

ANGUS COUNCIL

INFRASTRUCTURE SERVICES COMMITTEE

8 SEPTEMBER 2005

**SUBJECT: FINALISED ANGUS LOCAL PLAN REVIEW
RESPONSE TO OBJECTIONS AND PROGRESS TOWARDS PUBLIC LOCAL INQUIRY**

REPORT BY DIRECTOR OF PLANNING & TRANSPORT

Abstract: This report updates progress in dealing with formal objections received on the Finalised Angus Local Plan Review and indicates possible modifications where appropriate and also notifies the Committee of a change in Inquiry Reporter.

1 RECOMMENDATION

It is recommended that the Committee:-

1. note the withdrawal of Malcolm Smith BA (Hons) MRTPI from the Angus Local Plan Review Public Inquiry;
2. agree the appointment of Allan Garvie Dip TP MSC FRTPI Cert Dip AF MCMI as a replacement co-Reporter to conduct the Angus Local Plan Review Public Inquiry;
3. note the provisional timetable leading towards the commencement of the Public Inquiry;
4. note that a late objection has been received from MBM Planning & Development Consultants Ltd on behalf of Strathallan (Ardargie Mill) Ltd. In relation to the development boundary of North Dronley which has been registered and assessed as discussed in this report;
5. consider the separate Report No. 1080/05 on major food retail store development in Arbroath and agree the Council's position on modifications to the Finalised Local Plan in respect of sites Cairnie Street/Stobcross and Westway – Dundee Road, Retail Park;
6. agree the proposed draft modifications in response to certain objections and the need for other technical changes as detailed in Appendix 1 circulated along with this report;
7. agree the response to objections where no changes are proposed to the Finalised Local Plan Review to be referred to the Public Local Inquiry as detailed in Appendix 2 circulated along with this report;
8. note the previous objections to the Finalised Local Plan Review which have now been withdrawn as detailed in Appendix 3 circulated along with this report;
9. note that outstanding objections in respect of countryside housing policy and wind energy policy and outstanding issues at Carnoustie and Letham Grange as set out in Appendix 4 are subject to further consideration, the results of which will be reported to Committee in due course;

10. note that further progress reports will be submitted to Committee where appropriate, prior to the commencement of the Public Local Inquiry.

2 INTRODUCTION

2.1 The Infrastructure Services Committee at its meeting of 28 April 2005 noted the number, spread and broad substance of objections lodged to the Finalised Angus Local Plan Review including late objections received and accepted up to 20 April 2005. It was agreed that the Director of Planning and Transport assess possible changes and areas for clarification arising from objections and other comments received, discuss and negotiate potential mutually acceptable amendments and report draft modifications to a future meeting of the Committee. Arrangements were also to continue to be progressed for holding a Public Local Inquiry (report No. 517/05 refers) and the Infrastructure Services Committee at their meeting of 9 June 2005 agreed to appoint Malcolm Smith BA (Hons) MRTPI and Richard Dent BA (Hons) Dip TP FRTPI as co-reporters to the Inquiry (report no 699/05).

2.2 This report updates progress on taking the Local Plan Review forward and outlines:-

- a change of Inquiry Reporter and draft programme leading towards the commencement of the Public Inquiry;
- modifications proposed to meet certain objections;
- those matters which will require to be referred to the Public Local Inquiry;
- other modifications proposed by the Director of Planning and Transport;
- those matters which are deferred to a future meeting of the Committee;
- details of the next steps.

2.3 Four appendices - detailing proposed modifications to the Finalised Local Plan Review, the response to objections where no changes are recommended, objections which have subsequently been withdrawn and objections deferred to a future meeting of the Committee - are circulated along with the Committee papers.

3 CHANGE OF INQUIRY REPORTER

3.1 Subsequent to the Infrastructure Services Committee meeting of 9 June, it has been intimated by Malcolm Smith BA (Hons) MRTPI that he will no longer be available to conduct the Inquiry. The Scottish Executive Inquiry Reporters Unit has indicated that Allan Garvie Dip TP MSC FRTPI Cert Dip AF MCMI is available as a replacement and the Committee are requested to note the change in circumstances and agree that Allan Garvie be appointed to conduct the Public Local Inquiry in conjunction with the previously appointed reporter Richard Dent.

