

**ANGUS COUNCIL**

**ANGUS COUNCIL – 8 SEPTEMBER 2022**

**ANGUS DEVELOPMENT PLAN SCHEME 2022**

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

**ABSTRACT**

This report sets out for approval the Angus Development Plan Scheme 2022 which includes an updated position on the work programme for initial preparatory work on the next local development plan for Angus to replace the Angus Local Development Plan (2016).

**1. RECOMMENDATIONS**

It is recommended that the Council:

- (i) note the update on preparation of the next local development plan, immediate work programme, the implications of 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 2022 Angus Development Plan Scheme set out in Appendix 1 for submission to Scottish Ministers and general publication by 30 September 2022.
- (iii) note that a more detailed new style Development Plan Scheme will be reported to Angus Council in 2023, prepared under provisions of the Planning (Scotland) Act 2019 which are yet to come into force.

**2. ALIGNMENT TO THE COUNCIL PLAN**

2.1 The main purpose of the local development plan (LDP) for Angus is to guide development and changes in land use in a sustainable manner that can best serve the needs of the communities of Angus. The development plan supports the ambitions of the Council Plan:

**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

**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/reviewing the LDP alongside a statement setting out how and where people can get involved in preparing the plan. The current Angus DPS 2021 was approved by Angus Council at their

Meeting of 9 September ([Report 282/21 refers](#)).

- 3.2 This Report brings forward the Angus DPS 2022 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 DPS to Scottish Ministers and publish it online.

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

- 4.1 Report 282/21 set out information about the delays in the implementation of the provisions of the Planning (Scotland) Act 2019 and related secondary legislation and guidance. It was explained that the significant changes to the planning system and the original timescales for their implementation had influenced an earlier decision to prepare the next LDP for Angus within the context of the new legislative framework in preference to the current procedures. It was indicated that the commencement of the provisions for local development planning was programmed by the Scottish Government for early 2022, and would be likely to come into force when National Planning Framework (NPF) 4 was published. This timetable has unfortunately been delayed further, largely due to the pandemic.
- 4.2 Draft NPF4 was laid in Parliament and published for consultation on 10 November 2021 and the period for representation ran to 31 March 2022. Draft Local Development Planning regulations and associated provisions were out for consultation between 17 December 2021 and 31 March 2022. In a statement to Parliament on 22 April 2022, following the close of the consultation, the Minister for Public Finance, Planning and Community Wealth set out that it was intended to bring NPF4 back to Parliament for approval later in 2022 following consideration of over 750 consultation responses.
- 4.3 Under the current system local development plans are required to be replaced on a 5 year review cycle. The delayed implementation of the new planning system has delayed the replacement LDP for Angus, the Angus LDP (2016) is now more than 5 years old, but remains Angus Council's statutory LDP, setting out policy to 2026.
- 4.4 Currently, in circumstances where a local development plan is 'more than 5 years old' para 33 of [Scottish Planning Policy \(2014\)](#) provides that this triggers the requirement for consideration to be given to the '*presumption in favour of development that contributes to sustainable development*' as a material consideration. The requirement is then to apply the policy principles (set out in paragraphs 28 and 29 of SPP (2014)) to determine whether the development proposal contributes to 'sustainable development'.
- 4.5 When approved, NPF4 (incorporating Scottish Planning Policy), will have the status of the development plan for planning purposes. This is a change to the current position and will mean that the policies of NPF4 will have a role in informing day to day decision making on planning applications. The development plan status of NPF4 may have the effect of 'updating' the policies of the Angus LDP (2016), resulting in a more up-to-date development planning framework for Angus for determining planning applications in the period while the new LDP is prepared. The Angus LDP will remain a material consideration.

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

- 5.1 The new legislation requires a different type of Development Plan Scheme to be prepared - setting out in greater detail what is involved at each stage of preparation of the plan and giving an accurate timetable. It is also expected to include a Participation Statement, which takes account of the views of the public on when consultation will take place, with whom and the potential methods of engagement and consultation that could be used.
- 5.2 In the absence of the new local development planning regulations, and continuing uncertainty about the detailed requirements, the Angus DPS 2022 is an update of the current document setting out work underway towards preparation for the next LDP.
- 5.3 Focus continues to be on the key issues emerging from monitoring activity and the collection of baseline data to inform the evidence report as the first stage of the new plan. Discussions with stakeholders to inform the required participation statement have also begun and will develop over the coming months.
- 5.4 It's not possible to indicate clear timeframes for delivery of a replacement LDP at present but a work programme is being developed taking account of the scale of the requirements and available resources.

## **6. FINANCIAL IMPLICATIONS**

- 6.1 There are no additional financial implications for the Council arising from production of the Angus DPS 2022 which will be contained within existing staffing resources.
- 6.2 The Act does however place significant additional, unfunded duties on Planning Authorities which must be addressed through the development plan. Many of these will have implications for and require resource from across the Council. The costs associated with the Gatecheck of the Evidence Report and Examination of the new LDP may be substantial and are not currently budgeted for within the Planning and Sustainable Growth budget. Reports regarding the work programme and associated implications will be brought forward to Council as appropriate and the budget implications considered further as part of the 2023/23 budget setting process.

## **7. OTHER IMPLICATIONS**

### **Risks**

- 7.1 The risk to the Council of not approving the Angus DPS 2022 is that Angus Council will fail to comply with a legislative requirement.
- 7.2 The decision to prepare our next local development plan under the new legislation has meant the Council did not have a replacement adopted Plan in place within 5 years (by September 2021). The adopted Angus LDP, which covers the period to 2026, remains Angus Council's statutory local development plan and decisions will continue to be made in accordance with that Plan. The relevant provisions of Scottish Planning Policy in circumstances where a Plan is more than 5 years old must be taken into account (para 4.4 above explains the implications).

## **8. EQUALITY IMPACT ASSESSMENT**

- 8.1 A screening only EIA has been undertaken and is available as Appendix 2 to this report.

**NOTE:** No background papers, as defined by Section 50D of the Local Government (Scotland) Act 1973 (other than any containing confidential or exempt information) were relied on to any material extent in preparing the above report.

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List of Appendices:

Appendix 1: Angus Development Plan Scheme 2022

Appendix 2: Equality Impact/ Fairer Scotland Duty Assessment Form