

PE1518/B

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In 2014 Scotland Welcomes the World



Your ref: PE 1518
Our ref: A8981382
1 August 2014

Dear Mr Howlett

CONSIDERATION OF PUBLIC PETITION [PE1518](#)

Calling on the Scottish Parliament to urge the Scottish Government to clearly define, for the sake of good order within the planning system, the criterion which allows developers to ignore or avoid the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009, with particular regard to Major Development applications.

Thank you for your letter of 24 June about the above.

I should emphasise at the outset that the Scottish Government does not support the dividing up of proposals to avoid requirements applying to “major development”, such as pre-application consultation (PAC).

However, we recognise that it is possible within the current arrangements, depending on the circumstances of the case, for an applicant to divide a project into separate applications or phases of smaller size, which do not then trigger some of the additional regulatory requirements, such as PAC.

The petitioner requested that we specify the criteria that allows the requirements triggered by the planning hierarchy (i.e. the distinction between national, major and local development) to be avoided. The point is, however, that requirements such as PAC are attached to the development contained in an application for planning permission and how that development relates to the hierarchy of national, major and local developments, the hierarchy being based in part on thresholds¹. It may be possible, therefore, for applicants to sub divide a larger

¹ Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009 – identifies major developments by virtue of size thresholds.

proposal into separate applications for local development (i.e. under the threshold for major, and avoid certain procedural requirements for major development, such as PAC.

It is not a question of criteria but a fact that given the nature of the system that where a particular proposal can be divided into smaller elements which could constitute separate planning applications a major development could be sub divided into separate applications for local development. It is for the applicant to decide on the content of their application.

We have considered what might be done to alter legislative requirements to remove the opportunities for such avoidance. Even a fairly cursory consideration identifies problems, for example: increasing complexity; increasing uncertainty for applicants and the public; penalising applicants for smaller developments (e.g. by reducing thresholds for major development).

In particular, how to tie legal requirements to what a developer's intentions might be now or in the future or what one suspects they might be, rather than to the content of an application for planning permission, is obviously problematic.

Even giving planning authorities the discretion to require PAC or to apply other procedural requirements would not necessarily offer a clear and consistent solution. I note that in the case highlighted by the petitioner, it is the planning authority's alleged willingness to go along with separate applications that is of concern.

We are not aware that there are significant numbers of applicants who find this practice desirable, whether in terms of cost, uncertainty of outcome on multiple applications or indeed missing the opportunity to get positive public consensus around a project. We do note, however, the information provided by the petitioner in this regard (for interest there were 309 applications for major development in 2013/14).

The petitioner points to paragraph 10 in Circular 5/2009 which refers to there being no discretion for planning authorities to decide what is or is not a major development. When considering requirements like PAC for an application, the authority is looking at whether the development **contained in the application** is a major or local development.

As mentioned in the Committee's discussion, there is a power for Scottish Ministers to direct that a particular local development should be treated as if it were a major development. Ministers have not used this power and it is not the intention to use it routinely. I should point out that where such a direction were made after an application for local development was submitted, this would not require the applicant to withdraw the application and do PAC.

You also asked about a review of the information available on planning authority web sites regarding planning applications. In 2009 we introduced the e-Planning service and new statutory requirements on making information on applications available to the public, including on-line.

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013 and related guidance (Circular 3/2013) contain detailed information on, for example, the content of lists of applications and weekly lists (Regulations 20-22), neighbour notifications (Regulation 18) and planning registers (Schedule 2). There are also separate statutory requirements on publicity and access to environmental statements where the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2011 apply.

As a result, many planning authorities make their planning registers available on-line and searchable and publish weekly lists of new applications on-line.

I include links to the 2013 Regulations and related guidance (Circular 3/2013):

<http://www.legislation.gov.uk/ssi/2013/155/contents/made> Regulations

<http://www.scotland.gov.uk/Publications/2013/12/9882> - Circular

Peter Pendleton Associates Ltd were commissioned to conduct a review of planning authority web sites in 2010. I enclose a copy of their report. The purpose of the exercise was to inform planning authorities how effective their web sites were against certain criteria.

We have no plans at present for a further review.

I hope this information is of assistance.

Yours sincerely

ALAN CAMERON

PPA PLANNING WEBSITE SURVEY MARCH 2010

FOREWORD

Peter Pendleton & Associates (PPA) carried out this survey in February and March 2010 on behalf of the Scottish Government. The aim was to assess the level of e-Planning services available on local planning authority websites in Scotland and to make recommendations where appropriate.

This 2010 survey utilises criteria based on 13 externally assessable e-Planning standards. Authorities must continue to improve the quality of online services in an effort to encourage take-up and/or maintain customers who are comfortable with e-services.

Some of the recommendations made within this report are quick wins, others may require further IT investments and should be part of the departments overall IT strategy.

We hope that this tailored report will assist the planning authority to identify potential areas for improvement within their online planning service as well as help them to monitor and maintain their existing planning websites.



Peter Pendleton
Director

CONTENTS

FORWARD

METHODOLOGY	1
1.1 Scope of survey	1
1.2 The Criteria	1
1.3 Data Collection	4
1.4 Accuracy and Fairness	7
1.5 Survey Output	7
2 PLANNING AUTHORITIES	8
2.1 Overview of Scottish Planning Authority Websites	8
2.2 Key Findings	9
3 Best Practice	16
3.1 Introduction	16
3.2 Accessibility	17
3.3 Development Plans Online	20
3.4 Advice & Guidance	23
3.5 Committee Information	28
3.6 Cases online	29
3.7 Online Applications	34
3.8 Enforcement	36

METHODOLOGY

1.1 Scope of survey

- 1.1.1 For the purpose of this study, the term 'planning websites' is defined as the provision of general and area-specific planning information and services by a planning authority via their local government website. Each authority was assessed against the same 13 externally assessable standards, which have been designed to identify and represent the key development management processes, development plans and policy.
- 1.1.2 This report is an overview of the Scottish planning authorities. The review was carried out from the perspective of the web user and represents the position of the authority's website at the time of the survey.

1.2 The Criteria

- 1.2.1 Pendleton Surveys are designed to assess the online services most frequently utilised: from downloading guidance and forms, reviewing development plan policy and submitting applications.
- 1.2.2 The criteria used for this survey have been developed to provide a range of guidelines and benchmarks to assist local authorities in building effective and transparent online planning and regulatory systems.
- 1.2.3 The 13 externally measurable criteria were agreed by the Scottish Government for the purpose of this survey, and these are provided in Figure 1.0 below.
- 1.2.4 A score has been awarded to each local authority based on how many criteria were met at the time of testing. Points were only awarded where the online services required to meet the criterion were considered accessible to the user, were up-to-date and functioning at the time of testing.

FIGURE 1.0 e-Planning Criteria: 13 External Measures

NO.	DESCRIPTION	EXPLANATION
1	Development Plans online	Users are provided with an explanation of development plan-making; what applies now (adopted plan) and the changes to be expected. They can access all adopted documents in full online with clear timescales for delivery of the new development plan system and ways the community will be involved.
2	Pre-application advice & guidance	Users can browse planning guidance and answers to basic planning enquiries regarding the planning application, consultation, decision-making, local reviews and appeals processes. Where links are external there should be a clear label and direct hypertext link.
3	Planning constraints	Users are presented with a list of all relevant constraints and guidance on the required consideration for the planning application process. Links to related policy documents and external websites should be provided.
4	Committee information	Users can view, in full, all planning committee agendas, officers' reports for committee-determined applications and minutes online. Publication policies must be clear and it must be clear when a document was posted. Minutes must be available within one week of approval.
5	Cases online: appeals	Users can access a record of local reviews and appeals online including site address, council application reference number, proposal description, appeal decision date and appeal

