

# Planning and Environmental Appeals Division (DPEA)

## Annual Review

2022-23



June 2023

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Scottish Government

Planning and Environmental Appeals Division

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## Ministerial Foreword



There can be no doubt that this has been a very significant year both in the history, and for the future, of Scotland's planning system. The Government's adoption of National Planning Framework 4 (NPF4) in February, following the Scottish Parliament's resounding vote of approval in January, brought to an end an intensive period of collaboration over how we plan for Scotland's places for years to come. It signalled the start of a bold new future, placing the climate and nature

crises front and centre of our thinking, alongside a reinforced commitment to strong, well-functioning places and living communities right across the country.

I was delighted to be appointed to the role of Minister for Local Government Empowerment and Planning at such an exciting time for planning reform, and particularly through the transition from policy development into delivery of NPF4.

NPF4 now has a statutory status as a core part of the development plan which forms the basis for all planning decisions made by the Planning and Environmental Appeals Division and by our planning authorities. And it takes its place within the wider programme of planning reform, which now also includes the new arrangements for preparation of evidence-based, place-focused, new-style local development plans, on which the DPEA will play such an important role.

The planning reform programme has been subject of a massive collaborative effort, ever since an independent review convened in 2015, to develop and implement sweeping new policy and legislation. Now we are into a new beginning for everyone involved in development, in planning and decision-making across Scotland. The DPEA provides a vital public service in supporting the effective operation of our planning system through fair and thorough examination of proposals and policies that will shape Scotland's future development through this new era.

I am very pleased to welcome this annual review and I thank the DPEA for its excellent work over the last year. I look forward to following progress in its evolving responsibilities through the implementation of Scotland's newly reformed planning system.

Joe FitzPatrick

Minister for Local Government Empowerment and Planning

## Chief Reporter's Statement



As this Annual Review demonstrates, this has been another highly productive year for DPEA. Reporters and administrative staff have worked collaboratively, in the context of budget constraints, to continue to deliver a high quality and efficient appellate service. I am hugely grateful to all team members for their continued commitment to delivering high quality decisions and recommendations within Ministerial target dates.

For the year ahead I intend that DPEA will build on this track record by maintaining good performance and by working together with stakeholders to ramp-up initiatives designed to ensure that processes are proportionate and efficient.

As I mentioned last year, this work is resulting in faster processing times for onshore wind proposals, making a significant contribution to the achievement of Scottish Government net zero targets. Engagement with Energy Consent colleagues and the Energy sector indicates that DPEA can expect to receive a significant increase in Electricity Act Section 36 and Section 37 onshore renewable energy generation proposals and transmission lines, together with an unprecedented rise in the volume of Wayleave cases.

Within this context we intend to build on the efficiency gains achieved by [Guidance Note 23: Managing an Efficient Inquiry Process](#) by requiring inquiry parties to submit summaries of their case as it stands at the close of inquiry, enabling the Reporter to incorporate those in their report and move straight onto their own reasoning and conclusions. This ought to facilitate quicker and more proportionate reporting, whilst providing inquiry parties with a direct voice to Ministers.

In the same vein, it has become apparent that the proportion of Further Written Submission casework has been steadily growing over the past four years or so, at some points outstripping the proportion of Site Inspection casework. This was never the intention of the 2006 Planning Act reforms, which aimed for a review of planning decisions based on the information before the planning authority, albeit on a de novo basis. Requesting further submissions also elongates processing times. To this end a short life working group of reporters and caseworkers has been considering the causes for this increase and is making recommendations to ensure that further submissions are sought only where absolutely required.

One external factor which has been identified is sometimes inadequate appeal submissions and planning authority responses, where the reporter is unable to form a

clear picture of the party's case. In this regard I would ask all parties to ensure that a full case is presented first time around, in order to avoid further exchanges. That is not to say that submissions need be lengthy. Just as I am encouraging reporters to prepare succinct decision notices and reports, I would encourage all parties to do the same, concentrating on the key issues in contention. This ought to result in more proportionate and efficient processes at a time when resources are limited all round.

I also mentioned last year that DPEA staff had been engaging with Planning, Architecture and Regeneration Division (PARD) colleagues on the preparation of NPF4, advising on detailed drafting rather than policy choices. NPF4 has been adopted by Ministers and reporters have now issued the first of their reports and decisions where NPF4 is part of the development plan. Those decisions will feed into monitoring of the effectiveness of NPF4.

Also on the planning modernisation front, DPEA staff have been involved in intensive collaboration with PARD, Key Agencies, Heads of Planning Scotland and planning authority colleagues in preparation for the receipt of the first LDP Evidence Report Gatechecks, expected around the turn of the year. I aim to ensure that DPEA approaches those in a proportionate and timely manner.

Scott M Ferrie

Chief Reporter

## 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. This year there was a rise in cases received to 625, from 577 in the previous year. An almost doubling of wayleave application cases, notified application cases and appeals relating to advertisements were significant contributors to this increase.

A person appointed by Scottish Ministers (a reporter) decides most planning permission appeals. These are called 'delegated' appeals. In a small number of cases the reporter does not decide the appeal but submits a report with a recommendation to the Scottish Ministers. These are called 'non-delegated' or 'recalled' appeals. We also deal with a wide range of appeals from decisions of planning or local authorities on matters such as listed buildings and consents to display advertisements, amongst others. DPEA also deals with appeals from decisions made by the Scottish Environment Protection Agency (SEPA) 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 of local development plans, public local inquiries held in connection with applications for consent under the Electricity Act 1989, Transport and Works Act 2007 and compulsory purchase and other orders.

Through our practical knowledge and experience of the appeals system, we continue to provide input to the Planning, Architecture and Regeneration Division (PARAD) in taking forward planning reform, designed to further improve the planning system. We have also continued to have discussions with other Scottish Government divisions in relation to our role in new areas of work for DPEA including Low Emission Zones; Deposit Return Scheme Appeals; and Workplace Car Park Levies.

### Outreach Work

We also engage with outside bodies and other Scottish Government divisions to promote greater understanding of their and our needs. These activities can at times lead to improvements in service on both sides of the equation. This year our engagement activities with outside bodies have included:

- Speaking at Scottish Renewables Conference
- Speaking at Brodies Live
- Discussion on Elected Member training following council elections
- Liaison with other appellate jurisdictions in UK and Ireland



- Liaison with Law Society of Scotland
- Liaison with Heads of Planning Scotland on introduction of Gatecheck Reviews
- A training event for City of Edinburgh Council on a wide range of administration aspects regarding written submission appeals
- Four meetings with planning authorities discussing arrangements for the submission of their proposed development plans during the review year
- The first of the many intended meetings of our administrative and professional staff with planning authorities on the administrative arrangements around Gatecheck Reviews
- Meetings with SEPA concerning aspects of our work on environmental appeals

Our engagement with other Scottish Government divisions has included:

- regular ongoing meetings with PARD's development plan team on the new Gatecheck process
- regular meetings with Energy Consents Unit management regarding forward work programming of Electricity Act cases
- a catch-up meeting with the Community Asset Transfer team

## Our Aims And Values

DPEA aims to embody the core values of the planning service in Scotland as set out in Scottish Planning Policy (in force 2014, withdrawn February 2023) which include:

- Focusing on outcomes, maximising benefits and balancing competing interests
- Playing a key role in facilitating sustainable economic growth, particularly the creation of new jobs and the strengthening of economic capacity and resilience within communities
- 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

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



## Who We Are

DPEA's senior management team is made up of the Chief Reporter, Scott Ferrie; the three Assistant Chief Reporters, Allison Coard, Karen Heywood and David Liddell; the Head of Performance and Administration, David Henderson; and the Principal Reporters, David Buylla, Claire Milne, Robert Seaton, Alasdair Edwards, Trudi Craggs and Chris Warren.

