

# Development Management Charter

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## 1. PURPOSE OF DEVELOPMENT MANAGEMENT CHARTER

Development Management is a process which manages the development and use of land. It involves the consideration of planning applications, listed building applications, advertisement applications, enforcement action in respect of breaches of control that have taken place and the provision of information and advice about the system generally and individual proposals specifically. A framework for determination of development proposals is set out in government policy and guidance and in more detail in statutory development plans. In Angus the development plan comprises [TAYplan](#) and the [Angus Local Development Plan](#). The Angus Local Development Plan is supported by a series of statutory supplementary guidance and non-statutory planning advice notes. Planning applications are considered against this framework, in particular the statutory development plan for the area (which by law takes precedent), and also any other material factors. Development Management is a process governed by law and can be complex.

The aim is to make the best decision about each application, not necessarily the quickest. This means taking into account a proposal's impact upon the environment and on the interests of the community. It may also mean balancing the needs of the applicant against the effect a development might have on neighbours and other people living nearby.

### **The Charter aims to:-**

- Tell you what we do.
- Tell you the standard we aim to meet.
- Tell you what to do in the event we do not meet these standards.

## 2. PRE-APPLICATION DISCUSSIONS AND ASKING FOR INFORMATION OR ADVICE

- Pre-application discussions are welcomed to encourage high quality applications which fit well with the statutory development plan and other policies to ensure they can be dealt with as efficiently as possible. Whenever possible advice will be freely given and will be accurate and objective but will be without prejudice to the formal consideration of an application. Requests for pre-application advice should be submitted through our online system at: -  
[https://www.angus.gov.uk/planning\\_and\\_building/planning\\_permission\\_and\\_applications/pre\\_application\\_advice\\_and\\_surgeries](https://www.angus.gov.uk/planning_and_building/planning_permission_and_applications/pre_application_advice_and_surgeries)
- In order for pre-application discussions to be meaningful it is recommended that you provide as much information as possible including plans of your proposal and photographs of the site. Unfortunately, workload dictates that it will not normally be feasible for a site inspection to be undertaken in respect of a pre-application inquiry and a desk top response will be provided.
- Informal advice as to whether or not planning consent for a particular proposal is required will be given in instances where sufficient information has been provided to form a view. If the request is from a professional agent then the request should indicate the professional agent's opinion with an assessment as to the basis for that opinion. Requests for advice on whether planning permission is required should be submitted through our online system at: -  
[https://www.angus.gov.uk/planning\\_and\\_building/planning\\_permission\\_and\\_applications/how\\_planning\\_permission\\_works](https://www.angus.gov.uk/planning_and_building/planning_permission_and_applications/how_planning_permission_works)
- A very small percentage of applications are of national and major significance and for such applications special arrangements exist whereby the applicant is required to enter into pre-application consultation with the community. If the proposal you are interested in falls within this category (e.g. 50 dwellings or more, large supermarket, large wind farm etc.) the Planning Service will provide advice upon request as to the procedures that should be followed.
- We will aim to provide a 15 working day response to letters, e-mails and faxes although for enquiries that require consultation with other Departments or bodies a response may take longer. On occasions where a response is not possible within 15 working days the enquirer will be informed as to the likely timescale for a full response.
- No acknowledgements will be given in respect of normal correspondence, the emphasis being placed on early replies within the above framework. Complaints, planning application submissions and letters of representation on specific applications, however, will be acknowledged.
- Telephone calls will be answered as quickly as possible. While every effort will be made to respond to your query, if the case officer dealing with the relevant application, area, or issue is not available it may be necessary to take your details and have the officer ring you back. Except in exceptional circumstances, you should be called back within 24 hours (excepting weekends). Sometimes it will be necessary, indeed in your own interest, to put the substance of your query in writing and to then receive a written response.
- We encourage the submission of applications online using the [eplanning.scot](https://www.eplanning.scot) website. Further information on the submission of applications is available on our [website](#)

### **3. SUBMITTING A PLANNING APPLICATION**

It is the applicant's or agent's responsibility to make sure that the application is submitted correctly. The application form must be completed, signed and accompanied by the required certificates. The appropriate fee must have been fully paid.

#### **When you submit a planning application we will:-**

- Acknowledge and register all "valid" applications within five working days of receipt, and tell you the name and telephone number of the Planning Officer handling your application.
- Notify you within five working days if your application is "invalid" and explain what information is required before it can be registered as "valid".
- Notify you in writing if after registration we need further information in order to deal with your application, this will normally be requested in writing within 28 days of registration of the application. A time limit for return of this information will be given with an indication of a consequences of non return. The time limit will normally be 14 days.
- Inform you on request of the progress of your application.
- Commence most consultations within eight working days of application registration.
- Endeavour to deal with planning applications within 2-months of the date of validation (4-months in the case of major or national developments), or within such timescale as may be agreed through a processing agreement.
- Inform you of amendments that may make an application more likely to attract a recommendation of approval.
- Issue the decision notice within three working days of the date of the decision. In respect of applications that are subject of a Section 75 Agreement (a form of legal agreement) issue the decision notice within three working days of confirmation of registration of the agreement in the Register of Sasines.

#### **4. NOTIFYING APPLICANTS, PUBLIC, OBJECTORS AND INTERESTED PARTIES**

A statutory register listing all current planning applications and Enforcement Notices and past decisions is available on the council's website through our [Public Access](#) system.

The council will notify neighbours of the submission of planning applications in accordance with statutory requirements. However, our [Public Access](#) system allows individuals to set up alerts for notification of applications within defined areas. In certain circumstances formal advertisement in respect of a planning application will be necessary. The council will notify the applicant if formal advertisement is required by law and will publish the advertisement specifying the response time.