		<p>decision. Records should be provided as part of an online applications database so that users have the facility to search for the information by council reference number and address. Information must be frequently updated, at least weekly, ideally daily, and it should be clear when the information was last updated.</p>
6	Reporting an alleged breach	<p>Alleged breaches of planning control can be reported easily via a web form, capturing information such as name and address of complainant, status and address of person responsible for alleged breach, address and description of alleged breach.</p>
7	Interactive Proposals Map	<p>Users can view proposal maps online (to street level where appropriate) with facilities for zooming and searching by address or postcode. Users are presented with policy overlays and are able to click directly onto an area of the map to view the text of all relevant policies. Conversely users should be provided with the facility to click on a policy and be provided an overlay of where that policy applies on the map.</p>
8	Guidance for applicants	<p>Applicants are provided with guidance on the completion of application forms together with the local planning application requirements (validation checklists) for the different types of application.</p>
9	Cases online: application documentation	<p>Users can access all application documentation electronically including completed application forms, drawings, site plan, supporting reports/statements, consultee lists, site notice, consultee responses, and decision notices. All documents should be published within 5 working days of receipt (or issue in the case of decision notices) and before the start of the consultation period - this level of service must be stated.</p>

10	Cases online: application information	Users can track the progress of an application from registration to determination with further information about an application including: application status, case officer, contact details, date received, validation/registration date, target date for decision, start/end dates for public consultation and actual decision date. Information must be updated, at least daily, or in real time.
11	Cases online: enforcement	Users can access Breach of Condition Notices online. The register should be searchable by a council reference number and address as a minimum. Information should be available online within 1 working day of the serving of the notice, access to the actual enforcement notice should be available within 5 working days. It should be clear when the information was last updated.
12	Online Application promotion	Online application services should be advertised to users from the planning homepage and on pages where there is guidance about making an application so that it is clear that the authority welcomes online applications.
13	Cases online: Spatial View (Geographical Information System)	All applications, local reviews, appeals and enforcement information should be accessible by a mapping interface; presented as either point or polygon data. Links must be provided between the point/polygon and the relevant electronic case file.

1.3 Data Collection

1.3.1 The assessment was carried out from the perspective of both regular and one-off users of planning services. A qualitative assessment was made based on whether the planning service is accessible and presented in a comprehensive format, whether the scope of the online

information and services available meet the allocation criteria, and whether the user would also find it necessary to make telephone enquiries or visit Council offices.

1.3.2 Testing of the on-line services was from the point of view of the web user. For this survey we worked with the following scenarios:

- Citizens wanting to find out about planning applications in their area and comment on an application online
- Agent / applicant wishing to make and monitor applications
- Citizens / agent wishing to find out the planning history for a property
- Citizens / agent wishing to find out about the local development framework
- A homeowner investigating if changes to their house would require permission
- Citizens wishing to know more about the planning process
- Citizens checking if they want to attend the next committee meeting
- Citizens / agents checking for any land designations on a specific site

1.3.3 Each website was assessed by more than one researcher on a minimum of three separate occasions. The tests for all authorities took place over a 3 week period from mid February 2010.

1.3.4 Each local authority website has been individually surveyed by logging onto the council homepage and navigating to the planning service page and related pages.

1.3.5 Websites with links or services that did not function were repeat-tested by a different researcher over the course of the survey period. Links that remain inoperative at the end of the survey period were not awarded a point for the relevant criteria. It is the responsibility of the local authority to ensure that their planning services are up-to-date, functioning and online at the time of testing.

1.3.6 Links to external sites that offer planning services on behalf of the local authority (e.g. advice and guidance, online application submissions, electronic development plans etc) have been included in the scoring for that authority only where there is a functioning link from the Council website to the external site, accompanied by a brief explanation of the services available and how to access them. A logo of the external site alone was not considered sufficient.

1.3.7 There were 4 identifiable stages to the data collection and publication process:

Stage 1: Preliminary Data Collection

The research team conducted an initial web-based survey of all local planning authority websites. Each planning website was assessed by logging onto the individual local authority websites, navigating to the planning and related web pages and assessing the availability and quality of the online information provided against the relevant e-Planning Criteria. Where any information was out of date, no longer available or the service did not function, the researcher made a note of the issue for information purposes.

Stage 2: Second Data Collection

The research team conducted a repeat survey of the planning websites. Each planning website was re-evaluated by a different surveyor by logging back into the individual local authority websites, navigating to the planning and related web pages and re-assessing the availability and quality of the online information provided against the relevant e-Planning Criteria.

Stage 3: Third Data Collection

The research team conducted a third survey of the planning websites. Each planning website was re-evaluated by a third surveyor by logging back into the individual local authority websites, navigating to the planning and related web pages and re-assessing the availability and quality of the online information provided against the relevant e-Planning Criteria.

Stage 4: Comparison between Stage 1, 2 & 3 Data

The Stage 1 2 & 3 datasets were compared for accuracy and any anomalies in the results were rechecked. Where any discrepancy arose a final decision was taken by a small team of adjudicators.

Stage 5: Publication of Final Results

A breakdown of results and final score for each local authority is presented in Individual reports. Tailored comments, relating specifically to individual planning authorities and the criteria were compiled and presented to the Scottish Government in 33 separate reports.

1.4 Accuracy and Fairness

- 1.4.1 PPA has taken all steps possible to ensure that the data collected at the time of the survey accurately and fairly reflects the information and services that were available on individual council websites at the time of the survey.
- 1.4.2 To ensure the accuracy and fairness of the survey PPA carried out a minimum of three checks per website over the survey period. The first, second and third stage website checks were carried out by different researchers using different computers. Human and technical errors were therefore minimised and gave local authorities a reasonable period of time to fix any technical problems affecting their services and update any out of date information.
- 1.4.3 Where Council websites were found not to be working, PPA carried out additional reviews of the site at the time of the survey.
- 1.4.4 PPA accept that a number of local authorities were in the throes of implementing or enhancing e-planning services at the time of the survey and it is therefore inevitable that this is a survey of e-planning at a particular point in time.

1.5 Survey Output

- 1.5.1 This report provides the overview and analysis of the survey findings from the March 2010 Survey. Analysis of individual council websites are presented separately.
- 1.5.2 Authorities' results are presented in a small table in the 'Key Findings' section. These are based on the number of standards and success measures met by a local authority at the time of the survey.

2 PLANNING AUTHORITIES

2.1 Overview of Scottish Planning Authority Websites

- 2.1.1 The planning websites of the 33 Scottish planning authorities were surveyed in February and March 2010 against the 13 e-Planning Criteria. The results are presented in this section.
- 2.1.2 This survey tests a higher standard of e-Planning criteria than previously reviewed and will form the baseline data results for future reviews.
- 2.1.3 15 (45.5%) achieved a score of between 6-9, and 18 (54.5%) achieved a score of between 1-5.
- 2.1.4 No authority received a full score of 13, the highest score was 9. The lowest score was 1. The mean criteria score was 5.45.
- 2.1.5 The most commonly available online services include:
- Explanations and information regarding development planning
 - Pre-application advice, guidance and checklists
 - information about individual planning applications
 - The promotion of online applications
- 2.1.6 The least commonly available online services include:
- Associated documentation, particularly site notices, consultee lists and responses
 - Sophisticated interactive mapping
 - Enforcement Registers and associated documentation
 - None of the councils provided sufficient information about the potential constraints to planning applications.