There have been far fewer changes this year with our salaried and self-employed reporters, with the only movements being that of Tammy Swift-Adams from the self-employed reporters panel to a salaried position and the retirement from the panel of Michael Shiel.

There has been an unusually large turnover in administration staff this year with the retirements of Liz Kerr and Jane Robertson; the moving on to pastures new of Marie Buchanan, Graeme Mason and Dianne Wakeling; and the hiring of Rebecca Davidson, Anastasia Pseiraki, Claire Seidel and Lucy Wakeham. Since the end of the review year Stuart McLuckie has also decided to take up a new opportunity and we will be looking to fill his post as soon as possible.

Our office in Falkirk is fully open with our staff working a variety of different patterns involving working from home and the office, balancing their own working pattern preferences with DPEA's business need. Our [organisational chart](#) at Appendix B shows our management and administrative structure.

[Our reporters](#) are listed at Appendix C. Although they are home based they are in regular contact with members of the casework support team and work closely with them. Reporters have a variety of professional backgrounds, albeit most are planners.

## How We Work

Under the procedures that apply to planning appeals, the reporter will decide what further procedure, if any, is necessary once the grounds of appeal, response by the planning authority and representations by interested parties have been received. For this reason, it is our practice to allocate appeals at an early stage. The reporter considers the submissions made by the various parties to the appeal and decides whether any further procedure is necessary. If a site inspection is to take place the reporter decides whether this will take place on an accompanied or unaccompanied basis. In more complex cases a pre-examination meeting may be held before the reporter takes a final view on how the appeal should be conducted. If hearing or inquiry sessions are needed these will normally be restricted to the issues or matters specified by the reporter.

Each of our cases has a dedicated caseworker responsible for the management of the case's documentation, issuing letters on behalf of the reporter, and acting as a point of contact for parties to the case.

With development plan examinations it is our practice to appoint a lead reporter who has overall responsibility for the conduct of the examination. Depending on the number of unresolved representations one or more additional reporters may be appointed to assist with the examination.

### Websites And Electronic Submissions Of Appeals

For information about the work of DPEA, forms for submitting appeals, guidance on procedure, previous annual reviews, how to contact us, how to make a complaint or let us have feedback please go to our [planning and environmental appeals pages on the Scottish Government website](#). Forms and guidance for submitting appeals are also available at [mygov.scot](http://mygov.scot).

We publish the vast majority of documentation for all cases that we handle on our dedicated casework website, [dpea.scotland.gov.uk](http://dpea.scotland.gov.uk), and all documentation in live cases is available on the site. The aim of the website is to increase openness and improve the transparency of the appeals process. All papers that are in front of the decision maker are available for all parties or members of the public to view via this website.

There is also a registered users option on the website that gives access to the DPEA Portal which works in much the same way but also allows users to set up alerts for new cases, new documents, new decisions etc. Please refer to our [guides on how to use the website and the DPEA Portal](#), our [case file publication protocol](#), and our [policy on publication and data protection](#).

The proportion of appeals submitted electronically either through the online eDevelopment portal or by email has increased slightly from 93% to 94%.

### Case Administration

We use a case administration system, known as the DPEA Portal or CMS, to record all case details, including the documents associated with each case and parties involved in them. We issued 49,215 emails plus 6,899 letters via the system for the 834 cases being dealt with in 2022/23.

### Webcasting And Virtual Meetings

The webcasting of pre-examination meetings, hearings and inquiries has continued in 2022/23. Virtual procedures were vital to ensuring that DPEA processes could proceed during COVID and remain an option for procedures moving forward. We have also held our first hybrid inquiry, allowing for parties to appear at in person inquiries remotely, ensuring our procedures are accessible to all.

We have provided coverage of procedures in 58 cases. We have had 39,041 visitors to the site who have collectively watched 4,223 hours of webcasts. Live viewings of events remain high as we continue to see a high level of engagement with procedures being webcast.

Webcasting will continue to be an important part of the service provided by the DPEA and we will endeavour to try and cover as many events as possible.

### Electronic Working

For a number of years reporters have been working with electronic files rather than using paper files when dealing with written submissions. It is also now the norm rather than the exception that reporters will conduct hearings and inquiries using electronic files. Feedback from reporters in this regard continues to be positive. We will continue to look at ways to ensure that parties attending hearing or inquiry sessions can better follow the proceedings.

## What We Have Achieved

Our figures for the amount of cases we process in a year has continued to improve by another 10% on top of the 30% year in year improvement last year. We have exceeded our targets for deciding delegated appeals determined with no further procedure by 6%, and by 7% for those determined by site inspection.

We continue to recognise that to improve the quality and speed of our decision making we need to remain focused on continuous improvement and enhance the support systems we have in place for all reporters to broaden and deepen their skills.

The number of planning permission appeals that should have been submitted to a planning authority's Local Review Body (LRB) rather than ourselves continues to be an issue. We are continuing to monitor the decision notices issued by them and where the notices don't clearly indicate which route applicants need to use to get their applications reconsidered we point this out to the authorities and ask them to review their processes for issuing decision notices to ensure that the route for reconsideration of decisions is always clear. We have also reviewed our guidance on this issue in regard to the terminology used. The main cause appears to be users of the e-development portal indicating an appeal to Scottish Ministers rather than to the LRB.

### Planning And Other Appeals

The Scottish Government places great emphasis on the importance of a modern planning service to stimulate sustainable economic growth and to encourage investment in Scotland. One of the key objectives of planning reform was to remove unnecessary delays and to speed up decisions on planning applications and appeals.

As part of these reforms planning authorities are expected to submit a completed Planning Authority Response Form (PARF) within 21 days of receipt of a valid planning related appeal. We monitor the performance of the planning authorities in meeting this target and engage regularly with any that are consistently underperforming and causing delays in our ability to reach decisions on such appeals.

The table below gives details of each planning authority's performance in this respect.

