

# PART 5: Implementation, Monitoring and Review

## Contents

	Page
<b>Implementation</b>	<b>297</b>
Introduction	297
Partnerships and Related Strategies	297
Proposals	297
Resources and Developer Contributions	297
Enforcement of Planning Control	298
<b>Monitoring &amp; Review</b>	<b>300</b>
Introduction	300
Monitoring Requirements and Data Tracking	300
Review	301



# IMPLEMENTATION

## Introduction

5.1 This local plan provides a framework for managing land-use change and development, and as such must be capable of implementation. The status of the Development Plan in the decision making process provides for a greater degree of consistency and certainty in how the Plan will be implemented and underpins the overall approach of putting the Plan into action.

## Partnerships and Related Strategies

5.2 Developing partnerships is one of the key themes guiding the work and priorities of Angus Council. This includes partnerships with the community; with statutory bodies and other public, private and voluntary agencies and organisations; and with private interests. In helping to translate these partnerships into action the local plan forms part of an important two-way process which is informed by and in turn seeks to inform various other plans, strategies and initiatives developed both by the Council and its partners. The Local Plan therefore has an important role in providing a land use framework and land management overview. A broad indication of some of the links to other strategies, plans and initiatives is summarised in Appendix 4 which identifies a matrix of associated documents.

## Proposals

5.3 Proposals are intended actions of significance to the Plan area to be undertaken by Angus Council, or by other public or private bodies or individuals that will be implemented within about five years of the adoption of the Plan. The specific proposals applying to individual settlements identified in Part 4 of this Written Statement concern the allocation of land for development together with various actions in support of the Development Strategy for each settlement. These proposals and actions will be implemented by various measures including via the development control process in respect of applications to develop specific sites.

5.4 Further guidance on the development of various sites allocated in the local plan will be published in the form of more detailed development briefs. These briefs will set out the development phasing, mix of uses, infrastructure requirements and guidance on site layout and design matters. They will also indicate requirements for vehicular, pedestrian and cyclist access; landscape and open space provision; and the need for related community facilities and developer contributions.

## Resources and Developer Contributions

5.5 While Angus Council has published this Finalised Local Plan other agencies and developers will fund many of the development proposals and opportunities. This includes various aspects of infrastructure necessary to implement the Development Strategy. The Council will prepare supplementary guidance to provide an indication of the nature of

**Section 25 states:-**

*Where, in making any determination under the Planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material considerations indicate otherwise.*

**Town and Country Planning (Scotland) Act 1997**

**Development Briefs have been prepared for:**

- Sunnyside Royal Hospital, Hillside
- Orchardbank, Forfar
- Bearehill/Rosehill, Brechin
- Brechin Business Park
- Inverkeilor
- Ashludie Hospital, Monifieth
- Newton Road, Carnoustie
- Brechin Road, Montrose

**Development Briefs will be prepared for:**

- Montrose Road, Arbroath
- Dubton Farm, Brechin
- Hillhead, Kirriemuir
- Montrose Airfield
- South of Gardyne Street, Friockheim
- Jubilee Park, Letham
- Strathmartine Hospital

public services, community facilities and infrastructure for which developer contributions may be anticipated on a settlement-by-settlement basis. The guidance will be revised as and when circumstances dictate.

5.6 A key consideration will be to secure sufficient resources from both the public and private sectors to ensure service and infrastructure provision. This includes encouraging the private sector to contribute towards the removal of infrastructure constraints in accordance with the Development Strategy through appropriate planning agreements taking account of opportunities for delivering planning gain.

5.7 New development has an important role in funding measures to mitigate any adverse impacts in a way that is consistent with the delivery of wider planning and environmental objectives. Indeed, in Angus, as elsewhere in Scotland, the bulk of the funding for infrastructure and facilities arising from major new greenfield housing developments will probably have to come from contributions by developers.

5.8 Circular 12/1996 advises that development plans should give guidance on the particular circumstances in which planning authorities will seek to use Section 75 Planning Agreements. Developer contributions will be sought where the impacts of a scheme warrant them. Such contributions should be designed to avoid a significant negative impact as a result of the development, and to ensure a high quality and properly serviced development. Contributions may be appropriate both on-site and off-site, depending on the nature of the prospective impact. In appropriate cases, Angus Council may take the joint impact of several related schemes into account. The provision of contributions will not make a fundamentally inappropriate scheme acceptable in planning terms. They are designed to apply to cases where there is a significant impact that is capable of mitigation to produce an acceptable scheme.