2.2 Key Findings - Scottish Planning authorities

Ranked	Planning Authority Name	Criteria Number													TOTAL
		1	2	3	4	5	6	7	8	9	10	11	12	13	
1	City of Edinburgh	1	0	0	0	1	0	1	1	1	1	1	1	1	9
	Clackmannanshire	1	1	0	0	0	0	1	1	1	1	1	1	1	9
3	Argyll & Bute	1	1	0	0	1	0	0	1	1	1	0	1	1	8
	Perth & Kinross	1	1	0	1	1	0	0	1	0	1	0	1	1	8
	Scottish Borders	0	1	0	0	1	1	0	1	1	1	0	1	1	8
6	Angus	1	1	0	0	1	0	0	1	0	1	0	1	1	7
	East Renfrewshire	1	1	0	0	1	1	0	1	0	1	0	1	0	7
	Fife	1	1	0	0	1	0	0	1	0	1	0	1	1	7
	Renfrewshire	1	1	0	0	1	0	0	1	0	1	0	1	1	7
10	Aberdeenshire	1	1	0	0	0	0	0	1	1	1	0	1	0	6
	Dundee City	1	1	0	0	1	0	0	1	0	1	0	0	1	6
	East Dunbartonshire	1	1	0	0	0	0	0	1	0	1	0	1	1	6
	Midlothian	0	1	0	0	0	1	0	1	0	1	0	1	1	6
	South Lanarkshire	1	1	0	1	0	0	0	1	0	1	0	1	0	6
	Stirling	1	0	0	0	1	0	0	0	1	1	0	1	1	6
16	Aberdeen City	1	0	0	0	1	0	0	1	0	1	0	1	0	5
	Dumfries & Galloway	1	1	0	0	1	0	0	1	0	1	0	0	0	5
	Falkirk	1	1	0	0	0	0	0	1	0	1	0	1	0	5
	Inverclyde	1	1	0	0	0	0	0	1	0	1	0	1	0	5
	Loch Lomond & Trossachs National Park	0	1	0	1	0	0	0	1	0	1	0	1	0	5
	South Ayrshire	1	1	0	0	0	0	0	1	0	1	0	1	0	5
	West Dunbartonshire	1	1	0	0	0	0	0	1	0	1	0	1	0	5

Ranked	Planning Authority Name	Criteria Number													TOTAL
		1	2	3	4	5	6	7	8	9	10	11	12	13	
	Western Isles (Eilean Siar)	1	0	0	0	0	0	0	1	0	1	0	1	1	5
23	East Ayrshire	1	0	0	0	0	0	0	1	0	1	0	1	0	4
	East Lothian	1	1	0	0	0	0	0	1	0	0	0	1	0	4
	moray	1	0	0	0	0	0	0	1	0	1	0	1	0	4
	North Ayrshire	1	0	0	0	0	0	0	1	0	1	0	1	0	4
	North Lanarkshire	0	1	0	0	0	0	0	1	0	1	0	1	0	4
	Orkney	0	1	0	0	0	0	0	1	0	1	0	1	0	4
30	City of Glasgow	1	0	0	1	0	0	0	1	0	0	0	0	0	3
	Highland	0	0	0	0	0	0	0	1	0	1	0	1	0	3
	West Lothian	1	0	0	0	0	0	0	1	0	1	0	0	0	3
33	Shetland	1	0	0	0	0	0	0	0	0	0	0	0	0	1
		27	22	0	4	12	3	2	31	6	30	2	28	13	5.45

Criteria 1- Development Plans Online

- 2.2.1 27 (81.8)% of the 33 Scottish planning websites surveyed received a point for Criteria 1 - Development Plans Online.
- 2.2.2 Our reviewers were able to locate and access all but 1 of the Scottish Planning Authorities adopted Local Plans. 31 authorities linked to existing Structure Plans or the relevant joint Structure Plan website.
- 2.2.3 29 of the councils provided a clear description of the new local development and strategic plan system and linked to available documents or websites.

- 2.2.4 Development Plan Schemes were found and accessed through the planning sections of 30 of the Scottish planning authority websites.
- 2.2.5 Criteria 1 is considered the minimum level for display of development plan information online. We recommended that authorities also aim to meet the related Criteria 7 for provision of online proposal maps.
- 2.2.6 We recommend that all authorities make their local development plans available online interactively, either through the Online Local Development Plans (OLDP) solution or an equivalent mechanism. Functionality such as map based searching, address searching and making comments on plans should be available, in addition to the ability to link between policy text and mapping.

Criteria 2- Pre-application Advice & Guidance

- 2.2.7 22 (66.6%) of Councils received a point for Criteria 2 - Pre-application advice & guidance. These Authorities provided information in the form of web pages, FAQs or guidance leaflets which covered the introduction to the planning process, the decision-making approach, consultation and the appeals process. Councils which failed to meet this criteria, at the time of our survey, did not provide basic information listed or did not provide adequate descriptions and links when this information was located on an external websites.

Criteria 3- Planning Constraints

- 2.2.8 In order to receive this point the planning authorities had to provide an explanation of how every listed relevant constraint could impact on the outcome of a planning application, including flood risk, contaminated land, TPOs, listed buildings, conservation areas, Article 4 directions and Article 3 restrictions. From a user's perspective this is an ideal opportunity for the planning authority to highlight potential 'roadblocks' or 'green lights' to a potential applicant, and hence reducing unnecessary administrative burden on the Council.
- 2.2.9 Generally, planning authorities did provide some basic information on at least one or two of the listed constraints. Many of the planning authorities failed to meet this criteria because users of the planning website were not presented with a comprehensive list of all relevant

constraints with links to guidance on the required consideration for the planning application process. Information would often be spread out or within other areas of the councils' websites and not referring properly to the planning process. Links to related policy documents and external websites were frequently missing. A clear and simple explanation presented to the user along with other more general planning advice would be the best location to summarise the effects constraints can have in the planning decisions.

2.2.10 10 (30.1%) provided some relevant information regarding flood risk, its effect on the planning process and linked to further information.

2.2.11 11 (33.3%) provided information on contaminated land, some of those supplied a 'developers guide' for example.

2.2.12 22 (66.7%) of all authorities provided information regarding TPOs, usually within an environment section of their website of similar rather than within the planning section though, 28 provided information on conservation areas and 27 on listed buildings.

2.2.13 14 (42.4%) provided information on the effect of Article 4 Directions, and a handful of authorities were able to list these.

2.2.14 Only 1 planning authority adequately explained the removal of permitted development rights through article 3 restrictions.

Criteria 4- Committee Information

2.2.15 To be awarded a point for this Criterion each Planning authority was required to provide a clear link from the planning pages to committee information, and provide all documentation including agendas, minutes and reports from 1 January 2007. 16 planning authorities linked directly to the planning committee pages from within the planning section of the web site.

2.2.16 18 (54.5%) of all authorities provided the user with access to committee information from 1 January 2007. 28 (84.8%) made agendas and reports available for recent and upcoming meetings. 25 (75.8%) were found to provide the minutes of the previous meeting within a week of the committee which approved them. There was also a requirement to state when, and how often, information was to be updated; only 10 of the planning authorities met this need of

users. In summary our survey found that only 4 planning authorities in Scotland fully complied with all aspects of Criteria 4 - Committee Information.

Criteria 5- Cases online - Appeals

2.2.17 12 (36.4%) of Councils received a point for Criteria 5. 24 (72.7%) of planning authorities provided users with a searchable database of appeal cases online and provided the minimum of information required, however 21 of Councils failed to make it clear how often or when the information was last updated or provide the minimum level of information or indicated when the information was last updated. Under the new planning system further information is required in most cases to distinguish between a 'Local Review' and an 'Appeal to Scottish Ministers.

Criteria 6- Reporting an Alleged Breach

2.2.18 3 of the planning authorities surveyed were awarded a point for Criteria 6 - reporting an alleged breach. These planning authorities therefore provided users with the facility to be able to report a breach of planning control via a web form with clear instructions on what information to provide.

Criteria 7- Interactive Proposals Map

2.2.19 Local Development Plans are an important aspect of the planning system, setting out the appropriate locations for future development. To support this status, online plans should be easy to use and interactive. A customer should be able to search for their site or property via an address search, identify relevant policies affecting the site and link to the written text. Additionally, the user should be able to click on an area specific policy and be shown it's location on the proposal map.

2.2.20 It is recognised that of the authorities not displaying online proposals maps that meet Criteria 7, 23 are members of the Online Local Development Plans (OLDP) Programme. Participating authorities will therefore be in a position to meet criteria 7 once they publish an online plan using the OLDP system. Non OLDP partners are encouraged to deliver to similar standards as identified above, and also consider the ability for customers to submit comments online.