3.2 Arrangements are continuing to be made for the Inquiry and further details on progress will be submitted as part of future reports to the Infrastructure Services Committee.

4 PROVISIONAL TIMETABLE LEADING TO THE START OF THE PUBLIC INQUIRY

- 4.1 Following a Business Meeting with Richard Dent on 1 August a provisional timetable covering the administrative procedures required in the lead up to the commencement of the Angus Local Plan Review Public Inquiry has been established as follows;
- Pre- inquiry meeting – 24 October 2005 at the Guide Hall, The Myre, Forfar commencing at 2.00pm;
 - Statements of participation required by the 11 November 2005;
 - Preparation by Angus Council of a schedule of core documents – 2 December 2005;
 - Documents submitted by 9 December 2005;
 - Statements of evidence/precognitions by 16 December 2005;
 - Inquiry commences 10.00am on Tuesday 17 January 2006. Detailed programme and venues to be confirmed.
- 4.2 Work is continuing to prepare a draft programme for the Inquiry including clarification of matters to be addressed by the Inquiry, the length of the Inquiry and also venues for the Inquiry. These matters will continue to be progressed and notified to the Committee and all objectors in due course. Information will also be published through the requisite public notices, made available in paper copy to objectors and on the Council's Local Plan web page.
- 4.3 It should be noted that the Note of the Business Meeting held on 1 August 2005 will become an Inquiry document, available for public inspection and published on the Local Plan web page.

5 LATE OBJECTIONS

- 5.1 Since the Infrastructure Services Committee of 28 April 2005, a further objection to the Finalised Local Plan Review has been received. MBM Planning & Development Consultants Ltd., on behalf of Strathallan (Ardargie Mill) Ltd. submitted a late objection (10 August 2005) to the development boundary of North Dronley. The objection is clearly considerably outwith the period set aside for objections to the Finalised Local Plan Review (4 February – 17 March 2005) and after the initial process of preparing for the potential Public Local Inquiry had begun. Although there is recognition in the submission that the objection is very late, no explanations were offered in the letter of objection as to why the representation was made at this late stage. Notwithstanding the above it is, however, open to Angus Council to accept late objections. In consultation with the Director of Law & Administration, there is sufficient case law to conclude that consideration of this objection should be allowed. The objection can be dealt with without prejudice to the Council's Local Plan Review timetable and the objection has therefore been registered and assessed as part of Appendix 1 where modification to the Finalised Plan is proposed (see also paragraph 6.117).

6 ANALYSIS OF OBJECTIONS

- 6.1 Assessment of objections, including where appropriate, discussion with objectors has been ongoing. Arising from those matters considered to date a number of modifications have been suggested and these are set out in appendices circulated along with the Committee papers, indicating:-
- Modifications proposed to meet some objections. Included within this are several objections which are conditionally withdrawn on the basis of modification - [Appendix 1a](#).

- Other modifications proposed by the Director of Planning and Transport as a result of further technical work or information - [Appendix 1b](#).
- Objections where an initial assessment suggests no changes should be made to the Finalised Local Plan and which therefore require to be referred to the Inquiry. It should, however, be noted that further information and/or negotiations are still ongoing for several objections. At this stage these are all included as being dealt with at the Inquiry. Progress on this will be reported to subsequent meetings of the Committee - [Appendix 2](#).
- Objections which have been withdrawn unconditionally - [Appendix 3](#).
- Objections where consideration is deferred to a future meeting of the Committee – [Appendix 4](#).

6.2 Within each appendix, the objections are ordered by chapter/topic in the same order as the Finalised Angus Local Plan Review.

