

REPORT TO: DEVELOPMENT QUALITY COMMITTEE - 29 JUNE 2009
REPORT ON: PLANNING APPEALS PERFORMANCE 2008/2009
REPORT BY: DIRECTOR OF PLANNING & TRANSPORTATION
REPORT NO: 349-2009

1 PURPOSE OF REPORT

- 1.1 To advise the Committee of the Council's planning appeals performance for the year 2008/2009.

2 RECOMMENDATION

- 2.1 It is recommended that the Committee notes the contents of the report.

3 FINANCIAL IMPLICATIONS

- 3.1 The costs of conducting these appeals have been met from the Planning and Transportation Revenue Budget for the respective year.

4 BACKGROUND

- 4.1 The Council reports annually to the Accounts Commission for Scotland on its planning appeals performance. The Performance Indicator target is included in the Planning and Transportation's Annual Service Plan 2007-2011.
- 4.2 Reference is made to the Minutes of the Development Quality Committee of 19 May 2008 and to Report 236-2008 when appeals performance was last reported to Committee. The purpose of this report is to comment on the nature of the detail of the Council's appeals performance during the year as compared to 2005/2006, 2006/2007 and 2007/2008 performances and to inform Committee of the number of outstanding appeals.
- 4.3 The attached table indicates the following changing patterns of performance:
- a there has been a continuing increase in the number of appeals determined and pending compared to 2006/2007 and the figure for 2008/2009 is double that of 2006/2007;
 - b this continuing increase in the number of appeals is very difficult to explain, particularly when set against the drop in planning applications and the Council's increasing success in terms of the percentage of appeals dismissed; and
 - c the percentage of appeal dismissed (ie refused planning permission) as a proportion of all applications and appeals determined shows a significant improvement and the figure for 2008/2009 is double that of 2006/2007.
- 4.4 The increase in the number of appeals determined and lodged in 2008/2009 has not had an adverse impact on other case management timescales (see Report 344-2009 to be found elsewhere on this agenda).

5 DEPARTMENTAL SERVICE PLAN 2007-2011 - KEY PERFORMANCE MEASURES AND TARGETS

- 5.1 The appeals performance outlined in this report has been compared to the baseline and target performance results outlined in the Departmental Service Plan as follows:

Key Performance Results	Baseline	Target or Direction	2005/2006	2006/2007	2007/2008	2008/2009
Number of appeals determined	25	25	26	23	40	45
% appeals dismissed as % of all applications decided	1.8%	1.8%	0.7%	0.9	2.1%	4.2%
% dismissed as % of all appeals determined	40%	70%	26.9%	40.9%	52.5%	68.9%

6 IMPLICATIONS OF THE NEW PLANNING ETC (SCOTLAND) ACT FOR APPEALS AND INQUIRIES

- 6.1 The new Planning Act links the introduction of enhanced decision making powers for officers in a revised Scheme of Delegation to a new system where appeals by applicants against these delegated decisions will be referred to a Local Review Body and not to Scottish Ministers as at present. Those decisions retained for determination by Elected Members in Committee will continue to be subject to the existing appeals mechanism.

7 CONCLUSIONS

- 7.1 In conclusion, it is considered that the Council's appeal performance is statistically satisfactory and that this displays a high level of consistency in decision making. The direction of improvement is in line with the Departmental Service Plan.

8 POLICY IMPLICATIONS

- 8.1 This Report has been screened for any policy implications in respect of Sustainability, Strategic Environmental Assessment, Anti-Poverty, Equality Impact Assessment and Risk Management. There are no major issues.

9 CONSULTATIONS

- 9.1 The Chief Executive, Depute Chief Executive (Support Services), Depute Chief Executive (Finance), Head of Finance and Assistant Chief Executive have been consulted and are in agreement with the contents of this report.

10 BACKGROUND PAPERS

- 10.1 Departmental Appeals Records.
- 10.2 Individual appeals reports to Development Quality Committee.

- 10.3 Planning and Transportation Department Service Plan 2007-2011.
- 10.4 The Planning Etc (Scotland) Act 2006.
- 10.5 Report 344-2009 - Performance Indicators for Development Quality 2008-2009.
- 10.6 Report 236-2008 - Planning Appeals performance 2006-2007.
- 10.7 Report 176-2008 - Modernising Planning Appeals.

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8 June 2009

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Tayside House
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APPEALS PERFORMANCE SUMMARY 2004/2005 - 2008/2009

	2004/2005		2005/2006		2006/2007		2007/2008		2008/2009	
Total Applications Determined:										
Householder	442		407		447		403		310	
Non Householder	477		495		501		565		425	
Total	919 (+7.2%)		902 (-1.8%)		948 (+5%)		968 (+2.1%)		735 (-24%)	
Total Appeals Determined	16		26		22		40		45	
Total Appeals Withdrawn/Invalid	5		1		0		1		1	
Determined by Written Presentation	16		26		20		36		35	
Public Inquiry/Hearing	0		0		2		4		10	
	Dismissed	Upheld	Dismissed	Upheld	Dismissed	Upheld	Dismissed	Upheld	Dismissed	Upheld
Residential/Householder	6	3(1)	4	6(1)	5	3(1)	4(3)	9(5)	12(2)	6(3)
Leisure/Commercial/Retail	1	3(1)	1(1)	5	4(1)	6(2)	3(1)	6	11(2)	3(2)
Industrial	0	0	1(1)	0	0	0	0	0	0	0
Advertisements	1	2	0	0	0	0	1	0	0	2(1)
Telecommunications	0	0	1(1)	8(7)	0	4(4)	1	3(3)	0	3(1)
HMO Applications							0	1	8	0
Total	8	8(2)	7(3)	19(8)	9(1)	13(7)	21(4)	19(8)	31(4)	14(7)

() Committee decision to refuse contrary to officer recommendation

Years relate beginning of April - end of March

Excludes Enforcement, Amenity Notice and Tree Replacement Notice Appeals

Sources: Planning and Transportation Department Records and Statutory Appeals Registers 2004-2009