

- 1.2 One of the main reasons for applications taking more than one year for a decision to be issued is that the application has been considered by the Committee or by the authorised officer and the decision is minded to grant, subject to the applicant entering into a legal agreement with the Council. Frequently these legal agreements take some time to be concluded, and, in some rare cases, the applicant does not conclude the agreement at all.
- 1.3 As an application is not formally determined until a decision notice granting or refusing planning permission is issued, these delays cause uncertainty over whether a development will take place and when it will be undertaken.

2. Report

- 2.1 The Scottish Government sets targets for the time taken to determine different types of planning applications and it requires Local Authorities to demonstrate that they have taken steps to reduce the number of applications which have not been determined for several years.
- 2.2 As can be seen in the annual performance report for the Planning Service for 2023/24, there are currently 68 legacy cases sitting with the service and 8 of these are awaiting legal agreements being signed off, none of which are older than one year. The remainder are dormant applications that have been undetermined for more than 12 months and which the applicant has declined to withdraw when requested.
- 2.3 In February 2022 the Committee approved the introduction of a procedure for addressing the problem of existing applications which remain “minded to grant” subject to the conclusion of a required legal agreement. This procedure which required legal agreements to be concluded within a six-month period. Thereafter the report will be sent back to the committee with a likely recommendation that the application be refused or, if it was a delegated decision, the application will be refused. The 6-month period to conclude the agreement is only extended in exceptional circumstances and at the Planning and Place Manager’s discretion. Along with the introduction of a standard template for legal agreements has assisted in reducing the number of cases with outstanding legal agreements. This procedure has helped to reduce the number of cases where there is an unsigned legal agreement.

2.3 Undetermined Legacy Applications

- 2.3.1 As the Committee knows, as a Service we will work with applicants to make their applications acceptable and in some cases, this can prolong the determination timescale. However, there are a number of legacy applications lying dormant because the applicant has not agreed to update the supporting information needed to allow the application to be fully considered.
- 2.3.2 An exercise has been carried out where applicants have been contacted and asked to enter into a Planning Processing Agreement to set out when the required information will be submitted, or alternatively to withdraw their application. Where the applicant has failed to agree to either of these steps their application will now be determined on the basis of the information currently held, which may result in the application being recommended for refusal on the basis that insufficient information is available. This will be particularly significant for those applications submitted prior to 13 February 2023 when NPF4 was introduced as part of the Development Plan, as some applications that might have been in accordance with the previous Development Plan will now fail to meet the terms of the new policy framework.

3. Measures of success

- 3.1 The measures of success would be the reduction in legacy cases which will improve the council's performance in relation to legacy cases and help provide greater certainty regarding likely future development
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4. Supporting documentation

None



Pamela Humphries
Chief Officer (Place)

5. Impacts

<p>5.1 Public Sector Equality Duty and Fairer Scotland Duty Does the report contain information that has an impact as a result of the Public Sector Equality Duty and/or Fairer Scotland Duty? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If Yes, please provide a brief summary of the impact?</p> <p>If Yes, has an assessment been carried out and published on the council's website? https://www.northlanarkshire.gov.uk/your-community/equalities/equality-and-fairer-scotland-duty-impact-assessments Yes <input type="checkbox"/> No <input type="checkbox"/></p>
<p>5.2 Financial impact Does the report contain any financial impacts? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If Yes, have all relevant financial impacts been discussed and agreed with Finance? Yes <input type="checkbox"/> No <input type="checkbox"/> If Yes, please provide a brief summary of the impact?</p>
<p>5.3 HR policy impact Does the report contain any HR policy or procedure impacts? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If Yes, have all relevant HR impacts been discussed and agreed with People Resources? Yes <input type="checkbox"/> No <input type="checkbox"/> If Yes, please provide a brief summary of the impact?</p>
<p>5.4 Legal impact Does the report contain any legal impacts (such as general legal matters, statutory considerations (including employment law considerations), or new legislation)? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If Yes, have all relevant legal impacts been discussed and agreed with Legal and Democratic? Yes <input type="checkbox"/> No <input type="checkbox"/> If Yes, please provide a brief summary of the impact?</p>
<p>5.5 Data protection impact Does the report / project / practice contain or involve the processing of personal data? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If Yes, is the processing of this personal data likely to result in a high risk to the data subject? Yes <input type="checkbox"/> No <input type="checkbox"/> If Yes, has a Data Protection Impact Assessment (DPIA) been carried out and e-mailed to dataprotection@northlan.gov.uk Yes <input type="checkbox"/> No <input type="checkbox"/></p>
<p>5.6 Technology / Digital impact Does the report contain information that has an impact on either technology, digital transformation, service redesign / business change processes, data management, or connectivity / broadband / Wi-Fi? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If Yes, please provide a brief summary of the impact?</p>

Where the impact identifies a requirement for significant technology change, has an assessment been carried out (or is scheduled to be carried out) by the Enterprise Architecture Governance Group (EAGG)?

Yes No

5.7 Environmental / Carbon impact

Does the report / project / practice contain information that has an impact on any environmental or carbon matters?

Yes No

If Yes, please provide a brief summary of the impact?

5.8 Communications impact

Does the report contain any information that has an impact on the council's communications activities?

Yes No

If Yes, please provide a brief summary of the impact?

5.9 Risk impact

Is there a risk impact?

Yes No

If Yes, please provide a brief summary of the key risks and potential impacts, highlighting where the risk(s) are assessed and recorded (e.g. Corporate or Service or Project Risk Registers), and how they are managed?

5.10 Armed Forces Covenant Duty

Does the report require to take due regard of the Armed Forces Covenant Duty (i.e. does it relate to healthcare, housing, or education services for in-Service or ex-Service personnel, or their families, or widow(er)s)?

Yes No

If Yes, please provide a brief summary of the provision which has been made to ensure there has been appropriate consideration of the particular needs of the Armed Forces community to make sure that they do not face disadvantage compared to other citizens in the provision of public services.

5.11 Children's rights and wellbeing impact

Does the report contain any information regarding any council activity, service delivery, policy, or plan that has an impact on children and young people up to the age of 18, or on a specific group of these?

Yes No

If Yes, please provide a brief summary of the impact and the provision that has been made to ensure there has been appropriate consideration of the relevant Articles from the United Nations Convention on the Rights of the Child (UNCRC).

If Yes, has a Children's Rights and Wellbeing Impact Assessment (CRWIA) been carried out?

Yes No