



**LOCAL PLAN
CHARTER**

Local Plan Charter

Angus Council

CONTENTS	page
1. Purpose of Local Planning Charter.	3
2. Local Plan role within the Planning System.	4
3. Local Planning and Angus Council's Strategy.	7
4. Getting Involved.	8
5. Preparing a Local Plan.	10
6. Consultative Draft Local Plan.	11
7. The Deposit Stage - The Finalised Draft.	12
8. The Local Plan Inquiry.	13
9. After the Inquiry.	14
10. Adoption.	15
11. Monitoring and Review.	16
12. Amendments to Local Plans.	18
13. Complaints Procedure.	18
FIGURES	
2.1 Role of Development Plan in the Planning System.	4
2.2 Structure Plan/Local Plans relationship in Angus.	5
3.1 Development Plan and Council's Strategy.	7
4.1 Stages in Producing a Local Plan.	9
APPENDIX	
Angus Council Key Themes	20

Local Plan Charter

1. PURPOSE OF LOCAL PLAN CHARTER

The Local Plan is a key part of the Development Planning process. It sets out detailed policies and specific proposals for the development and use of land and helps to guide most day to day planning application decisions.

It is vital that those who live, work and run businesses in Angus become involved in the Local Plan process. The active involvement of local people in commenting on the Local Plan is crucial to ensuring the validity and vitality of local planning in Angus.

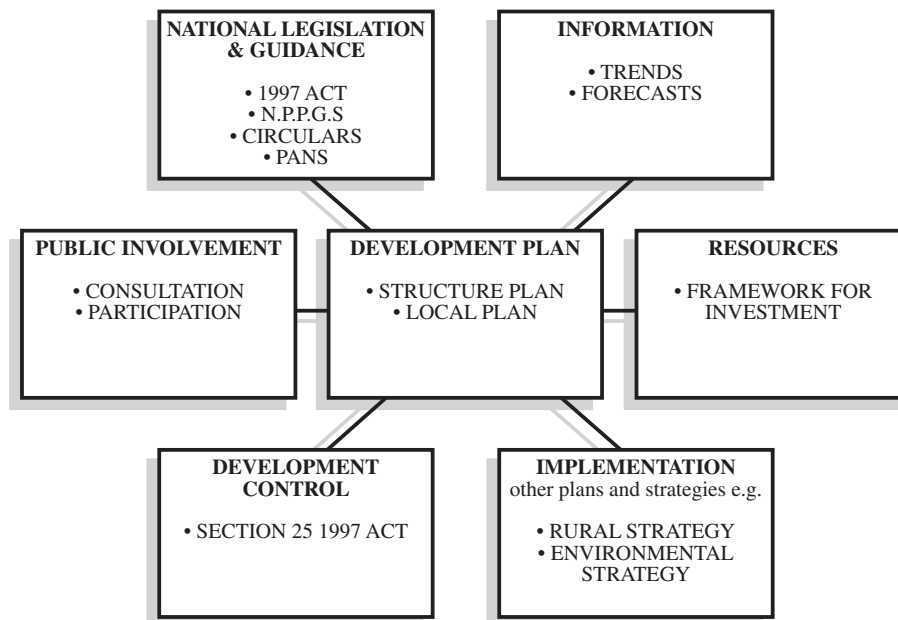
The purpose of this Local Plan Charter is to briefly explain and outline:-

- the nature and purpose of the Development Plan and how Local Plans and Structure Plans relate to the planning system;
- how local planning in Angus relates to the strategy guiding the overall work and priorities of the Council;
- how you can influence the content of a Local Plan;
- the steps in Local Plan preparation;
- what you can expect from the Council throughout the stages of its preparation;
- what happens once the Plan is in place; and
- the standards of service you can expect to receive from Angus Council in local planning matters.

