

**ANGUS COUNCIL**

**ANGUS COUNCIL – 14 DECEMBER 2023**

**DEVELOPMENT PLAN SCHEME AND PARTICIPATION STATEMENT 2023 AND PROGRESS ON THE PREPARATION OF THE NEXT LOCAL DEVELOPMENT PLAN**

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

**ABSTRACT**

This report seeks approval of the Development Plan Scheme 2023, which contains the timetable for the preparation and production of the next Local Development Plan (LDP) for Angus, alongside the Participation Statement outlining how and when engagement will occur during this preparation. This report also provides an update on progress of the preparation of the Next Local Development Plan for Angus.

**1. RECOMMENDATION(S)**

1.1 It is recommended that Council:

- (i) Note the legislative changes made to the Development Planning system in Scotland and the update on preparation of the next Local Development Plan;
- (ii) Approve the Angus Development Plan Scheme and Participation Statement 2023 set out in Appendix 1 and the responses to consultation undertaken on the draft document and proposed changes as set out in Appendix 2;
- (iii) Authorise the Chief Planner and Service Leader – Planning and Sustainable Growth to make any minor technical and typographical changes, as well as, any presentational and graphical changes to the Development Plan Scheme and Participation Statement 2023, where required, and to complete all other legislative procedural arrangements associated with the publication of the Development Plan Scheme and Participation Statement 2023 and submit to Scottish Ministers.

**2. ALIGNMENT TO THE COUNCIL PLAN**

2.1 The Local Development Plan will contribute to, and deliver on, the following priorities in the Angus Council Plan 2023-2028:

**Caring for our Economy:**

- Continue to support and deliver element of the Tay Cities Deal
- Support businesses to growth and invest in Angus through our employment land and commercial property
- Be more commercial in our approach to contracts and support growth of business locally whenever possible through a \*community wealth building approach

**Caring for our Place:**

- Take action to mitigate against climate change by delivering our Transition to Net Zero Action Plan: 2022 to 2030 and leading on the delivery of a Sustainable Energy Climate Action Plan (SECAP) for Angus to reduce area wide emissions
- Produce a Local Development Plan for Angus
- Ensure the provision of new houses in Angus
- Ensure delivery of affordable housing via our Strategic Housing Investment Plan (SHIP)

- Engage with communities to support their ambitions to deliver on local aspirations (e.g., community asset transfer requests, community gardens, food hubs)
- Support the development of more active travel routes around Angus
- Enhance and restore Angus Biodiversity, corporately and with a range of stakeholders

### **3. BACKGROUND**

- 3.1 Section 20B of the Town and Country Planning (Scotland) Act 1997 (as amended) and Section 22 of the Town and Country Planning (Development Planning) (Scotland) Regulations 2023 requires the Council to prepare and publish a Development Plan Scheme and Participation Statement every year.
- 3.2 The purpose of this document is to detail the Council's programme for preparing and reviewing the Local Development Plan and to set out how and where people can be involved, engaged with, and consulted upon when preparing the Plan. The previous Development Plan Scheme and Participation Statement 2022 was approved by Council at its meeting of 8 September 2022 ([Report 308/22 refers](#)).

#### **Changes to the Planning System in relation to the Development Plan Scheme and Participation Statement**

- 3.3 There have been several changes made to how the Development Plan Scheme and Participation Statement is prepared and approved, by the legislation noted in paragraph 3.1 above. A briefing session with Members on the Development Plan Scheme and Participation Statement and Local Place Plans was held on 23<sup>rd</sup> October 2023. The following briefly recaps the main changes to the Development Plan Scheme and Participation Statement outlined at this session.
- 3.4 The Council is now required to engage and consult with stakeholders, partners, and members of the public prior to the Development Plan Scheme and Participation Statement being approved. This is to help inform the Participation Statement on how stakeholders and the public wish to engage, collaborate, and be consulted upon within the various stages of the Local Development Plan's preparation.
- 3.5 Furthermore, the Development Plan Scheme and Participation Statement must detail, by financial quarters, when various parts of the Local Development Plan will be produced.
- 3.6 Members should also note that if there are any changes to the Local Development Plan timeframe then those changes are legislatively required to be detailed in future Development Plan Scheme and Participation Statements alongside the reasons why the timetable has been changed.

