

Development Management Charter

CONTENTS

1. Purpose of Development Management Charter	2
2. Pre-Application Discussions and Asking for Information or Advice	3
3. Submitting a Planning Application	5
4. Notifying Applicants, Public, Objectors and Interested Parties	6
5. Keeping Everyone Informed	7
6. Enforcing Planning Law and Regulations	9
7. Complaints Procedure	10

1. PURPOSE OF DEVELOPMENT MANAGEMENT CHARTER

Development Management is a process which manages the development and use of land. It involves the consideration of planning applications, listed building applications, advertisement applications, enforcement action in respect of breaches of control that have taken place and the provision of information and advice about the system generally and individual proposals specifically. A framework for development is set out in Government guidance and in more detail in Structure and Local Plans. These are supplemented by Angus Council's Advice Notes which will be incorporated into the Angus Council Local Plan which is under preparation. Planning applications are considered against this framework, in particular the adopted Development Plan for the area (which by law takes precedent), and also any other material factors. Development Management is a process governed by law and can be complex.

The aim is to make the best decision about each application, not necessarily the quickest. This means taking into account a proposal's impact upon the environment and on the interests of the community. It may also mean balancing the needs of the applicant against the effect a development might have on neighbours and other people living nearby.

The Charter aims to:-

- Tell you what we do.
- Tell you the standard we aim to meet.
- Tell you what to do in the event we do not meet these standards.

2. PRE-APPLICATION DISCUSSIONS AND ASKING FOR INFORMATION OR ADVICE

- Pre-application discussions are welcomed so as to encourage high quality applications which fit well with the Local Plan and other policies to ensure they can be dealt with as efficiently as possible. Whenever possible advice will be freely given and will be accurate and objective, but will be without prejudice to the formal consideration of an application.
- In order for pre-application discussions to be meaningful it is recommended that you provide as much information as possible including plans of your proposal and photographs of the site. Unfortunately, workload dictates that it will not normally be feasible for a site inspection to be undertaken in respect of a pre-application inquiry and a desk top response will be provided.
- Informal advice as to whether or not planning consent for a particular proposal is required will be given in instances where sufficient information has been provided to form a view. If the request is from a professional agent then the request should indicate the professional agent's opinion with an assessment as to the basis for that opinion. The Planning & Transport Division will give advice as to whether or not the professional opinion is agreed with.
- A very small percentage of applications are of national and major significance and for such applications special arrangements exist whereby the applicant is required to enter into pre-application consultation with the community. If the proposal you are interested in falls within this category (e.g. 50 dwellings or more, large supermarket, large wind farm etc.) the Planning & Transport Division will provide advice upon request as to the procedures that should be followed.
- Officers are available during office hours at County Buildings, Forfar (9 am to 5 pm), although it is recommended that an appointment be made. If an appointment is not made then it is unlikely that the Planning Officer for the area will be available and you will be dealt with by the Duty Officer who may not be able to comprehensively answer your enquiry although every effort will be made to do so.
- In addition the area Planning Officer will be available for consultation at the following local Development Management surgeries:-

Kirriemuir Access Office _ 2 pm to 4 pm Monday
Monifieth Access Office _ 10 am to 12 noon Thursday
Arbroath Library _ 10 am to 12 noon Tuesday
Montrose Access Office _ 2 pm to 4 p.m Wednesday

(The dates for each surgery are on the Council's website)

- We will aim to provide a 15 working day response to letters, e-mails and faxes although for enquiries that require consultation with other Departments or bodies a response may take longer. On occasions where a response is not possible within 15 working days the enquirer will be informed as to the likely timescale for a full response.

- No acknowledgements will be given in respect of normal correspondence, the emphasis being placed on early replies within the above framework. Complaints, planning application submissions and letters of representation on specific applications, however, will be acknowledged.
- Telephone calls will be answered as quickly as possible, you should not be left on the end of an unanswered ringing telephone for any significant period of time. While every effort will be made to respond to your query, if the case officer dealing with the relevant application, area or issue is not available it may be necessary to take your details and have the officer ring you back. Except in exceptional circumstances, you should be called back within 24 hours (excepting weekends). Sometimes it will be necessary, indeed in your own interest, to put the substance of your query in writing and to then receive a written response.
- Advice on submitting an application, requirements, etc. will be available from officers and is included within the application forms, a free guidance note on how to submit a planning application is also available.
- If you are unable to call in to the Planning & Transport Division or local surgery through disability, the Planning Officer on request will visit you at home for pre-application discussions, information or general advice.