2. LOCAL PLAN ROLE WITHIN THE PLANNING SYSTEM

Most people come into contact with the planning system at some point in their lives. Planning is a way of deciding the best use of land and buildings for the good of the whole community. The system helps to plan for the development requirements of Angus - the location of new housing and employment land, opportunities for physical renewal, retailing, recreation and schools. At the same time planning has to conserve our heritage and protect the environment. It helps to make sure that development and growth are 'sustainable' in other words that planning decisions will not damage the environment for future generations.

Fig. 2.1 ROLE OF DEVELOPMENT PLAN IN THE PLANNING SYSTEM



What is Development Planning?

The context for planning decisions in Angus is provided by the Development Plan which consists of:-

- (i) a Structure Plan; and
- (ii) Local Plans.

The Development Plan (Structure Plan and Local Plan) provides the statutory planning basis for devising and expressing the Council’s proposals for development and use of land including economic, environmental and social aims and priorities.

The Development Plan plays a critical role in the Plan led system confirmed by Section 25 of the Town and Country Planning (Scotland) Act 1997. Development Control decisions on planning applications must be in accordance with the approved Development Plan for the area unless there are other material circumstances of sufficient weight to justify a departure from the Plan.

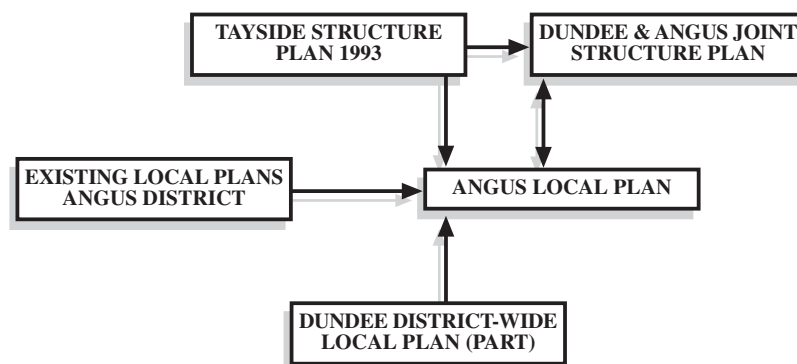
Development Plans are not static blue prints but provide a stable and consistent framework for managing change, including:-

- strategy to guide location of development and change;
- guidance on future use of land and pattern of development;
- standards to be achieved in new development;
- ways to conserve and enhance urban and rural environment and protect diversity of natural and cultural heritage.

In short the Development Plan provides a strategy and guidance on how much change may be anticipated and when, and what sort of development should be encouraged and where.

The role of Development Planning in the planning system is illustrated in Figure 2.1. In Angus the relationship between Structure and Local Plans is shown in Figure 2.2.

Fig. 2.2 STRUCTURAL PLAN/LOCAL PLANS RELATIONSHIP



Structure Plan

Structure Plans have particular importance in setting out the long term area strategy. The Structure Plan provides the basis for co-ordinating strategic decisions on land use and transport and brings forward effective land supply for key uses. It sets a strategic planning framework for Local Plans and provides guidance for resource management and investment in rural areas. The Tayside Structure Plan 1993, (approved by the Secretary of State in March 1997) provides the current strategic planning framework in Angus. Future Structure Plans will relate to the Dundee and Angus area.

Local Plan

Within this broader policy framework, Local Plans are prepared to further guide development and changes in land use in the way that can best serve the needs of communities throughout Angus.

A Local Plan shows how policies for change in land use and activities fit together with existing development as part of a coherent strategy. Local Plans must comply with Structure Plan guidance.

Among the most important functions of the Local Plan are:-

- to apply and further detail National Guidance and strategic policies in order to indicate the intended future pattern of land use and development;
- to stimulate, encourage and promote development where appropriate;
- to indicate land where there are opportunities for change;
- to indicate specific proposals for the development or change of use of land;
- to provide a sound basis for development control; and
- to show how all those with an interest in Angus can contribute towards the preparation and implementation of the Plan.