#### **Changes to the Planning System in relation to Development Planning and Local Development Plans**

- 3.7 As Members will recall, a Member's briefing session on the main changes to the Planning System in Scotland, focussing on Development Planning was held on 17<sup>th</sup> November 2022. The following paragraphs provide a brief recap of these main changes to the Development Planning system in Scotland since this briefing session was over a year ago.
- 3.8 The new legislative requirements for Development Planning, National Planning Framework 4, Open Space Strategies, Play Sufficiency Assessments, and Local Place Plans, set the context for the preparation of the next Local Development Plan for Angus. All of these substantially change how an LDP is prepared going forward and takes the scope and remit of LDP's significantly passed what they have previously had to contain and address.
- 3.9 The legislation also requires greater engagement, collaboration, and consultation with a range of stakeholders, partners, communities, and members of the public. It specifies groups to be engaged and consulted with during the preparation of the Plan, such as, Children and Young People, Older People and Travelling People.
- 3.10 LDP's are now required to cover a 10-year period, whilst looking at least another 10 years in the future. They are to be more focussed on place, with less policy. National Planning

Framework 4 (NPF 4) now provides that main policy framework that planning applications are to be assessed against. However, the Plan can still contain specific policies where there is a need to alter the NPF 4 policies for local circumstances, or where there is a policy gap that needs to be addressed. Place based LDP's, are to contain a spatial strategy for the Local Authority area, targets for meeting the housing needs of communities, statements of proposals for public conveniences, water refill locations, and more, as well as maps which show how this sustainable development and other proposals will be located and taken forward.

- 3.11 The process for the preparation of the Local Development Plan has changed and Table 2 below details the new preparation stages that the next Local Development Plan for Angus will require to go through for the information of Members, and briefly what each stage contains.

<b>Table 2: Preparation of the Next Local Development Plan for Angus</b>	
<b>Local Development Plan Stages</b>	<b>What the stage consists of</b>
Evidence Report	<p>The Evidence Report is the first stage of LDP preparation and is required to provide a baseline for the new plan and evaluate the data contained within it to determine what the Proposed Plan needs to look at and address. Data will be gathered, analysed and interpreted on a wide range of topics and requirements as set out in NPF4 and other legislation and guidance.</p> <p>A site selection methodology for the allocation of new land for development for a range of purposes is also required to be provided at this stage.</p> <p>Furthermore, a range of strategies and studies must also be provided alongside the Evidence Report, such as those noted in paragraph 3.8, (e.g., Forestry and Woodland Strategy and a Play Sufficiency Assessment).</p> <p>The Council is also required approve the Evidence Report for publication before submitting to Scottish Ministers for its Gatecheck.</p>
Gatecheck	<p>The Gatecheck is a new stage which has been introduced that requires Reporters appointed by Scottish Ministers to assess the sufficiency of information provided in the Evidence Report, and site selection methodology, prior to moving forward to prepare and publish the Proposed Plan.</p> <p>The Reporter must approve the Evidence Report before the Proposed Plan can be started.</p>
Proposed Plan	<p>The Proposed Plan will asset out the spatial strategy and areas for development within the Angus area, heavily influenced by the information and evaluation of data gathered in the Evidence Report. It is also required to detail the location of development sites to provide sufficient land for development and must contain place-based maps and proposals.</p> <p>Consultation on the Proposed Plan is to be held over a statutory minimum period of 12 weeks.</p> <p>After consultation with stakeholders, partners, developers, and the general public, the Council can choose to modify the Proposed Plan, (with any modifications to be consulted upon) and subsequently submit for Examination.</p>

