

ORKNEY
ISLANDS COUNCIL

**Planning Performance Framework
Orkney Islands Council
Annual Report 2022/2023**

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1. Introduction

1.1 Our Planning Performance Framework is submitted to the Scottish Ministers on an annual basis to detail the performance of the Planning Service in Orkney. This report covers the period from 1 April 2022 to 31 March 2023 and provides both quantitative and qualitative evidence of our performance as well as detailing some case studies which demonstrate the quality of services that we deliver. The service is delivered by two teams – Development Management which deals with all planning application and enforcements issues and Development and Marine Planning which deals with marine and terrestrial planning policy, archaeology, active travel, biodiversity, and other rural planning matters.

1.2 2022/23 has been a year of considerable change within Orkney Islands Council. Aside from the local government elections in May 2022 the Council undertook a refresh of its corporate management structure with the aim of improving performance, delivering on its priorities, and improving confidence in the organisation across staff, partner organisations, and the public.

1.3 The last review of the Council's management structure was undertaken ten years ago, and, in that time, workloads have increased substantially, teams are under tremendous pressure as demand for services increase and it was also recognised that the structure and staffing numbers had not been in line with comparator Councils. Significant investment was therefore made by the Council to address the capacity, workforce development, recruitment and retention issues raised by staff, managers, and the public over recent times.

1.4 The changes have resulted in an enhanced corporate leadership team with the Planning Service now part of a Neighbourhood Services and Infrastructure Directorate which also includes Roads, Waste Management, Civil Engineering, Estates Management, Architects and Capital Projects.

1.5 The above re-structure together with a higher than usual turnover in staff (primarily due to several retirements) has had a considerable impact on the performance of the Planning Service over the course of the year with several posts lying vacant for a period of time. Whilst there have been challenges in recruiting to a number of these posts the service is now nearing having a full complement of staff which will result in a higher level of performance in 2023/24.

1.6 Not only has the service suffered as a result of internal vacancies, staff shortages in other key Council services which provide a key service to Planning, e.g. Roads and Engineering Services, has also had 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. Taking consultation responses from the roads authority alone, which are of course critical responses in relation to road safety and where it is difficult to determine applications without the responses, these had a significant impact on decision times. Of the 305 planning applications the roads authority was consulted on during 2022/23, 179 responses (59%) were received after the 21 day deadline set by Development Management; 93 responses (30%) were received after the 8-week determination target date (i.e. all of those applications were inevitable over time, with no stop-the-clock as an internal delay), and 100 of the consultation requests received no response at all. Clearly, other than a position where planning applications are routinely issued without such a critical consultation response, these delays inevitably impacted overall decision times.

1.7 Although slight increases, decision times continue to compare favourably with the Scottish average, despite the relatively small size of the Development Management team and

the disproportionate impact of multiple EIA developments which continue to require significant resources. All local developments had an average decision time of 9.8 weeks, compared to the Scottish average of 11.5 weeks. And householder developments had an average decision time of 7.5 weeks, compared to the Scottish average of 8.9 weeks. Factors outside the control of the Planning Service also impacted the decision times, including consultation responses, as explained in this report.

1.8 Progress on the review of the Orkney Local Development Plan has also suffered as a result of vacancies in key posts. This together with the delay in the publication of National Planning Framework 4 and subsequent follow-on publication of regulations and guidance on the drafting of the new style Local Development Plans has meant that no Development Plan Scheme was published in 2022/23.

1.9 On a positive note, whilst there have been challenges in recruiting to a number of these posts the service is now nearing having a full complement of staff which will result in a higher level of performance in 2023/24.

1.10 With the Council elections in May 2022 the year has seen an intense focus on the training of elected members. The election resulted in a high turnover of elected members e.g. 8 out of the 12 members on the Planning Committee were newly elected to the Council. A number of training sessions and workshops on various aspects of Planning have been held during the course of the year.

2. Defining and Measuring a High-quality Planning Service

a. Quality of Outcomes

Local Development Plan

2.1 Following public consultation over May and June 2016, the [Orkney Local Development Plan](#) was submitted to the Scottish Government for examination in September 2016, and was formally adopted on 18 April 2017. A range of [Supplementary Guidance](#) to support the Local Development Plan has also been developed - these cover - Settlement Statements; Housing in the Countryside; Energy; Historic Environment and Cultural Heritage; Natural Environment; and Aquaculture. The [Orkney Local Development Plan 2017 – Action Programme](#) was approved in June 2017 following consultation with key agencies and organisations. The most recent [Development Plan Scheme](#) approved by the Council in February 2021 noted that until the publication of the Development Planning Regulations and National Planning Framework 4 the future work programme was difficult to define. However during 2022/23 there has been (a) continued engagement with the Scottish Government on the emerging NPF4 and the development of secondary legislation; (b) commencement of early engagement with communities and planning stakeholders in Orkney on the future direction of planning policy; (c) consideration of matters to be included in the development of an Evidence Report for the new Local Development Plan and (d) a review of the current hierarchy of local planning guidance including the requirement for development briefs.

Regional Spatial Strategy

2.2 In March 2020 the Council considered how it would participate in a regional partnership to work towards preparation of a Regional Spatial Strategy and to provide input into development of National Planning Framework 4. The Council concluded that there was little to be gained from Orkney participating and Orkney should participate as an individual authority rather than a wider regional grouping of local authorities covering the highlands and islands. Regional planning issues for the Islands are more about how the Islands relate to surrounding marine regions and how land and marine developments interact.

2.3 Since then, the Council has actively engaged with the Scottish Government in the preparation of an Indicative Regional Spatial Strategy for Orkney. Following consultation with relevant stakeholders an initial draft of the Strategy was submitted to the Scottish Government in October 2020 and following consideration of feedback received the Indicative Regional Spatial Strategy was approved by Council in March 2021.

Local Place Plans

2.4 The Planning (Scotland) Act 2019 introduced the concept of Local Place Plans that may be prepared by community bodies and submitted to their local planning authority who in turn will have a responsibility to register the Place Plan and take it into account in the preparation of the Local Development Plan. In advance of the Scottish Government enacting secondary legislation and guidance, detailing how Place Plans should be considered by planning authorities, the Council formally endorsed in February 2020 the [Stromness Place Plan](#) developed through the “What Next for Stromness” project.

2.5 During 2022/23 the Development Planning team have also been working with Birsay Community Council and Harray and Sandwick Community Council to develop a Place Plan

for the village of Dounby. Work on this plan commenced before the pandemic but was delayed because of the periods of lockdown recommencing in May 2022 when residents of the village were invited to submit their ideas for the development of their community. Work on this plan continues with a draft plan expected to be issued for consultation in Autumn 2023. Once the Dounby Place Plan is finalised there will be an evaluation of the approach taken on this Place Plan which will be used to inform how we support communities develop Local Place Plans as part of reviewing the next Local Development Plan.

Development Briefs

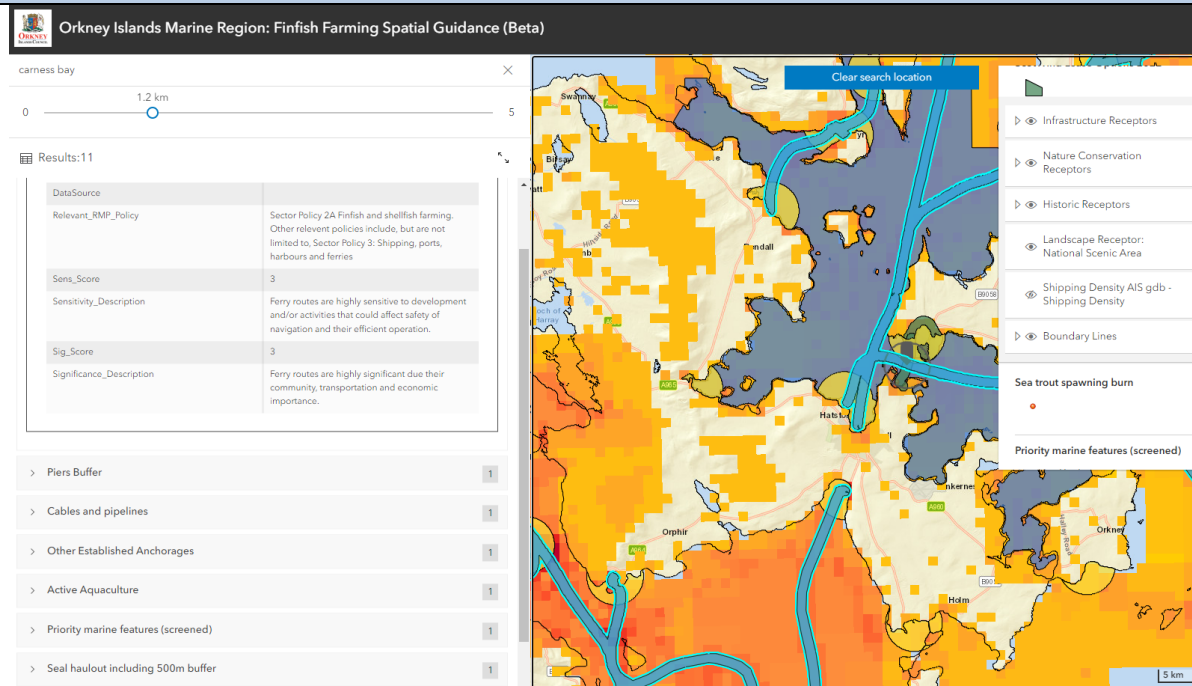
2.6 The Council has approved Development Briefs in place for over 20 sites in Orkney. The most recent Development Brief for [Kirkwall Walliwall](#) was approved by the Council in October 2020. During 2022/23 work has been progressing on drafting the Stromness South Development Brief. This covers six housing sites in the south end of the town located within the National Scenic Area which have several development challenges including the topography (steep slopes and granite outcrops) of the location. Public consultation on the draft brief is expected to be undertaken in Summer 2023.

