

Places, People and Planning: A consultation on the future of the Scottish planning system.

Angus Council Response

MAKING PLANS FOR THE FUTURE

KEY QUESTION A: Do you agree that our proposed package of reforms will improve development planning?

Angus Council supports the proposed package of reforms in that they move the development planning system towards being more proactive and less focused on the process of producing a development plan document. It is also supported that amendments have been made to the current system rather than a complete overhaul as the Council would generally support the way in which the current system operates.

Angus Council would have some concerns about the potential additional resource implication of some of the proposals including the proposed gatecheck and increased viability information required for development plan preparation. The proposals for improved regional partnership working may also have additional resource implications for local authorities, which should all be considered in the light of the aspiration to reduce the timescales for development plan preparation.

There may also be significant implications on the time and resource taken to satisfy the number of statutory tests and duties that are suggested through the consultation. Whilst taking account of community planning and partnership working at a regional level are of undoubted benefit, Angus Council would suggest that such work should be happening as a result of good practice and would be concerned at the level of time and resource that might have been spent demonstrating and evidencing this in order to satisfy statutory duties.

Optional technical questions

1. Do you agree that local development plans should be required to take account of community planning?

Angus Council would agree that local development plans should not only take account of community planning but be fundamentally linked to it, drawing on the same evidence and engagement and working to deliver the same outcomes. Angus Council do not however consider that this should take the form of a requirement, be made statutory or considered a test.

To encourage this there should also be reciprocal arrangements and recognition of planning as the driver for the 'Place' element of Local Outcome Improvement Plans and Locality Plans, rather than just a reflection of the detail within them. Angus Council supports the view outlined in the consultation that planners are essential community planning partners and feel that this should be extended to ensure representation of planning on Community Planning Partnerships. Further guidance

should also be provided on the role of key agencies within Community Planning Partnerships, and the co-ordination of asset strategies of Community Planning partnerships with Local Development Plan action and delivery programmes.

Within Angus Council these links have already been made through alignment of planning and community planning functions, brought together under the Planning and Place service which seeks to ensure coordinated working in delivering priorities and outcomes. The Community Plan/SOA priorities and outcomes were embedded in the Angus Local Development Plan process at the early pre-Main Issues Report/Main Issues Report stages through to the Proposed Plan Stage. Direct linkages to the priority areas and the role of the local development plan strategy, policies and settlement strategies in delivering the wider outcomes were recognised and highlighted in the Main Issues Report and Proposed Plan. Work is continuing to ensure that community engagement carried out across Angus through partnership arrangements is drawn into the early review of the Angus Local Development Plan adopted in September 2016.

All of this has been achieved without a statutory requirement or test embedded within the legislation and regulations covering the Local Development Plan preparation process. Such a test could become a tick box exercise that does not guarantee adding value. Angus Council believes that it would be more beneficial to issue guidance on the matter, demonstrating good practice and illustrating where co-ordination and cooperation has delivered value added outcomes.

2. Do you agree that strategic development plans should be replaced by improved regional partnership working?

2 (a) How can planning add greatest value at a regional scale?

2 (b) Which activities should be carried out at the national and regional levels?

2 (c) Should regional activities take the form of duties or discretionary powers?

2 (d) What is your view on the scale and geography of regional partnerships?

2 (e) What role and responsibilities should Scottish Government, agencies, partners and stakeholders have within regional partnership working?

Angus Council agrees with the view set out in the consultation paper that strategic development plans should be replaced by improved regional partnership working. Collaborative working is already working well across the TAYplan authorities but the current system of Strategic Development Plans and their remit has resulted in a process orientated approach rather than one which delivers a clear ambition and infrastructure framework for the city region.

Angus Council has some concerns that a continued City Region focus could place too much emphasis on the cities and it is important that any regional link between local and national also focuses on the valuable contribution to the national agenda from more rural areas like Angus.

Strategic planning has an important contribution to make to delivering a high quality planning system. Angus Council feels that land use planning should continue to have a strong role at a regional scale and that there are opportunities to provide real value at a regional level through an outcome focussed approach. The Strategic Development Plan Authorities (SDPA's) have lacked the financial resources and co-ordination with Transportation and Economic Development strategies to fully

achieve this. At the regional level, planning is well placed to facilitate and co-ordinate these interests, and could help set the framework by drawing these together.

It is the Council's view that any partnership working should provide some flexibility in terms of their geography and topic areas. Different regional working would need to be applied in relation to different issues and it will be important that any framework allows for that. The consultation suggests that there would be the flexibility for Local Authorities to do this but no suggestion around how this might be resourced or how it can be ensured that authorities will work together.

Angus Council would not support an approach similar to that within England which places a duty to cooperate on authorities. In many cases it has been shown that the duty to co-operate has not been a duty to agree, which fundamentally undermines the duty's existence. There needs to be clear agreed direction of any partnership and end point(s) in terms of delivery.

One option may be for partners for various topics in regional partnership working to be determined through the National Planning Framework. Local Authorities could sign up and commit to taking these partnerships forward setting out a timescale for how these are to be progressed. This would sit more comfortably as a discretionary power rather than a duty. Alternatively it could be a requirement for joint working in Regional Partnerships to demonstrate that the approach being taken is consistent and aligned with Scottish Government aspirations expressed through an enhanced National Planning Framework or Scottish Planning Policy.

Regional partnership working would need to be supported by financial resources and mechanisms to ensure delivery. The City Deals have encouraged joint working and delivery focus because of the availability of financial resources, which were lacking in Strategic Development Planning Authorities. Whilst the City Deals can be used as a framework moving forward planning can and should have a central role in drawing together and articulating a spatial framework which includes transport and economic development strategies.

For Angus Council it is important that any financial resources are directed towards both regional and local projects rather than just focus on the large scale regional infrastructure.

3. Should the National Planning Framework (NPF), Scottish Planning Policy (SPP) or both be given more weight in decision making?

3 (a) Do you agree with our proposals to update the way in which the National Planning Framework (NPF) is prepared?

Angus Council would support the principle of an enhanced status for Scottish Planning Policy and the production of national policies, but would emphasise that there are a number of areas where local direction is required. Topics which may be suitable for SPP include: natural heritage, flooding, built heritage and waste.

Angus Council believes that if both the National Planning Framework and Scottish Planning Policy are to have an enhanced role then their production needs to be programmed with clear and meaningful engagement with local authorities and

communities set out. The consultation report provides little detail on how Local Authorities would input into the production of the documents. There may also be a role for independent scrutiny of these documents to ensure transparency, as in Local Development Plan production, although this should be proportionate.

Angus Council believes that these national documents must provide certainty and set out a long term vision. The documents and strategy therein should not be subject to sudden changes from short term political priorities but must go through a due process where a change is required.

Angus Council would offer some support for strategic housing numbers to be set at a national level and the Centre for Housing Market Analysis would have a clear role in inputting to this. However Angus Council would express concern about the lack of mention within the consultation about the link to delivery of new homes and issues at the local level. Of particular concern is the lack of mention of the role of Local Housing Strategies. These strategies provide valuable information on what local housing needs are and are of key importance in identifying what is required to address these. A better steer is required on identifying the types of housing and responding to demographic change. The private sector is failing to address specific areas of need (e.g. ageing population) outwith the affordable sector and planning needs to clearly address this if we are to deliver more of the right type of homes and address need. If there is to be a greater role at the national level in relation to housing then this clearly needs to link with and be informed by with housing strategies and the role of the private sector.