Part 1 : Introduction and Strategy

- 6.3 Although there were no objections to the broad thrust of the Local Plan Review strategy, objections were received to the principle and wording of Policy S1 : Development Boundaries, the wording of Policy S6 : Development Guidelines and Schedule 1. In addition there was an objection to the omission of reference to use of the Environmental Assessment of Plans and Programmes (Scotland) Regulations 2004.
- 6.4 While no modification is recommended to either the principle of use or the wording of Policy S1 : Development Boundaries, some minor rewording of Policy S6 and Schedule 1 is recommended.
- 6.5 No modification is recommended in respect of the objection to the omission of reference to the use of Environmental Assessment of Plans and Programmes (Scotland) Regulations 2004. As indicated previously to the Committee, the Local Plan Review process commenced in March 2002 (through publication of the Notice of Intention to Start Preparation of a Replacement Local Plan) well before the effective date of the Regulations (July 2004). The Local Plan Public Inquiry will take place in the first few months of 2006, with the adoption process rolling out during the middle part of the year

Part 2 : Building Sustainable Communities Housing

- 6.6 There were objections to a range of housing policies. This included Policy SC1 : Housing Land Supply with particular comments on the South Angus housing market area; SC4 : Countryside Housing – Reuse and Redevelopment of Existing Sites and Buildings; SC5 : Countryside Housing – Greenfield Sites; and SC6 : Affordable Housing. Objections were also received to the omission of a policy on large country houses, which is currently in the Adopted Angus Local Plan. In addition there were objections relating to the redefinition of Aberlemno rural settlement unit (RSU) from a Category 2 RSU to a Category 1 RSU and two objections to the principle of concentrating development in towns and settlements.
- 6.7 No modifications are suggested in respect of the broad strategy, general distribution or broad level of housing land supply within Angus. While there may be some adjustment in terms of housing numbers and sites within specific towns, (note that these adjustments are set out under individual town or village headings in subsequent

sections of this report) in broad terms the level of housing land identified meets the Structure Plan allowances for each of the housing market areas. The Finalised Local Plan also recognises that brownfield opportunity and windfall sites will continue to come forward and through planning permissions add to the total housing land supply. Given that the timing of implementation of these projects can be uncertain housing numbers from opportunity sites will not be counted towards meeting the structure plan housing allowances/figures. The performance of opportunity and windfall sites will however continue to be monitored through the Annual Housing Land Audit published jointly by Dundee City Council and Angus Council.

- 6.8 Specific objection has been made to the lack of housing land in the South Angus area. However from the annual housing audit it is evident that completions, existing planning permissions and current land allocations in this area more than meet the Structure Plan allowances. At this stage therefore the only modification being recommended is the inclusion of the Maltings site at Carnoustie, which has recently been released and is a windfall site, as part of a larger opportunity site in this part of the town. No other modifications are suggested in respect of the wide range of sites promoted by landowners and/or developers for inclusion in the local plan review in this part of Angus.
- 6.9 Since publication of the Finalised Angus Local Plan Review (February 2005), the Scottish Executive published a new Planning Advice Note (PAN 74) on Affordable Housing (March 2005). This document sets out broad guidance to planning authorities on how the planning system can contribute to increasing the supply of affordable housing which should be seen as part of the overall housing requirement and not a separate element. It is considered that the approach adopted by Angus Council to the provision of affordable housing in Angus and set out in the Finalised Local Plan is generally compatible with PAN 74. Accordingly therefore, no modification to the Finalised Local Plan is suggested in respect of the wording of the Affordable Housing policy, although it is recommended that Angus Council undertake the preparation of a Supplementary Planning Guidance note on this subject to assist developers with the implementation of the policy.
- 6.10 Similarly since publication of the Finalised Local Plan Review, new guidance on Rural Development - SPP 15 Planning for Rural Development and PAN 72 Housing in the Countryside - has been published by the Scottish Executive. Issues relating to countryside housing policy continue to be considered and therefore those Local Plan objections relating to countryside housing are to be referred to a future meeting of the Committee. These objections are set out in Appendix 4.
- 6.11 The Large Country House policy has been used very little during the lifespan of the adopted Angus Local Plan and therefore no change is recommended in respect of the objections to the omission of a policy dealing with this matter.
- 6.12 No change is recommended in terms of the redefinition of Aberlemno rural settlement unit from category 2 to a category 1 area.
- Working**
- 6.13 No modifications are suggested in respect of objections by Carnoustie Community Council as they relate to the implementation in Carnoustie of Policies SC17 : Tourism Development and SC18 : Caravan Sites and Holiday Chalets.

