

CAIRNGORMS NATIONAL PARK AUTHORITY

Title: ANGUS LOCAL PLAN CONSULTATIVE DRAFT 2003

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Purpose

This report has been prepared in response to a consultation by Angus Council seeking the views of the Park Authority on a Local Plan for the whole of the Angus local authority area.

Recommendations

- The CNPA thanks Angus Council for the opportunity to comment on the draft Plan and considers that it contains no proposals which adversely affects the interests of the Park.
- The CNPA notes that the finalised version of the Plan will have a boundary which excludes any part of the Park area and acknowledges that this will be most helpful in enabling the Park Authority to carry out its responsibilities for preparing Local Plans after 1st September 2003.
- The CNPA will use the land use policies and proposals relating to the part of Angus which falls within the Park boundary as non-statutory guidance for development decisions until it has prepared its own local plan for the area.

Executive Summary

The report provides a brief description of what local plans are and how they are prepared. Specifically, it provides a description of the Angus Local Plan and the policies and proposals relative to the northern Angus Glens which fall within the Park boundary. Angus Council has decided that the Finalised version of the plan will “pull back” its boundary to exclude any part of the Park territory and there are no issues which warrant objection or adverse comment from the CNPA.

ANGUS LOCAL PLAN CONSULTATIVE DRAFT 2003

Background

1. Since 1975, local authorities have prepared Structure Plans and Local Plans to give guidance to themselves, developers, the public and other agencies on the use of land in their areas. Nationally, a mosaic of contiguous Structure and Local Plans has developed each of which is supposed to be kept up to date by the promoting authorities although this has been difficult to achieve – particularly in areas where there are significant development pressures. The importance of these documents arises from the fact that, together, the Structure Plan and Local Plan for an area constitute “the Development Plan” and Section 25 of the 1997 Planning Act states that planning applications must be determined in accordance with the provisions of the Development Plan unless there are good reasons for making an alternative determination.
2. Training will be offered to Board members over the coming months on the significance of Structure and Local Plans but, for the purpose of dealing with the immediate consultation from Angus Council in their 2003 Local Plan, I would ask the Board to bear in mind the following key characteristics of local plans:
 - they are the principal source of detailed guidance on a planning authority’s attitude to development opportunities and the use of land in its area. (Structure Plans deal with broad strategy).
 - the guidance they give is expressed in terms of policies which apply either to the whole plan area or to parts of it. In the latter case, the boundaries within which particular policies apply are defined in one or more of the maps that form part of these documents.
 - when a plan is at a “draft” stage it is being exposed for comment which will be taken into account by the proposing authority and, in response to these comments, the authority may make changes to the plan before producing a further version known as the “finalised” plan.
 - a “finalised” plan represents the authority’s settled position having considered all of the comments received at earlier stages. In this form it is exposed for objections and, if objections are received and not resolved, there must be a Local Plan Inquiry at which the views of the objectors and the local authority will be heard by an independent Reporter.
 - the Reporter subsequently produces a written report summarising the evidence in relation to each objection with recommendations on the changes, if any, that should be made to the Plan. The proposing authority is not bound to accept the recommendations although, if they do not, they must set out publicly their reasons for rejecting the recommendations. In those circumstances, there is a risk of intervention by Scottish Ministers but this happens very rarely.