Criteria 8- Guidance for Applicants

2.2.21 31 (93.9%) of the 33 Scottish planning authority websites surveyed received a point for Criteria 8 - Guidance for Applicants. Most authorities provided guidance on the completion of forms within 'application packs', and/or on web pages.

Criteria 9- Cases online - Application Documentation

2.2.22 28 (84%) of planning Authorities were found to provide some form of facilities for users to review planning application case files, including application forms, drawings, associated documents and decision notices.

2.2.23 28 authorities provided at minimum: application forms, site plans, drawings and decisions for example. However, of these, the most frequently omitted documents tended to be: additional reports such as design and access statement or planning statements, a list of neighbours consulted and a list of statutory and other consultees. During the life of a planning application or until an appeal decision is made, it should also be possible to view representations. We accept that this would require a policy decision after taking into account the Freedom of Information Legislation. At the time of the survey 6 Planning Authorities in Scotland fully complied with this criteria.

Criteria 10- Cases online - Application Information

2.2.24 30 (90.9%) of the planning authorities surveyed received a point for Criteria 10 by providing the user with access to additional useful information regarding a planning application, including its status, case officer name and contact details, and relevant dates for the decision making process.

Criteria 11- Cases online - Enforcement

2.2.25 Only 2 of the 33 planning websites surveyed provided users with access to a register of enforcement notices served after 1 January 2007. In order to be awarded a point for Criteria 11, the Council was required to provide facilities for searching the enforcement register, viewing copies of notices issued, and having the confidence that information about the latest notices was available.

Criteria 12- Online Application Promotion

2.2.26 28 (84.8%) of Scottish planning authorities received a point for Criteria 12 by promoting the submission of online planning applications, either from the planning homepage or from a guidance page specifically designed to inform users on how to submit an application.

Criteria 13- Cases online - Spatial View

2.2.27 Users are able to search and view planning applications via a map interface at 13 (39.4%) of planning authority websites. A point was awarded for Criteria 13 where the user can search or browse for a site using an online GIS system, and subsequently is presented with the planning application case online for review.

3 BEST PRACTICE

3.1 Introduction

- 3.1.1 Previous Pendleton Survey Reports have included a section on best practice and this report is no different. The best practice section seeks to highlight some of the most user-friendly and accessible e-Planning services in order to help other authorities benefit from the extensive research that has been undertaken as part of this survey.
- 3.1.2 The Scottish Government encourages local authorities to look beyond the minimum requirement of these 13 criteria and to make the customer the priority when designing and implementing an online planning service. The Council are encouraged, where appropriate, to adopt the latest technology. The Pendleton Surveys focus not only on fulfilling each criterion, but also on the continued provision and maintenance of these planning services for the user - to encourage initial take-up, and repeat usage by customers. The approach to e-Planning should therefore be viewed as a long-term commitment to improving and maintaining online planning services for customers.
- 3.1.3 The examples given in this guidance are for reference only and are based on the information available and the quality of the service provided online at the time of the March 2010 survey. A range of local authorities have been selected as examples, not necessarily only those scoring full marks. The examples highlight a particular area or service on a Planning authority website that, at the time of the survey, was considered to be usable and useful.
- 3.1.4 PPA does not endorse any particular service provider or system. Like all previous Pendleton Surveys, this survey has been designed to encourage better provision of online planning services and information, and at the same time, enables local authorities to choose the best method of presenting the services to suit their organisation. The examples given in this guidance have therefore been chosen to reflect the range of options that planning authorities have available to them when implementing online planning services; whether they are outsourced or in-house on the authorities own systems.

3.2 Accessibility

- 3.2.1 This survey did not assess the accessibility of services on this occasion as it was decided that all authorities now have an online planning presence, albeit within the wider Council context. However, we have considered improvements that could be made to the quality of accessing planning services in terms of usability.
- 3.2.2 Where possible we have tried to use best practice examples from 33 Scottish Planning Authority websites, however where this has not been possible examples have been drawn from English or Welsh Authorities.
- 3.2.3 Whilst many authorities have achieved moderate scores against the set criteria, there is still much to do to improve the 'Information Architecture' of many websites. By this we mean the ability to navigate around a website in the most accessible and useable way. The top level navigation of some sites is very simple and easy to negotiate. However, deeper content was often structured poorly, sometimes obviously the result of content being added to existing structures. Websites often do not refer to other parts of the site, or instruct the user to use the navigation structure to link to the information being referred to. Hypertext links throughout the body of a page is vital for users to absorb the information presented and maintain a natural flow.

BEST PRACTICE: INFORMATION ARCHITECTURE

East Renfrewshire Council ([click here](#))

East Renfrewshire Council provides users with a very good information architecture; the website is easy to navigate and the information presentation is succinct and easily digestible, often using bullet points.



3.2.4 Hypertext links to external sites were disappointing overall. Web links must link directly to the specific content in question - not simply to the homepage of e-planning for example. Nor should there be a link where the user will be disappointed by the label or description. Indeed some links were misleading. Our reviewers may have awarded point for this criteria but this does not adequately represent how hard they have had to search for a particular facility or piece of information. Our reviewers have a wide range of experience navigating websites and planning pages but often found locating some information difficult. Some information can appear to be 'buried' or accessible through only one route.

3.2.5 All Planning authorities should regularly review their existing services. From the customer perspective this is more important than adding new services. There are external organisations that can help authorities review and test usability and accessibility of navigation and content.

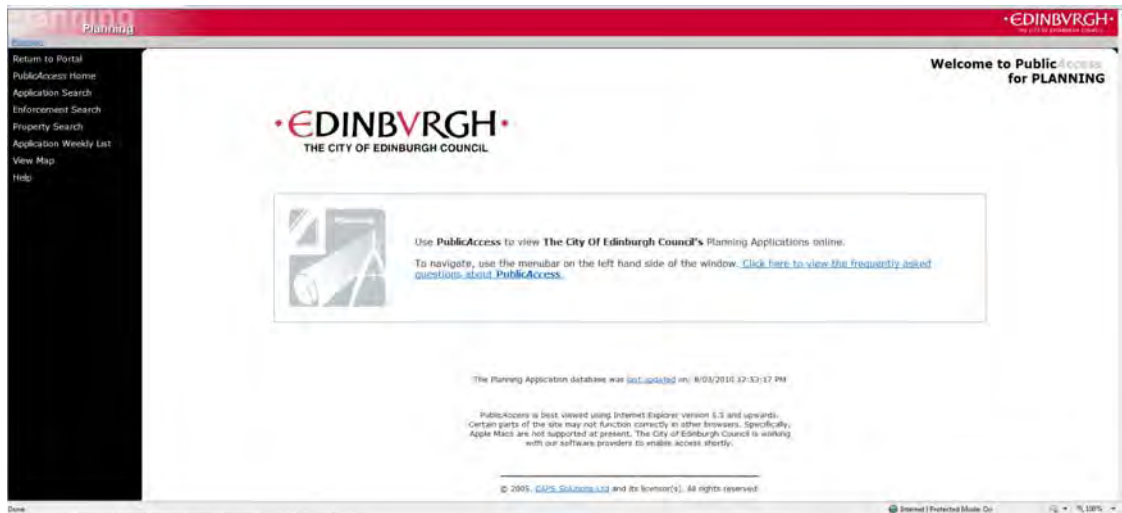
Alternatively, the authority could utilise the skill set of a member of staff in-house with good 'information' skills to independently review the structure and presentation of content on a quarterly basis. Text should be 'written for the web'.

- 3.2.6 Currency of information is crucial - out of date information is of no use. Approximately a third of authorities indicated when, and how often, information is updated. However, we also discovered some authorities that were not adhering to their quoted policies, i.e. an authority may state that they update information within a week, yet our researchers found that this was not always the case. An online planning service is only useful if the user has confidence in the service.