Town Centres and Retailing

- 6.14 There were two objections from supermarket operators (Bett Properties Ltd/Tesco Stores and Wm Morrison Supermarkets plc) to the wording of Policy SC23 : Large Scale Retail Development Proposals and paragraphs 2.64 to 2.67.
- 6.15 No modifications to the policy wording is recommended.

Sport and Recreation

- 6.16 No direct change is recommended in response to the objection by SNH in relation to Policy SC33 : Access Rights. However, following discussion with SNH on the general access rights issue, a modification is suggested by the Director of Planning and Transport to the supporting text in order to clarify the position between access rights and opportunities for access. SNH have subsequently indicated that they agree with this approach.

Community Facilities and Services

- 6.17 No modifications are suggested in respect of the single objection, which related to Policy SC35 : Community Use of School Facilities.

Transport & Communication

- 6.18 Following discussions with Cyclists Touring Club (Right to Ride) a number of modifications to policy wording are suggested in response to objections by CTC. Some of their suggested changes have however not been accepted and in these cases no modifications are proposed.
- 6.19 No change is also recommended in respect of the objection to the continuation of the policy for the upgrade of A92/A935 road (Policy SC40) as it relates to the inclusion of the Carlogie Road section of the project or to the wording of Policy SC43 : Roadside Facilities on the A92. As a result of the latter point, no modification is recommended in respect of the objection for inclusion of a site for a service station at Upper Victoria/A92 road junction.
- 6.20 While no change is suggested in response to the objection submitted by Friends of the Earth (Tayside Branch) in connection with the wording of para 2.113, a slight modification to Policy SC45 : Telecommunications is recommended to more accurately reflect the planning position.

Part 3: Environment and Resources**Natural Environment**

- 6.21 Discussion has taken place with Scottish Natural Heritage (SNH) in connection with their objection in respect of the lack of differentiation between the various tiers (international, national and local sites) of heritage designations on the Angus Local Plan Proposals Map. While it is generally accepted that this should be undertaken there remains the question of how best to display the sites. This is a technical issue and it is recommended that the Council accept the viewpoint of SNH but identify the objection as a 'technical amendment' to the local plan and therefore not subject to the requirement for formal modification. This will allow additional time to determine the best form of graphic representation for this matter. SNH have been consulted on this matter and have indicated agreement to the suggested approach.
- 6.22 Objection has been raised to ER5 : Conservation of Landscape Character, and in particular the impact of noise levels on the general quietness and tranquillity of countryside areas. While modification of the Finalised Plan is suggested to include a new general policy on noise pollution, the need for a survey of the Angus Countryside

in terms of tranquil areas and establishment of baseline ambient noise levels has not been accepted.

Built Environment

- 6.23 Similar to the above, objections were made to issues of noise pollution as it might impact on Development Affecting the Setting of a Listed Building (Policy ER15), Archaeological Sites of National Importance (ER17) and Historic Gardens and Designed Landscapes (ER19), and the omission of reference to noise/ambient acoustic levels in the policies. The response is similar to 6.22 above, with a modification promoted for a new general policy on noise pollution only.

Water Resource Management

- 6.24 SEPA objected to the wording of ER22 : Private Drainage Systems suggesting a rewording to include ground as well as surface waters. This has been accepted and modification of the wording is suggested to deal with this matter.
- 6.25 Project Management Scotland Limited has objected to the wording of Public Drainage Systems (ER21) and Private Drainage Systems (ER22) requesting clarification on technical matters and the coverage of both policies. Although the response to the objection gives clarification on the points raised, no modifications are suggested.

Resources

- 6.26 Arising from an individual objection, modification is recommended to the margin notes (page 81 of the Finalised Plan) in respect of the definition of an intensive livestock building to delete reference to 'animals bred for their skin or fur'. The banning of such a practice under the Fur Farming (Prohibition)(Scotland) Act 2002 has not been reflected in any update of the Town & Country Planning (General Permitted Development)(Scotland) Order 1992 which establishes the definition of such activity. This matter has been highlighted to the Scottish Executive.

