

Business Plan 2021 to 2025

Planning and Environmental Appeals Division (DPEA)

What we do

Planning and Environmental Appeals (DPEA), a division of the Scottish Government Legal Directorate, considers and makes decisions and recommendations on a range of planning and environmental matters on behalf of Scottish Ministers

DPEA deals with a wide range of appeals against decisions of planning or local authorities and other bodies including appeals relating to planning, enforcement, listed buildings, community asset transfer, forestry and storage of hazardous substances. DPEA also deals with appeals against decisions made by the Scottish Environment Protection Agency in connection with the prevention and control of pollution, air and water quality, and waste management.

Other key areas of our work include the examination local development plans, public local inquiries held in connection with applications for consent for onshore windfarms and other renewable energy proposals under the Electricity Act 1989; Transport and Works Act 2007 and compulsory purchase, roads and other orders.

DPEA is working with other SG divisions on the acceptance of new work streams, including the designation of Low Emission Zones; Deposit Return Scheme Appeals; and Workplace Car Park Levies.

DPEA's decision on major developments, including housing and renewable energy projects, contribute towards Scottish Government objectives on increased supply and quality of housing and on renewable energy targets.

Our Vision, Values and Aims

Our vision is to provide a high quality and efficient service to all stakeholders.

In all activities DPEA will demonstrate fairness, impartiality and openness.

DPEA aims to embody the core values of the planning service in Scotland as set out in Scottish Planning Policy (2014) which include:

- Focusing on outcomes, maximising benefits and balancing competing interests
- Playing a key role in facilitating the transition to net zero and the creation of sustainable, liveable, productive and distinctive places
- Ensuring development plans are up to date and relevant

- Making decisions in a timely, transparent and fair way to provide a supportive business environment and engender public confidence in the system
- Being inclusive, engaging all interests as early and effectively as possible
- Being proportionate, only imposing conditions and obligations where necessary
- Upholding the law and enforcing the terms of decisions made

Our Objectives

Our objectives are as below:

- To reach sound decisions and recommendations
- To carry out our business efficiently
- To ensure we use our resources to best effect and in a proportionate way
- To continue to improve the experience of our customers

Our staff

Our staff are absolutely key to all that we do. We will:

- Ensure that they have both the equipment and knowledge to carry out their roles
- Provide opportunities for them to develop their knowledge and skills within their existing role but outside of that as well where appropriate
- Explore with them the benefits and possibilities of hybrid working
- Encourage them to achieve their career goals whether within DPEA or outwith
- Implement improvements arising from the people survey

Improvement work 2021/25

With the aim of continuously improving DPEA's efficiency and effectiveness, in order to further enhance the reputation of the planning system in Scotland, we will continue to focus on improvement of our services. We will consult on ways in which we can encourage enhanced participation in the appeals process and improve the quality of our decision making.

We will continue to embed business improvement policies designed to broaden and deepen the skills of all reporters, with a particular emphasis on developing the experience and competence of less-experienced reporters.

We will liaise with our stakeholders and also sister organisations in England, Wales, Northern Ireland and the Republic of Ireland to share and implement best practice in particular with regard to delivering our services during the current Covid-19 situation and beyond.

We will continue to take steps to improve our efficiency in meeting targets for making decisions on appeals and other cases. In particular we will focus on cases where inquiry sessions are held.

We will investigate the technical and other requirements of expanding our offer of hybrid in-person/ virtual hearings and inquiries, promoting efficiency and accessibility beyond Covid-19 restrictions.

We will review our approach to succinct decisions, ensuring a proportionate deployment of resources.

We will continue to work with PARD to progress improvements to the planning system in Scotland, in particular on draft NPF4 and revised development plan examination arrangements.

We will continue our programme of meetings with councils to share and implement best practice on appeals and other casework. This will include continuing our work with the Improvement Service to develop and deliver training to planning authorities. The Chief Reporter will continue to offer and hold meetings with local authorities to discuss the role of DPEA.

We will continue our programme of early engagement with planning authorities to better facilitate the submission of local developments plans for examination. We will commence liaison of a similar nature in relation to Core Path Plans.

We will further develop our IT systems.

Risks

Risks and mitigation are discussed at regular Senior Management meetings and actions taken as appropriate.

The main areas of risk in the year 2022/23 are set out as below.

- Loss of IT systems including Case Management System and external facing Case Website resulting from higher-level decisions on SG IT architecture

- Failure to be allowed to recruit staff to vacant positions due to headcount decisions
- Budgetary constraints leading to an inability to recruit staff
- Illness/absence of staff leading to an inability to deal with our core work
- Budgetary constraints leading to an inability to match resources to workload affecting both statutory functions such as timely processing of appeal casework, and non-statutory but nevertheless highly valued functions such as webcasting of hearings and inquires
- Legal challenge on decisions resulting in significant change to working practices
- Failure to bring on talent and undertake appropriate succession planning
- Failure to fully capture efficiency offered by virtual working/oral processes by reverting to what we know works'
- Reputational risk due to individual or cumulative poor performance
- Fire or disastrous power loss in DPEA premises