

ANGUS COUNCIL

ANGUS COUNCIL – 18 OCTOBER 2018

ANGUS LOCAL DEVELOPMENT PLAN – SUPPLEMENTARY GUIDANCE

REPORT BY HEAD OF COMMUNITIES

ABSTRACT

This report presents the response to the consultation on Draft Supplementary Guidance to support and provide further explanation of Policies within the adopted Angus Local Development Plan (September 2016). The report recommends that the Council agrees to adopt the Supplementary Guidance on Developer Contributions & Affordable Housing and Design and Placemaking and sets out the procedures to do so.

1. RECOMMENDATIONS

It is recommended that the Council:

- (i) Note the representations received and agree the Council's response to the Draft Developer Contributions & Affordable Housing Supplementary Guidance (**Appendix 1a**) and Design and Placemaking Supplementary Guidance (**Appendix 2a**); and
- (ii) Authorise the Service Leader - Planning and Communities to notify the Scottish Ministers of the Council's intention to adopt the Developer Contributions & Affordable Housing (**Appendix 1b**) and Design and Placemaking Supplementary Guidance (**Appendix 2b**) following amendment to formatting and minor drafting changes.
- (iii) Agree to the adoption of the Developer Contributions & Affordable Housing and Design and Placemaking Supplementary Guidance following the completion of the relevant procedures.

2. ALIGNMENT TO ANGUS LOCAL OUTCOMES IMPROVEMENT PLAN/CORPORATE PLAN

2.1 This report does not directly contribute to the Angus Council Plan 2017-2022 and local outcomes contained within the Angus Local Outcomes Improvement Plan 2017-2030 and Locality Plans. It will however assist with the implementation of the Angus Local Development Plan.

2.2 The Angus Local Development Plan contributes to the following local outcomes set out in the Angus Local Outcomes Improvement Plan and Locality Plans:

ECONOMY

- An inclusive and sustainable economy
- Attractive employment opportunities

PEOPLE

- Improved physical, mental and emotional health and well-being

PLACE

- An enhanced, protected and enjoyed natural and built environment
- A reduced carbon footprint
- Safe, secure, vibrant and sustainable communities

3. BACKGROUND

- 3.1 The Action Programme for the adopted Angus Local Development Plan set out that a number of documents including Supplementary Guidance would be prepared to assist the implementation of the adopted Angus Local Development Plan. Subsequent to this Angus Council prepared and adopted Supplementary Guidance for:
- Countryside Housing;
 - Developer Contributions & Affordable Housing; and
 - Renewable and Low Carbon Energy Development.
- 3.2 The Developer Contributions & Affordable Housing Supplementary Guidance was originally adopted in December 2016. The recent publication of School Roll Forecasts in 2018 by the Schools and Learning Service required a review of the relevant sections of the Supplementary Guidance. The School Roll Forecasts impact on the assessment of future school capacities when taking into account potential pupils generated from planned new residential development. This has resulted in change to the number and range of schools where developer contributions may be required. Rates have also been updated in line with the relevant indexation.
- 3.3 Draft Design Quality and Placemaking Supplementary Guidance was published for consultation in May 2016 but was not progressed to adoption. The guidance has been substantially rewritten/amended and revised Design and Placemaking Supplementary Guidance was republished for consultation alongside the Developer Contributions and Affordable Housing Supplementary Guidance.
- 3.4 The Supplementary Guidance, once adopted, will form part of the Angus Local Development Plan 2016. Supplementary Guidance 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.
- 3.5 Strategic Environmental Assessment (SEA) is a statutory requirement under the Environmental Assessment (Scotland) Act 2005 that applies to all qualifying plans, programmes and strategies, including policies. The Supplementary Guidance documents presented in this report were considered under the terms of the 2005 Act and the required screening undertaken when they were first prepared in 2016. As set out in Report 180/16 the screening concluded that the draft Supplementary Guidance would have no significant environmental effects requiring SEA to be undertaken. This was agreed by the SEA Consultation Authorities (HES, SEPA & SNH) at the time. The revised consultation Draft Documents have not altered the range and scope of the documents previously screened and accordingly no further SEA consideration has been undertaken.
- 3.6 The EC Habitats Directive, Article 6(3) requires that any plan (or project), not directly connected with or necessary to the management of any European designated site, but likely to have a significant effect, either individually or in combination with other plans or projects, should be subject to an appropriate assessment of its implications for the conservation objectives of any European designated site. This procedure, known as the Habitats Regulations Appraisal is applied through the Conservation (Natural Habitats etc) Regulations. The policies and proposals contained in the Proposed Angus LDP that the Supplementary Guidance is prepared to support and expand on were the subject of HRA which identified that they would have no significant effect. As set out in Report 180/16 it was concluded that further HRA was not required. The revised consultation draft documents did not alter the range and scope of the documents previously screened and accordingly no further HRA assessment has been undertaken.

