

ANGUS COUNCIL

MINUTE of Special MEETING of **ANGUS COUNCIL** held in the Town and County Hall, Forfar on Wednesday 22 August 2007 at 4pm.

Present: Provost RUTH LESLIE MELVILLE MBE, Depute Provost PETER MURPHY, Councillors ALISON ANDREWS, COLIN BROWN, MAIRI EVANS, DAVID FAIRWEATHER, IAIN GAUL, ALEX KING, DAVID LUMGAIR, IAN MACKINTOSH, DAVID MAY, BILL MIDDLETON, GLENNIS MIDDLETON, JIM MILLAR, DONALD MORRISON, ROB MURRAY, ROBERT MYLES, PETER NIELD, HELEN OSWALD, RALPH PALMER, JOHN RYMER, MARK SALMOND, ROBERT SPINK, MARGARET THOMSON, PAUL VALENTINE, SHEENA WELSH, SANDY WEST and JOHN WHYTE.

Provost RUTH LESLIE MELVILLE, in the Chair.

Prior to the commencement of business, the Provost joined with the Council in extending best wishes and a speedy recovery to Councillor Frank Ellis.

1. APOLOGIES

An apology for absence was intimated on behalf of Councillor Ellis.

2. DECLARATIONS OF INTEREST

No declarations of interest were made, however it was noted that all members had received numerous letters in connection with the Finalised Local Plan Report.

3. DEPUTATIONS

With reference to Article 6 of the minute of meeting of Angus Council of 2 November 2006, there was resubmitted [Joint Report No 1309/06](#) by the Director of Infrastructure Services and the Director of Corporate Services recommending that the Council did not hear any deputations given that extensive opportunities had been made available for comments to be made and objections to be submitted.

The Council resolved to reaffirm the decision taken on 2 November 2006 not to hear deputations in connection with the Finalised Angus Local Plan Review.

4. FINALISED ANGUS LOCAL PLAN REVIEW**(i) Legal Advice of Considering Report No 728/07**

With reference to Article 2 of the minute of the special meeting of Angus Council of 16 November 2006, there was submitted [Report No 735/07](#) by the Director of Corporate Services setting out the Head of Law and Administration's advice to members in considering objections to modifications to the finalised Angus Local Plan Review.

The Report indicated that in terms of Section 17(3) of the Town and Country Planning (Scotland) Act 1997, the Council was under a duty not to adopt in its Local Plan any planning proposals which did not conform to the approved Dundee and Angus Structure Plan. Where a Reporter had (or a number of Reporters had) considered and concluded on a particular planning status for a site and that recommendation was supported by the Council's Advising Officers, it was incumbent on the Council to either accept that decision or if it chose to reject that decision, it must prepare a statement of their decision giving reasons. If the Council was to reject the Reporter's recommendations, it must act reasonably in consideration of the Report and if insubstantial reasons were relied upon, this could result in a legal challenge to the decision of the Council.

The Council resolved to note and comply with the legal advice contained within Report No 735/07.

(ii) Objections to Modifications Following the Public Local Inquiry

With reference to Article 2 of the minute of the special meeting of Angus Council of 16 November 2006 and Article 7(j) of the minute of meeting of Angus Council of 14 December 2006, there was submitted Report No 728/07 by the Director of Infrastructure Services summarising and responding to objections received to the proposed post inquiry modifications to the Finalised Angus Local Plan Review. The Report indicated that some new issues had been raised which would require a further Local Plan Inquiry and the Report outlined the procedures required to take these forward. The Report also looked at the implications for Development Management arising from this and the current stage in the Local Plan process.

Councillor May, seconded by Councillor Myles, moved that the Council:-

- (1) notes the number, spread and broad substance of objections lodged to the published post inquiry modifications and agrees to accept those relevant late objections received between 28 March and 30 March 2007;
- (2) notes that in accordance with Scottish Executive advice on best practice and in compliance with the Freedom of Information (Scotland) Act 2002, copies of objections were available for public inspection.

The Council resolved accordingly.

Countryside Housing – para 4.1, page 9

Councillor May, seconded by Councillor Myles, moved that the Council:-

- (i) agrees to modify the Local Plan to incorporate the previously agreed margin text setting out the definition of Greenfield land;
- (ii) agrees that no changes be made to Schedule 2(f) in respect of Policy SC6(c) Rural Brownfield sites and not to refer the objections to a second Public Local Inquiry (PLI);
- (iii) agrees that no change be made to the definition of ribbon development in the margin text, but to refer the objections to a second PLI; and
- (iv) agrees not to amend Policy SC6 to include separate guidance for proposals to erect housing in Walled Gardens, but to refer the objection to a second PLI.

The Council resolved accordingly.

Large Country Houses Policy – para 4.6

Councillor May, seconded by Councillor Myles, moved that the Council:-

- (i) agrees that no changes be made relating to the proposed policy to the requirement for new country house proposals to be set into an established landscape but to refer the objections to a second PLI; and
- (ii) agrees that no changes be made to the policy wording to clarify what would be regarded as an appropriate site in landscape terms, but to refer the objections to a second PLI.