Regional Marine Planning

2.7 In November 2020 the Scottish Government announced the formal delegation of regional marine planning powers to the Council. The Development and Marine Planning team facilitate the governance arrangements in terms of the Orkney Marine Planning Partnership (Orkney Marine Planning Advisory Group) – made up of organisations that represent the environmental, social, cultural, and economic characteristics of the marine and coastal environment around Orkney. The Advisory Group provides specialist advice and guidance to support the preparation of the Orkney Islands Regional Marine Plan. This statutory plan provides a policy framework and spatial planning for the purpose of enabling sustainable development in Orkney waters out to 12 nautical miles. Licencing, planning and consent decisions for development and/or activities in Orkney waters will be made in accordance with the adopted Regional Marine Plan. In accordance with the requirements of NPF4, marine planning is being developed to integrate with local development planning across the coastal zone.

2.8 Work commenced on the preparation of the marine plan in 2021 with input from the Advisory Group, other key stakeholders, and local communities. This included in person engagement visits to outline the work at public and school presentations in several locations throughout Orkney. In November 2022 the Council endorsed the Regional Marine Plan (Consultation Draft), prior to submission to Scottish Ministers for approval for public consultation in Summer 2023. The plan is supported by a range of policy guidance, assessments and data gathering exercises. These include the Orkney Islands Marine Region: Finish Farming Spatial Guidance and the Maptionnaire Coastal and Marine Recreational Survey. Further details on these projects are set out in Case Study 1 and Case Study 2.

Case Study 1: Orkney Islands Marine Region: Finfish Farming Spatial Guidance



Location and Dates:

Orkney 2022/23

Elements of a High-Quality Planning Service this study relates to:

- Quality of outcomes
- Quality of service and engagement

Key Markers

- Production of relevant and up to date policy advice

Key Areas of Work

- | | |
|---|---|
| <ul style="list-style-type: none"> • Economic Development • Environment | <ul style="list-style-type: none"> • Other - Aquaculture • Online Systems |
|---|---|

Stakeholders Involved

- | | |
|---|--|
| <ul style="list-style-type: none"> • Salmon Scotland • Cooke Aquaculture • Scottish Sea Farms • Scottish Environment Protection Agency • NatureScot • Historic Environment Scotland | <ul style="list-style-type: none"> • Royal Society for the Protection of Birds Scotland • Marine Directorate • Orkney Harbour Authority • Orkney Trout Fishing Association • Aquatera Ltd |
|---|--|

Overview:

The Council's Development and Marine Planning team has prepared the Orkney Islands Marine Region: Finfish Farming Spatial Guidance. This is a decision support tool to inform decision making by public authorities and developers on finfish farm development and/or activities proposals in the Orkney Islands marine region.

The guidance includes an online interactive heatmap displaying the spatial distribution of sensitivities and constraints for new finfish farming developments. The heatmap responds to the requirement outlined in the National Marine Plan (2015): “*Aquaculture 1: Marine planners and decision makers should seek to identify appropriate locations for future aquaculture development and use*”.

Through significant previous engagement with stakeholders, it was not considered desirable to identify suitable locations for finfish aquaculture development (i.e. where developments should and should not take place) due to the frequently evolving technical capabilities of equipment and mitigation measures driven by innovation in the sector. A sensitivity and significance-based heat mapping approach for the key material planning considerations is considered more appropriate to inform the developer site selection processes and wider stakeholder participation in the planning process.

The online tool that has been developed alongside this allows users to identify nearby receptors by clicking on a desired point on an online map. The search distance from the clicked location can be set by the user (e.g. all receptors within 1km), which will identify and provide specific information on the receptors within the search radius. This interactive tool/application will be made publicly available prior to the consultation period detailed below.

Goals:

The purpose of the spatial guidance is to:

- support the implementation of the Orkney Islands Regional Marine Plan, Sector Policy 2A: Finfish and shellfish farming;
- identify areas of greater and lesser potential sensitivity and/or constraint for finfish farming development and/or activities in the Orkney Islands marine region;
- provide greater clarity for stakeholders on the significance, and potential sensitivity of identified environmental, historic, social, economic and infrastructure features, or receptors, to finfish farming development and/or activities; and
- inform stakeholder understanding and participation in the planning and decision-making process for finfish farming development and/or activities.

Outcomes:

The spatial guidance has been developed through an extensive process of stakeholder engagement. This has enabled the methodology to be co-developed with stakeholders to make a robust and useful tool for developers and regulators.

The guidance has been approved by the Council and will be deposited for public consultation alongside the Orkney Islands Regional Marine Plan - Consultation Draft. The plan is required to be approved by Scottish Ministers in advance of the public consultation which is scheduled to take place during Summer 2023.

Names of Key Officers

Daniel Morris, Graduate Marine Planner
 Shona Turnbull, Marine Planner
 James Green, Team Manager – Marine Planning

Active Travel Projects

2.9 Promoting active travel is one of the Council's key priority areas and In September 2020 the Council made a successful application to Sustrans for one of three newly established posts of Senior Embedded Project Officer. This has created a 3-year post, fully funded by Sustrans in year 1, with 50% investment from the Council in years 2 and 3. The role of the Embedded Senior Project Officer who is based in the Development & Marine Planning team is to facilitate a strategic approach to active travel infrastructure development enabling efficient use of investment to increase walking, cycling and wheeling. The post commenced in August 2021. One of the first major projects overseen by the new officer has been the development of a 3-hectare green space in the Papdale area of Kirkwall into a community park for all ages and abilities.

2.10 The project which was identified in the Your Kirkwall Place Plan 2018 encompasses (a) a community space with improved accessibility for people of all ages and abilities; (b) natural play features, improved biodiversity and a reduced maintenance burden for the Council; (c) de-culverting of the Papdale burn and management of surface water flooding within the park; (d) A layout which facilitates opportunities for more formal play equipment to be installed into the space in future; and (e) an active travel path network connecting the park to the Kirkwall Grammar School. Planning permission for the project was secured in July 2021 and construction commenced on site in January 2022. Works were completed in September and the park was formally opened in April 2023.

2.11 Further community engagement took place during 2022/23 to help shape the design of a proposed new coastal footpath project at Weyland Bay, Kirkwall with the aim of further linking communities and promoting active travel. The Weyland Bay Coastal Path project is also one of the projects identified in the Your Kirkwall Place Plan. Detailed design works will be progressed during 2023.

2.12 In February 2023 the Council also approved a list of potential projects which could enhance active travel networks in the county. Further studies will now be carried out on the projects to see which ones are suitable for taking forward for further consideration. Potential projects include a complete review of the full core path network across Orkney, improvements to the Inganess to Scapa route in St Ola, improvements at Faravel in Stromness and active travel links between the Peedie Sea, Glaitness School, the Pickaquooy Centre and nearby housing developments in Kirkwall.

b. Quality of service and engagement

Community-wide Engagement

2.13 Several Council Services teamed up in Autumn/Winter 2021 to complete an Orkney-wide consultation – Orkney Matters - to ask the general public about their communities and places. The consultation was led by the Development & Marine Planning team who were engaging with the community at the start of reviewing the Local Development Plan, and also included Economic Development, LEADER and Community Learning and Employability from Orkney Islands Council and Voluntary Action Orkney from Orkney's Community Planning Partnership.

2.14 The consultation was designed to consider how the covid pandemic had affected the local community and plan for a sustainable recovery from its impacts. Three elements formed part of the consultation. The first element was a short and easy to use questionnaire

that focused on community and place. Over 1200 questionnaires were completed by residents throughout Orkney. The second element was designed with assistance from the Council's Education Team and Orkney's Pier Art Centre that used art to engage with our younger people and harder to reach members of our community. This element was called "Lesser Heard Voices." Artwork was completed by most of Orkney's Primary Schools, groups such as Orkney Youth Forum and Women's Aid.

2.15 The third element was a series of 11 virtual community meetings which were attended by community councils, development trusts, community associations and members of the public. This was an opportunity for a community conversation and to dig a bit deeper into the data received through the questionnaires. A local artist produced a series of visual minutes for these meetings to represent the issues discussed in another format rather than written reports.

2.16 The result of the Orkney Matters consultation exercise has been the main source of community input into the development of the Council Plan 2023-28 and the Community Plan 2023-30 and will inform forthcoming policy development in respect of the review of the Local Development Plan.

