avoid a yes / no answer. The focus should be on identifying progress and looking for areas of improvement.
8. The Institute would like to make the following observations on the individual groupings of indicators set out in the Annex to the consultation paper.

Development Planning

9. Further consideration needs to be given to the use of indicators such as age of plan and time taken to prepare may be influenced by the time taken at planning inquiry as these timescale may be outwith the Council's control

Development Management

10. Although many of these indicators e.g. numbers of applications submitted, are useful measures of workload, they are not totally under the control of the Council and this needs to be kept in mind when assessing performance.

Appeals

11. The number of planning appeals would need to be expressed as a percentage of all applications. Other indicators such as the number of appeals to Scottish Ministers are not under the control of Councils. However, indicators such as % of appeals to Local Review Bodies and % of appeals passed to Scottish Ministers on the basis of non-determination may be useful once procedures are in place.

Enforcement

12. The extent to which the actions being measured are under the control of the Council again need to be examined further. Many indicators such as numbers of enforcement notices etc also need to be expressed as percentages of total complaints to provide a meaningful basis for assessment. There is some concern that counting the number of complaints / cases against number of enforcement actions used can give conflicting information. The information to be collected is useful as is the addition of information about Court Action but it should be clear that a successful resolution of a complaint will be the submission of a retrospective application or the cessation of the unauthorised activity. For Enforcement Officers, the fewer cases that require the service of Notices of whatever kind, the more successful is the enforcement service. There might therefore be some figure of cases / complaints successfully resolved.

Process

13. The Institute considers that the criteria of '*Scheme of Delegation in place*' might be omitted as this is a fundamental requirement of the new legislation. The performance management measure should focus on assessing the effectiveness of such a scheme. Such a measure might consist of: *% of applications referred to Committee which were decided contrary to officer recommendation or the % of applications referred for Committee determination which would otherwise have fallen to be determined under an authority's Scheme of Delegation (as a measure of the effectiveness of Section 43A (6) of the Act)*. Other proposed indicators in this section such as those on 'enforcement charter in place' are now a statutory requirement for all Councils and therefore would have little added value in measuring progress.

People

14. Further refinement of indicators in these groupings would be required e.g. 'clear approach to recruitment and retention', and 'involvement in performance management'.

Participation

15. Guidance on further refinement of the terms used and on appropriate standards to be employed would be helpful.

Question 4: Do you have ideas for additional measures, particularly qualitative?

16. The Institute considers that it may be helpful to Scottish Ministers to have some assessment of the relative importance placed on planning by Councils e.g. specific reference in Corporate Plans and / or specified as corporate objectives. In addition, consideration might be given to specific criteria which deals with levels of resources and their distribution e.g. number of applications p.a. received/determined per Development Management case officer; and proportion of income from planning fees specifically directed to support the administration of the Development Management service. One figure which should be included in the list is the number / percentage of applications which were approved contrary to officer recommendation. A further specific point is that as the Act now makes it a duty on Planning Authorities to review all existing Tree Preservation Orders. It is suggested that an additional indicator to cover this might be introduced.

Question 5: Do you agree that there should be a rolling programme of general assessments and, if so, is the 5-yearly cycle appropriate?

17. The Institute agrees that there should be a rolling programme of general assessment and considers the proposed 5-yearly cycle to be appropriate. However, further guidance is needed on how the Audit Unit will determine which authorities should be assessed over others and how different self assessment returns will be evaluated

Question 6: Do you support the proposed approach to determining whether Ministers should initiate a function-specific assessment or an assessment of patterns of decision-making? What kinds of considerations should Ministers take into account in each case?

18. The Institute agrees that the making of decisions consistent with the development plan should be an important consideration. However, there may be difficulties associated with function specific triggers as the SE will have to decide on the basis of trends whether a function specific audit is needed. This could be difficult for SE to cope with given the broad variety of potential statistical triggers across all authorities. One approach might be to adopt a six monthly evaluation across a range of criteria for each authority and prioritise a formal audit programme against this.

Question 7: Do you agree that planning managers and others should be involved as advisors on the assessment team?

19. The Institute agrees that planning managers and others should be involved as advisors on the assessment team as they are best placed to appreciate the issues to be assessed and the processes used to produce them. However, it is important that the advisers have an understanding of development management processes and procedures. There is a major concern regarding the effectiveness of advisers from external agencies and relevant qualifications and experience would need to be guaranteed. In addition, if the advisers are currently employed in planning there could be conflicts arising between senior officers if an assessment is perceived to be less than competent or fair.

