

ANGUS COUNCIL

ANGUS COUNCIL – 14 DECEMBER 2023

**DEVELOPER CONTRIBUTIONS AND AFFORDABLE HOUSING SUPPLEMENTARY GUIDANCE
2023**

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

ABSTRACT

This report details the responses received to the consultation and recommends that Council adopt the Developer Contributions and Affordable Housing Supplementary Guidance 2023. On adoption these will form part of the Angus Local Development Plan (2016).

1. RECOMMENDATIONS

It is recommended that the Council:

- (i) Notes and gives due regard and consideration to the representations received to the draft Developer Contributions and Affordable Housing Supplementary Guidance 2023, contained within Appendix 1, and agree the Council's response and changes made as a result of the representations.
- (ii) Agree to adopt the Developer Contributions and Affordable Housing Supplementary Guidance 2023, following completion of the relevant procedures.
- (iii) Authorise the Chief Planner/Service Leader of Planning and Sustainable Growth to make any minor technical and typographical changes, as well as, any presentational and graphical changes, to the Supplementary Guidance and to complete all other legislative procedural arrangements associated with the adoption of the Developer Contributions and Affordable Housing Supplementary Guidance 2023

2. ALIGNMENT TO THE COUNCIL PLAN

- 2.1 This report does not directly contribute to the Angus Council Plan 2023-2028. It will, however, assist with the implementation of the Local Development Plan (2016), which contributes to and fully aligns with the objectives of the Council Plan.

3. BACKGROUND

- 3.1 An update to the Supplementary Guidance was prepared in 2023 to: account for changes required as a result of updated school roll forecasts, to uplift rates in line with indexation, to remove a Sports & Recreation project which will no longer be immediately undertaken, and to make other minor amendments to the text.
- 3.2 At the meeting of the Communities Committee on 15 August 2023 it was agreed to approve the draft Developer Contributions and Affordable Housing Supplementary Guidance and to undertake a six week period of consultation.
- 3.3 As noted in paragraph 3.2 above, the consultation on the draft Supplementary Guidance took place over a period of six weeks, from Friday 1 September to Friday 13 October 2023. The draft Supplementary Guidance was subject to a variety of engagement methods, which included notification to Elected Members, Community Councils, and stakeholders who requested updates on the progress of the Local Development Plan. Details of the proposed draft document were also provided on the Council's website, and in ACCESS offices and libraries. Following the Council's Engagement HQ hub going live on 20 September 2023, all stakeholders were provided with a further opportunity to engage, using the new engagement platform, which was promoted on the Council's social media channels.

- 3.4 A total of 10 representations were received during the consultation period, all of which were received from external parties; this included 4 key agencies, 2 housebuilders, 2 community councils, 1 architectural firm and an anonymous response.

4. CURRENT POSITION

- 4.1 Appendix 2 to this report details the responses received, the Council's response to those representations, and any proposed changes that require to be made to the Supplementary Guidance as a result of the representations received.

5. PROPOSALS

- 5.1 With the exception of amendment of the indexation figure for April 2023, no other amendments have been made to the Supplementary Guidance.
- 5.2 Should Council recommend adoption of the Supplementary Guidance; the next stage is the submission of the document to the Scottish Ministers. This submission must be accompanied by a statement setting out how we have undertaken publicity; the comments and representations received; and an explanation of how these comments have been taken into account in the final version of the Supplementary Guidance.
- 5.3 Scottish Ministers then have 28 days in which to approve the adoption of the Supplementary Guidance. As the principle of the policy that the Scottish Government seeks to support has already been established, scrutiny by Scottish Ministers is likely to focus on ensuring that the principles of public engagement and compliance with the Local Development Plan policy on developer contributions and affordable housing.
- 5.4 Once approved by Scottish Ministers, the Supplementary Guidance will form part of the Angus Local Development Plan (2016).

6. FINANCIAL IMPLICATIONS

- 6.1 There are no direct financial implications to the approval and adoption of the Developer Contributions and Affordable Housing Supplementary Guidance 2023. Advertising and other publication costs have been met from existing budgets within the Planning and Sustainable Growth Service.
- 6.2 The revised Supplementary Guidance will require to undertake a review of existing secured developer contributions to ensure they continue to meet the relevant policy tests. This work will be undertaken as part of the developer obligations monitoring work and will help to inform the preparation of the next Local Development Plan.

7. OTHER IMPLICATIONS

Risks

- 7.1 The risk to the Council in delay of the adoption and publication of the Supplementary Guidance is a lack of clarity and consistency on the application of policies contained in the Angus Local Development Plan 2016.

8. EQUALITY IMPACT ASSESSMENT

- 8.1 An Equality Impact Assessment Screening Opinion has been carried out in respect of this report and is included below.

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 – Draft Developer Contributions and Affordable Housing Supplementary Guidance 2023
APPENDIX 2 – Summary of Comments and Representations



Equality Impact/Fairer Scotland Duty Assessment Form

(To be completed with reference to Guidance Notes)

Step 1

Name of Proposal (includes e. g. budget savings, committee reports, strategies, policies, procedures, service reviews, functions):

Committee Report for Angus Council 14 December 2023, Angus Local Development Plan Developer Contributions Supplementary Guidance 2023

Step 2

Is this only a **screening** Equality Impact Assessment Yes/No
(A) If Yes, please choose from the following options **all** reasons why a full EIA/FSD is not required:

(i) It does not impact on people Yes/No

The Developer Contributions Supplementary Guidance 2023 provides an update to address amendments to an existing document. It provides updated detail on existing policies in the existing Angus Local Development Plan 2016 which was subject to an Equality Impact Assessment. The Supplementary Guidance itself does not directly impact on people.

