

ANGUS COUNCIL

ANGUS COUNCIL – 10 SEPTEMBER 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. RECOMMENDATIONS

It is recommended that the Council:

- (i) note the update on preparation of the next Local Development Plan, current work programme and revised timetable for preparation under the new legislative requirements of the Planning (Scotland) Act 2019 and the associated delay in replacing the Angus Local Development Plan (2016);
- (ii) agree the 2020 Angus Development Plan Scheme and Participation Statement set out in Appendix 1 for submission to Scottish Ministers and general publication by 30 September 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). The revised scheme was on the agenda for the Full Council meeting on 19th March which was subsequently cancelled due to the current coronavirus pandemic.

- 3.2 This Report brings forward the 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 we will ensure that all parties who are likely to have an interest in the Plan and preparation of Local Place Plans help to develop the 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 set out a programme of when elements of Act are likely to come into force and had expected to implement most of the Act and other aspects of the reform programme during 2021. The current pandemic has however had a knock on impact on the timescales and the Minister and Chief Planner letter issued to Planning Authorities on 29th May 2020 set out revisions.
- 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, and extending them to a 10 year timeframe (2 year plan preparation and 8 year delivery).
- 4.3 Commencement of the provisions for Development Plans is now not programmed until Quarter 1 or 2 of 2022 which is a 9 month delay from original projections. 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 would have come into force just after the proposed adoption of our replacement 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, the requirement to input to NPF4 and RSS's, our available resources and current timing 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 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 late 2023/early 2024.
- 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 in spring/summer 2022 (following the publication of the new Local Development Plan Regulations) 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 alongside establishing a baseline of evidence.
- 5.3 The Place Principle is underpinning the approach to AngusPlan 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 in developing the plan we need to make sure it involves and works with each of the communities..

- 5.4 In the immediate term our work is focussing on monitoring of the existing plan and state of the environment in Angus to help provide a baseline for the Evidence Report. It will also look at the development of a programme for working with our communities and our partners about their places and the role of the new provision for Local Place Plans in this approach.
- 5.5 The Participation Statement included in the DPS would normally set out how, when and with whom engagement opportunities will be developed. As we are awaiting the publication of secondary legislation we are not yet able to develop our participation statement but will work with stakeholders over the coming months to start and develop this.

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. Whilst there has been a delay in the publication of the scheme (originally due to be published March 2020) this has allowed us to review the scheme in light of revisions to the national transforming planning timetable. The Scottish Government are aware of the position.
- 6.2 Preparing our next Local Development Plan under the new legislative framework will mean we will not have a replacement adopted Development Plan in place by September 2021 and we will therefore not have up to date Local Development Plan coverage in accordance with the Town and Country Planning (Scotland) Act 1997. Decisions would continue to be made in accordance with the adopted Local Development Plan which covers the period to 2026 and officers have undertaken an assessment of the risks with this approach.
- 6.3 The most significant potential risk identified would be the failure to ensure an effective 5 year housing land supply position and therefore risk of planning by appeal rather than through a plan-led system. The most recent housing land audit (2019) and draft housing land audit (2020) identifies a generous housing land supply across the area. Officers have assessed this situation in relation to the current TAYplan requirements and there is currently no obvious shortfall of housing land in the 5 year period to 2024. The risk is therefore considered to be minimal and acceptable given the benefits of producing a revised Local Development Plan under the new regulations.

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 the 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. Whilst the legislation requires a DPS to be published annually there is scope to review more frequently and any 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 a Regional Spatial Strategy, additional areas to be addressed by Local Development Plans and supporting the preparation of Local Place Plans by communities. 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 across the Council linking more closely with strategic and local community planning.

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 current main work areas.

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. Scottish Government.
- The Town and Country Planning (Development Planning) (Scotland) Regulations 2008.
- Planning Circular 6/2013: Development Planning, Scottish Government, December 2013.
- Chief Planner letter 29th May 2020 on Covid 19 and Development Planning.

REPORT AUTHOR: STEWART BALL, DIRECTOR OF COMMUNITIES

EMAIL DETAILS: communities@angus.gov.uk

List of Appendices:

Appendix 1: AngusPlan Development Plan Scheme and Participation Statement 2020