

ANGUS COUNCIL

ANGUS COUNCIL 11 DECEMBER 2014

PROPOSED ANGUS LOCAL DEVELOPMENT PLAN

REPORT BY VIVIEN SMITH – HEAD OF PLANNING AND PLACE

ABSTRACT

This report seeks approval of the Proposed Angus Local Development Plan and supporting documents and seeks agreement to publish the Proposed Angus Local Development Plan and Environmental Report for a nine week period for representations.

1. RECOMMENDATION(S)

It is recommended that the Council:

- (i) approve the Proposed Angus Local Development Plan and accompanying Environmental Report and agree to their publication for a nine week period for representations;
- (ii) note the contents of the Transport Appraisal prepared in support of the Proposed Angus Local Development Plan;
- (iii) authorise the Head of Planning and Place to make changes to the format, appearance and technical details of the Proposed Plan, Proposals Map and associated documents prior to their publication;
- (iv) delegate authority to the Development and Enterprise Committee to agree a Draft Action Programme, Consultation Statement, Equalities Impact Statement and Strategic Flood Risk Assessment;
- (v) delegate authority to the Development and Enterprise Committee to agree a Draft Habitat Regulations Appraisal Record and authorise the Head of Planning and Place to make minor changes to the Proposed Plan and associated documents as a result;
- (v) agree that copies of the Proposed Angus Local Development Plan, Environmental Report and other supporting documents will be freely available to view and download from the Council's website and available on a CD; and that the charge for a paper copy of the Proposed Angus Local Development Plan will be £20; and
- (vi) instruct the Head of Planning and Place to report the representations received on the Proposed Plan back to the Council.

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

2.1 This report 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 developed in a sustainable manner;
- Our natural and built environment is protected and enjoyed; and
- Our carbon footprint is reduced.

- 2.2 The Proposed Angus Local Development Plan sets out the development strategy for the area, and where development should be located. The document has been structured around the Community Planning Partnership's five priorities to demonstrate how the implementation of the Angus Local Development Plan will contribute towards meeting the vision and outcomes for the Angus area.

3. BACKGROUND

- 3.1 The adopted Angus Local Plan Review (ALPR) and approved Strategic Development Plan (TAYplan) provide the current statutory development plan framework to guide development across Angus. The ALPR was adopted on 19 February 2009 and provides guidance for development requirements for the period to 2011. The TAYplan Strategic Development Plan was approved in 2012 and sets out a vision to 2032, as well as policies and land requirements. A review of the Strategic Development Plan has started but it should be noted that the Angus Local Development Plan is being prepared within the framework set by the existing TAYplan approved in 2012.
- 3.2 In accordance with the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006, the Council is required to produce a Local Development Plan (LDP) to replace the existing adopted Local Plan. The Infrastructure Services Committee at their meeting of 24 August 2010 approved the commencement of the preparation of the first Angus Local Development Plan (ALDP) (Report 582/10 refers). Following Committee approval, officers undertook to raise awareness of commencement of the ALDP process and seek initial views on main issues and potential development sites for consideration during preparation of the Main Issues Report (MIR).
- 3.3 The Infrastructure Service Committee at their meeting of 9 October 2012 agreed to publish the Angus Local Development Plan Main Issues Report (MIR), draft Environmental Report, Topic Papers and Angus Local Plan Review Monitoring Statement. The documents were formally published on 2 November 2012 with the period for consultation extending through to 4 January 2013 (Report 582/12 refers).
- 3.4 An overview of the range and scale of the consultation response to the Main Issues Report was noted by the Infrastructure Services Committee at their meeting of 5 March 2013 (Report 137/13 refers).
- 3.5 The next stage is the approval and publication of the Proposed Angus Local Development Plan for a period of representations. A Proposed Plan is an expression of the Council's settled view in relation to the appropriate use of land within the Council area. In preparing the Proposed Plan the Council should have regard to the Main Issues Report and the comments submitted in response to that report. The Proposed Plan should set out the spatial planning strategy selected, but not introduce significant new elements of policy not already aired at the Main Issues Report stage (at least as reasonable alternatives).
- 3.6 The Proposed Plan must be consistent with the Strategic Development Plan (TAYplan) and take account of a range of documents produced by the Scottish Government and others including the third National Planning Framework (NPF3) and Scottish Planning Policy, both published in June 2014. Members have had the opportunity to attend workshops in February / March and September / October 2014. These workshops set out in detail the suggested structure and content of the Proposed Angus Local Development Plan and provided a forum for clarification, discussion and input.