4. Do you agree with our proposals to simplify the preparation of development plans?

4 (a) Should the plan review cycle be lengthened to 10 years?

4 (b) Should there be scope to review the plan between review cycles?

4 (c) Should we remove supplementary guidance?

Angus Council support the move towards a plan review cycle of 10 years, provided that there is scope for updates within this period as outlined within Paragraph 1.29 of the consultation document. A move towards a 10 year plan period would allow a greater focus on delivery and sufficient time to work with developers to bring sites forward rather than being driven by the process of plan preparation. Angus Council is already proactively working with developers on the delivery of sites allocated in the recently adopted Local Development Plan.

While Angus Council would agree that the Main Issues Report has been a confusing element of the process and should be removed, much of the information used to prepare these remains of relevance and should continue to be part of the plan preparation process. This could be achieved by a technical report being prepared which sets out the evidence base for the plan and the approach to the development of options. This could potentially then be signed off at the proposed "gatecheck" stage to allow a local authority to progress to preparing a Proposed Plan, although concerns over the introduction of such a gatecheck are set out in response to Question 5. This document would also need to set out community engagement undertaken in the development of options.

Draft Plans are likely to be more meaningful to communities than Main Issues Reports and therefore encourage more participation. Angus Council strongly feels that value is added to the plan preparation process by working with community planning partners to develop options with communities and involvement at an early stage. This is not necessarily achieved by the current Main Issues Report arrangements but may also be missed by moving straight to a draft plan.

Engagement at the pre Main Issues Report and Main Issues Report stage gives people the opportunity to identify land use issues affecting their community and these should be addressed. There is an opportunity (as set out in the answer to Question 1) to align this engagement stage of the Local Development Plan with preparation of Local Outcome Improvement Plans and Locality Plans (with planning and community planning sharing resources and information). This would ensure that the settlement strategies and land allocations set out in the Local Development Plan are informed by a whole range of land use considerations, key agency responses as well as community views which planners are best placed to balance and coordinate.

If the move to a 10 year plan production period is taken forward, Angus Council would support the ability to trigger an update to a specific element of the plan to ensure that it remains responsive. It is important that this trigger process is quick, clear and capable of being easily communicated. Updates required to a Plan are likely to focus on housing delivery. The focus on delivery will ensure that there is a sound evidence basis for identifying where a review may be required, however there may be some contention about precisely at what point in the process a trigger might be identified. It is Angus Council's view that this should be identified by the Local Authority and potential issues or triggers for partial review should be flagged through delivery programmes before they happen.

This approach is proactive and ensures effective engagement in identifying alternative options without the need for a full scale review. There should be ability for a Local Authority to take forward an earlier review of the Full local development plan if considered necessary. The 10 year review should be seen as a maximum term for a plan and local authorities should determine the appropriate time to undertake a full review within that period.

Angus Council would agree that the time taken to prepare a plan should be reduced but would emphasise that any revised timescales should recognise the time and resources that will be involved to implement the other proposed reforms for "stronger local development plans" including gathering upfront information to support proposals in the draft plan and including detailed policy guidance.

Angus Council would not agree that supplementary guidance should be removed. There should be provision for local guidance to be produced and used as a material consideration in decision making. Supplementary Guidance documents have been particularly useful and provide a local response to local circumstances. The value of Supplementary Guidance may have been diluted by over-use of the mechanism, and there is a need for greater clarity in relation to the difference between statutory and non-statutory guidance relating to the Local Development Plan.

5. Do you agree that local development plan examinations should be retained?

5 (a) Should an early gatecheck be added to the process?

5 (b) Who should be involved?

5 (c) What matters should the gatecheck look at?

5 (d) What matters should the final examination look at?

5 (e) Could professional mediation support the process of allocating land?

Angus Council would strongly support the retention of Local Development Plan Examinations as they provide an independent and rigorous assessment of the plan content. There should be responsibility taken by the Department for Planning and Environmental Appeals to reduce timescales involved in undertaking an examination and an assessment of whether it is still appropriate for Reporters recommendations to be binding on an authority as this can override local decision making.

Whilst the logic behind an early gatecheck as part of Local Development Plan production is acknowledged, Angus Council would have concerns about the value and potential resource implications of such an approach. As suggested earlier in this response, the gatecheck could form the "sign off" to allow local authorities to prepare a draft plan. The gatecheck should not introduce an additional process-heavy requirement where significant time and resource is needed to get through the tests involved.

Angus Council believes that it would be of vital importance if a gatecheck is introduced that where key issues (e.g. housing land supply) have been agreed as robust and credible that there is no further opportunity for these issues to be raised at latter stages in the plan preparation process. A mechanism should be included to allow specific points already addressed to be dismissed rather than significant resource spent on revisiting issues that have previously been agreed allowing officers to focus on the specific issues at the relevant stage.

It would not be possible to be prescriptive about who should be involved in the early gatecheck process, as circumstances and key issues will vary between local authorities. A range of issues could be set out that could be considered at a gatecheck if applicable to an area.

Matters that would remain to be considered at the final examination would include details of concern identified through consultation on the draft plan. As set out earlier, it will be imperative that where representations are made in relation to issues considered at a gatecheck, the local authority should have the ability to set these aside.

Angus Council do not consider that professional mediation would support the process of allocating land. Once the overall level of housing and employment land to be provided in a Local Development Plan has been determined, it should be for local decision makers to determine the most appropriate allocations. In making these allocations, there is rarely a situation where mediation is of benefit as inevitably one site must be chosen over another.

6. Do you agree that an allocated site in a local development plan should not be afforded planning permission in principle?

Angus Council participated in the research to consider planning permission in principle for sites allocated in the development plan. The Council would support the findings around the complexities and level of information required for input to the development planning process and would agree that an allocated site in a local development plan should not be afforded planning permission in principle. This is not considered to be contradictory to the assertion that it is beneficial to provide as much information as possible on the deliverability of a site to support a development plan allocation (see Question 7 below).

Angus Council does feel that there should be benefits to encourage and support proposals within a plan led approach. Alternative options to an allocation equating to planning permission in principle might include the introduction of a different status to planning permission in principle (e.g. an alternative designation), an expedited planning application process or a reduced fee (see answer to Question 31).

There is also the opportunity to include additional information within the local development plan to set out detailed development principles to allow applications to go straight to an application for matters specified in the development plan rather than in conditions. It may be that different approaches could be taken in different circumstances and locations as long as there is clarity as to where various legislative requirements are met.

7. Do you agree that plans could be strengthened by the following measures:

7 (a) Setting out the information required to accompany proposed allocations.

7 (b) Requiring information on the feasibility of the site to be provided.

7 (c) Increasing requirements for consultation for applications relating to non-allocated sites

7 (d) Working with the key agencies so that where they agree to a site being included in the plan, they do not object to the principle of an application.

Deliverability should be a central element of the development plan process and a move towards a 10 year plan will allow resources to be focussed on working with developers to deliver sites and also gain detailed evidence on why a site may not be delivering. The proposals in the consultation tend to focus on the role of planning but the success is entirely dependent on developers to provide relevant and honest information. Angus Council would suggest that the onus should be on developers to provide information and detailed guidance produced on what this requires to include. This should be supported by measures that can be taken if delivery is not met (see answer to Question 19).