Focused Consultation and Engagement

2.17 The Council has received delegated planning powers in respect of marine spatial planning from Scottish Ministers which include the preparation of an Orkney Islands Regional Marine Plan. In August 2021 the Council published a [Statement of Public Participation](#) setting out the outline methodology and indicative timetable for the preparation of the Marine Plan and how the public can get involved in moulding this key plan for Orkney's marine economy and environment. The Marine Planning team also launched a local survey in March 2022 using an interactive online questionnaire to collect information on the coastal and marine recreational activities that take place in Orkney, in order to inform preparation of the plan.

2.18 During 2022 the Marine team visited a number of the Orkney islands to discuss the development of the Orkney Marine Plan. As well as holding public drop-in sessions they visited local schools to help pupils learn about marine issues and to hear about the views of young people. Sessions were held in Stronsay, Hoy, Sanday, Westray, St Margaret's Hope, Kirkwall and Stromness. The visits helped local communities to gain an understanding of Orkney's regional marine plan-making process before the plan goes out to public consultation in Summer 2023

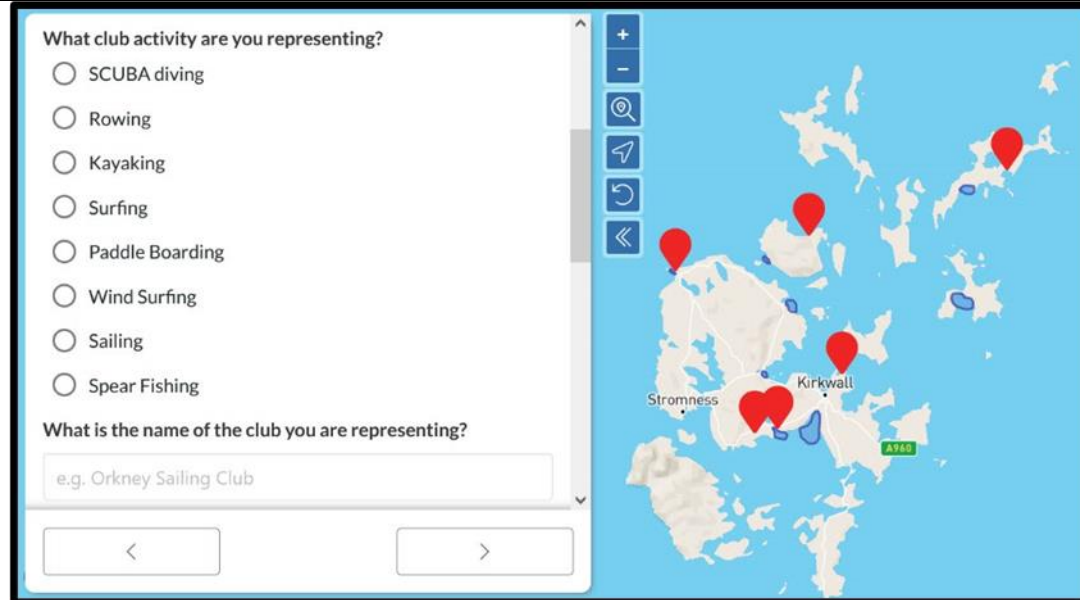
Surveys

2.19 Following on from the "Orkney Matters" community engagement the Council launched jointly with Sustrans the "Orkney Travel Matters" survey in February 2023 to help understand how, why, and where people travel, and the barriers to using walking, wheeling and cycling to make every day journeys. The outputs from the survey expected later in 2023 will help inform policy decisions and guide investment.

2.20 The Marine and Coastal Recreation Survey was carried out to record where and when marine and coastal recreational activities to aid the development of the Regional Marine Plan. The survey was hosted on the online platform Maptionnaire - <https://maptionnaire.com/>. This approach combines traditional survey questions with interactive digital maps, allowing respondents to zoom to areas they use for their activities and mark them directly on the map. The project demonstrated that innovative online mapping tools can be used to effectively capture information from local communities and can

now also be applied to data collection across many policy areas, for example greenspace and active travel audits.

Case Study 2: Orkney Marine and Coastal Recreation Survey



Location and Dates:

Orkney 2022/23

Elements of a High-Quality Planning Service this study relates to:

- Quality of outcomes
- Quality of service and engagement
- Culture of continuous improvement

Key Markers:

- Production of relevant and up to date policy advice

Key Areas of Work:

- | | |
|--|--|
| <ul style="list-style-type: none"> • Community Engagement • Online Systems | <ul style="list-style-type: none"> • Data and Information |
|--|--|

Stakeholders Involved:

- | | |
|---|--|
| <ul style="list-style-type: none"> • Royal Yachting Association (RYA) • Heriot-Watt ICIT • Orkney Field Club and Sub-Aqua Club • Local businesses (e.g. Orkney Marinas) • General public | <ul style="list-style-type: none"> • Visit Scotland • Various clubs and groups contacted directly (e.g. Swimming, diving, kayaking, sailing clubs etc). • Authority planning staff from a range of relevant departments |
|---|--|

Overview:

The Marine and Coastal Recreation Survey was carried out to record where and when marine and coastal recreational activities are taking place around Orkney, to identify the facilities used during these recreational activities (e.g. carparks, piers, public toilets), as well as to identify what new facilities people would like to see.

The survey was hosted on the online platform Maptionnaire. This approach combines traditional survey questions with interactive digital maps, allowing respondents to zoom to areas they use for their activities and mark them directly on the map.

Being wholly online, respondents could fill in the survey from the comfort of their own home and at their own pace. It also allowed a wider audience to be reached than the more traditional in-person workshops.

To assist those who may have difficulty accessing computers or the internet, the opportunity to fill the survey out in-person was made available at the same time as various engagement events for the Orkney Islands Regional Marine Plan in Spring and Summer 2022.

The survey was initially piloted with a selection of stakeholders from across different recreational interests, before being updated and made available to the public for approximately 12 weeks. Throughout this time, the survey was advertised around Orkney through a variety of sources.

Goals:

- Provide detailed and up-to-date maps of the most popular marine and coastal recreational activities taking place around Orkney;
- Identify the most used public facilities for marine and coastal recreation;
- Provide background information on the different activities, such as seasonal changes in popularity and why people choose to go to specific areas;
- Collect information on potential improvements to facilities/infrastructure to support and enhance the future of marine and coastal recreational activities; and
- Aid developers and decision makers in identifying important areas for recreational activities, in line with Policy 7b in the Orkney Islands Regional Marine Plan, Consultation Draft.

Outcomes:

The project demonstrated that innovative online mapping tools can be used to effectively capture information from local communities on their recreational activities.

Before selecting Maptionnaire, a variety of platforms were assessed to identify the most suitable options for our data collection needs. Maptionnaire's unique ability to allow respondents to spatially record data alongside traditional survey questions made it the most suitable for our intended purpose, allowing data collection that would have traditionally only been possible via in-person workshops.

Over the 12-week survey period, over 200 responses were recorded, totalling 571 areas being drawn and mapped for 22 different activities, and a further 388 pins dropped on important facilities being used. Local businesses, clubs and individuals

were all approached, with responses from all groups. The resulting maps will be regularly updated, and the information will help inform future decision making.

An option at the end of the survey also resulted in a further 50 people signing up to the council's regional marine planning newsletter, increasing our stakeholder database to over 350 email addresses.

This novel survey method can now also be applied to data collection across many policy areas, for example greenspace and active travel audits.

Name of Key Officer
Daniel Morris, Graduate Marine Planner

Daniel Morris, Graduate Marine Planner
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Planning applications

2.20 New methods of how pre-planning advice was provided in response to the restrictions during the pandemic period have been retained, including distinguishing between enquiries which are technical and those which relate to proposed development, with policy-based pre-application advice directed towards a pre-application form and required in writing. With all detailed enquiries set out in writing, it has helped to avoid ambiguity and risk of miscommunication and has allowed a system of allocation of enquiries to be set up internally, so that all enquiries are now provided a reference and allocated on a weekly basis, in a similar way to planning applications. This helps to manage workloads and allows acknowledgement and target dates to be allocated. Initially implemented during 2020/21, this process was supplemented by a dedicated page on the Council's website detailing the pre-application advice service which was further supplemented during 2022/23. The process can be tailored to suit specific demands, including additional, tailored pre-application advice forms such as the 'operating a business from home' form added to the [website](#).

2.21 Details of pre-application advice are recorded on our UNIFORM casework management system. Approximately 42% of all planning applications were subject to pre-application advice. We provide a single point of contact for development proposals throughout the planning application process.

2.22 We provide a "[Validation Checklist](#)" for applicants, which covers the majority of information required to be submitted with a planning application in order to try to reduce the number of invalid applications being submitted. Combined with stakeholder engagement, this proactive validation guidance is likely to be a contributor to the reduction in percentage of applications subject to pre-application advice, much of which was technical in previous years, allowing focus to remain on design and other matters where value can be best added.

2.23 We continue to encourage customers to submit planning applications electronically. In order to make our office as paperless as possible we now only require one set of plans and supporting documents from applicants submitting an application in paper format.

2.24 In response to demand, a dedicated permitted development advice page has also been added to the [website](#), confirming the scope and limitations of advice that can be provided, and providing links to national documentation.