The Council resolved accordingly.

In accordance with the provisions of Standing Order 15(9)(ii) Councillor Nield wished that his dissent be recorded in respect of the foregoing decision

Renewable Energy Developments – para 4.15

Councillor May, seconded by Councillor Myles, moved that the Council:-

agrees that no changes be made to the detailed wording of Policy ER34 criterion (a), (b) and aspects of the supporting text and not to refer the objections to a second PLI.

The Council resolved accordingly.

Arbroath – Retail – para 4.16

Councillor May, seconded by Councillor Myles, moved that the Council agrees that there are no material changes in circumstances to warrant any further modifications to the Local Plan Review and not to refer the objections to a second PLI.

Having heard from Councillor Millar, the meeting adjourned for 5 minutes to allow the Head of Law and Administration and the Head of Planning and Transport to consider the competency of his amendment.

The meeting reconvened and the Provost having heard from the Head of Law and Administration advised the Council that Councillor Millar's amendment was not competent.

Having then heard from Councillor Welsh, the Provost again, after having heard from the Head of Law and Administration advised the Council that in her opinion, her amendment was incompetent.

Having then heard from Councillor Nield, the Council adjourned for five minutes to allow the Head of Law and Administration and the Head of Planning and Transport to consider the competency of his amendment.

The meeting reconvened and the Provost again, having heard from the Head of Law and Administration advised the Council that Councillor Nield's amendment was not competent.

Thereafter the Council resolved to approve the recommendation at para 4.16 of the Report.

In accordance with the provisions of Standing Order 15(9)(ii), Councillors Evans, Fairweather, Gaul, King, Glennis Middleton, Millar, Morrison, Murphy, Nield, Oswald, Palmer, Rymer, Spink and Welsh wished that their dissent be recorded in respect of the foregoing decision.

Councillor Fairweather, seconded by Councillor Millar, then moved that the Council:-

- (i) sends an (all party) deputation to the Scottish Executive to discuss an imminent review and change to Scottish Planning Policy SPP8 "Town Centres and Retailing" as it relates to the development of future Strategic Development Plan and Local Development Plan policy, with particular reference to its relevance to small towns in Angus and Scotland; and
- (ii) instructs the Chief Executive to write to the First Minister requesting an immediate review and change to the policies following upon the discussions.

The Council unanimously resolved to approve the motion.

Forfar, Kirriemuir & the Glens Housing Market Area – para 4.21,

COUNCILLOR MAY, SECONDED BY COUNCILLOR MYLES, MOVED THAT THE COUNCIL:-

IN RESPECT OF F4: HOUSING - WESTER RESTENNETH - PARA 4.33,

AGREES THAT NO CHANGES BE MADE TO THE ALLOCATION OF HOUSES AT F4: HOUSING: WESTER RESTENNETH, BUT TO REFER THE OBJECTION TO THE REPHASING OF THE SITE FROM 100 UNITS TO 150 UNITS IN THE PERIOD TO 2011 TO A SECOND PLI.

IN RESPECT OF F7: HOUSING – GOWANBANK – PARA 4.38,

AGREES THAT NO CHANGES BE MADE TO THE ALLOCATION OF HOUSING AT F7: HOUSING - GOWANBANK.

IN RESPECT OF F8: HOUSING – SLATEFIELD – PARA 4.41,

AGREES TO MODIFY THE WORDING OF LOCAL PLAN REVIEW IN LINE WITH THE ORIGINAL RECOMMENDATION BY THE REPORTER AND INCLUDE THE WORDS “OF AROUND 5 HOUSES” TO REPLACE “A MAXIMUM OF 5”.

IN RESEPECT OF F9: SAFEGUARDED SITE - NORTH OF TURFBEG – PARA 4.43,

AGREES THAT NO CHANGES BE MADE TO THE DETAILED WORDING OF THE SAFEGUARD POLICY, OR TO THE SAFEGUARDED SITE - NORTH OF TURFBEG.

IN RESPECT OF DELETION OF PROPOSAL F7: NEW NEIGHBOURHOOD – WESTFIELD –PARA 4.48,

AGREES THAT NO CHANGES BE MADE TO THE PROPOSED DELETION OF PROPOSAL F7.

IN RESPECT OF K2: HOUSING – HILLHEAD – PARA 4.55,

AGREES TO MODIFY THE LOCAL PLAN REVIEW AND

- (I) MAINTAIN THE ALLOCATION OF 120 HOUSES AT HILLHEAD WITH A FIRST PHASE OF 80 HOUSES IN THE PERIOD TO 2011; AND
- (II) DOES NOT ALLOCATE LAND SOUTH OF BEECHWOOD PLACE FOR 40 HOUSES.

IN RESPECT OF K3: HOUSING – SUNNYSIDE – PARA 4.59,

AGREES THAT NO FURTHER MODIFICATIONS ARE MADE TO THE LOCAL PLAN REVIEW.