#### Planning Authorities' Performance In Their Submission Of Completed PARFS

Planning authority	PARFS received in year	Returned within 21 days	% Returned within 21 days	Average days to submit
Aberdeen City Council	13	10	77%	21

Aberdeenshire Council	21	12	57%	20
Angus Council	4	2	50%	20
Argyll and Bute Council	2	1	50%	27
Cairngorms National Park Authority	2	1	50%	22
City of Edinburgh Council	108	55	51%	23
Clackmannanshire Council	1	1	100%	15
Comhairle nan Eilean Siar (Western Isles Council)	1	1	100%	19
Dumfries and Galloway Council	12	6	50%	27
Dundee City Council	9	7	78%	17
East Ayrshire Council	3	1	33%	22
East Dunbartonshire Council	4	4	100%	18
East Lothian Council	2	0	0%	34
East Renfrewshire Council	7	1	14%	30
Falkirk Council	5	3	60%	32
Fife Council	31	6	19%	27
Glasgow City Council	24	11	46%	31
Highland Council	17	8	47%	26
Inverclyde Council	1	1	100%	19
Loch Lomond and the Trossachs National Park Authority	5	4	80%	17
Midlothian Council	6	5	83%	18
Moray Council	7	6	86%	18
North Ayrshire Council	5	2	40%	25
North Lanarkshire Council	9	1	11%	32
Orkney Islands Council	1	0	0%	29
Perth and Kinross Council	12	8	67%	23
Renfrewshire Council	3	2	67%	20
Scottish Borders Council	6	5	83%	22
Shetland Islands Council	1	1	100%	21
South Ayrshire Council	3	0	0%	29
South Lanarkshire Council	4	2	50%	25
Stirling Council	5	2	40%	26
West Dunbartonshire Council	4	3	75%	22
West Lothian Council	33	13	39%	26
<b>Overall</b>	<b>371</b>	<b>185</b>	<b>50%</b>	<b>24</b>

With delegated appeals determined by initial written submissions and a site inspection our percentage decided within target was better this year at 87% and our average time taken to determine them was also better at 11.6 weeks, compared to 81% and 12.2 weeks last year. These figures are particularly pleasing when the increase in volume of appeals decided by this method are taken into consideration, 252 appeals this year compared to 206 last year.

With regard to planning appeals, 39 appeals were allowed and 37 appeals dismissed where local planning authority planners recommendation was to grant consent and 38 appeals allowed and 26 appeals dismissed where local authority planners recommendation was to refuse consent.

For more complex appeals determined by the use of further written submissions we did not meet our 80% target for completion within 20 weeks, although the percentage did increase from 66% to 70%, whilst the average time taken remained static at 21.6 weeks.

The low number of delegated appeals that require to be determined by use of hearing and inquiry sessions will always make it more difficult for us to meet our targets for their determination. Even a doubling of the number of appeals determined by these methods this year, from four to eight, gives little scope for the leeway available when decision numbers are in the hundreds. That being said we are disappointed that no such appeals have been determined within target this year.

For more detail on these matters please see [performance against our targets](#).

We have dealt with appeals for significant development proposals including:

#### Residential Developments Over 10 Units

Location	Houses / Flats	Decision
Alloa	91	Appeal Allowed
Armadale (South West Main Street)	375	Appeal Allowed
Armadale (Upper Bathvile)	280	Appeal Dismissed
Balerno	350	Appeal Dismissed
Bathgate	189	Appeal Allowed
Bearsden	65	Appeal Allowed
Bo'ness	12	Appeal Allowed
Bothwell	44	Appeal Dismissed
Bridge of Weir	39	Appeal Allowed
Carnoustie	60	Appeal Dismissed
Clydebank	99	Appeal Allowed

Cupar	40	Appeal Allowed
East Calder (Drumshoreland Garden Community, 108 Hectare)	1800	Appeal Dismissed
East Calder (Drumshoreland Garden Community, 58 Hectare)	400	Appeal Dismissed
East Calder (Oakbank Road)	90	Appeal Allowed
East Whitburn	104	Appeal Allowed
Edinburgh (Bath Street)	20	Appeal Dismissed
Edinburgh (Canongate)	76	Appeal Allowed
Edinburgh (North of Craigs Road)	500	Appeal Dismissed
Edinburgh (Dundas Street)	50	Appeal Dismissed
Edinburgh (Lasswade Road)	99	Appeal Allowed
Edinburgh (Watertoun Road)	49	Appeal Allowed
Elderslie	25	Appeal Allowed
Falkirk	91	Appeal Allowed
Forfar	245	Appeal Dismissed
Forres	48	Appeal Allowed
Glenrothes	200	Appeal Allowed
Gorebridge	308	Appeal Dismissed
Inverkeithing	180	Appeal Dismissed
Johnstone	53	Appeal Allowed
Lanark	36	Appeal Allowed
Larbert	250	Appeal Dismissed
Lennoxton	49	Appeal Dismissed
Livingston	300	Appeal Allowed
Monifieth	50	Appeal Dismissed
Paisley	603	Appeal Allowed
Penicuik	46	Appeal Allowed
Plean	117	Appeal Allowed
St Andrews	18	Appeal Dismissed
Stoneyburn	300	Appeal Allowed
Wellwood	140	Appeal Allowed
West Calder (Mossend, Site K)	67	Appeal Allowed
West Calder (Mossend, Site Y4)	22	Appeal Allowed
West Calder (South of West Mains Crofts)	17	Appeal Dismissed

We publish weekly statistics on all [developments with 10 or more houses](#).

#### Number of Houses Consented in All Residential Developments Over 5 Years

Review year	Houses/Flats consented
2022/23	3700
2021/22	1851



2020/21	2258
2019/20	9410
2018/19	1719

#### Wind Farm Appeals (Two Or More Turbines)

Location	Turbines	Decision
Rickarton, Stonehaven	11	Appeal Allowed
North East of Strachur Village, Argyll & Bute	9	Appeal Allowed
Parton, Castle Douglas	7	Appeal Dismissed
Corsock, Castle Douglas	9	Appeal Dismissed
Cornharrow, St John's Town of Dalry (SJTD)	8	Appeal Allowed
South West of Moniaive, Dumfries & Galloway	9	Appeal Allowed
Glenshimmeroch Hill and Kinair Hill, SJTD	10	Appeal Allowed
Sorn, Ayrshire	5	Appeal Dismissed
Rogart, Highland	7	Appeal Dismissed
Sandside, Reay, Caithness	7	Appeal Dismissed
Dunbeath, Caithness	6	Appeal Dismissed
Lyth, Wick	11	Appeal Allowed
Dufftown, Moray, AB55	7	Appeal Allowed
East of Fardens, Skelmorlie, Ayrshire	10	Appeal Dismissed
Costa Head, Orkney	4	Appeal Allowed
Hesta Head, Orkney	5	Appeal Allowed

In 2022/23 DPEA reporters granted planning permission for 300 MW of output.

[Statistics for all wind turbine appeal decisions are published on our website](#)

Other notable appeals decided in this year include:

- As in the last few years a number of appeals relating to short stay commercial visitor accommodation
- A new quarry for sand and gravel extraction in West Linton
- Fish farm at Loch Hourn, Arnisdale
- A care home in Banchory
- A number of LED digital display advert appeals in Edinburgh
- A solar photovoltaic array in Invergowrie
- Change of use of Carriston Reservoir to a fishery
- Erection of 21 maturation warehouses in Bathgate
- Extension to Sheephill Quarry, Milton
- Factory and office accommodation in Ellon

## Recalled Appeals

Reports were submitted to Scottish Ministers in two appeals that had been recalled for their consideration. These were for a new access road and active travel route from Edinburgh Airport to Gogar Roundabout, and a mixed use development near Meadowfield Farm, Turnhouse Road, Edinburgh.