A significant issue across the Country is the challenge of absent landlords, vacant buildings and land within towns and particularly town centres. There are few powers to address these and without detailed changes to land reform there is little scope to address these issues which are significantly detracting from the quality of place. The use of compulsory purchase power is muted in the guidance to assist with site assembly however for these smaller types of issues there is inherent risk for local authorities. Angus Council therefore believes that there should be scope to introduce compulsory sales orders to ensure that these areas of land and buildings can be brought back into use and provide much needed housing and contribute to the quality of our towns.

In relation to Paragraph 1.44 for stronger measures for public involvement for sites that have not been included in the plan and less consultation on allocated sites Angus Council's view is that this debate is likely to detract from some of the concerns raised within communities about effective engagement. Effective and proportionate engagement is more important than the amount of engagement so the emphasis should relate to this.

For sites allocated within a development plan the focus should be on engagement in relation to matters of set out in the development plan and detailed design rather than the principle of development. The approach for non-allocated sites raises issues around the capacity of communities to engage in the process and the challenges around engaging when the principle of development is the key issue.

Angus Council has had effective working relationships with the key agencies, particularly in the production of the recently adopted development plan. Input in relation to planning applications has been more mixed. Influence to the approaches within key agencies will be key to making this work. Approaches within key agencies need to be more proportionate to the local development plan process.

8. Do you agree that stronger delivery programmes could be used to drive delivery of development?

8 (a) What should they include?

Angus Council strongly support the role of the Delivery Programme and are looking at managing information on a live GIS based system. This relates to the Question 34 regarding digitally enabling the transformation of the planning service and Angus Council would welcome involvement of the digital task force in looking at this.

The Local Development Plan delivery programme should be coordinated with the asset plans of Community Planning Partners and other delivery agencies. Angus Council would support the Development Plan delivery programme having a broader corporate role, focused on delivering the plan and the place elements of the Local Outcome Improvement Plans and Locality Plans and not simply monitoring it / them.

PEOPLE MAKE THE SYSTEM WORK

KEY QUESTION B: Do you agree that our proposed package of reforms will increase community involvement in Planning? Please explain your answer.

Angus Council agree that the package of reforms could increase community involvement in planning, but that they would not guarantee this. The success of these measures will depend on how they are implemented. As set out below, Angus Council do not agree that local place plans would deliver greater involvement, instead Local Authorities should be trying to ensure greater involvement and engagement in planning for places through existing mechanisms.

Angus Council has provided comment elsewhere in this response regarding possible increase in permitted development rights and additional use of simplified planning zones. Any increase in the use of these provisions should have regard to the resultant impact on the ability of communities to engage in the planning process and any consequential impact on transparency and trust in that process.

Optional Technical Questions

9. Should communities be given an opportunity to prepare their own local place plans?

9 (a) Should these plans inform, or be informed by the development requirements specified in the statutory development plan?

9 (b) Does Figure 2 cover all of the relevant considerations?

Angus Council welcome the aspiration of government to increase community involvement in planning. This approach has been supported in Angus through the establishment of an integrated Planning and Place service that brings together the statutory planning service with community planning and housing services which has helped to integrate strategic planning functions and enhance community engagement and empowerment.

Community planning partners are in the process of developing the Local Outcome Improvement Plan and the Place standard tool has been used with partners and communities to inform this plan. Four locality plans are also being developed that each consider the economy, the people and the place in a more rounded, holistic way. The plans draw on seven town centre charrettes and have actions drafted through the leadership of the Council's senior management team. These draft plans will now be discussed with communities and partners before being finalised in line with Community Empowerment guidance in September 2017.

For Angus Council it has been essential to consider the role of the local development plan in the context of this broader planning for place approach. The proposal to make communities responsible for place planning misses the wider need for communities and services and partners to work together to deliver more sustainable communities.

The Community Empowerment Act 2015 contains many powers and duties that will enhance and develop the way in which communities choose to support themselves, deliver new service's and also become resilient, inclusive communities. This is an

aspiration shared by Angus Council and communities are empowering themselves all across Angus, taking on assets and delivering services as well as taking pride in their homes and the communities they live in. It is essential to continue to support this development and activity and join this up with all of the statutory planning requirements as demonstrated in our strategy tree below:



It is against the background of supporting empowered communities, understanding community needs and desires for improving their places that Angus Council would not support a move to an English based system of neighbourhood plans. Our community planning arrangements differ significantly to English based approaches and galvanise communities thoughts to inform all of our planning processes.

Angus Council believe that planning is a professional service that may need to widen its perspective in terms of community empowerment, but replacing it with a community based planning system is not the best way to achieve this. The Council would equally resist communities being solely responsible for teaching children and young people, child protection or engineering roads. Sometimes a professional service is required. This does not mean excluding communities from the planning process, but rather involving, engaging and empowering communities to do not just the place aspect of planning, but also to consider people's needs including tackling inequalities as set out in the Community Empowerment Act as well as the economy that supports and drives a particular locality or place. Angus Council believe devolving responsibilities for planning to communities may also result in unintended

consequences if a separate duty is placed on Councils to both support and adopt the production of community led plans.

The consultation refers to the definition of community being set out in the Community Empowerment Act and Land Reform legislation and that this may require further work in any new planning legislation by way of clarification. Angus Council believe that this has the potential to cause uncertainties in the 'real world' leading to planning professionals spending precious time and resource arbitrating between community bodies rather than focusing on enabling the delivery of plans which lies at the heart of the planning review. A statutory duty to consult already exists within planning law and there is often a balanced assessment required between respective communities of interest both for and against a particular development. The removal of that balanced professional assessment could result in the erosion of public trust as communities go 'head to head'. This would be especially true if a community produces their own plan and the planning authority then refused it for any reason.

With regard to resources, Angus Council believes that the connection between planning and community planning helps to target skills, knowledge and experience to the right place. Working with communities to build community capacity is an everyday approach to work for community learning and development practitioners. Utilising these strengths and talents will help ensure that communities are empowered to have their voices heard and can learn to take on new service responsibilities. Angus Council believe that we need to invest in community learning and development so that other professional staff can use their resources to best effect in enabling the planning service to have maximum impact locally to support better outcomes for people and places where they live.

Planners have been engaging with communities for many years. They have taken decisions to support development in the right places for the right reasons. Many smaller rural communities may seek to plan for no development, potentially frustrating natural growth of towns and villages; others may encourage development in places where it is either visually or structurally not the best possible outcome for their community, albeit with the best of intentions. There is little evidence to suggest that local place planning will encourage a wider section of the community to be engaged in the process than at present.

Some local place plans may require supplementary assessments such as habitats regulations appraisal or strategic environmental assessment to be undertaken which could give rise to significant capacity and cost issues. There are likely to be issues in terms of the timescales for preparation and adoption of local place plans following the adoption of a Local Development Plan and there can be no certainty that a local place plan would or indeed could be adopted by the planning authority. The introduction of an additional layer of plan-making does not offer any guarantee of additional community engagement or ownership and it will not help streamline the process. It is likely to result in increased delay and uncertainty for developers and is unlikely to help speed up the delivery of new housing. Angus Council believe we should be involving communities in creating the right plans for their places and continuing to engage communities of interest in specific planning proposals. The Council does not consider that the right response is to give communities the opportunity to prepare their own local place plans.

10. Should local authorities be given a new duty to consult community councils on preparing the statutory development plan?

10 (a) Should local authorities be required to involve communities in the preparation of the Development Plan Scheme?