3. SUBMITTING A PLANNING APPLICATION

It is the applicant's or agent's responsibility to make sure that the application is submitted correctly. The application form must be completed, signed and accompanied by the required certificates. The appropriate fee must have been fully paid. Advice on how to submit a planning application is provided on the rear of the application forms and a free guidance note is available separately. For private householders and individuals other than professional agents, advice can be given by Planning Officers on how to complete the application form. For a fee an Ordnance Survey site plan can be provided.

When you submit a planning application we will:-

- Acknowledge and register all "valid" applications within five working days of receipt, and tell you the name and telephone number of the Planning Officer handling your application.
- Notify you within five working days if your application is "invalid" and explain what information is required before it can be registered as "valid".
- Notify you in writing if after registration we need further information in order to deal with your application, this will normally be requested in writing within 28 days of registration of the application. A time limit for return of this information will be given with an indication of a consequences of non return. The time limit will normally be 14 days.
- Inform you on request of the progress of your application.
- Commence most consultations within eight working days of application registration.
- Endeavour to deal with 75% of all planning applications within the two month statutory period.
- Inform you of amendments that may make an application more likely to attract a recommendation of approval.
- Issue the decision notice within three working days of the date of the decision. In respect of applications that are subject of a Section 75 Agreement (a form of legal agreement) issue the decision notice within three working days of confirmation of registration of the agreement in the Register of Sasines. In respect of listed building applications that require the approval of Historic Scotland issue the decision notice within three working days of the date of their confirmation.

4. NOTIFYING APPLICANTS, PUBLIC, OBJECTORS AND INTERESTED PARTIES

A statutory register listing all current planning applications and Enforcement Notices and past decisions will be available for inspection by the public during office hours (9 am to 5 pm). Details of all planning applications will be included within the register.

Information in respect of planning applications and enforcement can also be found on the Council's website through Public Access.

In respect of planning applications notification of neighbours is the Council's responsibility. In certain circumstances formal advertisement in respect of a planning application will be necessary. The Council will notify the applicant if formal advertisement is required by law and will publish the advertisement specifying the response time.

The cost of these advertisements will be charged to the applicant.

The cost of advertisement in respect of applications for listed building consent, conservation area consent or development affecting the setting of a listed building or character of a conservation area will be undertaken and borne by the planning authority.

5. TO KEEP EVERYONE INFORMED WE WILL

- Keep the statutory register up-to-date and information will be placed in the register within seven days of registration.
- Make applications available for inspection on the Council's website through Public Access.
- Normally place statutory advertisements within five working days of application registration.
- Allow at least 14 days for anyone to make representations on an application in which they have an interest and consider late representations up and till the point that a Committee report is prepared.
- Acknowledge letters of representation within five working days of receipt and provide information as to how to track progress of the application.
- Provide on request information on procedures with regard to the applicant and public being heard at the Development Standards Committee.
- For applications that go to Committee, make available a copy of Committee reports to any party that has made a written representation in respect of a specific application. The applicant or agent submitting the application will also receive a copy of the Committee report.
- When a planning application is determined the reasons for the decision will be provided to interested parties.
- Consult Community Councils and appropriate local societies, voluntary organisations and statutory bodies on applications which it is considered they may have an interest.
- Inform all those making individual representations and petition organisers of the decision on the application within five working days of the issue of the decision notice.
- Issue decision letters on matters required to clarify planning decisions or comply with conditions. Compliance of conditions may require approval prior to commencement of work or during or at completion. The purification of conditions is becoming increasingly complex often requiring consultation with other parties. The General Permitted Development Procedures Order allows up to two months to discharge a planning condition and we will endeavour to comply with that whenever possible.
- Provide information on applications received to local newspapers for publicity weekly.
- Explain the rights of people to make comments on or object to a planning application by means of a free guidance note.

- Give consideration to all comments received. However, in respect of applications that are considered by Committee, comments received after the Committee report has been prepared will not be included as part of the report. Individuals should be aware that comments received in respect of a planning application and most other planning matters will be in the public domain.
- Require the applicant to submit a new planning application when amendments are proposed that significantly alter the proposed development.
- Advise the applicant of appeal rights in respect of the Council's failure to make a decision, the refusal of an application or the imposition of conditions.