## Called In Planning Applications

As listed below, 18 reports for called-in planning applications were submitted to Scottish Ministers for their consideration.

### Called-in Planning Application Reports Submitted To Scottish Ministers

<b>Location</b>	<b>Proposed developments</b>
Faray, Orkney	6 Wind Turbines
Crookbridge, Stirling	Offices, retail, drive-thru restaurant
Isle of Whithorn, Newton Stewart	Boat shed and related facilities
Business Park, Dingwall	Office/Workshop and storage unit
Business Park, Dingwall	Storage and office unit
Business Park, Dingwall	Office/Workshop
Damhead, Edinburgh	9 houses
St. Vincent Street, Glasgow	Conversion of offices to 14 serviced flats
Yoker Ferry Road, Glasgow	36 flats
Strathdon, Aberdeenshire	Conversion of building to house
Clickimin Loch, Lerwick	Demolition of building and erection of house
Post Office, Kyleakin, Isle of Skye	Replace annex with house
Crimond, Cannich, Inverness	A house
Bonar Bridge, Ardgay, Highlands	Tourist facilities, use of site for Campervans
Various streets, Campbeltown	Demolition of five tenement blocks
Sheephill Fort, Auchentorlie	Quarrying operations
Market Place, Portree	Siting of catering trailer
Netherton Farm, Renfrew	Variation to wording of a planning condition

## Planning Obligation Appeals

As with the previous year decisions were issued for ten planning obligation appeals in 2022/23, some details of which are shown in the following table.

## Planning Obligation Appeal Decisions Issued

Authority	Modification sought	Decision
Argyll and Bute Council	The Use of the Garage/Ancillary Accommodation at the Appeal Site is to be Restricted to Use Ancillary to the Main House	Appeal Allowed
Dundee City Council	Education Contributions	Appeal Allowed
East Dunbartonshire Council	Education Contributions	Appeal Dismissed
Highland Council	Separate Sale of House from a Neighbouring Industrial Unit	Appeal Allowed
Midlothian Council	Education Contributions	Appeal Allowed
North Lanarkshire Council	Education Contributions	Appeal Allowed
Perth and Kinross Council	Education Contributions	Appeal Allowed
West Lothian Council	Town Centre Improvement Contributions	Appeal Allowed in Part
West Lothian Council	Town Centre Improvement Contributions	Appeal Allowed
West Lothian Council	Cemetery Contributions	Appeal Allowed

### Local Development Plan Examinations (LDP)

In 2022/23 Circular 6/2013: Development Planning provided further guidance on Ministers' expectations in terms of moving swiftly from the main issues report stage through to proposed plan, examination and adoption with a view to ensuring that we had an up to date, plan led system.

The Circular has now been replaced with Guidance and DPEA has had early discussions with planning authorities, Heads of Planning Scotland and key agencies in relation to how the new process will work.

Three LDP examinations, further details of which are given in table 6A, were completed in 2022/23. The examinations were completed in an average of 60 weeks, which is over the target of 9 months (39 weeks) referred to in Circular 6/2013. Modifications were recommended in relation to all proposed plans, ranging from minor modifications to conclusions regarding deficiency or non-compliance with national policy.

There were five ongoing examinations with us at the end of the review period. Subsequent to which we completed the examination of the Argyll and Bute Proposed Local Development Plan. There will be no new proposed plans submitted to us before the end of March 2024 due to the changes in the development plan process.

However, 10 planning authorities have told us they expect to submit evidence reports to us as part of the new Gatecheck process by then.

We will continue to drive continuous improvement in this area of our work, and seek to implement best practice with agreement of all involved in implementing new processes required by changes to the planning system.

To support that, we strongly encourage those authorities that are in the process of preparing their evidence report or proposed development plan to engage with us at an early stage. This should be as early as possible in the process.

Since 2018/19 we have liaised earlier and more regularly during the plan preparation stage and we have continued to build on this in years following. A key aim of this engagement is to assist the authority in marshalling the representations into sensible groups. Authorities will also want to ensure that sufficient time is factored into their timetable for the administrative task of pulling their examination material together.

This year as part of the early stage engagement we met with the LDP teams of four planning authority's – Scottish Borders, City of Edinburgh, East Ayrshire and Loch Lomond & The Trossachs.

We work closely with authorities in the period leading up to submission of the plan for examination. If we are to complete examinations in reasonable time it is essential that authorities provide accurate timescales of when the plan will be submitted. We have previously sought to line reporters up for examinations in order that work can commence as soon as possible after it has been submitted. However, slippage in submission of plans has resulted in reporters not being allocated to a plan until it is actually received. As reporters workloads are scheduled up to six months in advance this has meant delays to the examination commencing with a knock on impact on the time taken to complete the examination.

## Other Casework

DPEA deals with a wide variety of non-planning casework including inquiries held under the Electricity Act, the Transport and Works Act and inquiries into Roads Orders and Compulsory Purchase Orders. These casework types tend to be very resource-intensive for DPEA, both in terms of reporter and caseworker commitment, and remain a focus of efficiency initiatives.

We also have responsibility for determining environmental appeals made to Scottish Ministers against decisions made by SEPA in relation to the control and prevention of pollution, water quality and waste management.

Statistics giving the volume and breakdown of casework are in [tables 1 to 3](#) of Appendix A to this report.

## Electricity Act Cases

Applications to construct or vary electricity generating stations (including onshore wind farms) with a capacity of more than 50 megawatts are made to the Scottish Ministers under section 36 and 36C of the Electricity Act 1989. Scottish Ministers also deal with applications to construct overhead electric power lines (section 37) and, where these cannot be agreed, applications for any necessary wayleaves over land for the purpose of constructing or maintaining access to power lines.

This year five reports were submitted to Ministers for applications for section 36 wind farms. Those were for; Sheirdrim, Argyll & Bute; Kirkan, Garve, Highland; Clashindarroch, Huntly, Aberdeenshire; Clauchrie, Barhill, South Ayrshire and Shepherds Rigg, Carsphairn, Dumfries & Galloway.

At the end of the review period we had in-hand a further 11 Section 36 applications for wind farms and five Section 37 applications for different parts of the same power line, plus an application for a part of a different power line, as listed below.

### Electricity Act Applications In Hand

DPEA reference	Planning authority	Type & Name
WIN-110-3	Aberdeenshire Council	Wind Farm - Glendye
WIN-130-6	Argyll and Bute Council	Wind Farm – Narachan Hill
WIN-130-7	Argyll and Bute Council	Wind Farm – Clachaig Glen
WIN-170-2007	Scottish Borders Council	Wind Farm – Faw Side
WIN-270-15	Highland Council	Wind Farm – Kintradwell
WIN-270-16	Highland Council	Wind Farm – Cairn Duhie
WIN-270-17	Highland Council	Wind Farm - Corriegarth
WIN-270-18	Highland Council	Wind Farm – Strath Oykel
WIN-270-19	Highland Council	Wind Farm – Hollandmey
WIN-370-4	South Ayrshire Council	Wind Farm - Craiginmoddie
WIN-370-5	South Ayrshire Council	Wind Farm - Knockcronal
TRL-170-1, 2, 3, 4 & 5	Dumfries and Galloway Council	Transmission Line – Kendoon to Tongland
TRL-130-1	Argyll and Bute Council	Transmission Line – Dalmally to Inverarnan

Decisions issued by Scottish Ministers this year following a reporter's report and recommendation to grant consent totalled 952 MW of output.

