



Development Management Charter

Development management is a process which manages the development and use of land. It involves the consideration of applications for planning permission, listed building consent, advertisement consent and other permissions and consents that fall within the relevant planning Acts. The council's development management service is also responsible for the enforcement of planning legislation and this includes investigation of any breach of planning control and the taking of enforcement action in appropriate cases.

Development management is a process governed by law and it can be complex. Planning law and regulations set out the processes that must be followed in the determination of applications submitted under the various planning Acts. This includes specifying requirements for publicity and consultation associated with applications, and it establishes rights for those involved in the process to challenge decisions.

Planning law requires that planning decisions should be made in accordance with the development plan unless material considerations indicate otherwise. In Angus the development plan comprises [National Planning Framework 4](#) 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. There is no comprehensive list of what constitutes a material consideration, but case law has identified that these should be matters related to the use and development of land, and it should fairly and reasonably relate to the development proposed.

The planning process and planning decisions are generally concerned with the public interest and making decisions that support sustainable development and sustainable economic growth. 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.

Most planning decisions are made by officers under a [scheme of delegation](#) which is approved by Scottish Government. Applications that are not decided by officers will be reported to elected members of the council for determination.

Our charter tells you about the services we provide and the standards we try to meet.

Asking us for information or advice

- Guidance on works people can carry out to alter or improve their home without an application for planning permission can be viewed [here](#). We advise you to obtain advice from a suitably qualified professional before undertaking works.
- Guidance on works people can carry out without an application for planning permission in other circumstances can be viewed [here](#). We advise you to obtain advice from a suitably qualified professional before undertaking works.
- We will provide informal advice on the need for planning permission for a particular proposal provided you give us enough information. If the request is from a professional agent, then it 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 using our online '[do I need planning permission](#)' form.
- A legally binding opinion on the need for planning permission can be obtained by making an application for a certificate of lawfulness for proposed use or development. Applications can be submitted online using the [eplanning.scot](#) website.
- 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.) you should contact us at planning@angus.gov.uk and we will provide advice on the procedures that should be followed.
- No acknowledgements will be given in respect of normal correspondence, the emphasis being placed on early replies within the timescales identified below. Acknowledgements will be issued in relation to planning application submissions, letters of representation on specific applications, and formal complaints.
- We aim to provide a 20-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 normal timescales the enquirer will be informed as to the likely timescale for a full response.
- 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 one working day. 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 currently do not provide bespoke preapplication advice on development proposals, but we have published policy and guidance that will be used to assess the acceptability of development proposals, and it can be viewed [here](#).

Submitting an application when you need permission

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.

- We encourage the submission of applications online using the [eplanning.scot](https://eplanning.scot.nhs.uk/) website. Further information on the submission of applications is available on our [website](#)
- A guidance note on the national standards for the validation and determination of planning applications and other related consents in Scotland can be viewed [here](#). Applications that do not comply with the guidance may not be registered as "valid" and are likely to take longer to progress to determination.

When you submit an 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 we need further information in order to deal with your application, this will normally be requested in writing within 28 days of your application being validly made. A time limit for provision of this information will be given with an indication of a consequences of failure to provide the requested information. The time limit will normally be 14 days but will vary depending upon the nature of information required.
- Inform you on request of the progress of your application.
- Where possible, inform you if amendments or information can be provided that may make an application more likely to attract a recommendation of approval.
- Deal with applications as quickly as possible. We will try 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.
- Advise of your appeal rights if we do not determine an application within statutory or agreed timescales, refuse the application, or imposes conditions on any permission granted.
- Issue the decision notice within five working days of the date of the decision.
- Issue decision letters on matters required to discharge planning conditions within two months. Compliance with conditions may require approval prior to commencement of work. The purification of conditions is becoming increasingly complex, often requiring consultation with other parties and sufficient time should be allowed for that process to be completed. Failure to comply with conditions can have serious consequences.

To keep everyone informed we will

- Maintain a register listing all current and determined applications, and enforcement notices for inspection on our website through our [Public Access](#) system. That system will allow individuals to set up alerts for notification of applications submitted within defined geographic areas.
- Keep the register of applications maintained on our [Public Access](#) website up-to-date with information placed in the register within five working days. Information submitted by an applicant in support of an application will be made available to view on our [Public Access](#) website.
- Publish a list of those applications received and determined each week on our [Public Access](#) website.
- Send a list of applications that have been validly made in the preceding week to all Angus community councils and make that list available on our [Public Access](#) system
- Place statutory advertisements as soon as possible after the receipt of a valid application. 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, but in other cases the cost will be charged to the applicant.
- Notify neighbours of the submission of planning applications in accordance with statutory requirements
- Allow at least 21 days for anyone to make representations on a planning application. In some cases, the period for making a representation can be extended. If you have missed the time limit, contact us using our [enquiries form](#) to request an extension and explain any special circumstances you think justify such extension of time. Representations received out with any identified consultation period may not be considered and will not be taken into account in applying the council's scheme of delegation. Information about making representation on a planning application is published on the council's [website](#). Individuals should be aware that comments submitted in respect of a planning application and most other planning matters will be in the public domain.
- **PLEASE NOTE: some applications for electricity generating stations and grid transmission network are submitted to Scottish Ministers for determination. This might include generating stations where the capacity is in excess of 50 megawatts, offshore development, and overhead powerlines. If you wish to comment or object to such an application, you must direct your representation to the relevant government directorate or agency. REPRESENTATIONS ON THIS TYPE OF APPLICATION SHOULD NOT BE SUBMITTED TO ANGUS COUNCIL.**
- Acknowledge letters of representation within five working days of receipt and provide information as to how to track progress of the application.

- Make a copy of any report dealing with a planning application available for public inspection on our [website](#) at least three clear days before it is considered by a Committee of the council.
- Inform those who have made representation of any opportunity to address a Committee where a planning application will be determined. In cases where a significant number of representations have been received, we may publish a notice online or in the press providing this information.
- Publish a report on our [Public Access](#) system when a planning application is determined setting out how the application was considered and the reasons for the decision.
- Inform all those making individual representations and petition organisers of the decision on an application within five working days of the issue of the decision notice. In cases where a significant number of representations have been received, we may publish a notice online or in the press providing this information.

Enforcing planning control

If works are undertaken without any necessary planning permission or if development is not undertaken in accordance with a permission, the council has powers to take enforcement action. This is a discretionary power and the council will only pursue enforcement action where it is in the public interest.

The council has a separate [Enforcement Charter](#) which explains our approach to planning enforcement and provides guidance on how to report a suspected breach of planning control.

Improving our service

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, 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. If you have an issue, 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 email us on planning@angus.gov.uk,

We have a two-stage complaints procedure. We will always try to deal with your complaint quickly. But if it is clear that the matter will need investigation, we will tell you and keep you updated on our progress.

Stage one - frontline response

We will respond to your complaint as quickly as we can. This is usually within five working days.

Stage two - investigation

If you are dissatisfied with our response, you can ask us to consider your complaint at stage two.

You can do this using the [make a complaint form](#).

We will:

- acknowledge your request within three working days
- confirm the points of complaint to be investigated and what you want to achieve
- investigate the complaint and give you our decision as soon as possible.

This will take no more than 20 working days unless there is a good reason for needing more time.

If it is clear the complaint needs investigation, we will automatically take it to stage two.

Scottish Public Services Ombudsman

If, after receiving our final decision on your complaint, you remain dissatisfied with our decision or the way we have handled your complaint, you can ask the [Scottish Public Services Ombudsman](#) to consider it.