(ii) It is a percentage increase in fees which has no differential impact on protected characteristics Yes/No

(iii) It is for information only Yes/No

(iv) It is reflective e.g. of budget spend over a financial year Yes/No

(v) It is technical Yes/No

If you have answered yes to any of points above, please go to **Step 16**, and sign off the Assessment.

(B) If you have answered No to the above, please indicate the following:

Is this a full Equality Impact Assessment Yes/No

Is this a Fairer Scotland Duty Assessment Yes/No

If you have answered Yes to either or both of the above, continue with Step 3.

If your proposal is a **strategy** please ensure you complete Step 13 which is the Fairer Scotland Duty Assessment.

Step 3

(i)Lead Directorate/Service:

(ii)Are there any **relevant** statutory requirements affecting this proposal? If so, please describe.

(iii)What is the aim of the proposal? Please give full details.

(iv)Is it a new proposal? Yes/No Please indicate OR

Is it a review of e.g. an existing budget saving, report, strategy, policy, service review, procedure or function? Yes/No Please indicate

Step 4: Which people does your proposal involve or have consequences for?

Please indicate all which apply:

Employees Yes/No

Job Applicants Yes/No

Service users Yes/No

Members of the public Yes/No

Step 5: List the evidence/data/research that has been used in this assessment (links to data sources, information etc which you may find useful are in the Guidance). This could include:

Internal data (e.g. customer satisfaction surveys; equality monitoring data; customer complaints).

Internal consultation (e.g. with staff, trade unions and any other services affected).

External data (e.g. Census, equality reports, equality evidence finder, performance reports, research, available statistics)

External consultation (e.g. partner organisations, national organisations, community groups, other councils).

Other (general information as appropriate).

Step 6: Evidence Gaps.

Are there any gaps in the equality information you currently hold? Yes/No

If yes, please state what they are, and what measures you will take to obtain the evidence you need.

Step 7: Are there potential differential impacts on protected characteristic groups? Please complete for each group, including details of the potential impact on those affected. Please remember to take into account any particular impact resulting from **Covid-19**.

Please state if there is a potentially positive, negative, neutral or unknown impact for each group. Please state the reason(s) why.

Age

Impact

Disability

Impact

Gender reassignment

Impact

Marriage and Civil Partnership

Impact

Pregnancy/Maternity

Impact

Race - (includes Gypsy Travellers)

Impact

Religion or Belief

Impact

Sex

Impact

Sexual orientation

Impact

Step 8: Consultation with any of the groups potentially affected

If you have consulted with any group potentially affected, please give details of how this was done and what the results were.

If you have not consulted with any group potentially affected, how have you ensured that you can make an informed decision about mitigating action of any negative impact (Step 9)?

Step 9: What mitigating steps will be taken to remove or reduce potentially negative impacts?

Step 10: If a potentially negative impact has been identified, please state below the justification.

Step 11: In what way does this proposal contribute to any or all of the public sector equality duty to: eliminate unlawful discrimination; advance equality of opportunity; and foster good relations between people of different protected characteristics?

Step 12: Is there any action which could be taken to advance equalities in relation to this proposal?

Step 13: FAIRER SCOTLAND DUTY

This step is only applicable to **strategies** which are key, high level decisions. If your proposal is **not** a strategy, please leave this Step blank, and go to Step 14.

Links to data sources, information etc which you may find useful are in the Guidance.

Step 13(A) What evidence do you have about any socio-economic disadvantage/inequalities of outcome in relation to this strategic issue?

Step 13(B) Please state if there are any gaps in socio-economic evidence for this strategy and how you will take measures to gather the evidence you need.

Step 13(C) Are there any potential impacts this strategy may have specifically on the undernoted groupings? Please remember to take into account any particular impact resulting from **Covid-19**.

Please state if there is a potentially positive, negative, neutral or unknown impact for each grouping.

Low and/or No Wealth (e.g. those with enough money to meet basic living costs and pay bills but have no savings to deal with any unexpected spends and no provision for the future).

Impact

Material Deprivation (i.e. those unable to access basic goods and services e.g. repair/replace broken electrical goods, warm home, leisure and hobbies).

Impact

Area Deprivation (i.e. where people live (e.g. rural areas), or where they work (e.g. accessibility of transport)).

Impact

Socio-economic Background i.e. social class including parents' education, people's employment and income.

Impact

Other – please indicate

Step 13(D) Please state below if there are measures which could be taken to reduce socio-economic disadvantage/inequalities of outcome.

Step 14: What arrangements will be put in place to monitor and review the Equality Impact/Fairer Scotland Duty Assessment? N/A

Step 15: Where will this Equality Impact/Fairer Scotland Duty Assessment be published?

Step 16: Sign off and Authorisation. Please state name, post, and date for each:

Prepared by: Katey McKay, Planning Officer (Development Plan)

Reviewed by: Doreen Phillips, Senior Practitioner Equalities

Approved by: Antony McGuiness, Manager (Development Plan, Environment & Climate Change)

NB. There are several worked examples of separate EIA and FSD Assessments in the Guidance which may be of use to you.