Question 8: How should advisers be selected for involvement?

20. Advisers should be selected with regard to their experience and practical knowledge. It is suggested that a form of independent Planning Commission might be appointed and that representatives from COSLA /SSDP/RTPI could play a role in nominating suitable officers. The Institute would be willing to discuss this further if it is perceived as helpful.

Question 9: What other assessment methods might be employed by the assessment team?

21. The Institute considers that a degree of flexibility may be required and may depend on what needs to be assessed. For instance it might be open for the advisers/auditors to take their evaluation exercises beyond the local authority concerned if necessary. Further consideration might be given to how recipients of the planning service e.g. community councils, developers and individuals, may be objectively involved in providing feedback.

Question 10: What other ways of marking performance could be used?

22. The Institute has no additional comments.

Question 11: Do you support the proposed approach to post-assessment action?

23. The Institute supports the recommendations as set out in the consultation paper. It may be advisable to allow an initial period for the system to become properly established before any initial reviews are carried out. In addition, it is noted that depending on Committee cycles, 3 months for a formal response report may be a bit tight.

Question 12: How often should performance information be collected by the Scottish Executive?

24. The Institute considers that depending on the number of criteria to be continually assessed reporting could be very time consuming for authorities to undertake and for SE to evaluate. The final timescale chosen will depend on the methods of reporting to SE and the levels of detail required, too frequent reporting could also be cumbersome.

Question 13: What issues might be raised by extending the amount of performance information collected and changing the way in which it is gathered?

25. Planning Departments will have to investigate how they are to put in place an efficient system for gathering and reporting information across all relevant planning functions. The greater the number of criteria to be assessed the more information that needs to be assessed. The Institute remains concerned about the added resourcing implications. As noted in our response to question 3, the need for, use and purpose of the proposed measures must be critically assessed to ensure that the time spent in monitoring performance is itself fully justified. There are serious recruitment issues in local authority planning services across Scotland and a lack of qualified and experienced planners to carry out the work. Further consideration might be given by the Scottish Executive to support in the form of training for all Scottish planning authorities and the provision of necessary software to operate a simple and well focused scheme.

Question 14: What ways of sharing good practice would you find most useful?

26. A range of methods for supporting good practice should be in place such as a Planning Advice Note, additional training, web based guidance, the encouragement of benchmarking groups, comprising other planning authorities in comparable areas, the outsourcing of certain types of work, employment of consultants where severe staff shortages are experienced, and an annual conference might all be considered. The Institute will be pleased to discuss how its own networks, programmes and services including Planners in the Workplace, may assist in this role.
27. The Institute considers that it is important for mutual understanding across all parties involved in the assessment system and more opportunities for secondment and joint working might be put in place. For example, it would be beneficial to provide more opportunities for planning staff from SE to be seconded to planning authorities to support the assessment process.

Question 15: What other measures might be used to support planning authorities?

28. Further training for existing planners through the Improvement Service's programme should play an important part in skills development. Closer relations with University Planning Schools might also help in the provision of additional training, student placements etc. and the use of consultants on a short term basis might be considered. Given the

difficulties of recruitment and retention of planners within the public sector, urgent action is required to review factors influencing pay, conditions and morale within local authority planning services. The Institute supports the suggested introduction of a new category in the Scottish Awards for Quality in Planning scheme for the most improved planning authority.

Question 16: What sanctions might be appropriate against poor performance, particularly non-financial options?

29. The Institute does not support the use of sanctions. We consider that sanctions are negative and should not be used even if it is possible to identify a credible method of sanctioning which is not fiscal. Financial sanctions would be self-defeating as most planning departments have no spare capacity for additional cuts in resources. The continued use/misuse of "league tables" which do not lend themselves to this kind of process should be abandoned and the emphasis should be on the clear identification of progress and the encouragement of continuous improvement. It is recommended that rather than using sanctions, the Scottish Executive should initially offer practical support to poorly performing authorities.
30. The Institute trusts that these comments are of assistance and has no objection to its comments being made available to the public in the usual way. Should you wish any clarification or further assistance please do not hesitate to contact me at our Edinburgh office: 57 Melville Street Edinburgh, EH3 7HL phone: 0131 226 1959, or email: veronica.burbridge@rtpi.org.uk