

APPENDIX 1

Planning Performance Statistics – Stop the Clock Protocol

Context

1. In some cases, it is appropriate to remove a length of time from the total determination time for an application. We have called this process of removing a specific length of time “stopping the clock”.
2. This document provides guidance on the use of this protocol with the aim of enabling consistent application of ‘stopping the clock’ between authorities. Use of this protocol by authorities is mandatory to ensure that we can demonstrate consistency in performance data.
3. The Stop the Clock protocol should **not** be used for every application; it is about reasonably and consistently adjusting the data to produce more accurate and relevant performance statistics for applications that would otherwise have been skewed by cases of delay outwith the planning authority’s control.

Implementation

4. The Stop the Clock protocol is for use where there has been a delay caused by the applicant or external consultees, and it is outwith the planning authority’s control that progress has been halted with an application. Any registered application can be subject to the protocol.
5. Authorities should not be removing short periods of time from the determination period using this protocol to “tidy up” statistics or to hide modest time delays which have missed the statutory deadlines. Stopping the clock is about periods of inactivity that unreasonably impact on determination. It is for individual authorities to decide when they consider it necessary to ‘stop the clock’ on a case by case basis.
6. The earliest that a stopped period can commence is the date on which progress on the application had to cease. This cannot be before the date provided to the applicant/consultee for the submission of the required information. Deadlines for submission of information should always be reasonable, reflecting the nature and extent of the required information.
7. On-going negotiations on any aspect of an application indicate work is continuing between parties to progress it, so this time should **not** be removed from the determination period using the Stop the Clock protocol. Use of this protocol is also only appropriate when it is not possible to progress **any** element of consideration of the application by the authority. The lack of information on one aspect does not mean that other assessment work cannot be carried out in all cases.

Credibility and robustness of statistical data

8. We need to make sure that the data we get is robust and will stand up to scrutiny if required, therefore where a planning authority cannot produce

written/documented evidence of delays outwith their control, the time stays in. We don't want to routinely see evidence for each case but planning authorities **must** be able, if asked, to demonstrate the following:

- They were unable to make any progress with the application during the stop-start period(s).
- Delays are a direct result of inaction on the applicants/agents/external consultees/landowners part (rather than ongoing negotiations or disputes over the terms of an agreement).
- Timescales being removed do not include periods in which the planning authority could have made progress on any aspect of the application.

9. In order that we are able to “stop the clock” for periods in the determination of an application, we need planning authorities to provide us with the following information.

- A. Start and end dates for all “stop the clock” periods so that we can calculate the number of days to subtract from overall decision-making time.
- B. A valid reason for this length of time being removed that can be backed up with evidence. Examples of reasons include (but are not limited to):

Reason: Inactivity while the land transaction was on hold.

Evidence: Correspondence to that effect from the developer.

Reason: Applicant failed to provide amended drawings on time despite repeated requests and meetings.

Evidence: Correspondence from planning authority to applicant, chasing up the request (minimum one reminder)

Reason: Site survey required in relation to European Protected Species that must await a particular season.

Evidence: Correspondence showing that survey was necessary, requesting survey from applicant and demonstrating when it was carried out.

Reason: Delay in consultation response from external consultee

Evidence: Correspondence from planning authority to consultee chasing up the request (minimum one reminder)

Reason: Request to sist application by applicant/agent

Evidence: Letter from applicant/agent requesting the sisting and planning authority response

Reason: Inactivity during preparation of legal agreement

Evidence: Correspondence to that effect from applicant/agent/lawyers

10. We are happy to accept your reasons in good faith so do not require you to send us your evidence. However, be advised that you may be asked to produce this evidence for audit purposes.

Identifying applications for stopping the clock

11. Any registered application can be subject to the stop the clock protocol. Periods of delay should be recorded on file during the determination period, based on correspondence between the authority and applicant/consultee. On-going recording of potential delays should reduce the time required to review applications for potential 'stop the clock' periods following determination.
12. The events tab on the Uniform system (if you use it) can provide a useful tool for noting down periods where the application appears to have stalled or been put on hold for the reasons identified above. This can then be used to highlight applications that might be considered against the stop the clock criteria and to provide supporting evidence.

It is important to note that applications that have been decided by either Historic Scotland, Scottish Ministers or have been subject to a Processing Agreement will be removed altogether from average time calculations and so we do not need any clock stop details for this type of application.