	<p>If the Council decides not to modify the Plan, then it is submitted for Examination.</p> <p>In both scenarios, the Council is required to approve the Plan for submission to Examination.</p>
Proposed Plan Examination	The Examination will be focussed on any unresolved objections made to the Proposed Plan during the consultation period by Reporters appointed by Scottish Ministers.
Adoption	<p>The Council cannot adopt the Plan until the Examination Report is received. The Council also has limited grounds on which to decline the Reporters recommendations within the Examination Report.</p> <p>It is the Council that adopts the Local Development Plan.</p>
Delivery Programme	<p>The Delivery Programme is the final stage in the process of preparing the LDP and will set out how the plan will be implemented.</p> <p>This Delivery Programme details how policies, proposals, and delivery of the land for development in the Plan will be met, who is responsible for that, and the timescales for this to happen within. This is a crucial stage in coordinating future development and allocating resources to the implementation of the Local Development Plan. Scottish Government requires, where relevant, that the Delivery Programme is aligned with the Councils financial planning.</p> <p>They are to be updated every 2 years.</p>

#### 4. CURRENT POSITION

- 4.1 Legislation requires planning authorities to seek the views of the public at large and have regard to those views in terms of the content of the Participation Statement. The draft Development Plan Scheme and Participation Statement 2023 was published for consultation on the Council's Engage HQ platform on 24<sup>th</sup> October 2023 for a period of 4 weeks. A series of questions on the format and content of the Development Plan Scheme and Participation Statement were asked and a further set of questions were posed to find out how a wide range of stakeholders, partners and members of the public wished to be informed, engaged with, collaborated with, and be consulted upon, during the preparation of the next LDP for Angus.
- 4.2 The consultation period ended on 21 November 2023 and 38 responses were received. Appendix 2 to this report, summarises and groups the 38 responses into themes, provides the proposed response to them from the Council and any appropriate changes proposed to be made to the Development Plan Scheme and Participation Statement document. Appendix 3 sets out each individual response in detail, who made that response, respondent identification number, questions asked, and responses colour coded to the themes set out in Appendix 2.
- 4.3 Appendix 4 to this Report provides a project report from Engage Angus on the consultation undertaken and provides Members with an understanding of the number of people viewing the consultation and how many people responded to each question in a simple bar chart format.
- 4.4 A brief summary of the responses to the consultation are set out below:
- Clarity required on how the Angus Local Development Plan (2016) will be used in the determination of planning applications alongside National Planning Framework 4;
  - Clarity on various parts of the Development Plan Scheme and Participation Statement;
  - Comments on the need for consultation methods on Development Plan Scheme and Participation Statement other than Engage Angus and online;

- Comments on the complexity of language and terms within the Development Plan Scheme and Participation Statement;
- Comments on the list of stakeholders and people that require to be engaged with in the preparation of the next Local Development Plan for Angus;
- Queries on Local Place Plans;
- Queries on engagement in the Local Development Plan process;
- Concerns about timescales for the production of the next Local Development Plan; and
- A range of other issues relating to future stages of the LDP such as sites, comments on housing figures and housing matters related with supply; referencing other strategies, and Site Assessment Methodologies

A summary of the proposed changes to the to the Development Plan Scheme and Participation Statement 2023, in response to these comments, are summarised within Paragraph 5.2 below.