Energy

- 6.27 This part of the Finalised Plan has drawn considerable interest from Energy Companies, interest groups and members of the public with several objectors suggesting rewordings to supporting text and policies. As a result the Energy Chapter has been reviewed. Several of the points raised by objectors have been incorporated into the reworded text and policies relating to Energy Efficiency (ER32) and Renewable Energy Development (ER33). However the policy in respect of Wind Energy Development (ER34) is still being reviewed and consequently at this stage no changes are recommended. This matter will be reported to a future meeting of the Committee. Objections relating to wind energy are therefore included in Appendix 4.

Waste Management

- 6.28 A number of modifications to the wording of supporting text and policy content are recommended in response to the objections received from both SEPA and Friends of the Earth (Tayside Branch) in respect of paragraphs 3.86, 3.87, 3.89, 3.92 and 3.93 and Policies ER35 : Municipal Solid Waste Management, ER36 : Non-Municipal Solid Waste Management and ER37 : Recycling Facilities. These changes bring the local plan text and policy more in line with the broad thrust of national waste management policy.

Part 4 : Town and Village Directory

Arbroath

- 6.29 A significant issue affecting this Local Plan Review has been the position with regard to major retail development in Arbroath. Objections to the Local Plan Review position have been submitted from ASDA & McDonald Estates, Wm Morrison Supermarkets

plc, Linlathen Developments Ltd and Bett Properties Ltd/Tesco Stores. A separate objection on behalf of the Arbroath Area Partnership has also been lodged in respect of the absence of road safety considerations/requirements from the policy wording of site A10. The position on planning for major food retailing in Arbroath is the subject of a separate report (Report No. 1080/05) to this Committee.

- 6.30 Modification is recommended in response to the objection by Transco to the omission of part of their ground from the site boundary of opportunity site A9:Ernest Street/Palmer Street.
- 6.31 In terms of housing land allocations, it should be noted that the Adopted Angus Local Plan (2000) indicated that the land at Montrose Road (set out in proposal A/H4) was reserved for future housing with an initial release of 80 houses in the period to 2006. Although development has yet to commence on the ground, the site is in the control of a major house builder with outline planning permission for the first phase of housing. In addition work has been ongoing with the company in terms of establishing a development brief covering the whole land allocation. This site together with a new site at Cliffburn and opportunity for brownfield regeneration proposals will meet in full the Structure Plan housing requirements to at least 2011 and probably in part beyond. No change is recommended to this current strategy for housing land as set out in the Finalised Plan Review.
- 6.32 Objection by Crudie Farms Ltd has been made to the Montrose Road allocation and also to the omission of land at Crudie Farm for housing. In terms of land supply while there is no pressing need to consider additional land release over and above the Finalised Plan allocations, the company has as part of their submission indicated a willingness, as part of planning gain, to make available another site in their ownership – a former factory site at John Street West – for car parking to serve Arbroath station. While the opportunity to consider the scope for improved car parking serving the station has merit, the release of new land at Crudie Farm would compromise the local plan position in terms of compliance with the Dundee & Angus Structure Plan and also with the development strategy for Arbroath already agreed by the first local plan and currently being taken forward by the developer. No modification is suggested in response to this objection. The question of the former factory site for rail related car parking will be pursued separately with the objector.
- 6.33 Objection has been made by Hospitalfield Trust to the wording of the development policy associated with Hospitalfield House and in particular the omission of two areas of land for development. The significance of Hospitalfield House and policies is recognised by the Finalised Local Plan Review through the establishment of a specific open space protection policy. This policy is not intended to prevent all development, but to ensure proposals are in keeping with this historic location. Ad hoc proposals or allocation of land is inappropriate and therefore no modification to the approach set out in the Finalised Local Plan Review is recommended. In maintaining this position it is recognised that there may be scope for some development without affecting the setting and character of Hospitalfield. However as the local plan policy suggests, this should be based on the context of an overall management plan which establishes a sustainable long term future for the house and grounds.
- 6.34 The objection relating to the omission of a small area of garden ground associated with former St Vigeans school house from the development boundary has been investigated, however no modification is recommended.
- 6.35 Objections were made to the omission of the undernoted sites from the Finalised Plan however following assessment of the objections and given the position on housing

land and retail development set out above, no modifications are recommended in respect of:

- Wardmill/Dens Road (A11) opportunity site for retail use;
- land at Crudie Farm and land at Elliot (former sewage treatment works) for housing;
- land at rear of Elliot House for housing;
- land north of Tarry Road (Wardykes) for housing.