Angus Council fully support the continued involvement of Community Councils in the planning process as the only potentially elected community organisation. In practice there have been very few elections and in recent years more concern about the ability to establish a community council and their ability to run meetings which are quorate. There continues to be factions between community members and some community councils. Notwithstanding this, Angus Council continue to support their existence and development and they continue to provide valuable input to the planning process.

There would not be a significant difference to current practices if a duty to consult community councils on preparation of the statutory development plan were introduced or communities were required to be involved in the preparation of the Development Plan Scheme, apart from potentially one of time and resources, which may be to the detriment of the process and local authorities.

11. How can we ensure that more people are involved?

Angus Council do not think that a set of rules of requirements could be defined that would ensure that more people are involved in planning across all authorities. The approach taken to Planning and Place in Angus set out in previous sections illustrates that the consideration should not necessarily be about increasing the involvement of people in the production of the Local Development Plan, but the co-ordination and channelling of all engagement across all community planning partners through the process that is important. In this way, all engagement practices inform the plan preparation.

In addition, planning professionals need to work harder to ensure processes and documents are more accessible and capable of communicating and engaging in plain English and in an engaging way.

11 (a) Should planning authorities be required to use methods to support children and young people in planning?

Angus Council has been involved with significant engagement with young people through the TAYplan Youth Camp programme. The benefits of this engagement have been well documented, but may not be appropriate or beneficial in every circumstance. Angus Council therefore believe that a proportionate approach would be most appropriate and that instead of a requirement to use methods to support children and young people in planning, more could be made of guidance and illustrations of good practice which have resulted in adding value to the process.

12. Should requirements for pre-application consultation with communities be enhanced? Please explain your answer(s)

12 (a) What would be the most effective means of improving this part of the process?

12 (b) Are there procedural aspects relating to pre-application consultation (PAC) that should be clarified?

12 (c) Are there circumstances in which PAC is required still appropriate?

12 (d) Should the period from the serving of the Proposal of Application Notice for PAC to the submission of the application have a maximum time-limit?

Angus Council welcomes the recognition that developers have an important role to play in improving the planning process. There remain significant issues in the adequacy of information submitted with planning applications and a subsequent drip-feed of supporting information following initial publicity and consultation is not uncommon.'

Planning applications that are submitted without full information frustrate opportunity for community engagement and does not promote trust or transparency in the process.

Angus Council would support measures to provide additional training in community involvement for the development sector. It is clear that much of the frustrations from the communities is the focus on consultation on already developed proposals rather than the community working with the developer on the developing a detailed design. We would however recognise that this can be challenging for the developer where people simply want to object. We also feel that there should be some scope for the developer to engage with the prospective new community who would be potentially looking for new housing as it is them who have the most vested interest in how communities are developed.

Such training for developers is unlikely in itself to ensure that planning applications are submitted with all necessary information at the outset. In this respect Angus Council would support measures to encourage or require submission of full and comprehensive information at the outset of the planning application process.

Angus Council questions the value in requiring pre-application consultation for applications for planning permission in principle where the application proposes development on land allocated for the purpose proposed in an up-to-date Local Development Plan. The principle of development has been subject of public consultation and has been established through the plan making process. The pre-application consultation process can raise community expectation that the principle of development can be revisited.

Conversely, pre-application consultation is currently not required for subsequent applications following the grant of a planning permission in principle that seek approval for detailed matters such as layout and form of a development. The detail of the development may be of equal if not arguably more interest to a local community than the principle of the development yet opportunity to engage is more limited. Angus Council would support measures that require formal pre-application consultation for applications that seek approval of matters specified in conditions attached to a planning permission in principle for major and national developments.

Angus Council would support a requirement for neighbour notification to be undertaken in association with pre-application consultation and would also support

moves to introduce a time-limit to restrict the period from the serving of the Proposal of Application Notice to the submission of a planning application. Such measures would work towards improving transparency and increasing certainty.

13. Do you agree that the provision for a second planning application to be made at no cost following a refusal should be removed?

Angus Council also supports the proposal to remove an applicant's right to submit a revised or repeat application at no cost. Such a proposal is consistent with the move towards full cost recovery (see answer to Question 31) and may assist in promoting the 'right first time' approach.

This measure alone is unlikely to address the issue of 'legacy cases' which cause communities concern and uncertainty. Angus Council would support a further proposal that applications should be deemed to be withdrawn after 1-year if there is no appeal/review lodged and no processing agreement in place.

14. Should enforcement powers be strengthened by increasing penalties for non-compliance with enforcement action?

Angus Council supports measures to strengthen planning enforcement powers. The current levels of financial penalties for breaches of planning control are low in comparison to the potential financial benefits that might be accrued by breaching that control. The current financial penalties may be appropriate in respect of breaches of planning control by private householders but Angus Council would support a substantial increase in penalties for breach of planning control in other instances.

There is some concern that substantially increasing fees in cases requiring retrospective consent may not be effective in circumstances where a planning authority cannot compel the submission of an application. The approach may discourage a developer from submitting an application to regularise an unauthorised development that is otherwise generally acceptable. A proposal to increase fees for retrospective applications might be more effective if it was linked to the introduction of a penalty or offence in circumstances where an application is not submitted following the issue of a notice under section 33A.

15. Should current appeal and review arrangements be revised:

15 (a) for more decisions to be made by local review bodies?

15 (b) to introduce fees for appeals and reviews?

15 (c) for training of elected members involved in a planning committee or local review body to be mandatory?

15 (d) Do you agree that Ministers, rather than reporters, should make decisions more often?

Angus Council considers that public trust, confidence and ability to engage effectively with the planning system is undermined by the current appeal system that allows submission of new or additional information at the appeal stage in the development management process. Reducing the time limit within which an appeal can be submitted to 1-month and restricting any appeal or review to the consideration of information that was submitted with the planning application would

increase transparency and encourage the 'right first time' approach that the consultation advocates.

The DPEA serves an important function in determining appeals that are of regional or national significance. However, Angus Council supports moves that increase local decision making and democratic accountability. In that respect we would support proposals that allow more decisions that are of only local significance to be made by local review bodies. Applications for house extensions and advertisements for example are matters that should be for local decision makers.

Angus Council currently requires all members of its local review body or any member involved in a committee where planning applications are to be determined to have undergone appropriate training.

Angus Council does not support the introduction of a fee for appeals or reviews. It is considered that the costs associated with this should be covered by an appropriate increase in planning fees (see answer to Question 31).

16. What changes to the planning system are required to reflect the particular challenges and opportunities of island communities?

Angus Council do not have a view on these changes.

BUILDING MORE HOMES AND DELIVERING INFRASTRUCTURE**KEY QUESTION C: Will these proposals help to deliver more homes and the infrastructure we need? Please explain your answer.**

Angus Council would once again make the point that the planning system is not the primary factor for the lack of housing delivery in recent years. Many factors have contributed to a reduction in housing delivery, in particular, the impacts of the economic recession, continued restriction on development finance and in some cases, the reluctance of developers to release land and to landbank it instead.

Many of the proposals set out relate to the way in which a local authority can support the delivery of homes and infrastructure, and there are significant concerns that this is only part of the issue.

Optional Technical Questions**17. Do you agree with the proposed improvements to defining how much housing land should be allocated in the development plan?**

The use of a simplified HNDAs process based on a range of assumptions and scenarios to deliver high level estimates for housing at a national or regional basis could be supported if the methodology takes account of the significant regional and sub-regional variations that exist across Scotland. Angus Council would suggest that national aspirations and/or derived figures or targets need to be robust and defensible if subject to challenge and simply producing aspirational high figures for housing will not necessarily deliver more development on the ground.