A Local Plan comprises a written statement and proposals map(s) including where appropriate inset maps. The written statement outlines policies, proposals and recommendations for the use of land and buildings. Proposals maps are based on Ordnance Survey

maps and illustrate policies and proposals. Local Plans normally cover around a five year period with more tentative proposals for a further five years although some policies for example on built or natural heritage are enduring rather than time limited. Local Plans are prepared and adopted by local authorities normally following a Public Local Inquiry chaired by an independent reporter.

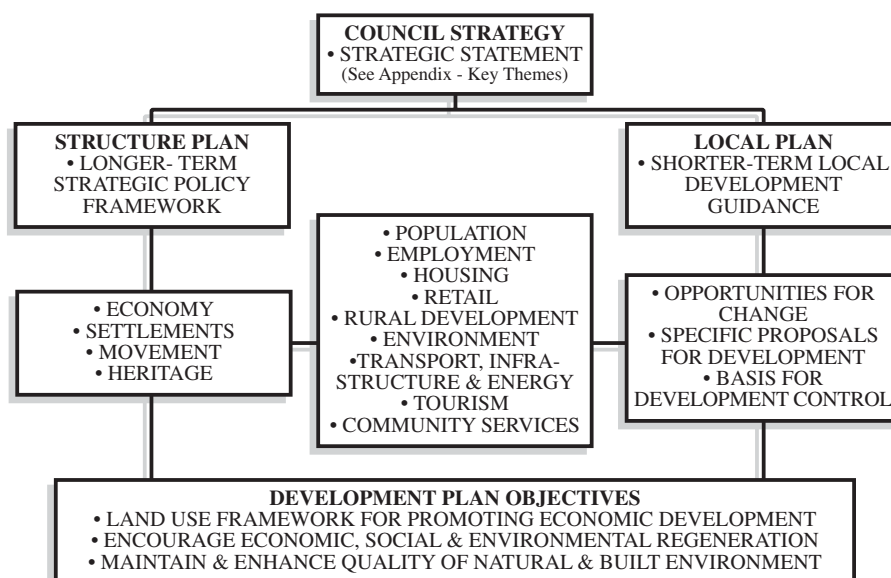
3. LOCAL PLANNING & ANGUS COUNCIL'S STRATEGY

Angus Council has prepared a Strategic Statement identifying guiding principles and Key Themes setting out the priority issues to be addressed by the Council (see Appendix). Local Plan preparation helps to address several of the Key Themes including:-

- to improve economic prosperity in Angus;
- to improve the environment and quality of life in Angus with an emphasis on sustainability;
- to promote equal opportunities/reduce inequalities in Angus.

Figure 3.1 illustrates links between the Strategic Statement, Structure Plan and Local Plan.

Fig. 3.1 DEVELOPMENT PLAN & COUNCIL'S STRATEGY



4. GETTING INVOLVED

Producing plans is not a one off task but a continuous process. Angus Council is committed to seeking the views of the people who use its services and involving customers/citizens in shaping policies and services. This includes developing partnerships with the community and other agencies.

Consultation and Participation

There will be opportunity for the public to comment formally on proposed planning policies each time the Council revise or replace a Local Plan. In addition the Council welcomes comment at any time as part of ongoing liaison and dialogue on issues of local planning importance.

Everyone can have their say in drawing up Local Plans. If you live, work or run a business in Angus, it is particularly important for you to get involved if you want to influence how your area develops in the future. You may want to do this on your own or as part of a local organisation, such as a Community Council, Resident's Association, local business or amenity group. There are several opportunities for you to make your views known during the process of preparing and adopting a Local Plan as shown in Figure 4.1.

By encouraging consultation at the various stages of Local Plan preparation, Angus Council aims to ensure that those with an interest in the area have an opportunity to contribute opinions before decisions are taken. The amount of consultation will depend on the circumstances, for example whether the Council is proposing a new plan or just changes to an existing one.