We also submitted 10 reports to Ministers on applications for a necessary wayleave. During the course of the year 42 wayleaves cases that had been referred to us were withdrawn, some after a considerable amount of work had been carried out on them.

At the end of the review period we had 53 such cases in-hand. There is a continuing pattern of a high proportion these cases being withdrawn, for example of the 116 such referred to us since 01 January 2020 only 17 were allowed to reach the stage where we submitted reports to Scottish Ministers. We anticipate there will be a sharp increase in these cases over the coming years and that is a major concern for us in terms of resources and budget.

### [Compulsory Purchase Orders](#)

Three reports on compulsory purchase orders were submitted this year. These were for land for the Killiecrankie To Glen Garry A9 Dualling; land at Dalwhinnie Water Treatment Works and a flat at Allison Street, Glasgow.

### [Other Orders and Reports](#)

Trunking order, side roads order and extinguishment of public rights of way order reports relating to the same A9 dualling section were submitted. As were four stopping up and diversion order reports for sections of core paths near Redgorton, Perth & Kinross. Other reports submitted were for a roads order and a stopping up order for various roads in Edinburgh; stopping up orders for Mill Street, Broughty Ferry and Scapa Crescent, Orkney; plus traffic regulation orders for various roads in Luss and Edinburgh.

### [Core Path Plans](#)

A report into the proposed diversion of North Lanarkshire Core Path 281 was also submitted during the review year. Similar to what we do with Local Development Plans we have commenced early engagement with authorities due to submit a Core Path Plan for examination.

### [Environmental Appeals](#)

In 2022/23 we issued three decisions on environmental appeals involving the Scottish Environment Protection Agency (SEPA). Two concerned alleged non-compliance with measures under reservoirs acts and orders at Loch Steisebhat, Isle Of Harris and the other concerned conditions imposed on a Marine Pen Fish Farm Permit at Loch Linnhe.

### [High Hedges](#)

We made 15 decisions in 2022/23 on valid appeals dealt with under the High Hedges (Scotland) Act 2013.

Further information about high hedges can be found in the Scottish Government's [guide to local authorities](#) and [our high hedge appeals forms and guidance page](#).

## Historic Environment (Scotland) Act 2014

In 2022/23 we made two decisions on building designation appeals. One for the Byre at Kriklea, Thornhill, Dumfries & Galloway and the other on a second appeal regarding the listing of gates and gatepiers at Linden Park, Hawick.

## Community Asset Transfer Appeals (CAT)

### CAT Appeal Reports Submitted To Scottish Ministers

DPEA Reference	Authority	Asset
CAT-250-2	Fife Council	Stratheden Hospital, Cupar
CAT-380-1	South Lanarkshire Council	The Jock Stein Centre, Hamilton
CAT-410-1	Comhairle nan Eilean Siar	Old Co-Op Building, Castlebay, Barra

We have one other appeal of this type in progress. We have continued to engage with the client division to assist in improving guidance and processes.

## Court Of Session Appeals

The table below sets out cases appealed to, and decisions made by, the Court of Session in 2022/23 in relation to appeals decided by reporters.

### Court Of Session Appeals Position

Case reference	Date referred to Court of Session	Court of Session outcome date	Court of Session outcome
ENA-120-2019	11/05/2021	08/04/2022	Upheld
PPA-170-2157	01/03/2022	15/06/2022	Withdrawn
PPA-270-2237	01/04/2022	12/05/2022	Quashed
PPA-280-2035	20/04/2022	20/01/2023	Upheld
PPA-400-2121	26/05/2022	20/01/2023	Upheld
HHA-230-19	19/07/2022	15/11/2022	Upheld
PPA-400-2131	07/10/2022	27/10/2022	Quashed
PPA-400-2132	10/10/2022	27/10/2022	Quashed
PPA-120-2059	10/10/2022	12/01/2023	Quashed
ENA-300-2020	29/11/2022	16/03/2023	Quashed
ENA-230-2234	03/03/2023		
ENA-210-2019	28/03/2023		

## Customer Feedback

We welcome feedback on any aspect of the service that we provide as well as suggestions as to how we can further improve. Please send any comments to [DPEA@gov.scot](mailto:DPEA@gov.scot). We have continued to seek feedback on our service through a



customer survey for parties involved in delegated casework. A link to the DPEA Customer Survey is sent to all parties with the notification of the final decision and is also available on case publication page on the web. Questions are asked relating to the case publication site, guidance and forms on our web pages, communication, clarity of the decision notice and interactions with staff. Responses in the last year have remained limited, despite efforts to increase participation, and it has therefore been difficult to draw any firm conclusions from the responses.

## Stakeholders Forum

Our Stakeholders Forum continued to meet this year in the virtual world to allow us to share experiences and provide us with constructive feedback on our performance and to make suggestions for improvement of the service that we offer. The Group covered a wide range of issues including staffing and budgets; the benefits and dis-benefits of virtual/hybrid PEM's, hearings and inquiries; improving performance in relation to hearing and inquiry cases; planning reform; DPEA performance; DPEA IT systems; and appeal fees.

### Stakeholders Forum Members

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Scottish Property Federation

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Homes for Scotland

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CBI Scotland

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Scottish Renewables Planning Group

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Heads of Planning Scotland

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Planning Aid Scotland

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Planning Democracy

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Royal Town Planning Institute Scotland

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Royal Institute of Chartered Surveyors Scotland

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Royal Incorporation of Architects in Scotland

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Royal Society for the Protection of Birds

---

Scottish Planning, Local Government and Environmental Law Bar Group

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The Society of Local Authority Solicitors

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Scottish Environment Protection Agency

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Historic Environment Scotland

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Scottish Environment Link

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The Law Society of Scotland

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Scottish Natural Heritage

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Scotland Against Spin

Balerno Community Trust and South West Edinburgh Communities Forum

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The Royal Burgh of St Andrews Community Council

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The Association for the Protection of Rural Scotland

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Sustainable Communities Scotland

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Sir Frank Mears Associates & Association of Mediators

## Staff Engagement

In the course of the year our staff were invited to take part in a civil service wide staff survey that asked questions on leadership and managing change, their work, their line manager, pay and benefits, resources and workload, learning and development, organisational objectives and purpose, inclusion and fair treatment and their team. Overall, the results showed a slight improvement from 2021/22. From the results we will give particular focus to learning and development and increasing understanding of DPEA's place in the Scottish Government and our contribution to the National Performance Framework and National Outcomes.

## Learning And Development

With regard to the professional development of reporters, we have held hybrid seminars at which external and in-house speakers give talks on planning policy, legislative reform and new issues for our casework. The topics have included the community asset transfer appeals; environmental appeals; short-term lets; reflections on court cases; telecoms infrastructure; national parks; and NPF4. Reporters are divided into four discussion groups, each of which is led by a Principal Reporter and provides a forum for reporters to discuss problems or difficulties, to consult with colleagues, to identify best practice and to promote consistency. A change was made during 2022/23 so that discussion groups now focus on specific aspects of work that the members of each group are currently engaged on.