The cost of these advertisements will be charged to the applicant.

The cost of advertisement in respect of applications for listed building consent, conservation area consent or development affecting the setting of a listed building or character of a conservation area will be borne by the planning authority.

## 5. TO KEEP EVERYONE INFORMED WE WILL

- Keep the statutory register of applications maintained on our [Public Access](#) website up-to-date with information placed in the register within five working days.
- Normally place statutory advertisements within ten working days of application registration.
- Allow at least 21 days for anyone to make representations on an application in which they have an interest and consider late representations up and till the point that a report is prepared. Information of making representation on a planning application is published on the council's [website](#).
- Acknowledge letters of representation within five working days of receipt and provide information as to how to track progress of the application.
- Give consideration to all comments received. However, in respect of applications that are considered by Committee, comments received after the Committee report has been prepared will not be included as part of the report. Individuals should be aware that comments received in respect of a planning application and most other planning matters will be in the public domain.
- For applications that go to Committee, make available a copy of Committee reports to any party that has made a written representation in respect of a specific application. The applicant or agent submitting the application will also receive a copy of the Committee report.
- When a planning application is determined the reasons for the decision will be provided to interested parties and a report setting out how the application was considered will be published on our [Public Access](#) website.
- Inform all those making individual representations and petition organisers of the decision on the application within five working days of the issue of the decision notice.
- Issue decision letters on matters required to discharge planning conditions within two months. Compliance with conditions may require approval prior to commencement of work or during or at completion. The purification of conditions is becoming increasingly complex often requiring consultation with other parties. Failure to comply with conditions can result in a breach of planning control and can have serious consequences.
- Provide information on applications received to local newspapers for publicity weekly.
- Require the applicant to submit a new planning application when amendments are proposed that significantly alter the proposed development.
- Advise the applicant of appeal rights if the council does not determine the application within statutory or agreed timescales, refuses the application, or imposes conditions on any permission granted.

## 6. ENFORCING PLANNING LAW AND REGULATIONS

- Effective enforcement is an essential element underpinning the planning system, complementing and supporting the development management process.
- In assessing the need for planning enforcement action, one of the key issues to be determined is whether the breach of control would unacceptably affect public amenity. When an alleged breach of planning control is reported or suspected, the site or premises will be inspected and other information sought to establish the facts. Where the breach of planning control is considered to unacceptably affect public amenity, safety, or the environment, the person responsible for the breach of planning control will be informed of what is wrong and what action should be taken to correct it. A time limit will be given and the consequences of not taking the appropriate action will be explained. The level and nature of enforcement action will be in scale with the breach of planning control to which it relates.
- Observations about breaches of planning control should be made using the council's [online reporting facility](#). Anonymous observations are unlikely to be investigated and the council cannot guarantee anonymity for those making observations. There is no statutory requirement for the council to take enforcement action; it is for the council to determine the extent and usage of enforcement powers, which by their nature, can mean a long drawn out process.

### **When it is necessary to enforce planning law and regulations we will:-**

- Acknowledge observations about breaches of planning control within five working days.
- Inspect the site or premises within five working days of receipt of the observation. In the case of a major nuisance or breach of planning control or one which in the opinion of the council potentially jeopardised health or safety, the site or premises will be inspected as soon as possible following receipt of the observation.
- Inform the person or persons responsible for the breach of planning control what is wrong and seek to secure a voluntary solution to the situation through negotiation. A time period will be given and the consequences of not taking the appropriate action will be explained. The consequences will normally entail the council pursuing formal enforcement action.
- Update observers on request regarding the progress of the investigation.
- The council has a separate [Enforcement Charter](#) which expands upon the abbreviated section of the Development Management Charter.

## 7. IMPROVING OUR SERVICE TO YOU

We want to continually improve on our customer care and increase our customers' satisfaction. If you have any comments about how we can improve our service to you, or if we have not met your expectations please contact the officer delivering the service direct or email us on [planning@angus.gov.uk](mailto:planning@angus.gov.uk), and we will try and resolve the matter.

### Compliments, Comments and Complaints

Our aim is to provide all our customers with good quality services and wherever possible deal with your concerns as they arise.

You can record your compliment, comment or complaint via our [online form](#) to tell us where we've got things right, help us improve services and sort things out if they've gone wrong.

However we are keen to resolve any problems as soon as possible so if you have a comment or complaint about a service please raise the matter with those delivering that service first of all - we will do our best to resolve any problem there and then. Alternatively please use our [online form](#).

If we cannot resolve a problem immediately; within the agreed service standards; or to your satisfaction, or if you have a complaint about how you have been treated we will record your complaint and give you our formal response within 5 working days. If we cannot respond within that time we will inform you when we will be able to provide you with a response.

Our aim is to work things out so we want you to tell us if you are satisfied with the outcome of your complaint or wish us to take further action and have the matter investigated by a senior officer or ultimately the chief executive. Where a complaint requires formal investigation we will aim to reply within 20 working days.

When you contact us you will be advised of the procedure to be followed when dealing with your complaint.

### Scottish Public Services Ombudsman

If a customer is not satisfied with the council's internal investigation of and response to their complaint they should be advised of their right to refer the matter to the Scottish Public Services Ombudsman for attention where appropriate.

The Ombudsman offers an independent national service and while complaints can be made to the Ombudsman any time, an investigation will usually only be made if the complaint has been investigated by the Council.

Further information on contacting the Ombudsman is available [here](#) or by telephoning 0800 377 7330.