4. THE PROPOSED ANGUS LOCAL DEVELOPMENT PLAN

- 4.1 The Angus Local Development Plan will guide development for ten years following adoption, up to 2026. In accordance with the Planning etc (Scotland) Act 2006, the plan will be reviewed every five years. The plan sets out where land is being allocated to meet development needs and where new development should and should not be located. As is the current position, the

new Plan will cover all of Angus with the exception of the part that is within the Cairngorms National Park.

- 4.2 The Proposed Angus Local Development Plan consists of a Written Statement and Proposals Maps. The Written Statement is made up of five parts:
- Vision and Outcomes – closely aligning the Proposed Plan with Scottish Government, Strategic Development Plan and Community Council visions and outcomes.
 - The Strategy – which includes a presumption in favour of sustainable development as well as a development strategy and overarching policies guiding investment to the right place, and promoting high quality development which minimises adverse impacts on the high quality environment of Angus.
 - The Policy Framework – which manages and guides sustainable development by dealing with particular land uses or issues. This is structured into two broad themes: Thriving and Connected, and Protected and Valued.
 - Settlement Strategies – which are place specific, identifying areas allocated for growth, sites which present opportunities for reuse, redevelopment and regeneration and site which are protected from development.
 - Implementation and Monitoring – which gives guidance as to how the policies of the plan should be applied and links to the Action Programme, which will accompany the plan.
- 4.3 Planning Circular 6/2013 sets out that Ministers expect Local Development Plans to be concise, map-based documents. For the Angus Local Development Plan, this has involved further developing the format and structure used in previous Local Plans, but the document remains a substantial volume due to the number of towns and villages which have their own settlement statement and / or development boundary map.
- 4.4 The Proposed Angus Local Development Plan is accompanied by the following supporting documents:
- **The Environmental Report.** Strategic Environmental Assessment (SEA) is a requirement under the Environmental Assessment (Scotland) Act 2005. The purpose of an Environmental Report is to identify, describe and evaluate the likely significant effects on the environment of implementing the Angus Local Development Plan and, if necessary, set out ways to mitigate those effects.
- A Draft Environmental Report was prepared to accompany the Main Issues Report. This was the subject of consultation from 2 November 2012 to 4 January 2013. The document has now been revised to take account of responses to that consultation and in doing so has informed and directed the preparation of the Proposed Angus Local Development Plan. The Environmental Report will be published alongside the Proposed Angus Local Development Plan, submitted to the SEA Gateway and made available for a nine week period for representations to be made.
- **Transport Appraisal.** This document identifies the impacts on the local and strategic road network resulting from the development proposals contained in the Proposed Angus Local Development Plan. The appraisal has been produced in consultation with Transport Scotland and TACTRAN. The appraisal will be published alongside the Proposed Plan for information.
- 4.5 A copy of the Proposed Angus Local Development Plan is circulated along with this Committee Report. Copies of the Proposed Angus Local Development Plan, Environmental Report and Transport Appraisal are available in the Member's Information Hub.
- 4.6 It is proposed that a number of supporting documents are taken to the Development and Enterprise Committee on 20 January 2015 for approval, these include:
- **Draft Action Programme.** The Council will work with Key Agencies and Stakeholders including the development industry to develop an Action Programme for the Angus Local Development Plan as a means of delivering the Plan's objectives. It will set out how the Plan is to be implemented, in particular what should happen over the 2 years following the adoption of the plan. The Programme will include a list of actions required to deliver the Plan's policies, identify who is to carry out the action

and set out the timescale for carrying out each action. The Action Programme will be published for comment alongside the Proposed Plan.