2.25 As the scale of development in Orkney is not significant, opportunities for using processing agreements for major development is limited. However, the availability of processing agreements is publicised on our [website](#) and we worked with NHS Orkney and the successful bidder for the new Orkney Hospital project to develop a processing

agreements which was agreed in June 2016 and continued through 2018/19. A second processing agreement for the first national development in Orkney – the [Orkney Transmission Connection and Infrastructure Project](#) was signed with Scottish Hydro Electric Transmission PLC in June 2019. All the target dates outlined in the agreement were achieved. The use of processing agreements has also been discussed with aquaculture operators in the regular meetings with that industry, with a view to agreeing a suitable format for future EIA applications.

Developer Advice and Guidance

2.26 Supplementary Guidance covering [Developer Contributions and Good Neighbour Agreements](#) was approved in September 2013. Feedback was sought during the Main Issues Report consultation on future options for seeking developer contributions, given that opportunities for seeking such contributions 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. We have continued with identifying developer contributions required to make a development acceptable in the LDP Settlement Statements and Development Briefs with the most recent included within the [Kirkwall South Development Brief](#). Further contributions required towards a limited number of strategic capital infrastructure projects will be identified in emerging Development Briefs. However, we recognise the important role developers play in a fragile island economy, particularly in the continued challenging financial climate, so we will continue with our proportionate approach to developer funding.

2.27 In order to provide more certainty for developers we have approved the [National Roads Development Guide](#), the [Landscape Capacity Study for Wind Energy in Orkney](#) and the Orkney Harbours Masterplan Phase 1 as Planning Policy Advice. The [Planning Policy Advice: Amenity and Minimising Obtrusive Lighting](#) was approved by the Council in March 2021.

2.28 In May 2018 we sought views on design for housing in the countryside to help shape new planning policy advice. Public consultation on an updated version of the document was undertaken during May/June 2019. The main proposed changes were in respect of the definition of curtilage; the definition of a building or structure which could be replaced by a new house under the “one for one” policy; and details in respect of drainage for a new house. Following further refinement a follow-up public consultation on the draft document was undertaken in March/April 2020 and a revised version of the [Supplementary Guidance on Housing in Countryside](#) was approved in March 2021.

2.29 We have prepared a [Development Management Guidance Note](#) to provide clarity to Development Management Officers and developers in respect of the implementation of the Council's affordable housing policy and guidance. In June 2019 we prepared [Development Management Guidance on Energy](#) to provide additional clarity on technical issues and interpretation of policies to be considered in the assessment of planning applications for wind energy developments. Work progressed during the year on three additional Development Management Guidance covering (a) Noise Assessments for Wind Turbines; (b) Business Development outwith Town Centres and (c) Biodiversity Enhancements.

2.30 We have prepared Supplementary Guidance on [Development Briefs and Design Statements](#) to provide more certainty for developers in terms of the levels of information required for these documents and where they are required.

2.31 In March 2023 the Council endorsed the Orkney Islands Marine Region: Finfish Farming Spatial Guidance – Consultation Draft, for submission to Scottish Ministers for approval for public consultation. The spatial guidance has been prepared to support implementation of the Orkney Islands Regional Marine Plan: Consultation Draft, policy on

Finfish and Shellfish Farming and will be used to guide decision making on finfish farming development and/or activities in the Orkney Islands marine region.

2.32 In order to further inform the development of fish farming in Scapa Flow we commissioned a capacity study to improve understanding of the water quality impacts arising from existing and proposed fish farms and establish an upper biomass limit for farmed fish. In October 2018 the Council approved the study - [Aquaculture Water Quality Impact Modelling Assessment for Scapa Flow](#) - and adopted the findings as Development Management Guidance to assist in the application of Local Development policy on fish farms. The project which marked the first use of hydrodynamic modelling by a planning authority for an aquaculture spatial strategy was shortlisted for a Scottish Award for Quality in Planning in 2019 under the “Plans” category.

2.33 The use of on-line interactive mapping technology has been developed to allow users of our Energy and Aquaculture Supplementary Guidance to have more accessible information in relation to potential constraints and sensitive areas in regard to wind farm and fish farming developments. We have also published our adopted [Local Development Plan](#) and annual [Housing Land Audit](#) as interactive documents.

Service Standards

2.34 Our [Planning Enforcement Charter](#) was updated and approved in February 2022. Only minor changes were made including providing clarity on what would be regarded as a planning enforcement complaint and confirmation that any member of the public submitting an enforcement complaint has the right to seek an update on progress with the complaint, on request. In line with Scottish Government advice the Planning Service supported temporary measures and took a more relaxed approach to enforcement action during the COVID and post-COVID period to support reasonable measures taken by businesses to deal with matters during the pandemic e.g. outdoor space for food and drink, honesty boxes, etc. The Planning Service continues to work proactively with businesses to regularise some of these temporary measures through planning application, or to advise on suitable alternatives in conjunction with temporary measures being removed.

Stakeholder Engagement

2.35 We engage with regular customers of the service (primarily local builders, developers and planning agents) through our Planning and Building Stakeholder Forum. The Forum met virtually on two occasions during 2021/22 - June 2021 when items for discussion included an update on the Council Capital Programme; Planning Validation Checklist and Planning Handbook/protocol for Applicants and Developers; and November 2021 when items discussed included an update on Development Planning matters and a briefing on Maintenance Agreements for Shared Drainage Systems. The first face-to-face meeting of the Forum post pandemic took place in December 2022 when the Forum discussed the Planning Performance Framework, National Planning Framework and were also provided with an update on Development Management matters.

2.36 In March 2021 the Planning Service launched a customer satisfaction survey to allow users of the service to share their experiences. Anyone who had utilised the Council's Development Management or Development and Marine Planning Service – whether as an individual, agency or agent were asked to fill in a short questionnaire providing their views. 87% of respondents indicated that they found it easy to contact the Planning Service team. 82% of respondents indicated that the staff member was courteous and helpful. Overall, 46% rated their experience with the Planning Service as excellent, a further 14% rating it good and 18% satisfactory.

2.37 Areas identified for improvement by users of the service included making the Council website more user friendly/easier to navigate.

Partnership Working

2.38 Ensuring consistency between marine and terrestrial planning particularly for policies and projects which have significant implications for both marine and terrestrial environments is crucial for an Islands Authority. To achieve this the Planning Service works very closely with the Council's Marine Services in a number of areas. Work has been progressed on the development of an [Orkney Harbours Master Plan](#) which will assess current and future port infrastructure use demands and plan future investment for the next 20 years. The Planning service led on drafting the brief for the consultants to prepare the master plan as well as playing a key role in the development of the plan itself. The plan which addresses the future growth and development of the key commercial harbour facilities at Hatston, Kirkwall, Lyness, Scapa Pier/Scapa Flow and Stromness was approved for public consultation in March 2019. Public consultation events took place in June 2019 and the Masterplan was approved by the Council in April 2020.

2.39 Work on the Orkney Harbours Masterplan Phase 1 projects of Scapa Deep Water Quay and Hatston Reclamation and Pier Extension are currently being developed and worked on by the Council. National Planning Framework 4 identifies developments supporting the new Scapa Deep Water Quay and the Orkney Logistics Base at Hatston which support services for the renewable and marine energy and shipping sectors under the national development for "Energy Innovation Development in the Islands".

2.40 At present the only planning application to have been submitted (in November 2022) relevant to the Orkney Harbours Masterplan is the A961 road diversion at Deepdale. This realigns the main road and would allow an access road for Scapa Deep Water Quay to be made. Planning applications for both the Deep Water Quay and Hatston Pier extension projects are expected to be submitted later in 2023.

2.41 We continue to have regular annual liaison meetings with key agencies (SEPA, NatureScot, Historic Environment Scotland, Scottish Water, Marine Scotland) and specific stakeholders such as architects/builders and the fish farming industry.

2.42 The Planning Service is assuming a leading role in reviewing the mechanisms to achieve increased economic benefit from the Heart of Neolithic Orkney World Heritage Site. The Planning Service has worked closely with Historic Scotland in the development of the [Heart of Neolithic Orkney World Heritage Management Plan 2014-19](#) launched in April 2014, and the Development and Marine Planning Manager is the joint Chair of the Management Board. A review of the Management Plan commenced in 2021 and a finalised Plan is expected to be presented to Council for approval before the end of 2023.

2.43 A strategic masterplan for the World Heritage Site, looking in particular at key issues such as long-term visitor management, infrastructure provision and upgrades was approved by the Council in April 2019. The World Heritage Site Masterplan identifies five key projects for development – orientation centre; vehicle access and parking; footpath and active travel networks; interpretation facilities and other miscellaneous projects including charging points for electrical vehicles and was approved by the Council in April 2019.

2.44 In June 2019 the Council, Historic Environment Scotland and Highlands & Islands Enterprise signed a Memorandum of Understanding to conserve the Heart of Neolithic Orkney World Heritage Site and enhance the visitor experience for tourists and local people. Designed to work alongside the existing World Heritage Site Management Plan, the

Partnership, in consultation with industry and other stakeholders looked at areas including visitor flow management, infrastructure and connectivity.

2.45 The resultant Orkney World Heritage Site Gateway Programme looks to introduce a range of co-ordinated initiatives across the World Heritage Site and is being funded by the [Islands Growth Deal](#) – a ten year investment programme jointly funded by the UK and Scottish Governments and the three islands councils and other public/private sector partners. Following public consultation in October 2020 and September 2021 for the project proposals and accompanying Strategic Environmental Assessment an Outline Business Case for the Orkney Gateway Programme was submitted and approved by the Islands Deal Project Board in December 2021. The Full Business Case is currently being developed.

