

**ANGUS COUNCIL**

**19 MARCH 2020**

**ANGUS DEVELOPMENT PLAN SCHEME 2020**

**REPORT BY DIRECTOR OF COMMUNITIES**

**ABSTRACT**

This report sets out for approval the Angus Development Plan Scheme which includes the timetable and work programme for the next Local Development Plan for Angus to replace the current Plan adopted on 23 September 2016. The new Local Development Plan (AngusPlan) will be prepared under the new legislative requirements of the Planning (Scotland) Act 2019.

**1. RECOMMENDATION**

It is recommended that the Council:

- (i) notes the timetable for preparing the next Local Development Plan, work programme for the next 12 months and revised timetable for preparation under the new legislative requirements of the Planning (Scotland) Act 2019;
- (ii) agrees the 2020/21 Angus Development Plan Scheme and Participation Statement set out in Appendix 1 for submission to Scottish Ministers and general publication by 31 March 2020.

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

- 2.1 The main purpose of a future Angus Local Development Plan will be to guide development and changes in land use, in a sustainable manner that can best serve the needs of the communities of Angus. The Local Development Plan will therefore contribute 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. INTRODUCTION**

- 3.1 Section 20B of the Town and Country Planning (Scotland) Act 1997 (as amended) requires each planning authority to prepare and publish a Development Plan Scheme (DPS), at least annually. The purpose of the DPS is to set out the authority's programme for preparing and reviewing the Local Development Plan (LDP) for Angus. It includes the proposed timetable and what is likely to be involved at each stage of the plan preparation process. It also includes a statement of the provisions for people to get involved in preparing the Plan. The current Angus Development Plan Scheme 2019 was approved by Angus Council at their Meeting of 21 March 2019 (Report 90/19 refers) and subsequently submitted to Scottish Ministers by 31 March 2019.
- 3.2 This Report brings forward the annual Angus DPS which has been prepared in line with the Town and Country Planning (Development Planning) (Scotland) Regulations 2008.
- 3.3 The Regulations require Angus Council to send two copies of the Development Plan Scheme (DPS) to Scottish Ministers; publish the DPS; and place a copy of the DPS in each public

library in Angus. There is currently no requirement to consult on the content of development plan schemes, however through the programme of engagement over the next 12 months we will ensure that all parties who are likely to be involved in shaping the Plan are involved in the preparation to inform the next participation statement.

#### **4. BACKGROUND AND LEGISLATIVE CONTEXT**

- 4.1 The Planning (Scotland) Act 2019 was passed by the Scottish Parliament in June 2019. The detail of how the new Act's provisions will work in practice will be contained within secondary legislation and guidance. The Scottish Government have set out a programme of when elements of the Act are likely to come into force and expects to implement most of the Act and other aspects of the reform programme during 2021.
- 4.2 One of the initial areas of work is the preparation of National Planning Framework 4 (NPF4). Under the new Act NPF4 will incorporate Scottish Planning Policy (SPP) which contains detailed national policy on a number of planning topics. It will have the status of the development plan for planning purposes. This is a change to the current position and will mean that its policies will have a stronger role in informing day to day decision making. This will result in fewer policies within Local Development Plans allowing them to focus more on place and the delivery of development, extending to a 10 year timeframe (2 year plan preparation and 8 year delivery).
- 4.3 Commencement of the provisions for Development Plans is not programmed until Quarter 3 of 2021. This is to allow work on National Planning Framework 4 (NPF4) and Regional Spatial Strategies to help inform the national picture, to progress.
- 4.4 The impact of these significant changes on our existing Development Plan work programme is that the new legislative requirements will come into force at the same time as the proposed adoption of our new Plan. Whilst the Scottish Government intend to set out transitional arrangements to help manage the changeover to the new system, if we proceed with a replacement plan under existing provisions, it is more than likely that preparation of a new style Plan would require to be commenced immediately. Given this position, and our available resources, we consider that the more appropriate approach to our next Development Plan would be to fit within the context of the new legislative framework. This approach takes account of the potential risks, would avoid any abortive work and more quickly result in a new Plan which is aligned with the wider national priorities.