- **Draft Habitats Regulation Appraisal.** This appraisal is mandatory under the Conservation (Natural Habitats & c) Regulations 1994, as amended. Its purpose is to identify whether policies or proposals may have an impact on the conservation objectives and qualifying features of Special Areas of Conservation or Special Protection Areas. A Draft HRA Record for the Proposed Angus Local Development Plan is being prepared in consultation with Scottish Natural Heritage. This work has already screened out a large number of policies and proposals and concluded that they are not likely to have a significant effect on any designated site. Further work may however conclude that amendments are required to be made to the Proposed Angus Local Development Plan to ensure particular policies and proposals do not have an impact on designated sites. At this time it is not thought that this would involve fundamental change to the document's policies or allocations, but would instead focus on the insertion of particular wording or mitigation measures that would have to be incorporated into any proposed development. The completed HRA Record will be submitted to Ministers alongside the Proposed Angus Local Development Plan.
- **Consultation Statement.** This document sets out the significant consultation undertaken to date, including the Main Issues Report. A substantial number of responses were received to the MIR consultation (186 individual responses giving rise to circa 860 separate comments, rising to 955 when considering late responses accepted by the Council). This statement includes summaries of all representations and sets out the Council's response informed and informed by the final contents of the Proposed Angus Local Development Plan.
- **Equalities Impact Assessment.** The Equality Act 2010 introduced a duty on public bodies to ensure that they consider the needs of all individuals in their day-to-day work – in shaping policy, in delivering services, and in relation to their own employees. The Assessment anticipates the consequences of the Proposed Angus Local Development Plan on different sections of the community (and colleagues), making sure that, as far as possible, any negative impact (discrimination) on any group is eliminated and that opportunities for promoting equality are maximised. The assessment will be published alongside the Proposed Plan for information.
- **Strategic Flood Risk Assessment.** This document provides evidence to inform the Proposed Angus Local Development Plan by identifying where flood risk is likely to be an important consideration, where new development is likely to add risk and where flood risk may need to be assessed in further detail. The assessment will be published alongside the Proposed Plan for information.

5. NEXT STEPS AND CONSULTATION

- 5.1 The Planning etc. (Scotland) Act 2006 prescribes a minimum period of six weeks for representations to be submitted on the Proposed Plan. Subject to approval of the Proposed Angus Local Development Plan, it is proposed that a period of nine weeks be allowed for representations to be submitted, starting in the first week in February 2015.
- 5.2 The longer time period for representations is set out in the Development Plan Scheme (DPS) approved by the Development and Enterprise Committee at their meeting of 4 March 2014 (Report 122/14 refers). The DPS includes a Participation Statement which details when and how stakeholders, interest groups and members of the public can become involved in the preparation of the Angus Local Development Plan.
- 5.3 The DPS sets out that the following groups will be notified that the Proposed Angus Local Development Plan has been published, where it can be inspected and how long they have to make a representation:
 - interested parties (Angus Councillors and Chief Officers, Community Councils, the Community Planning Partnership, other community groups, Key Agencies, local and national statutory and non-statutory agencies, private sector organisations and members of the public);
 - all persons who made representations on the Main Issues Report;

- owners, lessees or occupiers of any premises of a site or on neighbouring land of a site proposed for development in the Proposed Plan; and
 - all people who have registered with the Council's Local Development Plan consultation database.
- 5.4 The Proposed Angus Local Development Plan will be made available on the Online Development Plan Portal, and the Proposed Plan and supporting documents will be available on the Council's website, and in paper and CD form at all Council libraries and ACCESS offices. There will be appropriate media coverage including a public notice and officers will attend Community Planning Partnership and Community Council meetings if requested.
- 5.5 The preferred method of submitting representations on the plan will be via the Online Development Plan Portal, but representations will also be accepted via email, and by letter.
- 5.6 It should be noted that a period for representation differs from previous consultations in that such representations are expected to concentrate on the content of the Proposed Plan and are not expected to raise significant new issues.
- 5.7 Following the close of the period for representations, the Council must consider all the representations received and decide if it wishes to amend the Plan in response. If as a result, changes are proposed to the Plan, a Modification will require to be published for a minimum consultation period of 6 weeks prior to submission to the Scottish Ministers. However, if significant modifications are proposed which change the underlying aims or strategy of the Proposed Plan, this will require preparation and publication of a new Proposed Plan adding up to 12 months to the Plan timescales. If no modifications are made, a summary of unresolved issues must be prepared and submitted to Scottish Ministers along with the Proposed Plan. They will then determine whether to appoint an independent reporter(s) to undertake an examination in public.
- 5.8 The Reporter(s) will decide what form the Examination will take. Most issues are expected to be handled without the need for further information, but where additional evidence is requested, this will normally be in written form. Where required, a hearing may be held, which would take the form of a discussion with questions led by the Reporter. Only in exceptional circumstances will a formal inquiry be necessary to test information through cross-examination.
- 5.9 After completing the Examination, the Reporter(s) will present his or her conclusions and recommendations to the Council and to Scottish Ministers. Unlike previously, the Council must accept the conclusions and recommendations before proceeding to adopt the Plan. Only in very exceptional circumstance can the Council choose not to do this.