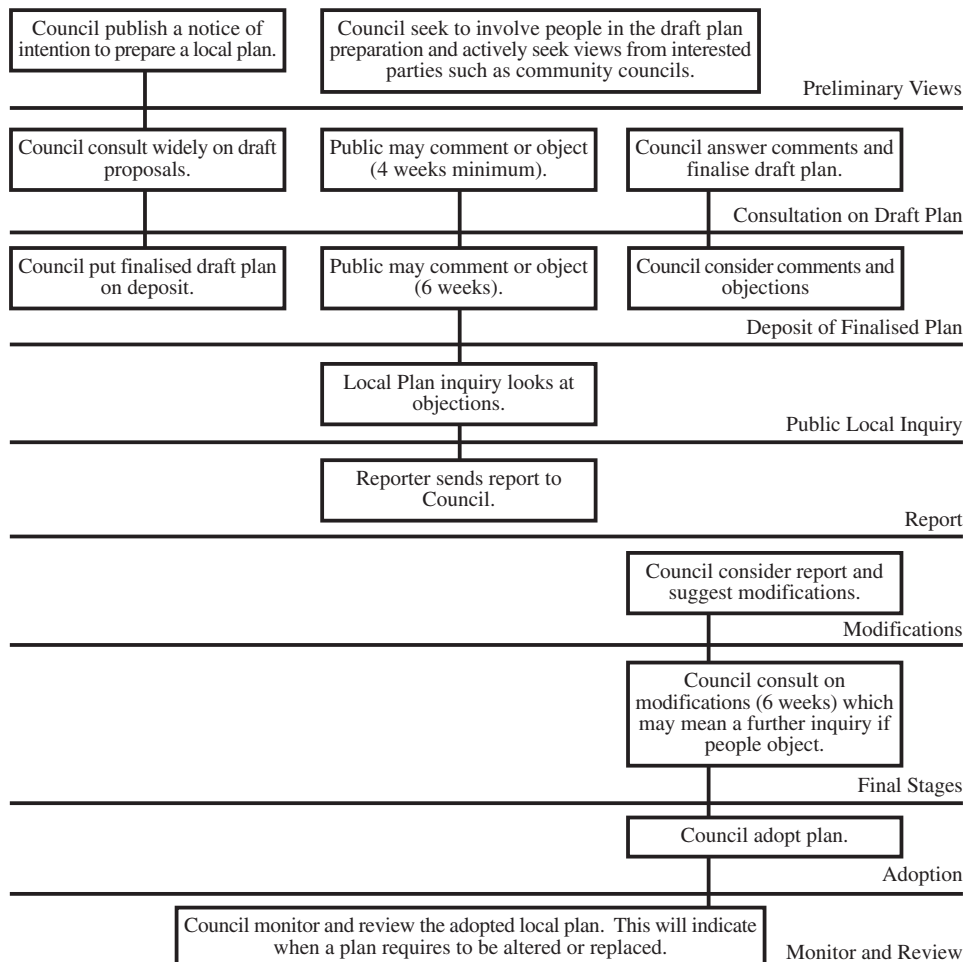
In all cases, however, the Council will take a positive approach to public consultation and ensure that a variety of opportunities are available for potentially interested parties to examine, discuss and comment on the Plan. Where discretion is available the Council will normally extend opportunities for comment considerably beyond minimum statutory requirements and will seek to ensure that:-

- whenever policies are being prepared, altered or confirmed, all those concerned will be made clearly aware of the fact;
- the main phase of publicity for the general public will take place when the draft policies and proposals are published;
- the draft policies and proposals will be sent to groups with a key interest.

Getting Hold Of Local Plan

Angus Council will make copies of Local Plans (consultation draft, finalised draft, adopted Local Plans) as well as other relevant documents available for reference at main Council Offices or public libraries. You can also purchase copies of Local Plan documents from Planning, Transport & Economic Development Department, St. James House, St. James Road, Forfar (Tel No. 01307-461460). Charges for documents vary and further enquiries should be directed to the Development Plan Team at the above address.