Whilst centralising determination of housing supply numbers could reduce the timescale in determining the housing land supply development plans must deliver, there is a significant concern that this could undermine local democracy, decision making and community engagement which is also a central tenet of the planning review. Decisions on development strategy and spatial distribution of development must be determined locally taking into account local circumstance. The role of the proposed Regional Partnerships is vital in this to ensure that there is sufficient cross boundary thinking at bigger geographies particularly when considering planning for and delivering strategic infrastructure – roads, public transport, education, economic development, water supply and drainage. At present there is little indication of what geographies these Partnerships will cover, how they are constituted and what the governance arrangements are. There is no requirement for another sub national layer of central government. Depending on how such a body is constituted and the powers it has they have potential to promote cross authority working, resource sharing and deliver strategic thinking. In theory the Tay Authorities City Deal Partnership model could work effectively if resourced adequately (see answer to Question 2).

Angus Council would agree with the proposals regarding the Housing Land Audit process as it is generally in line with aspirations to develop our Housing Land Audit process, including undertaking liaison meetings with developers and landowners of sites. This proactive approach is intended to assist with the audit process but also allow the Council to work with developers to understand barriers to development,

including infrastructure issues which are preventing sites coming forward. In addition Angus Council are exploring how to make more information on development sites available through innovative use of GIS layers and attached meta data by combining information from the housing land audit and gleaned from targeted liaison with landowners/developers (see answer to Question 8).

18. Should there be a requirement to provide evidence on the viability of major housing developments as part of information required to validate a planning application?

Angus Council would not agree with any requirement to provide viability information with major housing applications, to permit validation. The value of such information in validating a planning application is not clear. There are many variables that are included within such an assessment which would be likely to change over time, and evidence produced on submission would date within the lifetime of the permission. The key elements of a viability assessment relate to land value and profit margins. Property is inherently an area of financial investment risk and in some cases this may not always favour the developer/landowner. Where the market falls it can take some time for the resultant fall in land value. This raises questions around how a local authority should consider issues around these issues. For example, what is a realistic profit margin or return for a landowner? Yes specialist advice can be sought on these issues however there is little experience of actually challenging these.

The marketability of a site would be reflected to an extent in an assessment of viability through the values attributed to the final product, but evidence of viability would not necessarily translate to certainty of delivery, as there are many other factors that can influence this.

Angus Council would also be concerned that a requirement for such information could lead to an unintentional consequence where the submission of viability information influences decisions to the extent that major housing developments could only be approved where the market is strong and viability is certain. There would be significant concern around refusing an application simply because it cannot be proved to be viable. There are also concerns relating to the expertise within Planning Departments to consider the acceptability of such viability information. The requirement would almost certainly slow the process down and introduce additional costs for both developers and local authorities without significant tangible improvement.

**19. Do you agree that planning can help to diversify the ways we deliver homes?
19 (a) What practical tools can be used to achieve this?**

As set out in the previous response to the Planning Review consultation Angus Council believe that the planning system is not the primary factor in the low build rates and housing delivery across Angus over recent years. The impact of the economic recession and nature of the local housing market continues to mean that build rates are lower than anticipated by TAYplan and TAYplan 2 with the bulk of completions coming from a handful of sites. The Angus Local Development Plan and Angus Housing Land Audit 2016 have demonstrated that there is at least a 5 year effective supply of housing land across Angus which is free from physical and infrastructure constraint.

Under the Actively Enabling Development heading the consultation document urges greater focus on deliverability of development and promotes the requirement for land allocations to be supported by evidence that the proposed development is economically viable and capable of delivering housing within the plan period. As a principal this can be generally supported. However questions remain on what it is viable to ask a landowner/developer to submit in bidding for a development site to be included in the Local Development Plan. While Local Planning Authorities can and do engage with landowners/developers over the level and nature of supporting information required, the planning service does not have the resources available to undertake detailed site assessment to demonstrate effectiveness and viability. Angus is generally a low volume build/demand area and increasing the financial burden on low to medium term delivery is unlikely to increase build rate beyond what the market will deliver. Generally speaking the scale of sites will influence the level of supporting information that should be expected. A sliding scale of what is required based on the size/capacity of the site and the nature of any known issues or constraints that require to be addressed would be favoured (see answer to Question 7).

Angus Council have already set out an intention to engage with landowners/developers to identify impediments to development and wherever possible work to overcome them. The Council already have existing powers of site acquisition/assembly, removal of the allocation from the Local Development Plan, allocation of alternative or additional sites. Consideration also needs to be given to how to deal with sites with existing planning permission where development has not commenced or has stalled. This is one of the issues we have in Angus where we have given repeated outline consents or time extensions for sites which are still no closer to delivery. Some solutions have recently been explored in the English Housing White Paper.

The Planning and Land Reform section raises the prospect of compulsory acquisition of stalled sites to allow the local authority and/or communities to unlock their development potential. Site acquisition powers are currently used sparingly and without additional resourcing it may not be wise to extend the number of interventions made in the market as in essence it is transferring the risks on viability and development potential of sites to the Council or public sector. On the other hand use of such powers could allow the Council to establish a land bank to assist in the delivery of affordable and social housing and offers the prospect of Councils and/or communities partnering developers as a means of raising funds, promotion of self-build projects. It is also our view that the introduction of compulsory sales orders as outlined in Question 7 could have significant merit in reducing risk and bringing forward the delivery of these sites.

20. What are your views on greater use of zoning to support housing delivery?

20 (a) How can the procedures for Simplified Planning Zones be improved to allow for their wider use in Scotland?

20 (b) What needs to be done to help resource them?

Simplified Planning Zones have not been considered an appropriate mechanism to support housing delivery in Angus because of the size and nature of sites in Angus and the considerable staff resource to develop the necessary planning scheme for any particular site. Furthermore delays in delivery have generally tended to be

outwith the scope of planning therefore is unlikely to increase the rate of delivery that cannot be tackled by other measures proposed.

For more rural areas with smaller sites it may be more appropriate to bring forward some form of an expedited or summary brief to accompany sites where there are issues that require to be addressed which flesh out the generally minimal site specific requirements set out in development plans. This could in most cases do away with the requirement for a full development brief with the attendant consultation, committee endorsement and potential time delays.

21. Do you agree that rather than introducing a new infrastructure agency, improved national co-ordination of development and infrastructure delivery in the shorter term would be more effective?

Angus Council would disagree that a new infrastructure agency be introduced at this time, but that improved co-ordination between representatives from Scottish Government and public and private infrastructure providers at a national and regional level would be more effective to support delivery of infrastructure and housing throughout the country. We are already starting to see the early stages of better planning from Scottish Water in relation to area wide infrastructure planning and assessment but the pace of this change is extremely slow and will take a long time for the benefits to be realised due to scale of work required.

It is our view that there should be a contact within the Scottish Government who is empowered to empower change within national infrastructure bodies where issues are arising.

22. Would the proposed arrangements for regional partnership working support better infrastructure planning and delivery?

22 (a) What actions or duties at this scale would help?

Key to supporting delivery of development is a resourced means of delivering enabling and strategic infrastructure. While planning for future development should not be solely based on available infrastructure capacity or where it can be easily or cheaply provided, it is a significant consideration when considering development options. Equally we should not be allocating land for development within the first 5 years of a Local Development Plan period where it is not certain that investment will be available to provide essential and community infrastructure.