BEST PRACTICE: CURRENCY OF INFORMATION

The City of Edinburgh Council ([click here](#))

the City of Edinburgh Council provides users with a very good information architecture via its planning and building standards portal. This example illustrates best practice by providing users with the confidence that the information is relevant; each document has a label which indicates when it was last updated.



3.2.7 It is important to keep in mind that the internet is simply another channel of service provision – it is inefficient to ring-fence online services from the normal provision of service. The longer term objective is to remove the ‘e’ from e-planning. Therefore authorities should be avoiding the need to identify ‘current cases’ or ‘planning register’ as ‘public access’, or other such designated ‘system’ for online functions.

3.3 Development Plans Online

3.3.1 The vast majority of authorities explained the changes in development plan-making effectively and this was considered to be the most consistently good area of online planning services. The information regarding the makeup, consultation and monitoring of the framework documents, enables the user to access up-to-date information about the document adoption process.

3.3.2 Along with a clear explanation of the purpose of development planning, as a minimum each authority should publish the following:

- The Adopted Plan
- Explanation and link to Structure plan ‘partners’.
- Development Plan Scheme
- Explanation of new system and the relationship between local development plans and strategic development plans and links to it (where appropriate)
- Explanation and links to up to date Supplementary Planning Guidance and Development Briefs

3.3.3 Forward Planning/Policy sections have a significant input in keeping web pages up-to-date. Old documents must be removed, and the ‘approved’ or ‘latest version’ must be clear – all too often all previous versions were published which required the user to scroll through lengthy web pages. Councils should therefore aim for bullet points and tables of links.

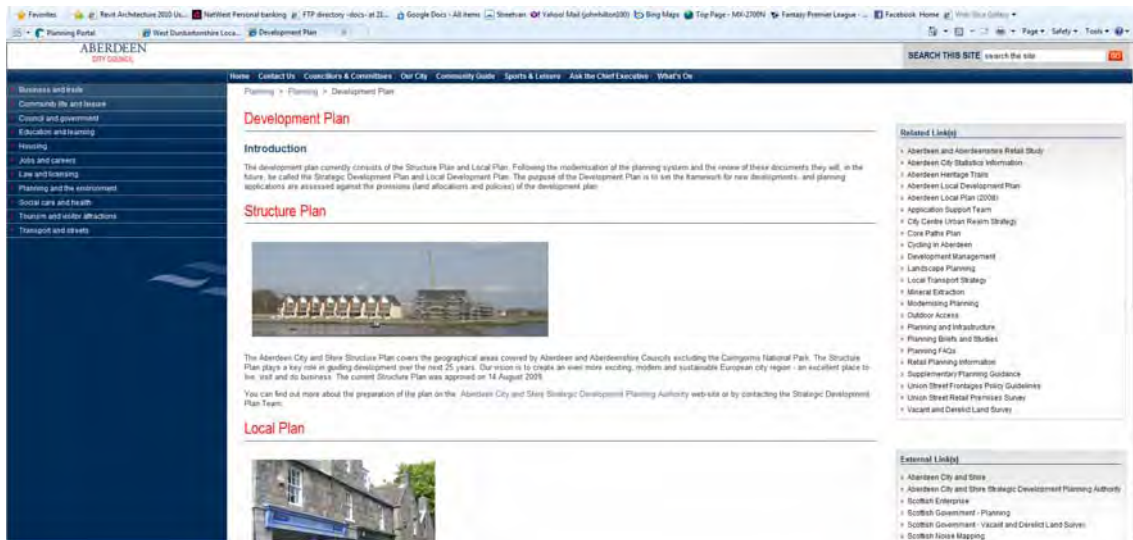
3.3.4 ‘Latest news’ and introductions to recent events should be updated on a weekly basis as a minimum.

3.3.5 Authorities should be encouraged to be less insular, and provide further explanations and links to regional and national strategies where appropriate.

BEST PRACTICE: New and old forward planning systems

Aberdeen City Council [\(click here\)](#)

Aberdeen City Council provides a brief but clear explanation of the old and new development plan systems and provides the user with hypertext links and further information..



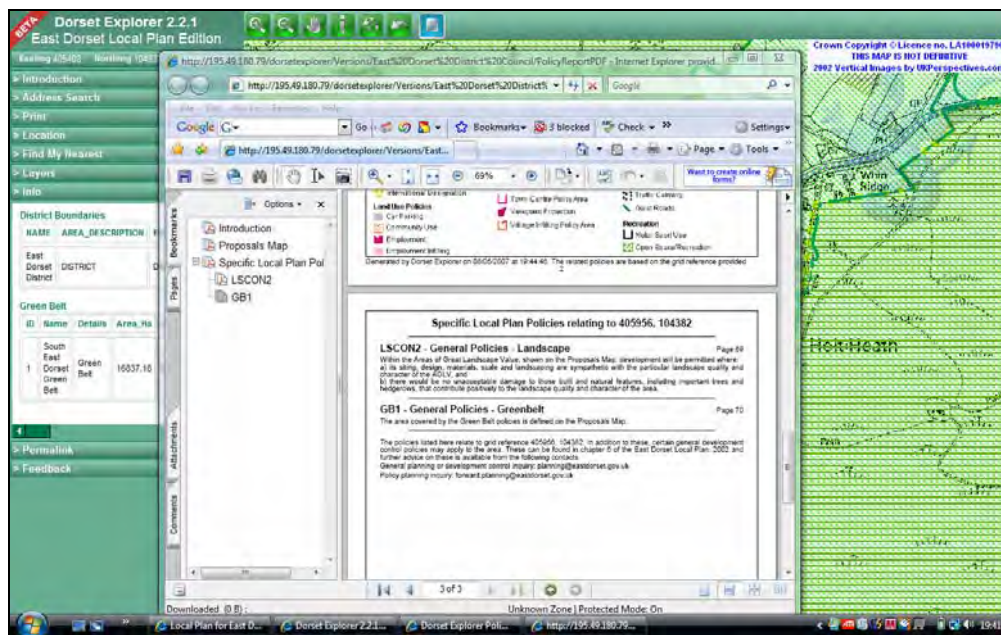
3.3.6 Adopted plans often lacked interactive mapping facilities. Keys accompanying a static proposals map should be displayable with the map.

3.3.7 The survey highlighted the low number of good quality and usable interactive mapping systems - both for viewing policy proposal maps, and a spatial view of cases online (appeals, applications, enforcement). From a customer's perspective, the primary purpose of the interactive map is to check land and policy designations for a specific site or address. Therefore an online version of the proposals map is only useful if it enables the user to search by site location, either through an address or postcode search or by zooming in to the map to enable street names to be read from the map. Subsequently the search must pinpoint the exact location instead of only locating the general area that the site fell within.

BEST PRACTICE: ONLINE DEVELOPMENT PLAN

EAST DORSET DISTRICT COUNCIL ([click here](#))

Dorset for you goes beyond providing standard interactive mapping features. Rather than simply providing users with a link to policy text, they can download a site specific report as a PDF file.



3.3.8 GIS systems should be linked with case information directly, and vice-versa. Displaying a static map in a case file (which is the output of a GIS system) could be improved by offering a link to view the interactive map, and hence adjacent properties/sites.

3.3.9 Where interactive mapping services are sufficiently advanced, they should be promoted throughout the website, not just on the Council or planning homepage. Relevant links should be provided throughout the website.

- 3.3.10 Guidance for the use of online mapping should always include a simple example or scenario; much of the guidance was technical and was lacking in the 'application' of the 'help'.
- 3.3.11 The Scottish Government has set out clear guidance and provides support for the implementation of the Online Development Plans Programme (OLDP) by planning authority partners. Partners of this scheme will provide the customer with a much improved level of service than was available at the time of our survey.

