

Minister for Local Government Empowerment and  
Planning  
Ministear airson Cumhachdachadh is Dealbhachadh  
Riaghaltas Ionadail  
Joe FitzPatrick MSP  
Joe Mac Giolla Phádraig BPA



Roddy Burns  
Chief Executive  
Moray Council

20 October 2023

Dear Roddy Burns,

I am pleased to enclose feedback on your authority's twelfth Planning Performance Framework (PPF) Report, for the period April 2022 to March 2023.

Across the country, performance against the key markers continues to be stable and there has been little variation in the overall total of green, amber and red markings awarded this reporting period compared with previous periods. It is clear that each of you continue to put in considerable effort to ensuring our planning system continues to run efficiently. I have been particularly pleased to see there has been a marked improvement on speed of determination for major applications across some authorities.

Resourcing remains a key priority which I will continue to discuss with the High Level Group on Planning Performance, which I jointly chair with COSLA. I also have asked officials to bring different parties together to talk about resourcing in the autumn, to identify practical solutions. We need options that work for all sectors, and I think it would be really beneficial to discuss a variety of issues including full cost recovery, the local setting of fees, charges for additional services and approaches which could enable authorities to access the skills and expertise at the time they require.

Finally, I am delighted that we have recently announced the appointment of the National Planning Improvement Champion (NPIC), Craig McLaren, who took up this new post in early September. Craig will play a pivotal role in supporting improvement and will also be looking at how we can improve the way we measure and assess the performance of the planning system in the future.


If you would like to discuss any of the markings awarded below, please contact us at [chief.planner@gov.scot](mailto:chief.planner@gov.scot) and a member of the team will be happy to discuss them with you.

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**JOE FITZPATRICK**

**CC: Jim Grant, Head of Development Services**

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## PERFORMANCE MARKERS REPORT 2022-23

Name of planning authority: **Moray Council**

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

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

No.	Performance Marker	RAG rating	Comments
1	<b>Decision-making:</b> continuous reduction of average timescales for all development categories [Q1 - Q4]	Green	<p><b>Major Applications</b> Your average timescale is 15.0 weeks which is faster than the previous year and faster than the Scottish average of 39.5 weeks. <b>RAG = Green</b></p> <p><b>Local (Non-Householder) Applications</b> Your average timescale is 6.3 weeks which is faster than the previous year and faster than the Scottish average of 14.4 weeks and within the statutory timescale. <b>RAG = Green</b></p> <p><b>Householder Applications</b> Your average timescale is 6.2 weeks which is the same as last year but faster than the Scottish average of 8.9 weeks and within the statutory timescale. <b>RAG = Green</b></p> <p><b>Overall RAG = Green</b></p>
2	<b>Processing agreements:</b> <ul style="list-style-type: none"> <li>offer to all prospective applicants for major development planning applications; and</li> <li>availability publicised on website</li> </ul>	Green	<p>You have stated that you offer processing agreements for all major applications. <b>RAG = Green</b></p> <p>You have a template and guidance on processing agreements publicised on your website within the pre-application advice section. <b>RAG = Green</b></p> <p><b>Overall RAG = Green</b></p>
3	<b>Early collaboration</b> with applicants and consultees <ul style="list-style-type: none"> <li>availability and promotion of pre-application discussions for all prospective applications; and</li> <li>clear and proportionate requests for supporting information</li> </ul>	Amber	<p>You offer pre-application advice and this is available to access through your website using the request form and supporting guidance. <b>RAG = Green</b></p> <p>You have indicated that your website provides guidance on pre-application advice however you have not explained in your PPF how you set out clear and proportionate requests for supporting information. <b>RAG = Amber</b></p> <p><b>Overall RAG = Amber</b></p>
4	<b>Legal agreements:</b> conclude (or reconsider) applications after resolving to grant permission reducing number of live applications more than 6 months after resolution to grant (from last reporting period)	Green	<p>Your average timescale for applications with legal agreement is 9.5 weeks which is slower than the previous year but considerably faster than the Scottish average of 41.1 weeks. Your timescales are consistently fast and this is evidenced in Case Study 6 which sets out the S75 processes in place to ensure you continue to deliver planning decisions within the 4 month target agreed at planning committee.</p>
5	<b>Enforcement charter</b> updated / re-published within last 2 years	Green	<p>Your enforcement charter was updated in March 2022 which is within the last 2 years.</p>