23. Should the ability to modify or discharge Section 75 planning obligations (Section 75A) be restricted?

Angus Council would agree that the ability to modify or discharge Section 75 planning obligations should be restricted. The ability should not be removed in its entirety as this would severely limit the ability of developers and councils to respond to unforeseen changes. There needs to be a mechanism for reconsideration where there has been a material change but not without restriction.

Modification or discharge of a Section 75 planning obligation can cause significant issues for local authorities where the monies have been included as part of capital

programmes. Allowing modification or discharge of Section 75 planning obligations is also not conducive to ensuring public confidence and trust in the planning system.

24. Do you agree that future legislation should include new powers for an infrastructure levy? If so,

24 (a) at what scale should it be applied?

24 (b) to what type of development should it apply?

24 (c) who should be responsible for administering it?

24 (d) what type of infrastructure should it be used for?

24 (e) if not, please explain why.

Angus Council would support the application of an infrastructure levy as a means of raising funds to deliver up front infrastructure to unlock development sites. Rather than a nationally set levy which would be imposed on local authorities Angus Council would favour a levy set at a Regional level. The levy could be made up of a range of components which would be applied to development as appropriate. This would link to the proposal for Regional Partnerships to undertake infrastructure audits, but would be dependent on the arrangements brought forward for Regional Partnership working.

Alternatively it may be simpler for a standard levy to be applied to all qualifying development. All funds raised should be paid into a pot/fund within the general area they are collected. It is simply not tenable for a levy collected from a development in Montrose to be spent in say Aberdeen. Operating at a regional level would allow funds to be generated to deal with cross boundary issues as well as more local site specific issues. The funds released to provide up front infrastructure would be repaid to the fund by application of an infrastructure levy/roof tax as development progresses. This approach may require up front funding from the Scottish Government with funds recouped by any infrastructure levy put back into the fund.

Establishment of Regional partnerships would allow the identification and prioritisation of projects to deliver strategic and community infrastructure with cross boundary implications – such as the Laurencekirk Junction or Education provision in the west of Dundee/South West Angus/East Perthshire area. For this to be effective infrastructure providers and Transport Scotland should be partner organisations for Regional Planning Partnerships.

The ability and means of setting a Levy should be carefully considered. Viability testing of the Community Infrastructure Levy in England has meant that the levy has been set at a low level in certain areas. This may mean that there will continue to be an infrastructure funding shortfall as a viability induced reduction in the levy may mean that the full range of infrastructure considered and costed through any audit cannot be fully funded.

This means that Section 75 Agreements should be retained to allow mitigation of direct demonstrable effects from development of a site. Application of a standard infrastructure levy may allow this element to be deleted from any Section 75 but there are a number of areas where it remains the most appropriate tool to achieve the desired planning outcome. Angus Council will continue to work with developers to speed up the process of drawing up and signing off S75 Agreements.

25. Do you agree that Section 3F of the Town and Country Planning (Scotland) Act 1997, as introduced by Section 72 of the Climate Change (Scotland) Act 2009, should be removed?

Angus Council would agree that Section 3F of the Town and Country Planning (Scotland) Act 1997, as introduced by Section 72 of the Climate Change (Scotland) Act 2009 should be removed. The requirement for development plans to include policies requiring development to be designed to ensure that all new buildings avoid a specified and rising proportion of the projected greenhouse gas emissions from their use through the installation and operation of low and zero carbon generating technologies has caused confusion with building standards and is not considered to be helpful.

STRONGER LEADERSHIP AND SMARTER RESOURCING

KEY QUESTION D: Do you agree the measures set out here will improve the way that the planning service is resourced? Please explain your answer.

Whilst the willingness of the Scottish Government to look at the resourcing of the planning service is welcomed, Angus Council feel that the measures set out within the consultation paper are potentially too blunt to truly address the issue of full cost recovery whilst facilitating performance improvement at the same time.

The need to align fee increases with performance improvement may not be easy to achieve. The current fee regime is not currently fully resourcing planning services, and any fee increase may only address the deficit between fees currently generated and cost incurred beyond that point.

If the increased fee is also going to have to pay for the resourcing of consultations with key agencies and central government support then the true cost of this will need to be looked at and the recovery of cost by other agencies would not be supported by Angus Council if it leads to additional administrative burdens on planning authorities. Importantly, the link to improved outcomes, service and performance would need to apply to all partners in the process that would benefit from such funding and not just planning authorities. Angus Council is concerned that the focus on improvement contained in the consultation is very focused on improvements that could be made within planning authorities, without looking more widely at improvements in behaviours and practices elsewhere in the planning system.

Optional Technical Questions**26. What measures can we take to improve leadership of the Scottish planning profession?**

Angus Council believes that measures to improve leadership of the Scottish planning profession will derive from what the Scottish Government considers to be leadership. If the Scottish Government see a bolder, more proactive role for planning professionals in shaping places and delivering outcomes then it may be that the suggested reforms of the system are not fundamental enough and a clearer vision should be set at a national level as to the role and remit that planning should have within local authorities. If the term leadership is meant in an enabling or delivering sense, then the current system presents some limitations for planners in that respect.

Land use Planning would benefit from a higher status within government (central and local) than it has in recent years. Planning is one of the few cross cutting functions able to look across a range of activity and services and take a "balanced" decision/judgement. Measures should be considered which re-establish land use planning at the core of decision making in local authorities.

27. What are the priorities for developing skills in the planning profession?

Angus Council would suggest that the priorities for developing skills need to be considered in the context of knowing what the required levels of skill and knowledge

actually are or could be. There will also need to be recognition that different skills may be required for involvement in different parts of the process.

There has recently been an increasing perception that the up-skilling of planners would negate the need for involvement of more specialist professions. Angus Council would express significant concern in relation to this as the capacity of individual planners to have awareness of a significant amount of varied specialist knowledge is limited. There should be a recognition that the planning profession can bring together specialist input, balance it and determine the most appropriate way forward, but that the profession cannot provide all such specialist input itself.

Of paramount importance is the ability for planners to work across a multi-disciplinary landscape which requires them to be able to demonstrate the ability to understand a wide range of issues. Any skills development therefore needs to recognise the expectation that the modern planner needs to act as an enabler and a regulator whilst trying to maintain a reasonable level of knowledge around various environmental, social, economic and technical issues.

Angus Council believes that in relation to degree programs consideration should be given to introducing intern schemes to ensure practical experience as part of any course. Secondments and mentoring could help to diversify skills base. The Universities of Dundee, Glasgow, Strathclyde and Heriot-Watt offer the only planning degree programmes in Scotland and consideration should be given to short and intense degree conversion courses to allow easier penetration into the profession. The current four year degree programme route into the profession and the career and job prospects that result from gaining the qualification, may not be an attractive prospect for young people looking for career direction.

To engage young people, planning services could interact with secondary school geography departments or similar. This could potentially be extended to include opportunities for work experience for higher level school students within Planning Services. Experience in terms of engagement with young people through involvement with the TAYplan Youth Camp 2016 which was shortlisted for a UK RTPI award for planning excellence and can share this experience if required.

The work of Improvement Service in sharing skills and good practice is considered to be very useful and should continue.