The Principal Reporters act as professional mentors for more junior reporters and offer advice on procedure and best practice. We also have a system of peer review where a small group of reporters meet to critique their work. The purpose is to enable reporters to exchange constructive criticism on a confidential basis, to benefit from the experience of other colleagues, to resolve problems and again to share best practice.

In suitable cases a junior reporter is paired with a more senior colleague to gain experience of working on more complex cases. This enables a sharing of the burden on complex cases, and more importantly has been invaluable in training less-experienced reporters to undertake more significant casework, particularly those that proceed by hearing or inquiry. This has again especially been the case in the last year in relation to Section 36 Electricity Act cases.

Our system of Specialist Advisers continues to operate where reporters take responsibility for a specific area of our work and feedback to the group on issues arising as well as providing advice with regard to their area of specialism. These subjects include aquaculture; development economics; ecology; energy from waste; flooding; human rights; national park/rural issues; noise; and ornithology.

## Requests For Information

Over the year we responded to 31 requests for information under the Environmental Information Regulations. These requests are often of a statistical nature or for case specific information. We also responded to almost 100 pieces of correspondence sent directly to Scottish Ministers.

## Complaints

In the course of the year we received eight formal complaints regarding our work – up from three in 2021/22. The complaints covered issues ranging from attendance at an inquiry; delay in issuing a decision; handling of cases; inaccuracies in the decision notice; and failure to consult with the appropriate parties in considering a case. Two complaints were taken to Stage 2 of the complaints process.

Where there is a complaint about an administrative error or some other failure in the service we provide we try to ensure that this is investigated promptly, that an apology is given where our service falls short of acceptable standards and that appropriate remedial action is taken to ensure that this does not happen again. We try to resolve complaints informally in the first instance but a customer may elect to pursue a complaint on a more formal basis, in which case the procedure in our Complaints Policy applies.

If the complaint is about the outcome of an appeal then we explain that the decision of the reporter is final and cannot be revoked or reviewed by DPEA or by Ministers. Customers are, however, made aware of their statutory right to appeal to the Court of Session on a point of law.

## Finance

### DPEA Expenditure and Income

<b>Expenditure</b>	<b>£</b>
Salaries	3,506,500
Self-Employed Reporter Fees	293,016
Travel & Subsistence	69,826
Administration	168,476

Venue Hire	14,503
Advertising	15,893
Legal Services	51,226
IT Development	24,787
<b>Total</b>	<b>4,144,227</b>
Income*	366,368

\*This income, which is earned from the examination of local development plans, is not retained by DPEA.

## Our Priorities For The Coming Year

### Business Improvement Objectives/Service Improvement Plan 2022/23

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 continued to focus on improvement of our services. Our stakeholder group has continued to discuss how we can encourage enhanced participation in the appeals process. We have continued to look at and implement ways of improving the quality of our decision making and reporting.

We continued 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. Given the focus on climate change targets, Net Zero and the anticipated increase in related casework we have focussed specifically on measures to increase our pool of reporters who can deal with Section 36 and 37 applications under the Electricity Act.

We have continued to 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. This included an in-person meeting in Edinburgh at the end of March involving all jurisdictions.

We have continued 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 have continued to 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. Our first hybrid inquiry was held in relation to the Sheriffhall Roundabout proposals.

We have reviewed our approach to succinct decisions and initiated a review of the number of cases where further written submissions are requested, ensuring a proportionate deployment of resources.

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

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

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

We have further developed our IT systems.

## Business Improvement Objectives/Service Improvement Plan 2023/24

We will continue to look at ways of improving the service we deliver in partnership with our stakeholder group and other users of our services.

We will continue to embed business improvement policies designed to broaden and deepen the skills of all reporters. Given the focus on climate change targets, Net Zero and the anticipated increase in related casework we will focus on improving timescales for reporting.

We will continue to 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.

We will continue to take steps to improve our efficiency in meeting targets for making decisions on appeals and other cases.

We will continue to investigate the technical and other requirements of expanding our offer of hybrid in-person/ virtual hearings and inquiries, promoting efficiency, accessibility and best use of DPEA and others resources.

We will continue to look to reduce the time taken to decide cases and report. We will bring in a new style of report and continue to take steps to reduce cases where further information requests are necessary.

We will continue to work with PARD to progress improvements to the planning system in Scotland, in particular on 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 have commenced liaison of a similar nature in relation to Core Path Plans.

We will look to further develop our IT systems where budgets allow.

## Appendix A

### Statistics On Workload And Performance Against Targets

Table 1: Volume Of Cases\* Handled By DPEA

#### Volume Of Cases Handled By DPEA

Business year	In hand at start of the year	Received	Delegated appeals decided	Reports submitted	Withdrawn	In hand at end of the year
<b>2022-23</b>	<b>209</b>	<b>625</b>	<b>502</b>	<b>58</b>	<b>62</b>	<b>212</b>
2021-22	199	577	468	53	46	209
2020-21	191	438	365	37	28	199
2019-20	213	601	470	69	84	191
2018-19	216	710	586	40	87	213

\*Includes appeal and non-appeal cases

The total number of cases sisted/suspended as at 31 March 2023 was 29.



Table 2: Types Of Cases Received

Types Of Cases Received					
Type Of Case	2018-2019	2019-2020	2020-2021	2021-2022	2022-2023
Planning permission appeals	291	227	229	258	245
Planning enforcement appeals	89	94	37	76	82
Conservation area consent, listed building consent and listed building enforcement appeals	80	69	48	51	56
Advertisement consent, discontinuance notice and advertisement enforcement appeals	73	51	33	23	43
High Hedge appeal	33	17	8	20	16
All other types of appeal	46	45	46	66	61
<b>Subtotal: all types of appeals</b>	<b>612</b>	<b>503</b>	<b>401</b>	<b>494</b>	<b>503</b>
Called-in application	2	1	1	3	1
Called-in listed building consent - demolition	1	0	0	0	0
Completion Notice	0	1	0	0	0
Compulsory Purchase Order	8	10	5	5	3
Core Paths Plan	0	2	1	1	0
Extinguishment of Public Right of Way	3	2	0	0	0
Flood Prevention Scheme	1	0	0	1	0
Listed Building Notified Application	0	0	1	0	0
Local Development Plan	6	6	4	3	4
Notification Direction	0	2	0	0	1
Notified application	5	6	6	8	13
Power Station	0	1	0	0	0
Public path creation/diversion/extinguishment order	1	0	0	1	0
Purchase Notice	0	1	0	0	0
Revocation order	0	0	0	1	0
Roads order	16	5	2	0	2
Section 36 Wind Farm	4	5	8	5	9
Section 37 Transmission line	0	0	0	5	1
Stopping up order	3	2	1	5	1
Strategic Development Plan	0	1	0	0	0
Traffic Regulation Order	5	1	0	1	2
Wayleave	43	52	8	44	85
<b>Subtotal: all types of non-appeal cases</b>	<b>98</b>	<b>98</b>	<b>37</b>	<b>83</b>	<b>122</b>
<b>All Cases Received</b>	<b>710</b>	<b>601</b>	<b>438</b>	<b>577</b>	<b>625</b>