2.46 We are working in partnership with NatureScot and the Royal Society for the Protection of Birds to develop the [Orkney Native Wildlife Project](#) which is aimed at safeguarding Orkney's native wildlife by addressing the urgent issue of invasive non-native stoats.

c. Governance

Corporate Matters

2.47 In Summer 2021, the Council's senior management team considered the emerging context for the Council and proposed a delivery plan providing coordinated effort on critical collective priorities. The Our People, Our Plan (OPOP) programme, with its leadership focus on seven key areas, has been designed to create the capabilities needed for a strong and successful future.

2.48 Acknowledging the need for clarity of purpose and alignment of organisational effort and resources, OPOP was developed as the flagship programme around which the senior management team would drive progress on those priorities contained within the approved Council Plan that are considered to be most critical to the future. These priorities have been articulated through seven key outcomes set out in the OPOP programme.

2.49 Priorities 1-3 have an internal focus and are designed to stimulate tangible progress on developing people and improving performance. Priorities 4-7 are outward focused with an emphasis on accelerating the creation of infrastructure that will remove existing barriers and improve life chances for existing residents of Orkney, facilitate inward migration and support economic growth.

2.50 In December 2021 as part of the introduction of a new Operating Model the Council approved a revised corporate management structure. The new structure was designed to reshape and rebalance the senior management team and provide the necessary capability and capacity to implement the new Council priorities. As part of the restructure the Planning Service is now based in a new Neighbourhood Services and Infrastructure Directorate along with Roads, Estates, Property, Waste, Quarry and IT services.

2.51 The Council approved in February 2023 a revised [Council Plan](#) for the period 2023 to 2028 including a supporting Delivery Plan. The plan has three identified 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.

2.52 The Council declared a climate emergency in 2019. Duties related to climate change are part of the remit of the Planning and Community Protection service with the Climate Change Strategy Officer being a member of the Development and Marine Planning team.

2.53 Key actions identified in the Council Plan which the Climate Change Strategy Officer will lead on include undertaking an evaluation of baseline data relating to the Council's carbon emissions and the development of the Council Climate Change Strategy and Action Plan.

2.54 The Council completed and submitted to the Scottish Government its annual Climate Change Duties Report summarising the actions undertaken by the Council to fulfil its climate change duties in November 2022. The Council also signed the Edinburgh Declaration in April 2021 to show political support for global action on biodiversity conservation.

2.55 A comprehensive review of the Council's [Schemes of Administration and Delegation](#) was completed and approved in May 2021. The Scheme of Administration was updated to reflect the delegation of marine planning functions to the Council from Scottish Ministers. Regarding the determination of planning applications an additional category of application which cannot be determined by officers covering the Chief Executive, elected members and Planning Service staff has been added. This is intended to mitigate against perceived conflicts of interest and implements a recommendation contained in an independent review of a complaint in respect of the Planning Service. Amongst other new elements added to the 2.56 Scheme of Delegation to officers is the authority to allow officers to refuse to determine an application that has been submitted with the same detail as an application that has been refused (repeat applications). A further review of the Scheme is planned for 2023.

2.57 In September 2021 the Council agreed governance arrangements which require to be put in place to enable the Council to comply with its statutory duties relating to whether an Island Communities Impact Assessment was required in relation to any policy, strategy or service.

Community Planning

2.58 The [Orkney Community Plan/Local Outcomes Improvement Plan 2023-2030](#) prepared by the Orkney Partnership Board was approved by the Council in February 2023. The Partnership Board agreed that the Plan should be for seven years so that the end of the Plan matched the target date it had set for the county to reach net-zero carbon emissions. The updated Plan has established three new strategic priorities covering;

- **cost of living** – to co-ordinate an agile response to the cost-of-living crisis, supporting both immediate need and longer-term prevention of poverty and disadvantage;
- **local equality** - to improve the viability of Orkney's most disadvantaged communities by levelling up the availability of services, facilities and opportunities, and
- **sustainable development** – to exploit the synergy between the development of a wellbeing economy and combating the climate emergency.

2.59 Three delivery groups have been established to Delivery Plans for each strategic priority. Planning Service staff play a major role in delivering the outcomes of the Sustainable Development Delivery Group which 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.

Elected Members

2.60 We have a Planning Committee dedicated to dealing with planning applications which meets on a 4 to 6 weekly basis except in August which is the Members recess. The number of planning applications delegated to officers at 93.8% is lower than the Scottish average of 96.4%, and a reduction from the Orkney delegation rate of 95.6% in 2021/22. The approval rate in Orkney has remained similar, rising from 95.6% in 2021/22 to 96.1% In March 2015 the Council commenced audio casting council committee meetings, including Development and Infrastructure meetings, which cover planning policy matters. In March 2019 the Council agreed that audio casting provision be extended to include meetings of the Planning Committee and the Local Review Body. The first live audio casts of meetings of the Planning Committee took place on 1 October 2019 and the Local Review Body on 22 January 2020.

2.61 A separate Development & Infrastructure Committee deals with all development and marine planning policy issues and meets 5 times per year.

2.62 We adopted a policy of undertaking site inspections for all local review cases in June 2014, in order to reduce delays in the decision-making process. The Local Review Body now meets as and when required with site inspection undertaken on the same day as the meeting. The average time for determining local review cases was 9.3 weeks compared to 11.5 weeks in 2021/22.

2.63 We have a Planning and Community Protection Consultative Group which is a member/officer Working Group set up to provide a less formal forum to discuss in particular, progress with the Local Development Plan and other Plans falling within the remit of the service, as well as other performance related matters. This allows open discussion between Members and Officers and helps guide the strategic direction and policy approach of the various plans. The Group met once during 2022/23 discussing the Planning Performance Framework and Development Management Guidance on Financial Involvement in Wind Turbines. Members of the Planning team also participate in two other member/officer working groups – Climate Change Consultative Group and the Orkney Energy Strategy Stakeholder Group.

Management/Inter-disciplinary Working

2.64 We have a fully integrated planning service under a single Head of Service post with 2 Service Managers - one covering Development Management and the other responsible for Development and Marine Planning.

2.65 There are effective communication channels in place from the Corporate Leadership Team, Extended Corporate Leadership Team, Directorate, Heads of Service down to individual teams. Planning and Community Protection Managers meet on a quarterly basis with Development Management and Development & Marine Planning team meeting every 2 months. We hold a 6 monthly Development & Infrastructure Managers Away Day to improve cross-service communication and awareness of cross cutting projects and professional capabilities. Leadership Forum meetings involving all Council service managers are also held on a regular basis.

2.66 The Planning Service is a key member of the Orkney Housing Market Partnership which oversees the development of the Housing Need and Demand Assessment and the Local Housing Strategy; and the Sustainable Travel Group which plans the development of active travel projects. Regular meetings are also held between the Planning and Marine Services teams and between the Planning and Project Development teams.

2.67 There is a close working relationship between Development Management and Building Standards functions. In order to assist with the monitoring of planning conditions we are using Building Inspectors to undertake a limited role in checking pre-commencement conditions in respect of access roads for developments of up to 4 houses and the demolition of existing derelict or ruinous buildings.

Responding to Complaints

2.68 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. In 2022/23 we received one “Stage 2” complaint about the Planning Service, relating to:

- Failure to take adequate and timely planning enforcement action in relation to a complaint from a member of the public.

2.69 Following the conclusion of the complaints investigation the following improvement actions will be included in the next review of the Planning Enforcement Charter to provide additional and improved guidance on the standards of service that can be expected when enquiries are made about unauthorised developments:

- A priority system is introduced for investigating planning enforcement complaints based on matters such as the nature and effect of the breach of planning control and the relative significance of the site – breaches of planning should be categorised as “High”, “Medium” or “Low” with appropriate response time for inspections/investigations to be undertaken. A “High” priority should be afforded to a breach of planning control which has a significant detrimental impact on residential amenity.
- Where a breach of planning control is dealt with through informal action, a target of 6 months from the date that the initial query is registered, is to be established to conclude the case. If the case is not concluded within the 6 month target an update will be provided to the complainant by the appropriate officer.
- The introduction of suitable service performance indicators to provide commitment to a measurable level of performance that the public can expect under normal circumstances.

2.70 There were no complaints submitted to the Scottish Public Services Ombudsman during the period.

Budget Monitoring

2.71 We operate a monthly budget monitoring system which ensures managers are well aware of budgetary positions. Quarterly Revenue Expenditure Monitoring Reports on each service are presented to service committees on a quarterly basis. The Planning Service is represented on the Capital Planning and Asset Management Team established to monitor the Council’s Capital Programme and improve procedures for the future delivery of the programme.

2.72 Following the introduction of the power in The Town and Country Planning (Fees for Applications) (Scotland) Regulations 2022 to levy a surcharge of up to 25% on retrospective applications, the Council have introduced this new charge as from 1 April 2023.

