

ANGUS COUNCIL

ANGUS COUNCIL – 9 SEPTEMBER 2021

ANGUS DEVELOPMENT PLAN SCHEME 2021

REPORT BY ALISON SMITH, INTERIM DIRECTOR OF VIBRANT COMMUNITIES AND SUSTAINABLE GROWTH

ABSTRACT

This report sets out for approval the Angus Development Plan Scheme (DPS) which includes the work programme for initial preparatory work on 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, immediate work programme and indicative 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 2021 Angus Development Plan Scheme and Participation Statement set out in Appendix 1 for submission to Scottish Ministers and general publication by 30 September 2021.
- (iii) note that a further Development Plan Scheme will be reported to full Council in March 2022.

2. ALIGNMENT TO THE COUNCIL 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.

Economy: We want Angus to be a 'go-to' area for business

- support the creation of local, paid, and lasting job opportunities for our citizens
- make Angus a low-carbon, sustainable area
- support business and economic growth by improving the physical and digital infrastructure

People: We want to maximise inclusion and reduce inequalities

- work collaboratively for and with our citizens to keep them safe in resilient communities

Place: We want our communities to be strong, resilient and led by citizens

- continue to reduce the council's carbon footprint with the aim of reducing our net carbon emissions to zero by 2045
- engage with citizens and communities to deliver the right services in the right place at the right time
- increase the supply of affordable housing and improve the council's current housing stock so it is fit for the future
- coordinate our place-based activity and investment through the development of the Angus Local Development Plan (known as the Angus Plan)

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 alongside a statement of the provisions for people to get involved in preparing the Plan. The current Angus Development Plan Scheme 2020 was approved by Angus Council at their meeting of 10 September ([Report 221/20 refers](#)).
- 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. The Regulations require Angus Council to send two copies of the Development Plan Scheme (DPS) to Scottish Ministers and publish online.

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 29 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, resulting 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.
- 4.3 Commencement of the provisions for Development Plans is now not programmed until Quarter 1 or 2 of 2022, likely to come into force when NPF4 is published, which is a 9 month delay from original projections. 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. We had therefore previously taken the decision to prepare our Local Development Plan within the context of the new legislative framework to avoid having to undertake an immediate replacement of the Plan. The Development Planning Transitional Guidance (November 2020) states that the current intention is for plans progressing under the existing provisions to be at a proposed plan stage before June 2022. To alter our position would therefore not be achievable in the timeframe.

5. ANGUS DEVELOPMENT PLAN SCHEME

- 5.1 In the absence of draft regulations and guidance on the new process it is difficult to set out a detailed programme. The Angus DPS 2021 therefore focuses on the immediate work programme of preparatory work for work the next Development Plan which would likely be adopted in 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'. In the immediate term our work will continue to focus the key issues emerging from monitoring activity and collection of baseline data to inform the Evidence Report.
- 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 in detail but will work with stakeholders over the coming months to input to this. We will also consider the areas of support for communities and emerging Local Place Plans.

6. OTHER IMPLICATIONS

Risks

- 6.1 The risk to the Council of not approving the Angus Development Plan Scheme 2021 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 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 (2020) and draft housing land audit (2021) identifies a generous housing land supply across the Angus 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 2026 and given the time period covered by the Plan opportunities to bring forward site programmed for later years. 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.) and these costs will be contained within the Planning and Sustainable Growth 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 2021 sets out the immediate work programme and indicative timetable for Angus Council to replace the Angus Local Development Plan (adopted 23 September 2016), under the new legislative framework. A further Development Plan Scheme will be prepared and brought back to Full Council once secondary regulations and guidance on Local Development Plans has been published.

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.
- Development Planning – Transitional Guidance, November 2020

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List of Appendices:

Appendix 1: AngusPlan Development Plan Scheme and Participation Statement 2021