28. Are there ways in which we can support stronger multidisciplinary working between built environment professions?

The planning profession is an open and willing partner seeking to draw on and influence multidisciplinary working. There is a need for planners to demonstrate the value that they can bring to multi-disciplinary work and for built environment professionals to understand and not supplant work already in hand as part of the Local Development Plan / delivery / Development Management functions. Examples of good practice and value added outcomes from multi-disciplinary working would be beneficial.

As set out in the answer to Question 27, consultation bodies are perceived to be looking to become less involved in day to day Development Management and

should be more involved. Planners are expected to up-skill in all sorts of expert areas and that isn't realistic. The role should be more about weighing and balancing factors based on specialist inputs. There is an expectation that planners will have expert knowledge in specialist areas but in many cases, training is not effective as some specialist skills will be rarely used and need to be constantly re-learned. Angus Council believe that there should be consideration of shared services between built environment professionals and specialisms at a regional level or between councils.

29. How can we better support planning authorities to improve their performance as well as the performance of others involved in the process?

Angus Council believe that additional funding could help and this could be linked to performance but training is also key. What constitutes good performance also needs to be looked at and redefined. Essentially, planning authorities and other players will act within the system that they have and the best performing authority under the current regime could quite easily be producing poor outcomes and not engaging well.

There should also be more clarity on who is tasked with delivering outcomes. Planning is often blamed for not delivering development but it should be recognised that there are many external factors and the complexity of planning is not always understood. Planning's performance should not be simply seen as determining planning applications, but the delivery of development in a sustainable way. The focus of planning is becoming process driven and there needs to be a sharper focus on priorities. If this was the case, it may be easier to facilitate multi-disciplinary working and improve on performance overall.

30. Do you agree that we should focus more on monitoring outcomes from planning (e.g. how places have changed)?

Angus Council would agree that there should be greater focus on monitoring outcomes from planning rather than simplistic timescale measures currently employed. Monitoring outcomes is fundamental to planning and the 'Plan, monitor, manage' approach is an underpinning principle of the land use planning system. The process of monitoring should not become overly onerous to such an extent that it takes a significant amount of resource.

The move towards outcome based measurement of performance is welcomed especially in light of the answer to Question 29 above. Current performance indicators are counter intuitive to the making of high quality places. Marginal proposals are far more likely to be approved in the interest of good performance timescale statistics. Planning authorities are asked to take lifelong decisions on schemes that they may have had little or no involvement in the formulation of in a relatively short timescale.

30 (a) Do you have any ideas on how this could be achieved?

Angus Council is currently progressing Locality Plans and would support the measuring of outcomes with the understanding that the outcomes need to be the right outcomes for the place. The Place Standard tool has been successfully used by both the Council and the Community Planning Partnership. The tool provides a

useful baseline and could be used in conjunction with other performance measures (including citizen surveys and measurement of satisfaction with the natural and built environment) to build a picture over time. The Place Standard tool is useful to target where action is needed in a community, but It may be difficult to link any change in scoring within the Place Standard tool to work undertaken by and attributable to planning professionals. The Place Standard approach provides a level of assessment that is standardised and readily understood but a more nuanced and place specific approach could be more useful to measure outcomes important for a place.

Further work should be undertaken in assessing the impact of new development, reviewing what was originally set out to be achieved, delivered and how the new communities feels about that place.

We would also recommend that a review of the outputs from the charrette process be undertaken. Whilst these have been a useful tool in identifying the views of communities they are very much reliant on the capacity of communities to take ownership and deliver. This can often be challenging given the complexity of grant applications and the resource available within local authorities. It is our view that financial resources to support these processes should be more readily available to assist with this capacity building in communities and ability for local authorities to support them in delivering outcomes.

31. Do you have any comments on our early proposals for restructuring of planning fees?

Angus Council has responded to the separate consultation on a proposed maximum fee supporting the proposal but providing commentary that it could fail to have a significant impact in areas like Angus where 'major' developments are limited in number.

Angus Council would suggest that it may be beneficial to undertake further exploration of what application types are proportionately the most resource intensive to inform any further fee change proposals. Alternatively, a planning application fee could be calculated as a percentage of the cost of the works as in Building Standards. Some development types such as wind energy development have quite a high project cost and use up a lot of time resource compared to land take.

Angus Council would support higher fees for retrospective applications as this could help to discourage unauthorised development (conversely it could also discourage the voluntary regularisation of unauthorised development). A fee structure similar to approach for certificate of lawfulness may be a good model e.g. half planning fee for a certificate of proposed use/development and full fee for certificate of existing use/development – i.e. ask first and fee is half. For retrospective applications, the fee could have a penalty or a supplement attached.

Further detail and clarification would be needed in relation to charging higher fees for applications not supported by the Local Development Plan. This could be a good idea in principle but may be difficult to work if an assessment of acceptability with Local Development Plan policy is required up front before the fee is calculated. It may be more appropriate and easier to consider a fee regime where

development proposals on allocated sites are charged at a lesser fee (within a generally upwardly adjusted fee structure).

Angus Council considers that charging for appeals and reviews on decisions would undermine confidence in the transparency of the process and could be seen as an erosion of rights. An increase in the initial planning fee could include a factor related to the cost of potential appeal/review however that would amount to a penalty on successful applicants who do not use the appeals provisions.

The proposals for agencies to charge for services is not supported in principle if it means that central services would be funded through local levies. If partner agencies are to charge for services or consultation, that is a matter for them and Scottish Government to consider however it is generally felt that this would be contrary to any effort to encourage frontloading and to encourage sustainable development.

Angus Council would support proposals for discretionary charging, including pre application advice. It is important that the charges are discretionary and authorities should implement them if they consider it necessary and appropriate. The charges should be linked to the quality of the service delivered and any charges should also be proportionate to the subject matter. Provision should also be made for planning authorities to charge for the preparation of planning obligations and ongoing work around planning obligations unless this is to be factored into any increase in fees.

Angus Council would agree that a developer's right to submit revised or repeat application at no cost should be removed. The Council would also agree with removing the provision for recovering advertising cost and including these within a revised planning fee.

The arrangements for funding of relevant central government functions such as front line service delivery in the e-Development programme is considered to be an issue for central government. This could add complexity in terms of the collection of fees and the administrative burden of transferring monies. Local authorities already pay a fee for e-planning and any additional charge for this could be seen as funding central government functions through locally raised levies.

Angus Council would have concerns over the transparency of proposals for enhanced service standards or fast tracked applications where a higher fee is paid. The barriers to quicker decision making for more complex applications often appear as a result of lack of information submitted in support of an application. There would need to be rigorous standards on validation if this was to be considered. There would also need to be provisions for unexpected issues that may arise in the consideration of the application.

32. What types of development would be suitable for extended permitted development rights?

Angus Council welcomes a review of permitted development rights. It is noted that Heads of Planning Scotland is looking at the scope of PD rights. The extension of rights to allow additional telecommunications infrastructure to be installed, particularly where this may improve connectivity in rural areas would be beneficial.

Retaining a more cautious approach in more sensitive areas including conservation areas and national parks may be a proportionate way to manage this.

The scope of non-domestic and agricultural solar permitted development should specifically be reviewed. There is no obvious justifiable reason for limiting the amount of solar generating capacity on the roofs of large portal framed sheds. This authority has enough experience of dealing with applications for large solar arrays to determine that cladding the roofs of large sheds with arrays; whether integrally or as a retrofit solution is unlikely to amount to a significant amenity or safety risk.

Angus has a large soft fruit producing sector and extending permitted development rights to include polytunnels may have merit provided exclusions are included to safeguard residential amenity and to ensure that adequate screening and drainage is provided. Time limits should also be imposed.