Addressing Priority Areas

2.73 Due to a continuing high number of planning applications submitted with an accompanying Environmental Impact Assessment, and lacking staff resources within the service to undertake detailed assessment of EIA applications, we have employed an environmental consultant to undertake peer review assessments. The first review of an EIA accompanying a minerals major planning application was in December 2019 and subsequent assessments have been provided on multiple EIA-related submissions, including during 2022/23: full assessments of EIA Reports for three aquaculture developments and two wind farms; screening opinion requests for two quarries, three wind farms, two fish farms, and road infrastructure; a scoping opinion request for a wind farm, and also advice in relation to discharge of conditions for a minerals and a wind farm EIA development. The use of a consultant allows a quick response to submissions, even where multiple applications are received simultaneously across a wide range of industries, in response to the high volume of EIA-related submissions.

Streamlined Procedures

2.74 A process for streamlining the procedure for the [preparation of Planning Policy documents](#) was agreed by the Council in February 2017. The revised procedure has reduced the number of draft documents being presented to committee for formal approval prior to public consultation. This has reduced the volume of reports being presented to elected members as well as reducing the timescales for the preparation and approval of planning documents.

2.75 In order to address overly bureaucratic governance procedures that were seen to be a barrier in terms of recruitment and retention of staff greater delegated authority has been approved by the Council in March 2022 to be provided to officers in regard to the establishment of new or additional permanent posts and temporary posts.

d. Culture of Continuous Improvement

Improvement Plans

2.76 Following feedback received from stakeholders regarding aspects associated with planning services, primarily their individual experiences in relation to specific planning applications, an Independent Review of the Planning Service was commissioned in Spring 2020. The review focussed on customer care aspects, performance levels and relevant internal and external practices and procedures. The review concluded that the Planning Service was a high performing service providing good outputs and examples of good practice but with some fine-tuning adjustments to be made to some practices and procedures. The report made a number of recommendations which were developed into a Management Improvement Action Plan which is being implemented by the Planning Service management team.

2.77 A progress report on the implementation of the Action Plan was presented to the Development and Infrastructure Committee in February 2022 when it was noted that of the 22 improvement actions detailed in the plan, 11 had been completed, 9 were substantially completed and would be fully completed by the end of June 2022. Work on two actions is still to be commenced - (a) the designation of the role of the Chief Planning Officer which will be progressed once guidance on this new statutory role is published by the Scottish

Government; and (b) a Design Guide for Housing in the Countryside which will be incorporated into the review of the Local Development Plan.

Service Plans

2.78 The Development and Infrastructure Service Plan (2019-22) was approved in September 2019 and as well as identifying Council level improvements and developments within the Council Delivery Plan also identifies agreed service priorities for the Planning Service to be progressed within agreed budgets and within the life of the service plan. All the Planning actions have been completed and a new Neighbourhood Services and Infrastructure Directorate Delivery Plan 2023-28 will be developed in Summer 2023.

2.79 The Planning Performance Framework is reported to the Planning and Community Protection Consultative Group which includes members of the Development and Infrastructure and Planning Committees.

Performance Indicators

2.80 Key performance indicators relating to the Planning Service are monitored and reported to the Development and Infrastructure Committee every 6 months. These relate to the decision times to determine planning applications for local and major developments and the age of the Local Development Plan. As part of the preparation of the new Directorate Delivery Plan a review of performance indicators is to be undertaken.

2.81 The Local Government Benchmarking Framework Indicators relevant to the Planning Service were considered by the Development & Infrastructure Committee in April 2021. These covers the cost of the planning and building standards services per planning application and the extent of immediately available employment land in the Local Development Plan.

2.82 The IDOX Enterprise module is used to assess performance and workloads in the Development Management service.

Staff Training and Development

2.83 The Council's workforce strategy - People Plan 2022-26 - was approved by the Council 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.

2.84 In terms of implementing the plan, the Council achieved the Investors in People (Standard) Award for the first time in January 2023 and proposals are also being developed for a staff recognition scheme.

2.85 As part of 'Our People Our Plan' and following a significant staff consultation exercise carried out in 2022 the Council adopted a set of working values for all staff. The staff values

are the principles that provide purpose and direction and help manage interactions with the public and guide the way in which staff interact with each other. The values are:

- **People:** We put our colleagues and our communities at the heart of everything we do.
- **Unity:** We are one Council and achieve more when we support, encourage and value each other.
- **Trust:** We trust, respect and empower each other and act with honesty and integrity.
- **Ownership:** We take personal and shared responsibility, are transparent, and are accountable for our actions and our impact.
- **Creativity:** We embrace innovative solutions with a drive to improve ways of working.

2.86 It is anticipated that the staff values will be incorporated into team meetings, staff induction, recruitment to the organisation and annual employee review meeting with managers.

2.87 The Council's Employee Review and Development system has been implemented within the Planning service with all staff being appraised on an annual basis. All Planning staff attend regular training events or seminars/conferences/forums that contribute to Continuing Professional Development (CPD).

Elected Members Training

2.88 With the Council elections having taken place in May 2022 and the need to ensure that elected members were adequately trained in Planning matters a series of training sessions and workshops was held during 2022/23 to provide members with an understanding of relevant planning principles, policies and legislation. This included the following:

- Planning Induction seminars attended by all councillors held on 26 and 27 May 2022 and facilitated by an external trainer covering all aspects of Planning.
- Visit by members of the Planning and Development & Infrastructure committee to an operating fish farm in Scapa Flow to gain an understanding of the operation of a fish farm including planning and development issues.
- Follow-up workshops held with all councillors on 12 and 25 January 2023 (a) to provide elected members and officers with an open forum to reflect on their experience of the operation of the Planning Committee/Local Review Body during the first 6 months of the new Council; and (b) to provide an opportunity for informal discussion on current planning policy issues and look forward to the review of the Local Development Plan.
- Seminar to provide information on the Orkney Islands Marine Region: Finfish Farming Spatial Guidance - Consultation Draft held with all councillors on 16 March 2023.

Enforcement

2.89 The enforcement function of the Planning Service has suffered from vacancy in the sole Planning Control Officer post, and the post has been largely vacant for four years other than a few months during 2021. As a result, enforcement cases backed up, reaching a peak of nearly 250 open enforcement cases. With the post being filled in January 2023 it was decided to undertake a review of the enforcement function using an external planning enforcement consultant to assist the new officer and ensure the robustness of the service for future years.

Case Study 3: Review of Planning Enforcement function	
Location and Dates:	
Orkney 2022/23	
Elements of a High-Quality Planning Service this study relates to:	
<ul style="list-style-type: none"> • Culture of Continuous Improvement 	
Key Markers	
<ul style="list-style-type: none"> • Enforcement Charter 	
Key Areas of Work	
<ul style="list-style-type: none"> • Enforcement 	
Stakeholders Involved	
<ul style="list-style-type: none"> • Planning Staff 	<ul style="list-style-type: none"> • Planning Enforcement consultant
Overview:	
<p>As noted elsewhere in the report, the enforcement function of the Planning Service has suffered from vacancy in the sole Planning Control Officer post, and the post has been largely vacant for four years other than a few months during 2021. As a result, enforcement cases backed up, reaching a peak of nearly 250 open enforcement cases. These comprised a mix of public enforcement complaints, alleged breaches of planning control raised by planning officials, other Council employees or Elected Members, and breaches of planning condition relating to approved development.</p> <p>The Planning Control Officer post was filled in January 2023, and in conjunction with a post-holder, a review of the enforcement function was carried out. A planning enforcement consultant was commissioned at the core of this review, to ensure robustness of process for future cases, to assist with managing the backlog, and to ensure the new post-holder had an up-to-date range of documents available.</p>	
Goals:	
<p>To review the Planning Enforcement Charter - The first part of the review was in relation to the Planning Enforcement Charter. This is up to date, having been adopted by the Council in February 2022; however, further updates have been</p>	

suggested and which will be integrated in the next review of the Charter. This will likely be in advance of the required two-year interval. As noted elsewhere in this report, this tied in with the conclusion of a complaints investigation and a priority system will be introduced for investigating planning enforcement complaints based on matters such as the nature and effect of the breach of planning control and the relative significance of the site, with complaints prioritised as 'High', 'Medium' or 'Low, with appropriate response times for inspections/investigations to be undertaken.

To contribute to update of the Scheme of Delegation - The Council's Scheme of Delegation was under review, and the enforcement consultant recommended additions and clarifications to be included in the Scheme of Delegation. Critically, this included inclusion of delegated powers to close enforcement cases where a breach of planning control is identified and has not been remedied, but where it is not expedient in the public interest to pursue enforcement action. This was considered an important inclusion, alongside delegation to serve notices or take other action.

To ensure a consistency and robustness in reaching conclusions on the public interest test - In conjunction with the above delegated powers, to ensure a consistency and robustness in reaching conclusions on the public interest test, the enforcement consultant conjunction with Planning Service developed an Expediency Report template. This has become a key document used by the Planning Control Officer in every case, ensuring a proportionately detailed assessment of every case, including in relation to relevant planning policies, site history, and other material considerations, and results in a recommendation by the Planning Control Officer. This Expediency Report recommendation is then authorised by the Service Manager or Senior Planner before the case is closed or action taken. This aligns the enforcement process with the determination of applications, which requires a review and authorisation in every case, for robustness and consistency.