6. FINANCIAL IMPLICATIONS

- 6.1 The publication of the Proposed Angus Local Development Plan and associated documents will incur costs associated with advertisements, postage, printing and publishing. Part of the printing and publication costs may be recouped through sales of printed copies of the documents as set out below. This excludes "statutory consultees", including all Community Councils in Angus, who will be circulated with a copy of the Proposed Angus Local Development Plan free of charge. Printed copies of other documents could be provided at a reasonable cost to cover print, post and packaging.
- Proposed Angus Local Development Plan Written Statement (including all Proposals / Inset Maps) - £20
 - Environmental Report - £5
 - Draft Action Programme - £5
 - Consultation Statement - £5
- 6.2 Further costs will be incurred as the Angus Local Development Plan progresses through public examination in 2015-16. These costs are all contained within the Planning Revenue Budget.

7. OTHER IMPLICATIONS

Risks

Angus Council has a statutory requirement, as planning authority, to prepare and regularly review the Development Plan. Section 16 of the Planning etc. (Scotland) Act 2006 requires that planning authorities should prepare a Local Development Plan as soon as practicable after the coming into force of the Act and should review such plans at intervals of no more than five years or whenever required to do so by the Scottish Ministers.

The Angus Local Plan Review is now over five years old. Scottish Planning Policy (SPP) (2014) states the Scottish Ministers expect the planning service to be plan-led, with plans being up-to-date and relevant. SPP further sets out that where relevant policies in a development plan are out-of-date, the presumption in favour of development that contributes to sustainable decision making will be a significant material consideration. Whilst the SPP is clear that development plans or their policies should not be considered out-of-date solely on the grounds that they were adopted prior to the publication of the SPP, it is clear that the longer it takes to progress a new Angus Local Development Plan to adoption, the greater the risk of weakening the Council's ability to influence how much new development should be planned for, and where new development should be focussed.

Any delay in the adoption of the Angus Local Development Plan could mean that development decisions in Angus would be made on an ad-hoc basis and not be plan led. It is therefore in the wider public interest to ensure that timely progression of the Angus Local Development Plan is maintained.

8. CONSULTATION (IF APPLICABLE)

Extensive consultation has been carried out as part of the Angus Local Development Plan process. This is briefly summarised in this report, but is set out more fully in the previous reports referenced and will be documented in the Consultation Report that will accompany the publication of the Proposed Angus Local Development Plan.

The Chief Executive, the Strategic Director – Resources, the Head of Corporate Improvement and Finance and the Head of Legal and Democratic Services have been consulted in the preparation of this report.

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:

- Scottish Planning Policy, Scottish Government June 2014
- Ambition, Opportunity, Place – Scotland's Third National Planning Framework, Scottish Government June 2014
- Circular 6/2013 Development Planning, Scottish Government December 2013
- Report 122/14 Angus Local Development Plan Scheme – 5th Annual Review to the Development and Enterprise Committee 4 March 2014
- Report 137/13 Angus Local Development Plan Main Issues Report and Draft Environmental Report Consultation Response to the Infrastructure Services Committee 5 March 2013
- Angus Local Development Plan Main Issues Report, Angus Council November 2012
- TAYplan Strategic Development Plan 2012 – 2032 Approved June 2012
- Report 582/12 Angus Local Development Plan Main Issues Report to the Infrastructure Services Committee 9 October 2012
- Report 582/10 Angus Local Development Plan – Commencement to the Infrastructure Services Committee 24 August 2010

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List of Appendices:

Appendix 1 – Proposed Angus Local Development Plan