Brechin

- 6.36 Objection to the Brechin development strategy and housing land allocation at Dubton Farm (B1) was received from Kirkwood Homes Limited who promoted sites at East Cookston Road and Unthank Farm as an alternative to Dubton Farm. In addition, objection was received from the landowner, to the omission of land for housing at Cookston (west), north of Lubbock Park.
- 6.37 The question of development strategy and in particular the direction of development for Brechin was one of the key matters addressed by the Public Local Inquiry, in early 2000, into the first Angus Local Plan. The Inquiry Reporter (through the report on the Public Inquiry) supported the general principle established in the first Local Plan that development should be to the west of Brechin, in the Bearehill/Dubton area. On this basis planning permission has been granted for housing development at Bearehill and is due to commence shortly. A significant amount of preliminary work has been undertaken by the landowner in conjunction with the Council in establishing master plan principles for the development of the Dubton area. The objections to the Finalised Local Plan Review are generally a re-run of this previous debate. However given the above, there is no justification to depart from the previously endorsed strategy and consequently no modifications are suggested in respect of either the development strategy or housing land allocations in the Brechin town statement.
- 6.38 No change is recommended in response to the objections by Pritchett Planning Consultancy on key issues, development strategy, town centres & retailing set out in paragraph 9 of the town statement as they relate to retailing. Similarly no modification is suggested to the objections by Second Site Property Holdings Ltd to the omission of possible retail and commercial uses from the Witchden Road (former gas works) opportunity site (B6) and to the application of the affordable housing policy (SC6) as it affects the Witchden Road site. The site provides opportunity for renewal through a range of land uses, including housing or business use and the existing local plan policies provide sufficient guidance to assess detailed development proposals for retailing or any other land use.

Carnoustie

- 6.39 Since publication of the Finalised Local Plan there has been significant update on the position in respect of the proposed new primary school sites, flood risk matters and availability of opportunity sites for redevelopment including the closure and sale of the Maltings property which provides a unique opportunity for environmental improvement in this general part of the town and which has been granted planning consent for housing development. Where relevant these changes are reflected in the responses to the objections and the strategy and policies of Carnoustie town statement.
- 6.40 There remains active interest in the establishment of a new golf course on the edge of Carnoustie with additional background work having been undertaken by the objectors

promoting such a use. At this stage, however, there remains significant uncertainties as to how or whether a course of the exceptional quality sought can be developed in the optimum location. No modification to the Finalised Local Plan position is therefore proposed on this matter.

- 6.41 A range of objections had been made to the location of the replacement primary schools sites at both Queen Street (C9) and Thomas Street (C8). In the case of Queen Street, planning permission for the new primary school site has now been confirmed by the Scottish Executive (May 2005) and this updated position will be reflected by modification to the Local Plan text. In response to the objections against the school site, no modification to the Finalised Local Plan is therefore recommended.
- 6.42 In the case of the Thomas Street site a planning application for the new school is currently with the Scottish Executive for determination. No change is therefore recommended meantime. As with the above, the Local Plan will reflect the outcome of that process.
- 6.43 With regard to the objection to the proposed change to the road layout at Newton Road, this was approved by Angus Council as part of the planning application associated with development of the allocated housing site C/H2:Newton Road in the Adopted Angus Local Plan (application 03/00668/FUL refers) and the first stage, a new round-about and junction arrangement at Balmachie Road, has already been implemented. Again given the approved status of this proposal no modification is suggested in response to the local plan objections.
- 6.44 Following open marketing of the former Dalhousie Golf Club site at Links Parade, (C5) the land has now been sold, subject to planning permission, on the basis of housing development. Apart from updating the local plan text, no modification is suggested in response to the objection that the site should be used for recreation/leisure purposes.
- 6.45 Five objections (including Carnoustie Residents Group and the Community Council) have been received to the location of the proposed Employment Land at Clayholes (C6). A related representation has been received from an objector to the use of Balmachie Road as access to the proposed industrial area. It should also be noted that three further objections have been received promoting alternative locations (south of Batties Den, Carlogie Road north and Barry Road respectively) for employment land.
- 6.46 The location of new employment land to serve Carnoustie has been a major issue for this Local Plan Review with several objections being submitted to the Finalised Local Plan position. It will therefore be important that any new business land is capable not only of meeting the additional requirement set out in the Dundee & Angus Structure Plan but also of providing for the needs of existing business who may be considering relocation.
- 6.47 During the local plan process several sites around the town have been investigated but issues of scale, infrastructure and accessibility have limited available options. Given the foregoing, consideration is still being given to the following objections:
- land for employment use on east side of Carlogie Road;
 - land south of Batties Den (west of the road) for employment use;
 - land for employment use at Barry (presently included in the adopted Angus Local Plan as C/EMP2.
- 6.48 These matters will be the subject of a further report to a subsequent meeting of the Committee. Also in the interim no change is recommended to the Finalised Local Plan