Undertake a Review of Enforcement Templates - The enforcement consultant also reviewed all templates used by the Planning Control Officer, including the templates for all types of notice, fixed penalty, etc. This includes requisition for information notices, and has increased efficiency in initial contact from the planning authority, avoiding the need for initial correspondence and a follow-up notice, but combining both with a new, efficient and procedurally correct notice template. Where an enforcement notice is required, that template has also been updated. As well as improving efficiency as each template is prepared, ready to complete, it also helps ensure that enforcement notices cannot be challenged/appealed on technical grounds.

Outcomes:

The combination of improvements to the enforcement function has improved efficiency and consistency, resulted in process improvement, and related performance monitoring as the backlog and all the new and current enforcement cases are managed and resolved.

Names of Key Officers

Jamie Macvie, Service Manager, Development Management
Rikki Lidderdale, Planning Control Officer

Benchmarking Best Practice

2.90 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.

3. Supporting Evidence

3.1 Part 2 of this report was compiled, drawing on evidence from the following sources:

- [Planning, Development & Infrastructure](#), and [Policy & Resources](#) Committee reports;
- Orkney Community Plan - [Orkney Community Plan/Local Outcomes Improvement Plan 2023-2030](#)
- The [Council Plan 2018-2023](#) and the [Council Delivery Plan 2018-2023](#)
- [Development and Infrastructure Service Plan \(2019-March 2022\)](#);
- [Service Plan Monitoring Reports](#)
- [Development Plan Scheme 2021](#)
- [Orkney Local Development Plan](#)
- [Orkney Local Development Plan 2017 – Action Programme](#)
- [Planning Enforcement Charter](#)
- Planning Managers meetings; and
- Orkney Islands Council [Performance Information](#)

Qualitative Narrative and Case Studies

Case Study Topics	Issue covered by case study (pg no.)	Case Study Topics	Issue covered by case study (pg no.)
Design		Interdisciplinary Working	
Climate change		Collaborative Working	
Conservation		Community Engagement	Case Study 2, page 11
Biodiversity		Placemaking	
Regeneration		Design Workshops/ Charrettes	
Environment	Case Study 1, page 7	Place Standard	
Greenspace		Performance Monitoring	
Town Centres		Process Improvement	
Masterplanning		Project Management	
Local Develop Plan & Supplementary Guidance		Skills Sharing	
Housing Supply		Staff Training	
Affordable Housing		Online Systems	Case Study 2, page 11
Economic Development	Case Study 1, page 7	Data and Information	Case Study 2, page 11
Enforcement	Case Study 3, page 24	Digital Practice	
Development Management Processes		Transport	
Planning Applications		Active Travel	
Other: Aquaculture Case Study 1, page 7			

Performance Markers Report

Key Marker	Previous R.A.G. Rating 2021/22	Source or Evidence
DRIVING IMPROVED PERFORMANCE		
1. Decision making: continuous evidence of reducing average timescales for all development types		Part 1 – para 1.6-1.7 Part 2 – para 2.20-2.25 Part 3 – Service Improvements Part 5 – NHI Table pages 32-35 Part 6 – Official Statistics, Table A, page 36
2. Processing agreements: offer to all prospective applicants for major planning applications <u>and</u> availability publicised on website		Part 2 – para 2.20-2.25 Part 5 – NHI Table pages 32-35
3. Early collaboration with applicants and consultees on planning applications: <ul style="list-style-type: none"> • availability and promotion of pre-application discussions for all prospective applications • clear and proportionate requests for supporting information 		Part 2 – para 2.20-2.25 Part 5 – NHI Table pages 32-35
4. Legal agreements: conclude (or reconsider) applications within 6 months of 'resolving to grant		Part 6 – Official Statistics, Table A, page 36
5. Enforcement charter updated/re-published within last 2 years		Part 2 – para 2.34, 2.69, 2.89 Part 5 – NHI Table pages 32-35
6. Continuous improvements: <ul style="list-style-type: none"> • progress ambitious and relevant service improvement commitments identified through PPF report 		Part 2 – paras 2.20-2.25 Part 4 – Service Improvements Part 5 – NHI Table pages 32-35 Part 6 – Official Statistics, Table A, page 36
PROMOTING THE PLAN-LED SYSTEM		
7. Local Development Plan less than 5 years since adoption		Part 1 – para 1.7 Part 2 – paras 2.1, 2.13, 2.16 Part 5 – NHI Table pages 32-35

<p>8. Development plan scheme demonstrates next LDP:</p> <ul style="list-style-type: none"> on course for adoption within 5-year cycle project planned and expected to be delivered to planned timescale 		<p>Part 1 – para 1.7 Part 2 – paras 2.1, 2.13, 2.16 Part 5 – NHI Table pages 32-35</p>
<p>9. Stakeholders including Elected Members, industry, agencies, the public and Scottish Government are engaged appropriately through all key stages of development plan preparation</p>	N/A	<p>Part 2 – paras 2.4, 2.5, 2.13, 2.16, 2.63, 2.88</p>
<p>10. Policy Advice - Production of relevant and up to date policy advice</p>		<p>Part 2 – paras 2.6, 2.26-2.33</p>
<p>SIMPLIFYING AND STREAMLINING</p>		
<p>11. Corporate working across services to improve outputs and services for customer benefit (e.g. protocols; joined-up services; single contact; joint pre-application advice)</p>		<p>Part 2 – paras 2.13-2.16, 2.38-2.46, 2.47-2.54, 2.58-2.59, 2.66-2.67</p>
<p>12. Sharing good practice, skills and knowledge between authorities</p>		<p>Part 2 – paras 2.2-2.5, 2.7-2.8, 2.32-2.33, 2.90</p>
<p>DELIVERING DEVELOPMENT</p>		
<p>13. Stalled sites/legacy cases: conclusion or withdrawal of planning applications more than one-year-old</p>		<p>Part 5 – NHI Table pages 32-35</p>
<p>14. Developer contributions: clear and proportionate expectations</p> <ul style="list-style-type: none"> set out in development plan (and/or emerging plan,) and in pre-application discussions 		<p>Part 2 – paras 2.26</p>

4. Service Improvements: 2022-2023

4.1 In the coming year we will:

- i. Implement the IDOX Enterprise Case Management system for Development Management.
- ii. Publish the Local Development plan Scheme outlining the programme for the review of the Local Development Plan.
- iii. Undertake early and detailed engagement with elected members on the review of the Local Development Plan.
- iv. Undertake a review of planning application validation processes/guidance.
- v. Following on from publication of National Planning Framework 4, develop updated guidance in respect of Biodiversity and Business Development in the Countryside.
- vi. Complete a Development Brief covering a number of key housing sites in Stromness.
- vii. Undertake a comprehensive consultation exercise on the draft Regional Marine Plan.
- viii. Undertake a comprehensive review of the Scheme of Administration/Delegation in relation to Planning.
- ix. Undertake a review of indicators used to monitor and report on the performance of the Planning Service.
- x. Consider, assess and appoint to the role of Chief Planning Officer following the publication of Scottish Government guidance.

Delivery of our service improvement actions in 2021-22:

4.2 In terms of the specific commitments made in last year's PPF four out of the five service improvement actions have been completed with the remaining action delayed due to external factors outwith the control of the service.

Committed improvements and actions	Complete?
<p>Quality of Outcomes</p> <p>N/A.</p>	<p>N/A</p>
<p>Quality of Service and Engagement</p> <p>1. Re-introduce the free face-to-face pre-application advice service provided by Development</p>	<p>Completed</p>

<p>Management to the public after this service was interrupted due to the Covid pandemic.</p>	
<p>Governance</p> <p>2. Consider, assess and appoint to the role of Chief Planning Officer (as set out in the Planning Act 2019 as a statutory requirement)</p> <p>3. Recruit to a number of vacant posts in the Planning Service which have been delayed pending the review of cross-Council management structures and staffing resources which was approved in April 2022.</p>	<p>Delayed pending publication of Scottish Government guidance.</p> <p>Completed</p>
<p>Culture of Continuous Improvement</p> <p>4. Provide comprehensive training and induction sessions for elected members following the Council elections in May 2022.</p> <p>5. Review existing local performance monitoring indicators for the Planning Service to confirm that they remain relevant and consider any other new indicators which may be appropriate.</p>	<p>Completed</p> <p>Completed</p>

5. National Headline Indicators

a) Development Planning

Key Outcomes	2022/2023	2021/2022
Age of Local Development Plan (years and months) at end of reporting period	5 years and 11 months	4 years and 11 months
Will the local development plan be replaced by its 5 th anniversary according to the current development plan scheme?	No	No
Has the expected date of submission of the plan to Scottish Ministers in the development plan scheme changed over the past year?	Not applicable	Not applicable
Were development plan scheme engagement/consultation commitments met during the year?	As per 2021/22	No major commitments were made pending the publication of the Development Planning Regulations and National Planning Framework 4

Effective Land Supply and Delivery of Outputs		
	2022/2023	2021/2022
Housing approvals	93 units	163 units
Housing completions over the last 5 years	662 units	657 units
Marketable employment land supply	65ha	65ha
Employment land take-up during reporting year	1ha	3ha

b) Development Management

Project Planning		
	2022/2023	2021/2022
Percentage and number of applications subject to pre-application advice	42% (based on everything received)	60%
Percentage and number of major applications subject to processing agreement or other project plan	0	0