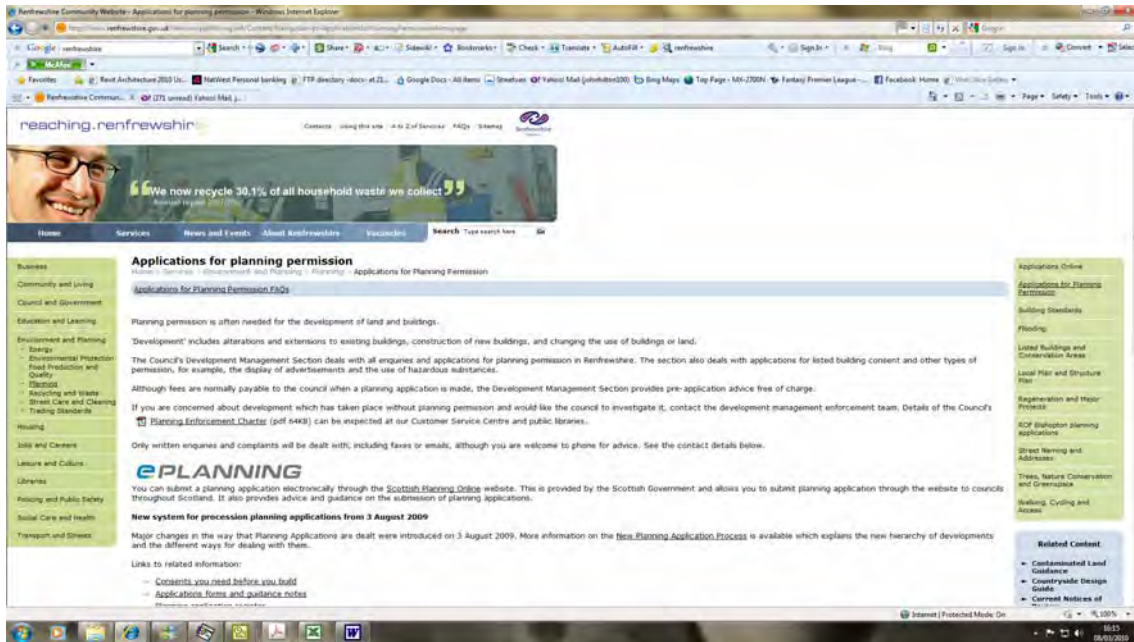
3.4 Advice & Guidance

- 3.4.1 All authorities had some level of advice and guidance providing explanations around the application, decision-making and appeals process. However, the quality of the information provided could be vastly improved. Guidance should be clear and in sufficient detail. All too often general information was found to be either too concise or too verbose.

BEST PRACTICE: ADVICE & GUIDANCE PROVISION

Renfrewshire Council ([click here](#))

Renfrewshire Council provides users with easily 'digestible' levels of planning guidance



3.4.2 Frequently asked questions (FAQs) were almost always lacking in the level of detail provided by content that was available elsewhere on the same site. In order to avoid the inefficiencies of updating two sets of advice, authorities should consistently provide up-to-date advice in the body of the site, and link/anchor FAQs directly to the specific answers. FAQs should be regularly updated from evidence of queries from members of the public e.g. through correspondence, telephone monitoring and duty officers.

3.4.3 Links to external guidance should carry a brief explanation of why the authority deems it necessary to link to it.

3.4.4 Information Architectures (navigation headings) must be straight forward - members of the public are looking for functions/services carried out by the department and are not necessarily

interested in how the department is structured, or performs its duties. If the authority deems it necessary to split the functions by organisational structure - then functions (such as report a breach) should be immediately apparent, and always apparent (persistent) in the navigation. All too often navigation levels collapsed and require the user to back-track or click through more pages to find something.

- 3.4.5 Planning Authorities sites often explained how officers or the department perform their duties in relation to conservation, listed buildings etc. Whilst this information is useful for some, regular and repeat users of online services are more than likely 'potential applicants'. They are therefore interested in how planning constraints may, in principle, affect their proposals. An excellent authority will not only include a description of a constraint and it's relevance to the planning process, but will highlight/link to any existing local policies, as well as link to external organisations/agencies for more detailed information. Some local authorities have even started showing good examples of the outcome of these constraints e.g. by showing well designed schemes.

BEST PRACTICE: PLANNING CONSTRAINTS

DERBYSHIRE DALES DISTRICT COUNCIL [\(click here\)](#)

Derbyshire Dales District Council provide users with relevant explanations of planning constraints, along with appropriate hypertext links.



The screenshot shows the Derbyshire Dales District Council website. The main navigation bar includes the council logo, the name 'DERBYSHIRE DALES DISTRICT COUNCIL', and the slogan 'One of the best places in Britain to live, work and visit.' There is a search bar and a 'Go!' button. The breadcrumb trail reads: 'You are here: Home > Environment > Planning > Land Use Planning'.

The page is divided into two main columns. The left column is a navigation menu with sections: 'Land Use Planning', 'Site Help', and 'Features'. Under 'Land Use Planning', 'Planning Constraints' is highlighted. Under 'Features', 'Links' is expanded to show 'How to Contact Us', 'Comments, Compliments, Suggestions and Enquiries', 'Councilor and Representative details', 'agMATTERS', 'Local Events', 'Local Strategic Partnership', and 'Make a Payment'.

The right column is titled 'Planning Constraints' and contains the following text:

Planning Constraints

Before making a planning application you need to take into consideration the following constraints which may affect the site which you are applying for planning permission on;

- [Flood Risk](#)
- [Contaminated Land](#)
- [Tree Preservation Orders \(TPOs\)](#)
- [Conservation Areas](#)
- [Article 4 Directions](#)
- [Article 3 restrictions on permitted development rights](#)
- [Listed Buildings](#)

Development and Flood Risk

The susceptibility of land to flooding is a material planning consideration. This means that when we are dealing with planning applications we must take account of this when formulating a decision as to whether to grant or refuse planning permission. We must follow National Planning Guidance contained in PPS 25: 'Development and Flood Risk'.

The Department of Communities and Local Government website contains useful background information on flooding issues. [Planning Policy Statement \(PPS\) 25](#) was issued by the Government in December 2006 and is accompanied by a Practice Guide Companion, published on 19 February 2007, which offers guidance and good practice case studies on how to implement PPS 25.

The Council must also take advice from the lead authority on flooding matters, The Environment Agency, whom we consult on all planning applications where there may be flooding and/or surface water drainage issues. The Environment Agency provides technical advice to Local Planning Authorities and developers on how best to avoid, manage and reduce the adverse impacts of flooding.

For further information on flood risk issues and / or to view related policy documents please refer to;

- [Derbyshire Dales Local Plan](#)
- [Planning Policy Guidance 25](#)
- [Environment Agency's Website](#)

Contaminated Land

Contaminated Land is dealt with by the Environmental Health and Housing Section at Derbyshire Dales. For information on Contaminated Land please use this link: [Contaminated Land Home Page](#).

The approval of an application for the redevelopment of a contaminated site will only be granted planning permission if the contamination is cleaned up to a standard that makes it suitable for the new use of the land.

3.4.6 Advice and guidance must be written with a target audience in mind to make it relevant. Who are those groups which most interact with the service?

- Potential Applicants
- Potential Agents
- Statutory Consultees
- Neighbours.

3.4.7 The information provided must be complete, and not contradictory. There are examples where information is provided by an organisation on the Council's behalf, but it does not reflect the advice on the Council's own pages.

3.4.8 Advice and guidance is a 'hand-holding' exercise and therefore should be provided at all relevant points - not just in a separate section. The web is an excellent platform for linking content. Information about the application consultation process was generally outlined well in pre-application advice pages, however the audience was often not presented with information where they needed it. For example, 'comment on an application' - information should be addressed to a potential objector on a webpage as follows;

- o Explanation of the consultation process generally
- o How long they have to make a representation
- o Who else should be consulted
- o Guidance on what can and cannot be taken into consideration when determining an application, with links to the council's planning policy pages (including SPG guidance) and environment health pages, transport pages etc.
- o Where they may need help in preparing a representation
- o Guidance on the administrative approach to making a representation - including warnings about public information
- o Direct links to find the case in question, and make a comment.