#### **5. ANGUS COUNCIL DEVELOPMENT PLAN SCHEME**

- 5.1 The Angus DPS 2020 sets out the indicative timetable and stages for preparing the next Local Development Plan (AngusPlan) in the context of this new legislative framework. This would see a new Development Plan adopted in early/mid 2023.
- 5.2 Requirements under the new Act sees the introduction of an Evidence Report which should be prepared at the outset of the plan preparation process. This requires to be agreed by the planning authority and signed off by an appointed person on behalf of Scottish Ministers, termed a 'Gatecheck'. The Main Issues Report has been removed as one of the formal stages, therefore we can move towards preparation of the Evidence Report for submission following the publication of the new Local Development Plan regulations in late 2021 and then the Proposed Plan. The process of preparing a new style Plan involves significant engagement at the outset and this will form much of our activity over the next year alongside establishing a baseline of evidence.
- 5.3 The Place Principle is underpinning the approach to Angus Plan as a broader Place Plan intended to strengthen the co-ordination and integration of all place-based activity in a visual way. Places are shaped by the way resources, services and assets are directed and used by the people who live and invest in them. Each of the towns across Angus has a unique context that means a different starting point, needs and direction and the plan making process needs to ensure that the plan is locally owned.
- 5.4 In the immediate term our work will therefore focus on a programme for working with our communities and our partners about their places, take account of all complementary work in associated policy areas and identify the challenges and opportunities to enable our

communities to repurpose and reinvent their places through the delivery of the Plan.

- 5.5 The Participation Statement included in the DPS specifically sets out how, when and with whom engagement opportunities will be developed.

## **6. OTHER IMPLICATIONS**

### **Risks**

- 6.1 The risk to the Council of not approving the Angus Development Plan Scheme 2020 is that Angus Council will fail to comply with a legislative/legal requirement.
- 6.2 Preparing our next Local Development Plan under the new legislative framework will mean we will not have an adopted Development Plan in place by September 2021 and therefore up to date Local Development Plan coverage. Officers have undertaken an assessment of the risks with this approach.
- 6.3 The most significant risk might be the failure to ensure an effective 5 year housing land supply position and therefore potential risk of planning by appeal. The most recent housing land audit (2019) identifies a generous housing land supply across the area. Officers have assessed this situation in relation to the current TAYplan requirements and there is no obvious shortfall of housing land in the 5 year period to 2024.

## **7. FINANCIAL IMPLICATIONS**

- 7.1 There will be expenditure throughout the preparation of the Angus Local Development Plan arising from costs associated with engagement, statutory advertisements, postage, printing and publishing of documents (Proposed Plan, Environmental Report, etc) contained within the Planning and Communities Revenue Budget.
- 7.2 The costs associated with any 'Gatecheck' of the Evidence Report and future Examination are likely to be substantial. Subsequent reports setting out the programme and associated costs for these will be brought forward to Committee as appropriate. The Development Plan Scheme will be further reviewed in March 2021 and any revised financial implications will be reported as part of that process.
- 7.3 The Act places an additional 35 duties on Planning Authorities related to Development Planning functions including input to the National Planning Framework, preparation of Regional Spatial Strategy, additional areas to be addressed by Local Development Plans and supporting the preparation of Local Place Plans. Of these, 23 are directly related to the preparation of Local Development Plans. This will place additional pressure on existing resources, however this will be managed within existing staffing.

## **8. CONCLUSION**

- 8.1 The Development Plan Scheme 2020 sets out the timetable for Angus Council to replace the Angus Local Development Plan (adopted 23 September 2016), under the new legislative framework and the main work areas for the next 12 months.

**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:

- Planning (Scotland) Act 2019.
- Transforming Planning Work Programme.
- The Town and Country Planning (Development Planning) (Scotland) Regulations 2008.
- Planning Circular 6/2013: Development Planning, Scottish Government, December 2013.

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List of Appendices:

Appendix 1: AngusPlan Development Plan Scheme and Participation Statement 2020