Decision Making		
Application approval rate	96.1%	95.6%
Delegation rate	93.8%	96.5%
Validation	35% valid on receipt	30.0% valid on receipt
Decision-making Timescales		
Average Number of Weeks to a decision:		
Major Developments	20.3	15.7
Local Developments (non- householder)	10.8	9.4
Householder Developments	7.5	6.5
Legacy Cases		
Number cleared during reporting period	2	1
Number remaining	2	1

c) Enforcement Activity

Enforcement activity		
	2022-23	2021-22
Time since enforcement charter published/reviewed (full years)	1 year, 1 month	Latest - March 2022 Enforcement Charter
Complaints lodged and investigated	60 new enquiries or complaints logged (34 internally generated)	83 new enquiries or complaints logged (26 internally generated)
Breaches identified – no further action taken	All 60 subject to initial investigation; 19 closed without further action	All 83 subject to initial investigation and confirmed as a breach
Cases closed	44	33
Notices served	28	6
Direct Action	0	0
Reports to Procurator Fiscal	0	0
Prosecutions	0	0

d) NHI Key outcomes - Commentary

Commentary
<p><u>Development Planning</u></p> <p>The current Development Plan Scheme 2021 was approved by the Council in February 2021. It noted that until the publication of the Development Planning Regulations and</p>

National Planning Framework 4 the future work programme was difficult to define. However it is proposed that during 2021/22 there will be (a) continued engagement with the Scottish Government on the emerging NPF4, development of secondary legislation; (b) commencement of early engagement with communities and planning stakeholders in Orkney on the future direction of planning policy; (c) consideration of matters to be included in the development of an Evidence Report for the new Local Development Plan and (d) a review of the current hierarchy of local planning guidance including the requirement for development briefs. This is helping to inform how the Council can support other communities wishing to undertake a Local Place Plan when we formally invite them if they wish to prepare one as part of the review of the Local Development Plan.

Development Management

The average decision time for householder applications increased from 6.5 weeks in 2021/22 to 7.5 weeks in 2022/23. However, this remains better than the Scottish average of 8.9 weeks. This slight increase is explained by two main reasons – firstly, due to pressure on staff resources, the posts within Development Management which manage householder applications were required to undertake the assessment of larger and more complex applications, and were less focused on householder applications as in previous years. Secondly, as referenced elsewhere, even householder applications often require consultation requests, including from the roads authority in relation to road safety, and the delays in consultation responses across all application types inevitably affected decision times. Despite these pressures, householder application determination times remain head of the Scottish average as noted above.

The figure for all local development was 9.8 weeks, also better than the Scottish average of 11.5 weeks. It should be noted that development overall figure includes determination of three EIA developments, compared to none during 2021/22.

EIA caseload had a significant impact on staff resources, with developments under consideration for aquaculture, wind energy, minerals, road infrastructure, and port and harbour infrastructure. Significant resources have been required for EIA-related work, including adopting eight screening opinions, two scoping opinions, and consideration of five planning applications with EIA. Even with the assistance of an environmental consultancy as described above, given the relatively small size of the Development Management team, it is a challenge to manage resources when multiple large applications are submitted on top of the normal application caseload, often without advance notice. Post-determination requirements were also notable during 2022/23, not least considering information submitted to discharge planning conditions attached to a major minerals approval which commenced during 2022, and a wind farm which is seeking to clear all pre-commencement requirements.

Aquaculture development continues to require significant resources generally, including over the reporting period, including marine prior notifications, and marine consultations from Marine Scotland. That can require significant staff time and specialist knowledge.

Development Management also has responsibility to carry out Habitats Regulations Appraisals and Appropriate Assessment, and Regulation 62 applications, which will often require periods of significant officer time and specialist knowledge.

It is notable that this demand has been managed alongside normal caseloads while maintaining overall figures and timescales better than the Scottish average. Whilst the

environmental consultants provide additional specialist support, cases of course still have to be managed by the case officers.

There is a continued lack of uptake by developers of processing agreements, despite their use being promoted. This is likely due to the relatively small pool of agents and developers that carry out most work within Orkney. Development Management maintains an open relationship with the construction industry, both agents and contractors, generally through advice, and also in relation to progress or complications with submitted applications, so that availability and willingness to provide updates by the Council will provide many of the assurances that developers elsewhere would seek through a processing agreement.

The listed building stock in Orkney and the relatively high numbers of properties located within conservation areas result in significant resources being allocated to historic environment advice provided by Development Management.

Enforcement

Having been vacant for almost four years (other than a few months in the middle), the Planning Control Officer post was filled in January 2023, and having the post filled after a long absence led to an upturn in the number of cases reported. Given the often-critical timescales attached to enforcement cases, once investigation or action has commenced, and the lack of resource available to pursue enforcement cases in the absence of a dedicated Planning Control Officer, practice was to pursue only the most urgent cases, and so the new postholder entered a backlog of over 200 enforcement cases

However, the Planning Control Officer brought a new efficiency in managing the caseload, even in his first three months in post (the final three months of this reporting period).

The nature of enforcement cases is that they often run into following reporting periods before able to be closed (for example, investigation, service of notice, and several months as a compliance period).

44 cases were closed during the reporting period, almost entirely at the end of the reporting period as noted above, an increase from 33 during 2021/22. Most were closed through negotiation and compliance, but the post being filled also saw an increase in the number of notices served.

The Planning Service continues to be proactive in engaging with local estate agents, advising on properties before they are offered for sale, particularly in the conservation areas and listed buildings. This has not only improved the accuracy of sales particulars, in terms of correct designations, but has prompted enforcement being pursued at the point of sale as a pertinent time to secure regularisation of unauthorised works.

Further details regarding changes in the enforcement function are included in a case study.

6. Scottish Government Official Statistics

A: Decision-making timescales (based on “all applications” timescales)

Category	Total number of decisions 2022-2023	Average timescale (weeks)	
		2022-2023	2021-2022
Overall			
Major developments	1	20.3	15.7
Local developments (non-householder)			
<ul style="list-style-type: none"> Local: less than 2 months 	55 (32.7%)	7.2	6.9
<ul style="list-style-type: none"> Local: more than 2 months 	113 (67.3%)	12.6	12.6
Householder developments			
<ul style="list-style-type: none"> Local: less than 2 months 	60 (82.2%)	6.7	6.2
<ul style="list-style-type: none"> Local: more than 2 months 	13 (17.8%)	11.2	11.7
Housing Developments			
Major	1	20.3	0
Local housing developments			
<ul style="list-style-type: none"> Local: less than 2 months 	23 (25.8%)	7.5	7.3
<ul style="list-style-type: none"> Local: more than 2 months 	66 (74.2%)	13.3	11.4
Business and industry			
Major	0	0	0
Local business and industry			
<ul style="list-style-type: none"> Local: less than 2 months 	14 (37.8%)	7.0	6.4
<ul style="list-style-type: none"> Local: more than 2 months 	23 (62.2%)	12.2	14.8
EIA developments	3	37.2	0
Other consents*	13	6.6	7.4
Planning/legal agreements**	0	0	0
<ul style="list-style-type: none"> Major: average time 	N/A		N/A
<ul style="list-style-type: none"> Local: average time 	N/A		N/A

* Consents and certificates: Listed buildings and Conservation area consents, Control of Advertisement consents, Hazardous Substances consents, Established Use Certificates, certificates of lawfulness of existing use or development, notification on overhead electricity lines, notifications and directions under GPDO Parts 6 & 8 relating to agricultural and forestry development and applications for prior approval by Coal Authority or licensed operator under classes 60 & 62 of the GPDO.

** Legal obligations associated with a planning permission; concluded under section 75 of the Town and Country Planning (Scotland) Act 1997 or section 69 of the Local Government (Scotland) Act 1973

B: Decision-making: local reviews and appeals

Type	Total number of decisions	Original decision upheld			
		2022-2023		2021-2022	
		No.	%	No.	%
Local reviews	7	3	42.9	5	50
Appeals to Scottish Ministers	3	0	0	1	50

7. Workforce Information

	Tier 1	Tier 2	Tier 3	Tier 4
Head of Planning Service			1.0	

Staffing Age Profile	Headcount
Under 30	3
30-39	7
40-49	7
50 and over	7

RTPI Chartered Staff	Headcount
Chartered Staff	8

Planning Service

The Planning Service is incorporated within the Planning and Community Protection Service which also includes, Building Standards, Environmental Health, and Trading Standards. There are two distinct teams within the Planning Service each with a separate manager - Development Management, including Enforcement and Development and Marine Planning which covers marine and terrestrial planning policy. There are 12 posts in the Development Management team and 12 in the Development & Marine Planning function plus the post of Sustrans Senior Project Officer (Active Travel) which is embedded within the Council. There are currently 2 vacant posts in the service – Assistant Technician and a temporary post of Graduate Planner/Planning Officer, both in the Development Management team.

8. Planning Committee Information

Committees & Site Visits	No. per year (2022-23)
Full Council committees	0
Planning Committees	7
Area Committees (where relevant)	n/a
Committee site visits	0
Local Review Body	6
Local Review Body site visits	9

9. Planning Services Structure