### **Update on the Progress of the Next Local Development Plan for Angus and Local Place Plans**

- 4.5 The Planning and Sustainable Growth Service has started the preparation of the Evidence Report. The data required to fulfil the requirements of legislation and the LDP Guidance have been identified and requests for this information submitted to the data providers that hold this. The preparation of the Open Space Strategy and Play Sufficiency Assessment, in conjunction with Environmental Services, is also underway, with Strategic Flood Risk Assessment and other appraisals yet to be commissioned.
- 4.6 Initial discussions with infrastructure providers have identified that there could be significant issues in obtaining data that is required to fulfil the requirements of legislation and guidance. Many of these infrastructure providers are complex organisations and identifying who has the data within them is proving challenging. Also, some of the data on infrastructure provision over the next few years is commercially sensitive and may be subject to restrictions on what can be published in the Evidence Report and/or may require non-disclosure agreements to be signed to obtain the information.
- 4.7 Engagement with a wide range of organisations and stakeholders has been started, and this will help with evaluation of the data and agreement on it. An initial meeting with Community Councils was held virtually on 14<sup>th</sup> November 2023. This meeting covered the new Planning System and focussed especially on the new LDP process, and the timeframe as well as Local Place Plans.
- 4.8 An invitation to prepare Local Place Plans, was also issued to Community Council's and Elected Members on 24<sup>th</sup> October 2023 as required by legislation and was also circulated to the Community Planning Partnership and Voluntary Action Angus for forwarding onto the community groups they work with. This invitation requires that any Local Place Plan that a constituted community group wishes to prepare must be submitted to the Council no later than 31<sup>st</sup> December 2025, for it to be considered within the preparation of the Proposed Local Development Plan. The production of a Local Place Plan is an entirely voluntary process.

## **5. PROPOSALS**

- 5.1 As noted in Section 3 of this Report, the Development Plan Scheme and Participation Statement sets out the Council's timeframe for the production of the next Local Development Plan and how the Council intends to engage and consult various organisations and members of the public during its preparation.
- 5.2 As part of the consultation responses some changes to the Development Plan Scheme and Participation Statement are proposed. These are detailed in Appendix 2 to this report. However, for the information of members the proposed changes are summarised below:
- Further clarification on how the Angus Local Development Plan (2016) will be used in the determination of planning applications;
  - Revisions to the diagram illustrating the New Statutory Development Plan Structure;

- Further simplification, where possible, of the language, technical terms, and other planning jargon;
- Update to the list of Statutory Consultees;
- Revisions to the section on Local Place Plans to detail where to find on the Council's website information on Local Place Plans and the assistance on offer from the Council in this regard; and
- Additional detail on the Regional Spatial Strategy.

5.3 The proposed timeframe for the various stages of the LDP process is contained on page 12 of the document within Appendix 1 to this Report and is also set out below. This proposed timeframe for the production of the next LDP for Angus requires the approval of Council.

<b>Table 3: Proposed Timeframe for Production of the Next Local Development Plan for Angus</b>		
<b>Stage</b>	<b>Actions</b>	<b>Timescale</b>
Evidence Report	Evidence gathering and early engagement	<i>April 2023 – March 2025</i>
	Draft Evidence Report to Council	
	Consultation on Draft Evidence Report	
	Finalised Evidence Report at Council and Publication	
Gatecheck	Evidence Report at Gatecheck	<i>March – September 2025</i>
	Sufficiency Report from DPEA	
Proposed Plan & Examination	Plan preparation – including engagement and assessments	<i>September 2025 – December 2029</i>
	Consultation on Proposed Plan (Council and Public)	
	Examination and modification to Proposed Plan	
	Submission to Scottish Government for Adoption	
	Adoption of Local Development Plan	
Delivery Programme	Preparation and Publication of Delivery Programme	<i>December 2029 – March 2030</i>

5.4 The Participation Statement (PS) details the Council's proposed method(s) for progressing with engagement and consultation throughout the process of preparing of the Local Development Plan. Specific groups, such as, Gypsy Travellers, Children and Young People, or Persons with Disabilities will require tailored methods of engagement to ensure that they are fully involved with and have the opportunity to collaborate in the development of the plan.

5.5 Pages 13-20 of the Development Plan Scheme and Participation Statement (contained within Appendix 1) present the detailed timetable and the proposed methods for engagement, collaboration and consultation throughout Local Development Plan preparation process for the approval of Council.

## **6. FINANCIAL IMPLICATIONS**

6.1 There are no financial implications associated with the production and approval of the Development Plan Scheme and Participation Statement 2023 other than the officer time required to prepare them.

6.2 As noted in paragraph 3.8 above, the various parts of legislation contain a substantial number of new requirements that the Council will require to deliver as part of the preparation of the new LDP. The vast majority of these new requirements are unfunded and the Council will need to meet these costs and make appropriate provision in its budget for these. These additional costs are expected to be incurred across a number of financial years starting in 2024/25.