Fig. 4.1 STAGES IN PRODUCING A LOCAL PLAN



5. PREPARING A LOCAL PLAN

The main stages in preparing a Local Plan are outlined in Figure 4 and discussed in the following seven sections of this Charter.

Commencement of Study

Once a decision has been taken by Angus Council that existing Local Plan coverage needs to be replaced, or substantially updated, the Council will usually prepare a Project Brief.

The purpose of the Project Brief will be to set out the broad approach to preparation of the Local Plan, including the early stages in preparing a Consultative Draft Plan. A vital component of Local Plan preparation is contact with and the involvement of the local community. Angus Council will therefore circulate the Project Brief as an early opportunity to canvass views at the beginning of the Local Plan exercise, before more formal consultation arrangements and procedures come into play in later stages of Local Plan preparation.

A questionnaire, as part of the Project Brief, will provide an opportunity for a structured approach to gathering comments on the allocation of sites for development, and other issues important to the future development of the area.

Copies of the questionnaire will be circulated to all Community Councils, and a wide range of agencies and interests, and made available on request.

Preliminary Stage

Angus Council will publish a formal notice in terms of the Town and Country Planning (Structure and Local Plans) (Scotland) Regulations 1983, indicating Notice of Intention to Start Preparation of (or alterations to, or repeal of, or replacement of) a Local Plan. This notice will be published for two successive weeks in newspapers circulating in the locality.

All views submitted in writing will be acknowledged and considered in the preparation of the Consultative Draft Local Plan.

6. CONSULTATIVE DRAFT LOCAL PLAN

Publication of a Consultative Draft Local Plan is one of the key stages in the process of local planning. It builds on the responses received to early initial consultation following publication of a Notice of Intention to Prepare a Local Plan. Copies of the relevant documents will be made available for reference at main Council Offices and public libraries in Angus. Copies will also be available for purchase from the Department of Planning, Transport and Economic Development.

A Consultative Draft of the Local Plan will be approved and published by Angus Council as a basis for liaison, discussion and consultation with statutory bodies and other public, private and voluntary agencies, community groups and organisations, private interests and members of the public.

The importance of liaison and involvement, including as an input to developing Local Agenda 21 cannot be overstated. Angus Council will therefore publicise its proposals widely with comments invited on the issues addressed, and the strategy, Policies, Proposals and Recommendations outlined in the Draft Plan.

As part of its commitment towards the continuing development of arrangements for customer care the Council will also welcome views on:-

- the form and presentation of any Draft Local Plan document, including suggestions for improving user friendliness;
- arrangements for facilitating consultation and securing public involvement;
- other suggestions to be pursued in finalising the Local Plan.

A period of not less than four weeks will be available in which to make comment(s) on the Draft Local Plan. In practice, the time period to be provided for receipt of comments is unlikely to be less than eight weeks.

Angus Council will acknowledge all written comments received, and consider them in preparing the Finalised Local Plan. Angus Council will aim to resolve as many objections as possible at this stage.

A summary of all representations will be included in a Statement of Publicity and Consultation.

Angus Council will use a variety of methods to encourage and ensure a range of opportunities are available for interested parties to examine, discuss and comment on the Consultative Draft Local Plan.

7. THE DEPOSIT STAGE - THE FINALISED DRAFT

Local Plans can be fairly complex, so it may take some time after the consultation period for Angus Council to agree a finalised draft of the plan in the form which it wishes to adopt.

This stage in the Local Plan process is controlled more formally than earlier stages by the procedures outlined in the Town and Country Planning (Structure and Local Plan) (Scotland) Regulations 1983.

The Finalised Draft Local Plan will be placed on deposit and advertised in the local newspapers and the Edinburgh Gazette and a period of six weeks set aside for formal objections.