IN RESPECT OF K4: HOUSING - SOUTH OF BEECHWOOD PLACE – PARA 4.67,

AGREES TO MODIFY THE LOCAL PLAN REVIEW AND

- (I) DOES NOT ALLOCATE LAND SOUTH OF BEECHWOOD PLACE FOR 40 HOUSES; AND
- (II) MAINTAINS THE ALLOCATION OF 120 HOUSES AT HILLHEAD WITH A FIRST PHASE OF 80 HOUSES IN THE PERIOD TO 2011.

Councillor Gaul, seconded by Glennis Middleton, moved, as an amendment, that the Council approves the terms of the decision as detailed in the minute of 14 December 2006, that is

- (i) to endorse the recommendation of the Reporter and to confirm the housing allocation of 40 houses at Hillhead and 40 houses at Sunnyside, Kirriemuir;
- (ii) to note that there is now new evidence that there is a requirement for an additional 40 houses to be located within the Kirriemuir area (see pages 113/16 and 114/17 of report no 1481/06), and that this information was not available to the reporter during the public local plan inquiry;
- (iii) to resolve that this additional housing allocation should be allocated to the site south of Beechwood Place, Kirriemuir, allowing for an integrated, master planned, solution for development to the south of the town, which will assist in the provision of the significant and important community benefits, including a new industrial estate, an improved road layout and new gateways into Kirriemuir.

Following the requisite number of members having spoken, Councillor Nield, seconded by Councillor May, moved in accordance with Standing Order 17(1) "that the question be now put". (ie – for closure of the debate).

On a vote being taken, members voted.

For closure of the debate:-

Provost Leslie Melville, Depute Provost Murphy, Councillors Andrews, Brown, Fairweather, Lumgair, Mackintosh, May, Millar, Myles, Nield, Rymer, Salmond, Spink and Thomson (15).

For continuation of the debate:-

Councillors Evans, Gaul, King, Bill Middleton, Glennis Middleton, Morrison, Murray, Oswald, Palmer, Valentine, Welsh and Whyte (12).

The motion was declared carried and accordingly, in accordance with Standing Order 17(2), members then proceeded to vote on the substantive motion and amendment as follows:-

For the motion:-

Provost Leslie Melville, Depute Provost Murphy, Councillors Andrews, Brown, Fairweather, Lumgair, Mackintosh, May, Millar, Myles, Nield, Rymer, Salmond and Thomson (14).

For the amendment:-

Councillors Evans, Gaul, King, Bill Middleton, Glennis Middleton, Morrison, Murray, Oswald, Palmer, Spink, Valentine and Welsh (12).

No vote:-

Councillor Whyte.

The motion was declared carried and the Council resolved accordingly.

Forfar, Kirriemuir and the Glens

Councillor May, seconded by Councillor Myles, moved that in order to meet the housing allowances set out in the Dundee & Angus Structure Plan in respect of the Forfar, Kirriemuir and the Glens Housing Market Area for the period to 2011, the shortfall of the 85 houses left unallocated by the Inquiry Reporter be considered by a second public inquiry and that the objections to the sites set out in Table 3 at para 4.76 of the Report be further considered in this context.

The Council resolved accordingly.

Friockheim Village: Fk2: Housing – South of Gardyne Street – para 4.77,

Councillor May, seconded by Councillor Myles, moved that the Council agrees that no changes be made and not to refer the objections to a second PLI.

The Council resolved accordingly.

(f) Coastal Tourism and Access – 4.51,

Councillor May, seconded by Councillor Myles, moved that the Council agrees that no changes be made and not to refer the objections to a second PLI.

The Council resolved accordingly.

(g) Forfar: Land at Orchardbank - Conflict of Land Use – para.4.52,

Councillor May, seconded by Councillor Myles, moved that the Council agrees that no changes be made and not to refer the objections to a second PLI.

The Council resolved accordingly.

(h) Forfar - Omission of Land at Suttieside – para 4.53,

Councillor May, seconded by Councillor Myles, moved that the Council agrees that no changes be made and not to refer the objections to a second PLI.

The Council resolved accordingly.

(i) Monifieth: Garden Ground Classified as area of Visual Amenity – para 4.55,

Councillor May, seconded by Councillor Myles, moved that the Council agrees that no changes be made and not to refer the objections to a second PLI.

The Council resolved accordingly.

Councillor May, seconded by Councillor Myles, further moved that the Council:-

- (4) agrees to publish any modifications arising from (3) above in advance of a second Public Local Inquiry for those matters where a further change has been agreed by Angus Council to the Finalised Angus Local Plan Review;

- (5) authorises the Head of Planning & Transport to make arrangements for holding a second Public Local Inquiry only into those matters of unresolved objection agreed by Angus Council as raising new issues and as set out in Report No 728/07;
- (6) agrees that arrangements be made to appoint a Programme Officer, on a part-time temporary basis, to assist in organising and managing procedures leading up to and during the second Public Local Inquiry;
- (7) agrees that policies and proposals of the Angus Local Plan Review (as proposed to be modified) not subject to further modification or scrutiny by a second Public Local Inquiry be considered as a material consideration to be taken into account when dealing with development enquiries and planning applications with very significant weight to be attached to them given their status; and
- (8) notes that further progress reports will be submitted as appropriate.

The Council resolved accordingly.