- 6.3 For example, the costs of the Gatecheck process are to be borne by the Council and will require additional funding. The length of the Gatecheck is unknown, but for the purposes of the Development Plan Scheme and Participation Statement 2023, it is assumed that it will take 6 months to conclude. Costs ascertained from the Department of Planning and Environmental Appeals (DPEA) and the average length of an examination process, alongside costs for administration fees from the DPEA, have been used to estimate how much a Gatecheck will cost the Council. This is estimated to be £35,000.
- 6.4 Placemaking and Urban Design and Local Place Plan requirements have required changes to the existing team structure to accommodate the required skills. The costs of producing an Open Space Strategy and Play Sufficiency Assessment are being jointly funded from existing staff resources and budgets between the Planning and Sustainable Growth and Environmental Services. At this stage, the costs of undertaking these statutorily required pieces of work is unknown.
- 6.5 The enhanced engagement and consultation requirements are likely to have budgetary implications over the plan preparation period. However, the total financial cost to meet these enhanced engagement and consultation requirements is currently unknown and will require to be estimated as part of future budgets.
- 6.6 There will also be additional costs to the Council for the Proposed Plan Examination dependent on how long the Examination process will take. The Angus Local Development Plan 2016 Examination cost the Council £30,000 and it is likely that the Examination of the next Local Development Plan will be higher due to costs increasing since 2016.
- 6.7 Other costs associated with the remaining changes to the Development Planning system in Scotland are currently unknown and how the Council addresses them is, at this present time, not clear; but highly likely they will have a significant impact on existing budgets and staff resources.

## **7. OTHER IMPLICATIONS**

### **Risks**

- 7.1 Should the Development Plan Scheme and Participation Statement 2023 not be approved by Council, then it will have an impact on the timeframe for the preparation of the next Local Development Plan. It will also mean that the Council are not fulfilling a statutory requirement and will be in breach of legislative obligations.

## **8. EQUALITY IMPACT ASSESSMENT**

- 8.1 A screening only EIA has been undertaken and is attached to this report.

## **9. CONSULTATION (IF APPLICABLE)**

- 9.1 As noted in paragraphs 4.1 and 4.2 above, the Planning and Sustainable Growth Service undertook a 4-week consultation with a wide range of Community Council's, stakeholders, partners, adjoining Local Authorities and members of the public. A total of 38 responses were received.

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

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List of Appendices:

Appendix 1: Angus Development Plan Scheme and Participation Statement 2023

Appendix 2: Proposed Responses to Consultation Comments Received to the Draft Development Plan Scheme and Participation Statement 2023 and Proposed Changes

Appendix 3: Detailed Comments to the Draft Development Plan Scheme and Participation Statement 2023 and Questions Asked on the Document and How People Wish to be Involved in the Preparation of the New Local Development Plan for Angus

Appendix 4: Engage Angus Report on the Consultation on the to the Draft Development Plan Scheme and Participation Statement 2023





## 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<sup>th</sup> December 2023, Development Plan Scheme and Participation Statement 2023 and Progress on the Preparation of the Next Local Development Plan***

### 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 Development Plan Scheme and Participation Statement is the programme for the preparation of the Local Development Plan for Angus and does not involve the implementation of any policies or proposals. The Plan itself will be subject to an Equality Impact Assessment and Fairer Scotland Duty Assessment. At present we are awaiting the secondary legislation to take forward preparation of the next Plan and are currently undertaking preparatory work. Those assessments will form part of the Plan preparation.

(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

The document is also a technical document setting out the process for the preparation for the next Local Development Plan and the stages where people will be engaged and consulted upon during that process.

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

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

Prepared by: Sarah Carlyle, Planning Officer (Development Plans) - 22/11/2023

Reviewed by: Doreen Phillips, Senior Practitioner – Equalities

Approved by: Antony McGuinness, Manager – Development Planning, Environment and Climate Change – 22/11/2023

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

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