allocation for employment land at Clayholes. Objections affected by this are set out in Appendix 4.

6.49 In addition to the matters mentioned above, Carnoustie Community Council have raised additional points relating to the Carnoustie town statement, affordable housing, special needs housing, provision of a 'superloo', environment & recreation facilities at the beachfront. Similar concerns have also been raised by individual representations. Carnoustie Business Association has objected to the lack of a clear direction regarding tourism development in the Carnoustie area and in that the Finalised Local Plan does not address the reduction of touring caravan spaces. No modifications are suggested to the finalised local plan arising from these objections.

6.50 A number of objections relate to the omission of a range of greenfield sites, principally for housing development. Carnoustie is part of the South Angus housing market area where sufficient housing land/sites currently exist to meet the Dundee & Angus Structure Plan allowances for that area. In addition inappropriate location and infrastructure constraints, including issues of flooding affect many of the sites at the west end of Carnoustie and in the Barry area. Consequently no modifications are recommended in respect of the following sites:

- land for housing north of the Barry by-pass;
- site at Barry, east of C4 for housing;
- land for housing north of Barry (Grange of Barry);
- land for housing development north of Barry village;
- land at Waterybutts for housing.

Forfar

6.51 A number of the objections to the Forfar town statement related particularly to the strategy and distribution of housing sites in the town with several landowners/developers promoting other sites for development. While there is no recommended change to either the broad strategy or general location of housing land serving the town, modifications are suggested to land allocations at both Wester Restenneth and Whitehills Nursery. These relate to the detailed wording of the policy for each and particularly an adjustment to the phasing and numbers of houses to be released during this local plan period to 2011.

6.52 Given the above, no modifications are recommended in respect of objections to the omission of the following sites:

- land at Suttieside for housing;
- land at Turfbeg for housing;
- land at Slatefield for housing;
- land at Gowanbank for housing; and
- land at the Zoar/Brechin Road for a range of housing, leisure & recreation and employment uses.

6.53 Objection had been made to the location of a new primary school site at Whitehills Nursery. It should however be noted that since the publication of the Finalised Local Plan Review, outline planning permission has been granted for the erection of a new two stream primary school at this location (planning application 04/01448/OUT refers), a proposal confirmed in early May 2005 by the Scottish Executive. Consequently while no modification is recommended in response to the objection, this updated position in respect of the school project is reflected by modification to the Local Plan text.

- 6.54 No modification is recommended in response to the objection submitted raising a number of environmental issues related to the Orchardbank Industrial area. It should be noted that since the early 1960's the Orchardbank area has been the principal location for industrial development in Forfar, consolidated through a number of approved development plan amendments. Supporting the land use planning framework and legislation is a range of separate regulatory requirements which control working practice including noise, emissions etc and consequently there is no need to duplicate these controls through local plan policy.
- 6.55 Similarly no modification is recommended to a separate objection that noise issues have not been taken into account in relation to F12 : Working – Orchardbank and F17 : Forfar Loch. The Orchardbank area has been the principal employment location in Forfar since the early 1960's and the first Angus Local Plan (2000) allocated an additional area for business and industrial use. As part of the planning approval for this extension, reserve matters applications for development comprising Class 5 or 6 uses are required to submit a noise impact assessment.
- 6.56 Deanway Development Ltd has objected requesting inclusion of the large former factory site at New Road within the town centre boundary. Since publication of the Finalised Local Plan Review the appeal decision (May 2005) against refusal of planning permission for retail use confirmed that the site was not a town centre location (planning application 03/00187/OUT refers) and consequently no modification is suggested in response to this objection.