4. CONSULTATION

- 4.1 The consultation period on the Draft Supplementary Guidance ran for four weeks from 20 August to 17 September 2018. Councillors were pre-circulated with the Draft Supplementary Guidance and notified of the forthcoming consultation in the week before the consultation

commenced. All those on the Development Plan Mailing List, those who made representations on previous drafts of the Supplementary Guidance, Community Councils and a range of internal stakeholders were notified directly of the publication. In addition the publication of the Draft documents and consultation were announced on social media via the LDP twitter account. Details of the consultation and Draft Supplementary Guidance documents were made available on the Angus Council website.

- 4.2 A total of 7 representations were received during the four week consultation period:
- Design and Placemaking – 2
 - Developer Contributions & Affordable Housing – 5

All representations received were from external parties.

Main Areas of Comment:

- 4.3 While the early review of the Developer Contributions & Affordable Housing Supplementary Guidance was welcomed, a number of comments were raised in relation to the tests set out in Scottish Government Circular 3/2012: Planning Obligations and Good Neighbour Agreements. Clarification was sought regarding the methodologies for calculation of developer contributions, increases in the rates of contribution and school roll forecast methodology. A summary of the comments received is set out in **Appendix 1a**. The finalised Supplementary Guidance is attached as **Appendix 1b**.
- 4.4 The approach and layout of the Design and Placemaking Supplementary Guidance was generally welcomed by respondents, particularly the introduction of case studies and design requirements to assist the design process. The range of comments primarily focussed on matters of detail, seeking inclusion of: additional wording to strengthen references to elements of the natural environment, climate change adaptation and landscape impact; and detailed design matters covered in Advice Notes. A summary of the comments received to the Draft Supplementary Guidance and Angus Councils response is set out in **Appendix 2a**. The finalised Supplementary Guidance is attached as **Appendix 2b**.
- 4.5 Officers have reviewed the representations, responded and modified the Supplementary Guidance where applicable. In finalising the documents they may be subject to amendment to the formatting and minor drafting changes.

5. ADOPTION OF THE SUPPLEMENTARY GUIDANCE

- 5.1 The next stage in the adoption of the Developer Contributions & Affordable Housing and Design and Placemaking Supplementary Guidance is submission to Scottish Ministers along with a statement for each setting out the publicity measures undertaken, comments received, Angus Council's response and an explanation of how these comments have been taken into account in the finalised documents.
- 5.2 As the policies that the Supplementary Guidance has been prepared to support are contained in the adopted Angus Local Development Plan (September 2018), scrutiny by Scottish Ministers is likely to focus on the public engagement undertaken and the links with the Angus LDP. Following a 28 day period Angus Council may proceed to adopt the Developer Contributions & Affordable Housing Supplementary Guidance, unless Scottish Ministers have directed otherwise. Once adopted the Design and Placemaking and Developer Contributions & Affordable Housing Supplementary Guidance will become part of the adopted Angus Local Development Plan.

6. FINANCIAL IMPLICATIONS

- 6.1 There will be limited costs associated with the adoption and publication of the Developer Contributions & Affordable Housing and Design and Placemaking Supplementary Guidance related to printing, advertising and publishing. These costs will be contained within the Planning Revenue Budget

7. OTHER IMPLICATIONS

Risks

- 7.1 The risk to the Council of delay in the adoption and publication of the Supplementary Guidance is a lack of clarity and consistency in the application policies contained in the adopted Angus Local development Plan and could lead unsustainable and inappropriate development being promoted.

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

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List of Appendices:

- Appendix 1a: Summary of comments received on the Draft Developer Contributions & Affordable Housing Supplementary Guidance and Angus Council's response
- Appendix 1b: Developer Contributions & Affordable Housing Supplementary Guidance
- Appendix 2a: Summary of comments received on the Draft Design and Placemaking Supplementary Guidance and Angus Councils response
- Appendix 2b: Design and Placemaking Supplementary Guidance