

ANGUS COUNCIL

ANGUS COUNCIL – 27 OCTOBER 2016

ANGUS LOCAL DEVELOPMENT PLAN DRAFT SUPPLEMENTARY GUIDANCE

REPORT BY VIVIEN SMITH – HEAD OF PLANNING AND PLACE

ABSTRACT

This report seeks approval of the Draft Supplementary Guidance on Renewable and Low Carbon Energy Development and accompanying Environmental Report as a basis for a six week period for consultation. The document supports Policy PV9 of the Angus Local Development Plan and when adopted will form part of the Development Plan.

1. RECOMMENDATIONS

It is recommended that the Council:

- (i) Agree the Draft Supplementary Guidance on Renewable and Low Carbon Energy Development (**Appendix 1**) and accompanying Environmental Report (**Appendix 2**) as a basis for a six week period of consultation and representation;
- (ii) Authorise the Head of Planning and Place to make the changes to the format, appearance, illustrations and technical details of the draft document prior to its publication;
- (iii) Agree the consultation arrangements; and
- (iv) Instruct the Head of Planning and Place to report the consultation responses received on the draft documents and any modifications back to the Council.

2. ALIGNMENT TO THE ANGUS COMMUNITY PLAN/SINGLE OUTCOME AGREEMENT/COPORATE PLAN

This report does not directly contribute to the local outcomes contained within the Angus Community Plan and Single Outcome Agreement 2013-2016. It will however assist with the implementation of the Angus Local Development Plan.

The Angus Local Development Plan contributes to the following local outcomes contained within the Angus Community Plan and Single Outcome Agreement 2013-2016:

- We have a sustainable economy with good employment opportunities;
- Angus is a good place to live in, work and visit;
- Individuals and families are involved in decisions which affect them;
- Individuals are involved in their communities;
- Our communities are safe, secure and vibrant;
- We have improved the health and wellbeing of our people and inequalities are reduced;
- Individuals are supported in their own communities with good quality services;
- Our communities are developer in a sustainable manner;
- Our natural and built environment is protected and enjoyed; and
- Our carbon footprint is reduced.

3. BACKGROUND

The Angus Local Development was adopted on the 23 September 2016. Supplementary Guidance, once adopted, will form part of the Angus Local Development Plan. It may only deal with the provision of further information or detail in respect of the policies or proposals set out in the Local Development Plan and matters which are expressly identified in a statement contained in the Plan. The Local Development Plan identifies four Supplementary Guidance documents to support the implementation of the Plan.

At their meeting on the 8 September 2016 Angus Council considered the consultation responses and amended Developer Contributions & Affordable Housing and Countryside Housing Supplementary Guidance and agreed to notify Scottish Ministers of the Council's intention to adopt these documents (Report 331/16). The responses and amended Design Quality and Placemaking Supplementary Guidance will be reported to a future meeting of Angus Council. All three documents were consulted upon for a 6 week period from Friday 10 June to Thursday 21 July 2016.

4. PROPOSALS

The role of Supplementary Guidance is to provide additional detail on specific policy areas to support implementation and interpretation of the Local Development Plan. This report is seeking approval to consult on the Draft Supplementary Guidance on Renewable and Low Carbon Energy Development.

The guidance is written in support of Policy PV9: Renewable and Low Carbon Energy Development and sets out the detailed criteria to assist the development and assessment of proposals for renewable and low carbon energy development. The document also sets out the Spatial Framework for onshore wind energy development as required by Scottish Planning Policy.

The Supplementary Guidance is also supported by an online interactive mapping facility to assist officers, applicants and the public in identifying the factors that will be considered when assessing development proposals. These support the map data contained within the document.

Strategic Environmental Assessment (SEA) is a legal requirement under the Environmental Assessment (Scotland) Act 2005 that applies to all qualifying plans, programmes and strategies, including policies. This Supplementary Guidance falls under the scope of Section 5(3) and therefore an SEA is required. A scoping report, setting out the scope of the Environmental Report, was therefore submitted to the consultation authorities through the SEA Gateway on 10 May 2016. Responses received have informed the Environmental Report (Appendix 2) which will be published for consultation alongside the Draft Supplementary Guidance.

Article 6(3) of the EC Habitats Directive requires that any plan (or project), which is not directly associated with or necessary to the management of a European site, but would be likely to have a significant effect on such a site, either individually or in combination with other plans or projects, shall be subject to an 'appropriate assessment' of its implications for the European site in view of the site's conservation objectives. The Angus Local Development Plan and Policy PV9 were subject to Habitats Regulations Appraisal (HRA). This Supplementary Guidance has also been subject to HRA, in particular the spatial framework. This is published as an annexe to the HRA record for the Local Development Plan, as agreed with Scottish Natural Heritage. No requirement for further assessment was identified. The annexe will be published but is not subject to public consultation.

5. NEXT STEPS AND CONSULTATION ARRANGEMENTS

Angus Council must publicise the Supplementary Guidance and Environmental Report, make people who may wish to comment aware of the guidance and environmental report and give them an opportunity to comment. The timescales to allow comment are not set out by the Town and Country Planning (Development Planning) (Scotland) Regulations 2008, but it is proposed to make the documents available for a six week period of consultation.

The Angus Development Plan Scheme 2016 sets out that interested parties (Angus Councillors and Chief Officers, Community Councils, other community groups, Key Agencies, local and national statutory and non-statutory agencies, private sector organisations and members of the public) will be notified that the Draft Supplementary Guidance has been published, where the documents can be inspected and how long they have to make a representation.

The draft document will be made available on the Council's website, and in paper form at all Council Libraries, ACCESS Offices and at Planning Reception, County Buildings, Forfar. Once the consultation period has closed, the Council will consider any consultation responses and appropriate amendments will be made before they are brought back in their final form to Angus Council for agreement. The authority is then required to send Scottish Ministers a copy of the finalised document as well as a statement setting out the publicity measures undertaken, the comments received and an explanation of how these comments have been taken into account in the final document.

As the principle of the policy or proposal that the Supplementary Guidance seeks to support has already been established, scrutiny by Scottish Ministers is likely to focus on ensuring that the principles of good public involvement and a proper connection with the LDP have been achieved. After 28 days have elapsed, the authority may adopt the Supplementary Guidance unless the Scottish Ministers have directed otherwise.

6. FINANCIAL IMPLICATIONS

The publication of the Supplementary Guidance will incur costs associated with postage, printing, advertising and publishing. These costs are all contained within the Planning Revenue Budget.

7. OTHER IMPLICATIONS

Risks

Delay in the adoption of Supplementary Guidance could result in a lack of clarity in application of the Policies contained within the Plan.

NOTE: The background papers, as defined by Section 50D of the Local Government (Scotland) Act 1973 (other than any containing confidential or exempt information) which were relied on to any material extent in preparing the above report are:

- Angus Local Development Plan 2016
- Report 180/16 Proposed Angus Local Development Plan Draft Supplementary Guidance and Advice Note 26 April 2016

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List of Appendices:

Appendix 1 - Draft Renewable and Low Carbon Energy Development Supplementary Guidance
Appendix 2 - Environmental Report