6. ENFORCING PLANNING LAW AND REGULATIONS

- Effective enforcement is an essential element underpinning the planning system, complementing and supporting the Development Plan Process.
- In assessing the need for planning enforcement action, one of the key issues to be determined is whether the breach of control would unacceptably affect public amenity. When an alleged breach of planning control is reported or suspected, the site or premises will be inspected and other information sought to establish the facts. Where the breach of planning control is felt to unacceptably affect public amenity, the person responsible for the breach of planning control will be informed of what is wrong and what action should be taken to correct it. A time limit will be given and the consequences of not taking the appropriate action will be explained. The level and nature of enforcement action will be in scale with the breach of planning control to which it relates. Complaints about alleged breaches of planning control will be treated confidentially within the Council so far as is practicable. Anonymous complaints may be investigated although action cannot be guaranteed. Complaints about breaches of planning control should be made to the Council's Enforcement Officers preferably in writing. Complainers should note that there is no statutory requirement for the Council to take enforcement action, it is for the Council to determine the extent and usage of enforcement powers, which by their nature, can mean a long drawn out process.

When it is necessary to enforce planning law and regulations we will:-

- Acknowledge complaint about breaches of planning control within five working days.
- Inspect the site or premises within five working days of receipt of the complaint. In the case of a major nuisance or breach of planning control or one which in the opinion of the Council potentially jeopardised health or safety, the site or premises will be inspected as soon as possible within one working day following receipt of the complaint.
- Inform the person or persons responsible for the breach of planning control what is wrong and seek to secure a voluntary solution to the situation through negotiation. A time period will be given and the consequences of not taking the appropriate action will be explained. The consequences will normally entail the Council pursuing formal enforcement action.
- Regularly update the complainer as regards the progress of the investigation.
- Notify concerned parties within five working days of any decision taken by the Council.
- The Council has a separate Enforcement Charter which expands upon the abbreviated section of the Development Management Charter.

7. IMPROVING OUR SERVICE TO YOU

Improving Our Service to You

We want to continually improve on our customer care and increase our customers' satisfaction. If you have any comments about how we can improve our service to you please contact accessline@angus.gov.uk, call ACCESSLine, the council's direct line for council services, on 08452 777 778 or tell us online using the [compliments, comments and complaints form](#).

Compliments, Comments and Complaints

Our aim is to provide all our customers with good quality services and wherever possible deal with your concerns as they arise.

You can record your compliment, comment or complaint via our [online form](#) to tell us where we've got things right, help us improve services and sort things out if they've gone wrong.

However we are keen to resolve any problems as soon as possible so if you have a comment or complaint about a service please raise the matter with those delivering that service first of all - we will do our best to help resolve any problem there and then. Alternatively you can contact ACCESSLine on 08452 777 778 or email accessline@angus.gov.uk.

If we cannot resolve a problem immediately; within the agreed service standards; or to your, the customer's, satisfaction or if you have a complaint about how you have been treated we will record your complaint and give you our formal response within 10 days. If we cannot respond within that time we will inform you when we will be able to provide you with a response.

Our aim is to work things out so we want you to tell us if you are satisfied with the outcome of your complaint or wish us to take further action and have the matter investigated by a senior officer or ultimately the chief executive.

Although most complaints will be dealt with in this way there are separate complaints procedures for some council activities and services, such as social work; equal opportunities; recruitment and bus services. In addition an advice and conciliation procedure is in place to assist parents and the Education department address problems or concerns raised.

When you contact us you will be advised of the procedure to be followed when dealing with your complaint.

Scottish Public Services Ombudsman

If a customer is not satisfied with the council's internal investigation of and response to their complaint they should be advised of their right to refer the matter to the Scottish Public Services Ombudsman for attention where appropriate.

The Ombudsman offers an independent national service and while complaints can be made to the Ombudsman any time, an investigation will usually only be made if the complaint has been investigated by the Council.

Complaints should be made to:

Scottish Public Services Ombudsman

4 Melville Street
Edinburgh EH3 7NS

or write to

Scottish Public Services Ombudsman

FREEPOST EH641
Edinburgh EH3 OBR.

See www.scottishombudsman.org.uk for more information.