Table 3: Breakdown Of Cases Received By Their Characteristics

Breakdown Of Cases Received By Their Characteristics					
Characteristics	2017-2018	2018-2019	2019-2020	2020-2021	2022-2023
Advertisement	78	57	33	24	46
Agricultural	8	7	9	7	12
Animal (cattery, kennel, stable etc.)	7	5	3	4	4
Building Alterations (householder)	94	86	72	72	64
Building Alterations (non-householder)	28	20	12	20	17
Business	37	28	22	9	23
Car park	24	23	12	17	17
Caravan and Campsites	13	9	4	13	16
Cemetery/Religious Building	2	2	1	1	3
Chimney/Flue	4	4	1	0	0
Community Asset Transfer	2	4	3	4	4
Compulsory Purchase Order	6	7	4	5	3
Demolition	14	15	13	13	23
Designation of Building/Monument	2	3	2	6	2
Development Plan (Local)	6	6	4	3	5
Development Plan (Strategic)	0	1	0	0	0
Dock/Harbour	0	1	1	1	0
Environmental Appeal	5	3	4	7	7
Fencing/Wall	29	30	20	31	16
Fish Farm	1	6	1	5	2
Flood Prevention Scheme	1	0	0	1	0
Hazardous Substance	0	1	0	0	0
Hedge	32	17	8	20	15
Holiday/Leisure	18	19	10	22	8
Hospital/Medical Centre	0	0	2	1	0
Hot Food Takeaway	9	8	5	9	4
Hotels	25	46	20	23	1
House in Multiple Occupation	1	8	1	4	8
Housing (10 or more houses)	59	55	50	54	38
Housing (more than one house)	21	22	22	23	24
Housing (single dwelling)	58	46	47	43	65
Hydro/Solar Power	0	2	1	0	1
Industrial	1	3	1	4	3
Landscaping	37	37	15	37	38
Leisure Facility/Ground	9	4	7	10	6

Meteorological/Anemometrical Mast	1	0	0	1	0
Mineral Extraction	3	0	3	3	3
Nursing/Care/Retirement Home	4	2	3	3	4
Other	23	5	4	22	13
Path	6	9	5	8	2
Petrol Station	3	4	0	1	1
Power Station/Energy from Waste	5	3	0	2	4
Recycling	1	1	0	1	0
Restaurant/Cafe/Licensed Premises	16	7	13	9	12
Retail (food)	5	10	13	6	2
Retail (non-food)	5	14	9	2	7
Road/Bridge	43	23	14	9	12
Scheduled Monument	0	0	0	1	1
School/Educational	2	6	4	2	5
Shed/Garage	26	20	24	27	13
Short stay accommodation	0	0	0	9	57
Short Stay Accommodation Under Application	0	0	0	0	1
Storage (non-warehousing)	8	19	12	10	7
Substation/Transmission Line/Pipeline	1	1	0	6	1
Telecommunication	26	1	15	13	12
Traffic Regulation Order	5	1	1	1	2
Transport	3	2	0	1	2
Travelling Persons Site	0	1	1	2	0
Tree	16	10	4	22	11
Warehouse/Distribution	0	0	0	3	3
Waste Disposal	6	4	0	0	1
Water/Sewage	19	8	8	8	10
Wayleave	43	51	8	44	84
Wind Farm (two or more turbines)	17	12	23	24	16
Wind turbine (single)	2	1	3	0	0
Windows - Timber	4	6	1	7	4
Windows - UPVC	26	21	6	12	15

**Table 4a: Appeal Cases Success Rates By Method Of Determination**

Appeal Cases Success Rates By Method Of Determination									
	Number decided	Considered by oral process			Considered by site visit/review of written submissions			All cases allowed	
		Total	Allowed	Percentage	Total	Allowed	Percentage	Allowed	Percentage
<b>Delegate appeals</b>									
Planning permission	166	7	3	43%	159	84	53%	87	52%
Planning enforcement	73	0	-	-	73	17	23%	17	23%
Conservation area consent, listed building consent and listed building enforcement	56	0	-	-	56	21	38%	21	38%
Advertisement consent, discontinuance notice and advertisement enforcement	37	0	-	-	37	26	70%	26	70%
High hedge	15	0	-	-	15	11	73%	11	73%
All others	43	1	1	100%	42	21	50%	22	51%
<b>All Delegated Appeals</b>	<b>390</b>	<b>8</b>	<b>4</b>	<b>50%</b>	<b>382</b>	<b>180</b>	<b>47%</b>	<b>184</b>	<b>47%</b>
Non-delegated Appeals	7	2	1	50%	5	1	20%	2	29%
<b>All Appeals</b>	<b>397*</b>	<b>10</b>	<b>5</b>	<b>50%</b>	<b>387</b>	<b>181</b>	<b>47%</b>	<b>186</b>	<b>47%</b>

\*In addition a further 112 appeals were turned away as we had no powers to determine them

**Table 4b: Non-Appeal Cases Success Rates By Method Of Determination**

**Non-Appeal Cases Success Rates By Method Of Determination**

Case types	Number decided	Considered by oral process			Considered by site visit/review of written submissions			All cases allowed	
		Total	Allowed	Percentage	Total	Allowed	Percentage	Allowed	Percentage
Called-in application	3	1	0	0%	2	1	50%	1	33%
Compulsory Purchase Order	4	4	3	75%	0	-	-	3	75%
Extinguishment of Public Right of Way	1	1	1	100%	0	-	-	1	100%
Notification Direction	1	1	1	100%	0	-	-	1	100%
Notified application	9	0	-	-	9	6	67%	6	67%
Public path creation/diversion/extinguishment order	1	1	1	100%	0	-	-	1	100%
Roads order	3	3	3	100%	0	-	-	3	100%
Section 36 Wind Farm	4	4	4	100%	0	-	-	4	100%
Stopping up order	6	6	5	83%	0	-	-	5	83%
Traffic Regulation Order	1	1	1	100%	0	-	-	1	100%
Wayleave	3	2	2	100%	1	1	100%	3	100%
<b>Total: All Non-appeal Cases</b>	<b>36</b>	<b>24</b>	<b>21</b>	<b>88%</b>	<b>12</b>	<b>8</b>	<b>67%</b>	<b>29</b>	<b>81%</b>

Table 5: Success Rates For Delegated Appeals By Planning Authority

Success Rates For Delegated Appeals Planning Authority			
Planning authority	Appeals decided	Appeals allowed	Success rate
Aberdeen City Council	18	9	50%
Aberdeenshire Council	19	8	42%
Angus Council	4	1	25%
Argyll and Bute Council	3	3	100%
Cairngorms National Park Authority	2	1	50%
City of Edinburgh Council	98	44	45%
Clackmannanshire Council	1	1	100%
Comhairle nan Eilean Siar (Western Isles Council)	1	0	0%
Dumfries and Galloway Council	14	5	36%
Dundee City Council	9	7	78%
East Ayrshire Council	4	0	0%
East Dunbartonshire Council	13	10	77%
East Lothian Council	2	2	100%
East Renfrewshire Council	2	0	0%
Falkirk Council	6	2	33%
Fife Council	28	10	36%
Glasgow City Council	23	7	30%
Highland Council	16	8	50%
Inverclyde Council	1	0	0%
Loch Lomond and the Trossachs National Park Authority	3	2	67%
Midlothian Council	8	3	38%
Moray Council	11	7	64%
North Ayrshire Council	5	1	20%
North Lanarkshire Council	7	4	57%
Orkney Islands Council	3	3	100%
Perth and Kinross Council	13	5	38%
Renfrewshire Council	9	7	78%
Scottish Borders Council	4	2	50%
South Ayrshire Council	3	0	0%
South Lanarkshire Council	4	3	75%

Stirling Council	7	2	29%
West Dunbartonshire Council	5	2	40%
West Lothian Council	40	24	60%
<b>Total</b>	<b>386</b>	<b>183</b>	<b>47%</b>

Note: if an authority is not listed in table 5 it means no delegated decisions have been issued for sites within said authority's area within the period.