Copies of the Finalised Draft will be available at all public libraries and main Council buildings during normal working hours.

The plan will consist of a written statement and proposals maps. Accompanying the Finalised Draft will be a separate summary

statement of Publicity and Consultation to comply with Section 12(5) of the Town and Country Planning (Scotland) Act 1997. This will outline the measures taken by Angus Council to:-

- publicise the preparation of the Local Plan;
- inform members of the public of their entitlement to make representations at the main stages of plan preparation;
- involve the general public, interest groups, and other bodies in the participation process.

The period for making formal objections and comments of support is six weeks from the date of the Statutory Notice. If no objections are received the Council will proceed to adopt the Local Plan.

Where objections are made within the six week period, and are not resolved by negotiation, then a Public Local Inquiry will be held.

All representations will require to be made on a standardised form incorporated as part of the Finalised Local Plan. Additional copies of the form will be available from all public libraries and main public offices of the Council.

Objections or comments on the Finalised Local Plan will be acknowledged within five working days. Once the implications of the objections have been assessed, the Council will seek where possible to negotiate to resolve the objections. Where this is not possible a Public Local Inquiry will result.

8. THE LOCAL PLAN INQUIRY

Where objections to the finalised Local Plan have been received, and have not been resolved. Angus Council will hold Public Local Inquiry into the Local Plan. This is unlikely to be held prior to six months after the final date for objections. A Local Plan Inquiry is

chaired by a Reporter from the Scottish Office Inquiry Reporters' Unit who is appointed by, but independent of the Council.

The procedures for the Public Local Inquiry will be based on the Code of Practice published by the Scottish Office Development Department in September 1996.

Everyone who objects within the six week period and maintains that objection has the right to be heard at the Public Local Inquiry. If you are unable to go, or do not want to speak, you can send a written objection which will carry the same weight as one made in person at the Inquiry.

Angus Council will nominate an officer(s) to answer your question(s) about the content of the Plan during office hours 8.45 a.m. - 5.00 p.m.

Angus Council will also appoint a "Programme Officer" to help the Reporter and organise and manage the preparation and conduct of the Public Local Inquiry. The Programme Officer will be able to answer questions about the Inquiry process during office hours. Details of the name and contact address of the Programme Officer will be published.

Where a number of objections relate to a similar aspect of the Local Plan, it may be helpful for individual objectors to get together to put forward a more co-ordinated case at the Public Local Inquiry. This would avoid repetition and where possible speed up the Inquiry and focus on the points of issue.

9. AFTER THE INQUIRY

After the Public Local Inquiry, the Reporter will send a report to Angus Council. In terms of the Reporter's Unit published standards,

the aim is to submit the Inquiry Findings Report to Angus Council within a period equivalent to six times the length of the inquiry.

After consideration, the Council will make this Report available at main Council Offices and prepare a statement giving its response to each of the Reporter's findings together with details of any modifications that the Council wants to make to the Plan as a result, and advise objectors accordingly. Angus Council will then publish the modifications, and set aside a further six week period for objections to the proposed modifications. Please note that objections to the content of the Plan as originally published cannot be lodged at this time. Only the modifications are under scrutiny.

Angus Council will acknowledge all written submissions made and decide whether it is necessary to hold a further Local Plan Inquiry. A further Inquiry will only be required where a proposed modification has generated objection on a matter which has not already been considered at Inquiry otherwise the Council will proceed to adopt the Plan.

10. ADOPTION

The conclusion of the earlier processes, is the Adoption of the Local Plan. Where Angus Council propose to adopt a Local Plan, with or without modifications, the Council will publish a Statutory Notice intimating their intention to do so. The Council will also notify persons who made objections that were not withdrawn, or other persons as need be.

Copies of the Local Plan to be adopted will be sent by recorded delivery to the Secretary of State. Angus Council will comply fully with the procedures outlined in Section 38(1) - (3) of the Structure and Local Plan (Scotland) Regulations 1983. Copies will also be

available for reference at the Public Libraries and other main Council offices. Copies will be available for purchase from the Department of Planning, Transport and Economic Development.