Permitted developments rights for allotments and the erection of small scale associated development including garden sheds/greenhouses does not cause any issues for this authority as it is not a significant issue for us. Angus Council have had experience in forming allotments utilising specific historic allotments legislation and some permitted development rights would be beneficial for users.

Some minor increases in the tolerances for permitted development associated with householder development may also reduce the quantity of minor applications in the system although a more significant benefit may be that the amount of enforcement enquiries relevant to minor household breaches may also decrease. This could include increases to the height of eaves, maximum ridge height and the height of curtilage buildings where they are within 1m of a boundary so that the rights tie in with those available as enlargements to a dwelling. Boundary treatments should also be looked at. Annexe accommodation and a clear definition of what constitutes an annexe should also be considered for inclusion.

Permitted development rights allowing a change of use from agricultural buildings to housing is fraught with potential issues around land use compatibility, housing being sited in inappropriate locations and the potential encouragement of disingenuous proposals for agricultural buildings never intended for that purpose. The removal of the requirement for prior agricultural notification from the scope of permitted development would make the system clearer and more workable.

The incremental effects of extended permitted development rights need to be considered in terms of unintended or unforeseen consequence such as cumulative flood risk and incremental erosion of sense of place.

33. What targeted improvements should be made to further simplify and clarify development management procedures?

Angus Council consider that introducing validation standards for certain development types may assist in increasing public trust in the planning system. Neighbour notification takes place at the validation stage and the public should be notified of a planning application which is supported by all of the requisite information required to determine it. Similarly, any appeal of the decision should only be based on the information which was available to the planning authority and

public at the time that they considered the application. The current ability to provide additional information does not foster trust in the system.

A power to declare a legacy case application dormant (or deemed to be refused) should be available to Local Authorities for cases which where they have stagnated and are going nowhere due to lack of progress from an applicant in supplying information or concluding a planning obligation.

Angus Council would recommend further consideration of what constitutes commencement of development and would question whether digging and refilling a trench or demolishing an outbuilding should really be enough to implement and preserve a planning permission. Meaningful commencement should be required to secure permission. An alternative approach may be to introduce a land tax on sites which have secured permission but have not been progressed or have commenced and stalled. This would ensure that applications are only submitted when there is certainty that what is proposed will be delivered. The ability to secure a development in perpetuity through minimal undertakings should be ended. Priorities are ever changing and developments that may be technically compliant today in terms of flood risk for example may not be in three years' time or beyond.

The alignment of Road Construction Consent (RCC) and planning permission continues to be supported. Angus Council has been making concerted effort to run planning applications and road construction consents in tandem but developers have been resistant to date. The RCC process carries bond requirements and land that is subject of planning applications is often optioned. If the two consent regimes are not aligned, RCC applications can be submitted that introduce changes that deviate from the planning approval and there may not be any attempt to regularise them through the planning process. These practices should be highlighted and addressed.

Angus Council considers that the Planning Permission in Principle and Matters Specific in Condition application process is over complicated and is not well understood. Pre-Application Consultation and Proposal of Application Notices for Planning Permission in Principle can be of limited value. A red line with little detail can cause more confusion for the public who want to know how a development will affect them. There is no similar requirement for consultation for Matters Specified in Conditions which usually contains the detail that people want to see.

Most major sites that require Planning Permission in Principle have been through an allocation process. The 2006 Act tried to address the issue this but has essentially changed the names of the application types, added additional stages to the process and made it more complex and difficult for the casual observer to understand. More fundamental change should be considered.

33 (a) Should we make provisions on the duration of planning permission in principle more flexible by introducing powers to amend the duration after permission has been granted? How can existing provisions be simplified?

33 (b) Currently developers can apply for a new planning permission with different conditions to those attached to an existing planning permission for the same development. Can these procedures be improved?

33 (c) What changes, if any, would you like to see to arrangements for public consultation of applications for approvals of detail required by a condition on a planning permission in principle?

33 (d) Do you have any views on the requirements for pre-determination hearings and determination of applications by full Council?

Angus Council does not consider that there is merit in introducing powers to amend the duration of planning permission in principle after the permission has been granted as this may add further complication to the process. Proposals to improve procedures where developers can apply for a new planning permission with different conditions to those attached to an existing planning permission for the same development would be supported. Angus Council have identified no issues with consultation on applications for matters specified in conditions or the current process of pre determination hearings and determination of applications by full Council.

34. What scope is there for digitally enabling the transformation of the planning service around the user need?

The digital age presents significant opportunities for improvements in service delivery, cost reduction and the way in which people get involved in planning. E-planning is already changing the way all players interact with the planning system from the method of submission to the way that people view and comment on applications. The ability for all that are enabled to do so to find the information that they seek without the need to attend offices or surgeries has already led to a significant and notable fall in physical footfall. Work should continue on developing and improving the system.

The digitisation of services also has the potential to change some of the more traditional norms of the planning system. For example, publication of planning application adverts in newspapers as part of the development management process is costly and time consuming for both applicants and planning authorities. It is also questionable whether this historic practice is achieving much given how media and news is now consumed. Tellmesotland.gov.uk allows a user to search for planning notices by address or postcode and allows a user to sign up to notification service for a postcode they register. It may be more effective for every planning application to be advertised using this electronic means and not by paper based newspaper adverts for applications of only certain types of development. The success of public access web sites and e-planning has already demonstrated that the bedding in of change is swift and that the public and other users of the service quickly adapt and become accustomed to new ways of working.

Better visualisations that enable higher quality decision making is encouraged. Angus Council officers have experience of seeing detailed CGI images of a site appearing for marketing purposes after a planning decision is taken. The submission of such illustrations would be beneficial and should be done as a matter of course and not just when applicants are asked to do so.

There is also great scope for digitally enabling the transformation of the planning service in relation to delivery of local development plans. Innovative ways of presenting the plan have already been forthcoming and have been well received

and celebrated as good practice. If this innovation is to continue, there may be a need for legislation to be more flexible as to how a plan is presented and whether there is a continued need for a plan to be a published paper based document.

There is also considerable scope around the provision of more live planning information and the ability to use digital GIS based plans for engagement purposes and provide more clarity for communities to engage in planning issues.

There are potential issues around the funding of digital development in terms of hardware and software costs going forward however. The speed of obsolescence could leave authorities that have limited IT budgets or support struggling to keep up but the potential for digital transformation is considered to be limitless. The direction of travel is established so every effort must be made to make sure that planning services are at the forefront of digital transformation. Possibilities exist here for shared procurement and development of consultation and graphical based solutions for the development plan process.

NEXT STEPS

Optional technical questions

35. Do you think any of the proposals set out in this consultation will have an impact, positive or negative on equalities as set out above? If so, what impact do you think that will be?

Angus Council would have no comment to make in relation to the impact on equalities from the proposals set out.

36. What implications (Including potential costs) will there be for business and public sector delivery organisations from these proposals?

Angus Council would suggest that it is only when the detail of the proposals set out are known that the implications (including costs) for business and public sector delivery organisations will become clear.

37. Do you think any of these proposals will have an impact, positive or negative, on children's rights? If so, what impact do you think that will be?

Angus Council would have no comment to make in relation to the impact on children's rights from the proposals set out.

38. Do you have any early views on whether these proposals will generate significant environmental effects? Please explain your answer.

Angus Council would not have early views on whether these proposals will generate significant environmental effects.