Table 6a: Development Plan Examinations Completed

Development Plan Examinations Completed		
Development plans	Number of reporters	Weeks to complete
Proposed Aberdeen Local Development Plan 2020	5	60
Proposed Aberdeenshire Local Development Plan 2020	7	67
East Dunbartonshire Proposed Local Development Plan	2	55

Table 6b: Development Plan Examinations In Hand Or Completed After End Of March

Development Plan Examinations In Hand/Completed After End of March		
Development plans	Received	Report Date
Inner Moray Firth Proposed Local Development Plan 2	24/03/2023	
East Ayrshire Local Development Plan 2	24/02/2023	
Edinburgh Local Development Plan – Proposed City Plan 2030	08/12/2022	
Scottish Borders Proposed Local Development Plan	14/07/2022	
Argyll & Bute Proposed Local Development Plan	25/01/2022	13/06/2023



Table 7: Expenses Claims

Expenses Claims		
	Number of claims	Successful claims
<b>By an authority against:</b>		
A main contact	2	0
<b>By a main contact against:</b>		
An authority	38	8

Table 8: Performance Against Our Targets

Performance Against Our Targets				
Procedure	Target number of weeks to determine	Number of appeals	Performance against target	Average weeks taken to determine
No Further Procedure	8	7	86%	7.6
Site Inspection	12	252	87%	11.6
Further Written Submission	20	125	70%	21.6
Hearing	26	6	0%	47.3
Inquiry	32	2	0%	48.3

Table 9: Time Taken To Submit Reports

Time Taken To Submit Reports		
Case types	Reports submitted	Average weeks taken to submit
Recalled Planning Permission Appeals	2	45.1
Called-in & Notified Applications	18	20.0
Compulsory Purchase Orders	3	78.8
Other Orders	13	72.6
Section 36 Wind Farm Applications	5	74.2
Wayleave Applications	11	35.9
Community Asset Transfer Appeals	3	16.7
Core Paths Plans	1	48.6

## Appendix B

### DPEA Organisational Chart 2022/23

<b>Senior Management Team</b>	
<b>Chief Reporter</b>	Scott Ferrie
<b>Assistant Chief Reporters</b>	Karen Heywood, David Liddell, Allison Coard
<b>Principal Reporters</b>	David Buylla, Claire Milne, Robert Seaton, Alasdair Edwards, Trudi Craggs, Christopher Warren
<b>Head of Performance and Administration</b>	David Henderson
<b>Business Support Officer</b>	Diane Sinclair
<b>Case Work Teams</b>	
<b>Section Managers</b>	Lorna Dunn, Mandy McComiskie
<b>Team Leaders</b>	Scott Mackenzie, Emma Brown
<b>Case Officers</b>	Colin Bell, Christine Brown, Rebecca Davidson, Chris Kennedy, Morag Smith, Anastasia Pseiraki, Jayne Anderson, Karen Cowie, Audrey Devoy, Stuart McLuckie, Claire Seidel, Laura Walker
<b>Webcasting, IT Development And Finance Team</b>	
<b>Information System and Business Process Manager</b>	Carol Totten
<b>Technical Support Manager</b>	Euan Murray
<b>BCLO &amp; Technical Support Officer</b>	Douglas Berry
<b>Improvements/Change Manager</b>	Fiona Manson
<b>IT &amp; Webcasting Support Officer</b>	Calum Henderson
<b>IT &amp; Webcasting Support Officer</b>	Lucy Wakeham

### DPEA Employed Or Contracted Reporters 2022/23

#### **Salaried Reporters**

##### **Chief Reporter**

Scott Ferrie MSc MRTPI

##### **Assistant Chief Reporters**

Allison Coard MA MPhil MRTPI

Karen Heywood BSc(Hons) MPhil MRTPI

David Liddell BA(Hons) MRTPI

##### **Principal Reporters**

David Buylla BA(Hons) MRTPI

Trudi Craggs LLB(Hons) DipLP

Alasdair Edwards MA(Hons) MRTPI

Robert Seaton MA(Hons) LLB DipLP

Christopher Warren BA(Hons) DipTP  
MRTPI

##### **Other Salaried Reporters**

Keith Bray BSc(Hons) MRTPI

Ailie Callan MA(Hons) MRTPI

Amanda Chisholm MEdes

Elsbeth Cook BSc(Hons) MRTPI

Claire Milne BSc(Hons) DipTP MBA  
MRTPI

Trevor A Croft BSc DipTRP FRSA MRTPI

Stephen Hall BA(Hons) BPI MRTPI

Alison Kirkwood BSc(Hons) MRTPI

Rosie Leven MA(Hons) MRTPI

Sinéad Lynch BSc (Hons) MRTPI

Malcolm Mahony BA(Hons) MRTPI

Lorna McCallum MSc BSc(Hons) MRTPI

Philip Mclean MA(Hons) MURP MRTPI

Gordon Reid BSc(Hons) MRTPI

Katrina Rice BSc DipTP MRTPI

Andrew Sikes BA(Hons) DipUD MRTPI

Nick Smith BSc(Hons) MRTPI

Stuart West BA (Hons) MSc MRTPI IHBC

Tammy Swift-Adams BA(Hons) DipTP  
MRTPI

#### **Self-Employed Reporters**

Philip Barton MCD BA(Hons) MRTPI

Sue Bell BSc MSc CEcol C ENV  
FCIEEM CWEM MCIWEM

Paul Cackette LLB(Hons) DipLP NP

Mike Croft MA DipTP MRTPI

Steve Field BA MRTPI

Andrew Fleming BA(Hons) BTP MRTPI

Lance R Guilford DipTP MRTPI

Fortune Gumbo BSc (Hons) RUP MSc  
(Econ) MRTPI

Rob Huntley BSc DipTP MRTPI

Christian Leigh BSc (Hons) Mphil  
MRTPI

Frances McChlery BA (Hons) LLB  
LARTPI

Michael McGlynn BA (Hons) Dip  
(Surveying) MRTPI

Euan McLaughlin MA (Hons) MRTPI

Chris Norman BSc(Hons) MRTPI

Martin Seddon BSc MPhil DipTP MRTPI

Michael Shiel MA(Cantab) BPhil



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