After Adoption

Once the Local Plan has been adopted by Angus Council, it becomes part of the Development Plan and therefore a main consideration in determining planning applications. In most cases, planning applications will be determined in accordance with the policies of the Development Plan. Where Angus Council intends to make a decision on a planning application which is contrary to the provisions of the Local Plan, the Council will follow the procedure outlined in the Town and Country Planning (Development Contrary to Development Plans) (Scotland) Direction 1996.

These include:-

- advertising the proposed development and the policy/proposal relating to the Local Plan;
- where planning permission is granted, informing objectors of the decision and also providing them with a statement of reason why the departure is justified.

11. MONITORING AND REVIEW

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.

Planning Advice Note 49 “Local Planning” at paragraph 14 sets out the context for monitoring and review of Local Plans:

“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.”

By regularly undertaking systematic monitoring of the plan, the Council will 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. This is particularly important in light of the enhanced status of development plans.

Monitoring Requirements and Data Tracking

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

- the implications arising from the review of the structure plan to be undertaken as part of joint working on the 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;

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.

12. AMENDMENTS TO LOCAL PLANS

Monitoring will focus on key areas of the Local Plan and help to maintain a broad overview from which specific parts of the Plan can be considered in more detail. The need to adjust, amend or update the Plan will be determined as part of the monitoring and review process.

For example where monitoring shows a high number of developments are being approved contrary to the Local Plan this might suggest that the plan is in need of alteration.

When Angus Council decide to make alterations to the Local Plan, a shortened version of the process outlined in Figure 4.1 will be implemented. The views of the local community will again feed into this process and be taken into account before any Local Plan alterations are adopted.

13. COMPLAINTS PROCEDURE

Complaint in respect of development planning (relating to Structure or Local Plans) should preferably be made in writing to the Director of Planning, Transport and Economic Development. Verbal complaints however will also be dealt with.

Complaints Methodology

If you make a complaint, it will be dealt with in the following manner:-

First Stage

The service providers (Development Plan Officers) will deal with the complaint initially and attempt to resolve the problem within seven days;

Second Stage

If the customer is still not satisfied, the complaint if not already in writing should be formalised and will be dealt with by the Development Plan Manager. If the complaint remains unresolved, the matter will be referred to the Head of Planning and Transport Policy or to the Director of Planning, Transport and Economic Development for further investigation or action.

Third Stage

If the complaint is still not resolved, an officer from outwith the department concerned, will investigate the complaint. The Chief Executive will normally be the appropriate person in such instances.

If you are not satisfied with the Chief Executive's decision and you still wish to pursue the matter, you have the right to refer the complaint in writing to the Ombudsman who is the:-

Commissioner for Local Administration in Scotland,
Freepost,
EDINBURGH.
EH2 0DB

APPENDIX - THE KEY THEMES

Angus Council, at a meeting on 29 November 1995 accepted report No. AC 106/95, "Towards a Strategic Statement", which contained a mission statement that the Council would:-

- deliver, develop and sustain quality, cost-effective services;
- enhance the quality of life for all the people of Angus, together with the image and the reputation of the Angus area;
- encourage and enable a strong, competitive and diverse Angus economy.

The Council at the same meeting also adopted its seven Key Themes:-

- to promote the identity of and represent the interests of Angus locally, nationally and internationally;
- to aim to provide excellent public services, maximising the use of available resources to meet local needs;
- to improve economic prosperity in Angus;
- to improve the environment and the quality of life in Angus, with an emphasis on sustainability;
- to promote equal opportunities/reduce inequalities in Angus;
- to value staff as the Council's most important asset, and seek to ensure long-term employment prospects for a locally based and directly employed workforce;
- to develop partnerships.

Local Plan Charter

Angus

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