Issues raised by the Consultative Draft Angus Local Plan 2003

3. As the title makes clear, this Plan is at its public consultation stage and the CNPA is one of a large number of bodies from which a formal consultation response has been requested. The consultation period ends on 19th May.
4. In summary, the Development Strategy of the local Plan is to:
 - Draw on the inherent strengths and synergy of the close network of Angus towns and villages, and consolidate the role of the seven towns as locally accessible centres serving a diverse rural hinterland;
 - Guide and encourage the majority of development, including local housing and employment opportunities, to locations within the larger settlements which have the capacity to accommodate new development well integrated with transport infrastructure;
 - Provide opportunities for diversification of the rural economy;
 - Maintain and protect the diversity and quality of the rural area and encourage local development which supports the population and services of local communities;
 - Support the protection and enhancement of the countryside; and
 - Maintain the quality of valued landscapes; the natural, built and historic environment; and biodiversity.
5. The Plan covers the whole area administered by Angus Council of which a relatively small segment, based on the northern glens, falls within the National Park boundaries. Within that area there is only one small settlement of any significance – Clova in Glen Clova – and the plan does no more than define a settlement boundary which would be of practical assistance in deciding whether a future development proposal could be regarded as being “infill” development. In planning terms, infill development is generally more straightforward than that which falls outwith a settlement. The remaining swathe of countryside has designations which are (1) protective of the boundaries of a National Scenic Area and Sites of Special Scientific Interest, and (2) describe the circumstances in which planning permission might be granted to build houses in the countryside. The terms of the policy are set out in Annex 1 to this report.
6. Housing in the countryside is, I am sure, a topic on which there will be variations among the four constituent authorities both in terms of declared policy and consistency of practice and it is a matter which I would urge the Park Authority to take time to consider carefully before taking a particular position. There will, I think be a strong demand to build houses in the countryside within the Park boundaries and my advice is that an early priority for our planning staff should be to examine the individual policies of each of the Councils as expressed in existing local plans and bring forward a paper for Board approval on a “Park-wide” policy on this subject.
7. Carrying out such a review will obviously take time which would make it impossible to give Angus Council a response to its consultation within the required timescale but they have, very helpfully, made it clear in the Local Plan document that they intend to proceed with the “finalised” plan on the basis of a revised Boundary which will

exclude all of the land within the Park area. That arrangement reduces the implications of the Plan for the CNPA and avoids the need for a decision to be taken on a fundamental legal/procedural issue relating to whether it is legally competent for any of the four constituent authorities to progress Local Plans which, in part, extend into the Park area. The issue arises because, from 1st September 2003, the CNPA will assume for its area the power to prepare a Local Plan (or Local Plans). Advice on this and other aspects of the CNPA's powers will be given separately.

8. In so far as the policy set out in Annex 1 will be the prevailing policy immediately to the south of the Park boundary in north Angus consideration must, of course, be given to whether it will compromise any of the Park's interests and, in my view, it will not. In the remainder of the Local Plan area, to the south of the Angus Glens zone, there are policies and proposals favouring settlement-based development which, again, will not affect the Park except to the extent that over the plan period (to 2011) there will be a modest growth in population caused by the take-up of development sites. This is a normal, and legitimate, ambition for a local authority.

Conclusion

9. Because Angus Council has undertaken to revise the boundaries between the draft and finalised versions of their Local Plan to exclude any part of the Park area there is, in my opinion, no need for the Board to submit comments seeking alterations to the strategy, policies or proposals.

Denis Munro
23rd May 2003

ANGUS LOCAL PLAN CONSULTATIVE DRAFT 2003 – ANNEX 1

1. The principal land use policy proposed within and adjacent to the Park boundary in the draft Plan relates to the circumstances in which planning permission might be expected for new houses in the countryside. The northern part of Angus is within a zone described as “Rural Settlement Unit (RSU) Category 2” and the policy proposed for that area is as follows:
 - Proposals for new housing in the countryside may be supported in the following circumstances:
 - Within Category 2 RSU’s, up to 2 new houses will be encouraged on self-contained sites or on gap sites with a maximum frontage of 75 metres. Each house plot should have an area between 0.06ha (600m²) and 0.4ha (400m²), and the footprint of the house should not exceed 25% of the total plot area.
 - The proposal is for a house for an essential worker where there is proven evidence of the need for the person to live at their place of work. The site must form part of the landholding where the worker is employed. Applicants will be required to enter into a Section 75 Agreement to ensure the property continues to meet the needs of an essential worker.
 - Proposals in any location which contribute towards ribbon development will not be supported.
 - 2.23 The renovation of vacant, underused or substandard houses in rural Angus will generally be encouraged in preference to demolition and replacement, particularly where the building is considered to be architecturally, historically or visually important, and is structurally capable or reuse. In such circumstances the Council will usually insist on retention of the building. Equally, the reuse of traditionally built rural buildings which form an important part of the Angus countryside, is encouraged. Some rural buildings may not be appropriate for redevelopment particularly where they are in visually obvious or otherwise sensitive locations.

Definitions:

Gap Sites: The distance between the curtilages of two domestic scale buildings or between the curtilage of one such building and a metalled road.

Self-Contained Sites: A site with well established, visible boundaries. (Recently created fence lines or planting will not be held to be established boundaries.)

Ribbon Development: A string of three or more houses along a road.

Essential Worker: A full or part time worker (20 hours per week or equivalent) required by the operational needs of a farm or rural business to live in close proximity to their place of work for reasons of security or animal welfare or similar.