Once again the above bullet-points illustrate the repetitive nature of information on the web. 'Find the case' is simply another route in to search the planning register - not additional work or effort.

3.4.9 All processes, whether consultation, decision-making or appeals processes, can be explained concisely with bullet-points and with a limit of 400 words as a guide. Detailed information should be provided via hypertext links which have clear explanations/labels as to their use. It will not do to simply link to the homepage of the Directorate for Planning and Environmental Appeals homepage for 'appeals information'.

3.4.10 Advice and guidance information should almost always be provided on webpages, and backed up by PDF leaflets, if required. Local authority search functions are generally not sophisticated enough to search adequately through webpages and documents to find information which a user has searched for. Additionally, internal procedure documents should

not be displayed as the *only* source of information regarding a function - asking a user to wade through a twenty page procedure note on the authority's enforcement process is not considered user-friendly.

- 3.4.11 With reference to Criteria 8, authorities are required to publish validation checklists in addition to guidance regarding the processing of planning applications. A large proportion of authorities published validation checklists in PDF format alongside other application form documentation. Once again PPA would stress the need to publish information on webpages, in addition to documents. All efforts made to reduce the percentage of invalid applications will benefit both the user and the Council.

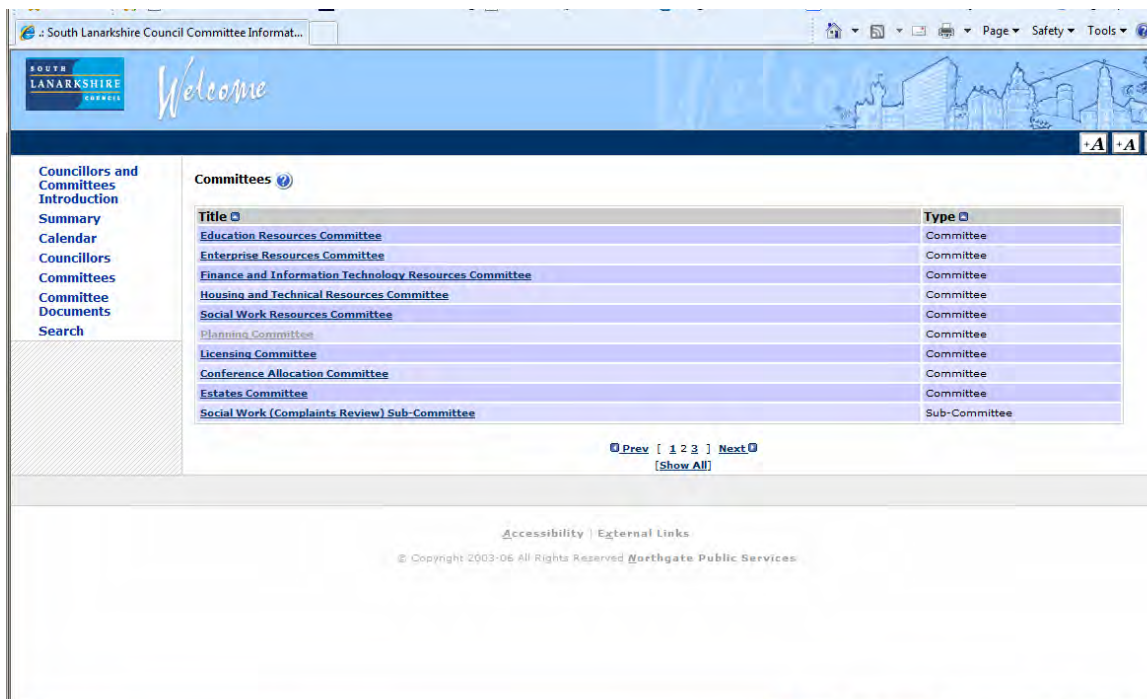
3.5 Committee Information

- 3.5.1 Around half of the authorities had a direct link to systems with planning committee agendas, reports and minutes however many failed to provide intermediate information regarding the purpose of the committee, how often they meet and when documentation is made available. In many cases there was information available within 'Advice and Guidance' pages, but was not carried through, or linked to this other area.
- 3.5.2 PPA recommends that local authorities implement direct links from online case files to relevant committee minutes and reports.
- 3.5.3 Some systems for cases online also provide a field for a (proposed) 'committee date'. Authorities must be vigilant in keeping this information up to date and complete it before the committee meeting takes place.

BEST PRACTICE: COMMITTEE INFORMATION

SOUTH LANARKSHIRE COUNCIL [\(click here\)](#)

South Lanarkshire Council clearly explains when and how often information is to be made available to users by listing the date the item was published. It provided a link to the committees and agenda section from within the planning application pages.



The screenshot shows a web browser window displaying the South Lanarkshire Council website. The page title is "South Lanarkshire Council Committee Information". The main content area features a table of committees with the following data:

Title	Type
Education Resources Committee	Committee
Enterprise Resources Committee	Committee
Finance and Information Technology Resources Committee	Committee
Housing and Technical Resources Committee	Committee
Social Work Resources Committee	Committee
Planning Committee	Committee
Licensing Committee	Committee
Conference Allocation Committee	Committee
Estates Committee	Committee
Social Work (Complaints Review) Sub-Committee	Sub-Committee

Navigation links include "Prev [1 2 3] Next" and "(Show All)". The footer contains "Accessibility | External Links" and "© Copyright 2003-06 All Rights Reserved Northgate Public Services".

3.6 Cases online

3.6.1 Whilst most Authorities had implemented software to display cases online the quality and extent of information presented for applications, local reviews, appeals and enforcement notices was varied. It should also be clearly stated how regularly the database, or lists, are updated (ideally daily). There are a number of statutory obligations with regards to the publication of planning information. These include weekly lists, registers and lists of applications. Wherever possible a Planning Authority should aim to meet or exceed these requirements using online methods.

3.6.2 From a user perspective (while the standards do not mandate it) it is beneficial to have access to one method of searching and viewing cases online.

3.6.3 The common fields for searching each 'type' of case includes:-

- Application number
- Date range
- Street name/address/postcode

Excellent search interfaces will also allow for searches by

- Ward/Area
- Parish
- Status
- Description of proposal
- Type of case
- Date that the application was received by the council
- Date the application was validated by the council
- Date that the consultation period begins
- Date that the consultation period ends
- Target decision date
- Committee date (where applicable)

It is also recommended that as an alternative to searching, a user be presented with the option to 'view all' relevant cases by type¹, in date-descending order. This obviates the need for the user to learn the exact search queries.