*Circular 12/1996: The Town and Country Planning (Scotland) Act 1972*

#### **Policy Imp1 : Developer Contributions**

**Developer contributions will be required in appropriate circumstances towards the cost of public services, community facilities and infrastructure and the mitigation of adverse environmental impacts that would not have been necessary but for the development. Such contributions will be consistent with the scale and effect of the development and may relate to both on-site and off-site items that are required to produce an acceptable development in the public interest.**

#### **Enforcement of Planning Control**

5.9 In order to assist a structured and proactive approach and provide the general public, developers and applicants for planning permission with further information, advice and guidance Angus Council have prepared a Code of Practice for Enforcement of Planning Control. Effective enforcement is an essential element underpinning the planning system, complementing and supporting the development planning process. Under the Town and Country Planning (Scotland) legislation a range of planning enforcement powers are available to ensure that

development is not carried out in breach of planning control or against the public interest. In assessing the need for planning enforcement action, one of the key issues to be determined by Angus Council is whether the breach of control would unacceptably affect public amenity or any existing use of land and/or buildings. The policies and proposals of the Local Plan provide broad guidance on what may or may not be acceptable and will form one of the main considerations taken into account by the Council.

5.10 The level and nature of enforcement action will be in scale with the breach of planning control to which it relates. As outlined in the Enforcement Charter the initial approach of Angus Council will generally be to seek a voluntary solution to the situation through negotiation with the owner or occupier of the site or through the submission of a planning application. However, where negotiation fails and the circumstances warrant, a more proactive enforcement response may be needed. The weight of enforcement action will be dependent on the severity of the breach and whether public safety and/or health are endangered. Areas of particular sensitivity include town centres, heritage designations particularly conservation areas and listed buildings, residential property and areas of landscape importance.

5.11 Where enforcement action is instigated, a right of appeal may exist to Scottish Ministers, which would be determined by an independent assessor from the Scottish Office Inquiry Reporters' Unit. It should however be noted there is no right of appeal for third parties and in this respect Angus Council are charged with looking after their interests and those of the wider community.

#### **Policy Imp2 : Enforcement of Planning Control**

**Where there has been a breach of planning control, Angus Council will take enforcement action where it is considered necessary to remedy the breach including where it will secure compliance with the policies of this Local Plan.**

# MONITORING AND REVIEW

## Introduction

5.12 Monitoring of the local plan is a statutory responsibility placed on Angus Council to assess the continuing relevance of the plan and identify the need for and timing of alterations or a full review. By regularly undertaking systematic monitoring of the plan, the Council can ensure the policies and proposals contained in the plan continue to be relevant and provide a firm basis for investment guidance and development control over the plan period.

**Planning Advice Note 49**  
**“Local Planning” para 14**

*Planning authorities should ensure that statutory plans maintain their relevance by addressing current and emerging land use and environmental issues and that they contain robust policies for the promotion and control of development.*

## Monitoring requirements and data tracking

5.13 Effective monitoring involves an assessment of a variety of factors including the following:-

- the implications arising from monitoring the approved Dundee and Angus Structure Plan;
- changes in national planning legislation or guidance;
- changes in local priorities;
- emergence of new issues or development pressures the local plan has not catered for;
- changes in spending programmes of the local authority or other agencies;
- performance of local plan policies and proposals in dealing with issues and proposals for development;
- the extent to which local plan policies and proposals have been fully implemented or overtaken;

5.14 Existing informal/formal data sources and mechanisms which will be used and further developed to gather information include:

- annual housing land audit;
- annual employment land assessment;
- annual survey of derelict and vacant land and premises;
- audit of community facilities;
- analysis of development control decisions to ensure consistency;
- assessment of appeal decisions;
- monitoring of proposals granted which are departures from the Structure or Local Plan;
- research into emerging policy issues;
- relevant biodiversity indicator.

## **Review**

5.15 The Finalised Angus Local Plan Review has been prepared with an element of flexibility (e.g. in relation to housing land allocations) in order to be sufficiently robust to accommodate some changes arising from the inevitable uncertainty associated with longer term forecasting and planning. The need to adjust, amend and update parts of the plan as part of the monitoring and review process is, however, also recognised. The Plan has been prepared in a form and following a format that will allow for selective updating of specific parts of the Plan without compromising its overall integrity. Clearly major shifts in overall strategy would require a comprehensive review and full replacement of the Plan. However it is expected that this will not be needed on a frequent basis.