6	<b>Continuous improvement:</b> <ul style="list-style-type: none"> <li>progress ambitious and relevant service improvement commitments identified through PPF report</li> </ul>	Green	You completed 7 out of 9 improvement commitments with a further 2 progressing near completion. You have identified a further 9 commitments for the coming year.
7	<b>Local development plan</b> less than 5 years since adoption	Green	Your LDP was adopted in July 2020 and is therefore less than 5 years since adoption.
8	<b>Development plan scheme</b> – next LDP: <ul style="list-style-type: none"> <li>project planned and expected to be delivered to planned timescale</li> </ul>	Green	Your latest Development Plan Scheme was approved in 2022 and sets out that you will adopt a new LDP within 5 years of NPF4 adoption.
9 & 10	<b>LDP Engagement:</b> <ul style="list-style-type: none"> <li>stakeholders including Elected Members, industry, agencies, the public and Scottish Government are engaged appropriately through all key stages of development plan preparation.</li> </ul>	Green	You have started preliminary engagement on the new LDP including raising awareness and ensuring communities are registering interest in preparing Local Place Plans for their area. You are also in the process of setting up a series of stakeholder workshops to help support development of the Regional Spatial Strategy and to consider the evidence report.
11	<b>Policy Advice</b> <ul style="list-style-type: none"> <li>Production of relevant and up to date policy advice</li> </ul>	Green	You have published policy guidance throughout the reporting period including additional guidance being published on Carbon Assessments and Community Wealth Building. You have also started work on reviewing your supplementary guidance for Developer Obligations.
12	<b>Corporate working across services</b> to improve outputs and services for customer benefit (for example: protocols; joined-up services; single contact arrangements; joint pre-application advice)	Green	You have set out how you work alongside other authorities on protocols relating to Archaeology and Health Working groups. This is evidenced in Case Study 7.
13	<b>Sharing good practice, skills and knowledge</b> between authorities	Green	You are an active participant in various committees and partnerships including North East Scotland Local Biodiversity Action Plan Partnership.
14	<b>Stalled sites / legacy cases:</b> conclusion or withdrawal of old planning applications and reducing number of live applications more than one year old	Green	You have cleared 0 cases during the reporting period and had 0 cases remaining at the end of reporting period.
15	<b>Developer contributions:</b> clear and proportionate expectations <ul style="list-style-type: none"> <li>set out in development plan (and/or emerging plan); and</li> <li>in pre-application discussions</li> </ul>	Amber	<p>You have guidance on Developer Contributions which came into effect in September 2020. The guidance sets out transparent and consistent requirements. You have also indicated a review of the guidance is underway.  <b>RAG = Green</b></p> <p>You have not provided information on how Developer Contributions are set out during pre-application discussions.  <b>RAG = Red</b></p> <p><b>Overall RAG = Amber</b></p>

**MORAY COUNCIL**
**Performance against Key Markers**

Marker		13-14	14-15	15-16	16-17	17-18	18-19	19-20	20-21	21-22	22-23
1	Decision making timescales										
2	Processing agreements										
3	Early collaboration										
4	Legal agreements										
5	Enforcement charter										
6	Continuous improvement										
7	Local development plan										
8	Development plan scheme										
9 & 10	LDP Engagement	N/A	N/A	N/A	N/A		N/A	N/A	N/A	N/A	
11	Regular and proportionate advice to support applications										
12	Corporate working across services										
13	Sharing good practice, skills and knowledge										
14	Stalled sites/legacy cases										
15	Developer contributions										

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

<b>2012-13</b>	3	6	6
<b>2013-14</b>	2	5	6
<b>2014-15</b>	1	4	8
<b>2015-16</b>	1	3	9
<b>2016-17</b>	0	1	12
<b>2017-18</b>	0	1	14
<b>2018-19</b>	0	0	13
<b>2019-20</b>	0	0	13
<b>2020-21</b>	0	0	13
<b>2021-22</b>	0	0	13
<b>2022-23</b>	0	2	12

**Decision Making Timescales (weeks)**

	13-14	14-15	15-16	16-17	17-18	18-19	19-20	20-21	21-22	22-23	<b>2022-23 Scottish Average</b>
Major Development	98.2	13.1	20.0	16.9	16.5	8.9	10.3	21.3	15.1	15.0	39.5
Local (Non-Householder) Development	13.5	8.5	7.5	7.2	6.6	6.5	6.5	7.1	6.8	6.3	14.4
Householder Development	7.1	5.8	6.3	5.7	5.3	5.3	5.7	6.7	6.2	6.2	8.9