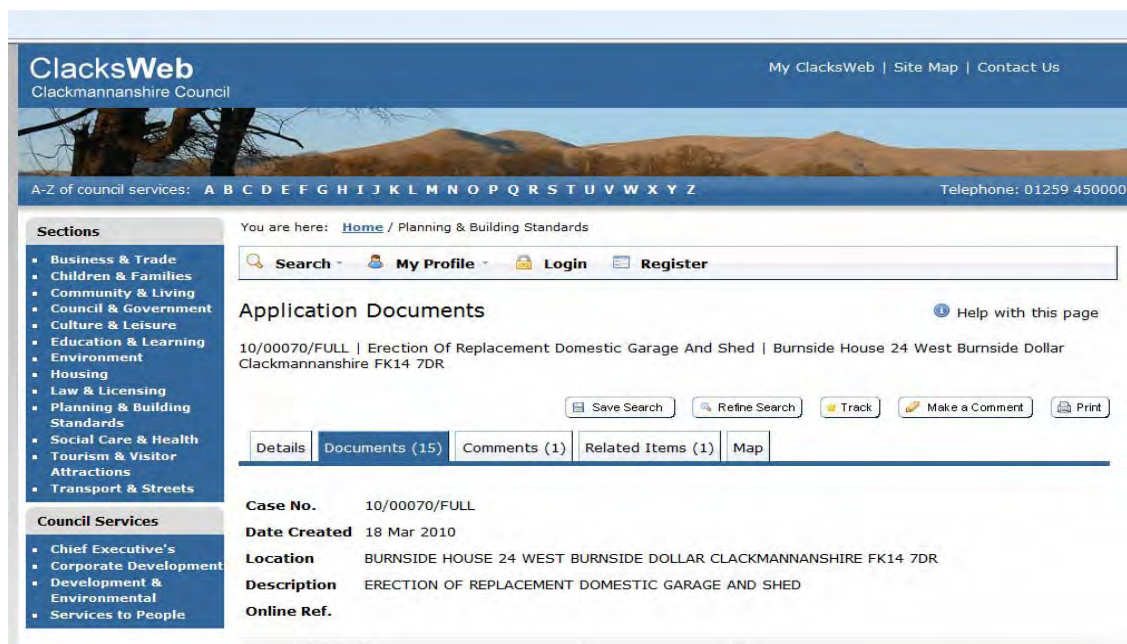
Options to view weekly and monthly lists of validated and decided applications should be available to the user, as an alternative to using search interfaces.

¹ With a reasonable return list that is acceptable to the system

BEST PRACTICE: ONLINE CASES

Clackmannanshire Council ([click here](#))

At Clackmannanshire Council the user is not required to know specific details of a case. The user is provided with a variety of search options and GIS option. The results are also presented in a logical sequence with dates. The case files provided are essentially a complete online version of the case file held at the council office and available public inspection.



The screenshot shows the ClacksWeb website interface. The header includes the ClacksWeb logo and navigation links. A search bar is prominently displayed with options for 'Search', 'My Profile', 'Login', and 'Register'. The main content area is titled 'Application Documents' and displays details for a specific case: '10/00070/FULL | Erection Of Replacement Domestic Garage And Shed | Burnside House 24 West Burnside Dollar Clackmannanshire FK14 7DR'. Below this, there are buttons for 'Save Search', 'Refine Search', 'Track', 'Make a Comment', and 'Print'. A tabbed interface shows 'Documents (15)', 'Comments (1)', 'Related Items (1)', and 'Map'. The case details are listed as follows:

Case No.	10/00070/FULL
Date Created	18 Mar 2010
Location	BURNSIDE HOUSE 24 WEST BURNSIDE DOLLAR CLACKMANNANSHIRE FK14 7DR
Description	ERECTION OF REPLACEMENT DOMESTIC GARAGE AND SHED
Online Ref.	

- 3.6.4 Additionally, searchable fields should allow for part-completion. For example '07' should return all instances of this sequence.
- 3.6.5 Search results pages should present results in a logical order with a facility re-order the lists e.g. a-z, or oldest to most recent.
- 3.6.6 The benefits of presenting information online is significantly diminished if **any** of the items listed below are not displayed. Users must be confident that they are viewing the planning application in its entirety are not just a sample, summary or snapshot in time. All authorities should provide documentation for cases after 1 January 2007 as outlined below (see Standard 3.7):

- Application form and Certificates
- Site Plan
- All documents accompanying application (e.g. covering letter, supporting statement, design and access statement and impact assessments such as environmental, retail and transports assessments - include the executive summaries, main report and any appendices)
- Drawings and any amended drawings
- Photographs (where applicable)
- Other relevant application documents/correspondence between council and applicant
- Site notice
- Consultation invitation letter
- Consultee list
- Neighbour notification list
- Neighbour responses
- Statutory consultee responses
- Responses from council consultees e.g. highways, environmental health
- Other Representations
- Officer's reports
- Reports to committee (where applicable)
- Decision notice

3.6.7 Where online case contains hypertext links to documentation within the page (as opposed) to a separate section entitled 'Documents') the links must be in an alternative colour to normal text - best practice indicates indigo blue with an underline.

3.6.8 All documents in the case file should be labelled with a date *and* descriptive filename e.g. 'revised drawing', 'design statement' or 'consultee list' not a file code or number.

3.6.9 Councils should display comments made by neighbours, statutory and non statutory consultees. Our experience is that once, people are made aware that the comments will be available on the web than the quality of the responses also improved. It is a local choice but as a minimum they should be displayed until a Decision Notice is issued, and BEFORE committee.

-
- 3.6.10 Neighbour and Consultee Lists should actually provide basic details - most publicly accessible web sites tended to be blank. A list or table should display whether the neighbour/consultee was 'for' or 'against' the proposed development.
- 3.6.11 Councils should set targets for logging, validating applications and when decisions will be available on the web site. In this survey, where the decision notice were not published within five days, a point was not awarded.
- 3.6.12 Where a static Site Plan is displayed using a GIS system, authorities could further improve by providing links to view the map interactively and view adjacent properties as well as policy constraints.
- 3.6.13 Criteria 10 requires additional information be published regarding Applications online so that users may track the progress of applications. As a minimum the following information should be provided:
- o application status
 - o case officer
 - o contact details
 - o date received
 - o validation/registration date
 - o target date for decision
 - o start/end dates for public consultation
 - o actual decision date.

Some authorities have gone further to provide additional information such as (proposed) 'committee date' where applicable, and planning constraint information. The key is to complete all relevant fields in the application system are completed to ensure that the information displayed is current and accurate.

- 3.6.14 The trend has been for authorities to continue to merge individual Appeal cases with Application cases online. However, authorities must provide the user with the ability to filter local reviews and appeals clearly, or pre-filter the database by links selected by the user.

There are many examples still where confusion reigns about how to access the most up-to-date local review and appeal information - some provide PDF lists in addition to case file systems, or linking to the external appeals systems, for example to the DPEA website where appeals submitted to Scottish Ministers can be tracked.

3.7 Online Applications

- 3.7.1 All but a handful of the planning authorities in Scotland seem to be accepting and promoting online applications. However, applying online continues to be poorly promoted and guidance often is still geared towards traditional paper submission of applications.
- 3.7.2 Local authorities should adopt and implement an agreed marketing strategy to promote the use of on-line services.
- 3.7.3 In order to be awarded a point for this survey, the authority must clearly promote the submission of online applications
 - o either through internally measurable methods, or
 - o via web banners on the planning homepage.

BEST PRACTICE: ONLINE APPLICATION PROMOTION

STIRLING COUNCIL [\(click here\)](#)

Stirling Council positively promotes the use of online planning applications, It explains the benefits of eplanning system and emphasizes the speed and accessibility of online planning systems.



3.7.4 Some authorities have made efforts to improve promotion of the ePlanning Scotland site for application submission by highlighting online application services on those web pages dedicated to making an application. Whilst this presents the Service at the point of need, the authority will not be benefiting from the scores of users (traffic) that would see a banner on the homepage and retain the knowledge that the service was available when they make an application in the future.

3.7.5 Users should be informed that the preferred approach for making a planning application is online via the ePlanning Scotland site. Making planning applications using the traditional paper

based approach should be available as an alternative, but discouraged. It should be made clear that this method is not sustainable.

3.8 Enforcement

- 3.8.1 The Enforcement web pages seem to be a low priority in Scotland and this may reflect the development management approach.
- 3.8.2 The most efficient way of reporting an alleged Breach of Planning Control for both the user, and the authority is via a web form. In this way, data should be automatically populating back-office systems. The web form should as a minimum contain the following information:
- o Name of Complainant
 - o Address of Complainant
 - o Status of person responsible for alleged breach (Owner, Occupier, Other)
 - o Address of persons responsible for alleged breach
 - o Address of Alleged Breach Location
 - o Description of Alleged Breach
- 3.8.3 As mentioned above, an enforcement register ideally going back five years, should be available online. Clearly some authorities have issued very small volumes of notices and enforcement cases in general, but it is important that these are available promptly and in an easily accessible way.