Kirriemuir

- 6.57 There has been considerable interest in the Finalised Local Plan Review land allocations for Kirriemuir, as well as representations promoting alternative sites for development. However a key issue continuing to affect the town is the lack of drainage capacity at the waste water treatment plant (WWTP). While Angus Council are continuing to press Scottish Water to include a project for resolution of this matter within their Quality & Standards 3 programme (2006 – 2014), this is not due for publication until early 2006 at the soonest. However notwithstanding the uncertainty surrounding the drainage situation, Angus Council consider it appropriate to continue to allocate preferred sites for development in Kirriemuir that can come forward when drainage is available. This approach will allow both the development industry and Scottish Water to be clear about the prospects for land release in the town.
- 6.58 Since the publication of the Finalised Plan a significant change has been the intimation by the Kirriemuir Health Centre that they require to secure a suitable site for a replacement health centre facility. In addition the change in ownership of the industrial premises at Cortachy Road, Hillhead has resulted in this brownfield site being promoted for redevelopment. In terms of general planning principles this brownfield site is therefore a strong contender for inclusion in the Local Plan. However the site continues to be used for business use and a priority must also be to safeguard local employment. Nevertheless the whole site at Hillhead provides an opportunity to meet the housing land supply for the town. Taking forward this general approach would mean that inclusion of any other greenfield sites would result in an excess of supply.
- 6.59 In light of the above it is recommended that land at Shielhill Road and Hillhead be retained for housing development, with the policy wording of the latter modified to reflect a change in circumstances since the Finalised Plan was published. These two sites together with the existing housing site at Westfield/Lindsay Street will meet future housing needs in the town during the plan period. The site at Hillhead is of sufficient size to enable a phased release of land including, the retention of an element of employment land, the potential identification of a replacement health centre site,

provision of public open space, a contribution to the affordable housing requirement and an opportunity to improve drop-off/pick-up parking associated with Northmuir Primary School. These are matters that can be dealt with through a development brief for the site.

6.60 However given the above, it is recommended that site K3 : Housing - South of Beechwood Road is deleted from the Finalised Local Plan. In addition no modifications are recommended in respect of objections to the omission of the following sites:

- additional land release at Westfield/Lindsay Place for housing;
- land east of Forfar Road for housing;
- land at Newton Park for housing;
- land at Cortachy Road for housing;
- land at Cortachy Road for holiday cottages;
- site of former roads depot (Slade Road) for car parking.

6.61 Insufficient justification or case has been made to alter the local plan (change to development boundary or specific land allocation) in respect of the holiday cottages at Cortachy Road. Existing policies of the local plan already provide the basis for dealing with planning applications for proposals of this nature.

6.62 The former roads depot at Slade Road is a brownfield site within the development boundary and although no specific use is promoted by the Finalised Plan this does not preclude opportunity for renewal coming forward through planning applications.

6.63 In relation to the allocation of employment land it is recommended that site - K4 : East of Muirhead of Logie, Forfar Road is retained for employment use. This would allow for relocation of existing business and opportunity for new inward investment. Conversely neither of the other sites promoted by landowners - North Mains of Logie and Herdhill/Martin Park - is recommended for inclusion.

6.64 Outline planning permission for the development of an industrial park at North Mains of Logie was refused by Angus Council in June 2005. (application 05/00235/OUT refers). It is acknowledged that this site is in the adopted Angus Local Plan but not continued in the Finalised Local Plan Review. The site at North Mains Road has been identified for employment use, in part at least since 1973, but has not been developed. While Angus Council actively sought to bring the site forward in recent years through negotiation with the landowner, the project proved unviable and therefore a replacement site - East of Muirhead of Logie - was promoted through the Local Plan Review in order to provide a marketable supply of land for employment uses in Kirriemuir

Monifieth

6.65 Although allocated by the first Angus Local Plan (adopted November 2000), objections have been made to the reservation of a cemetery site at Buddon Drive (Mf4) particularly in relation to concerns by local residents about road access, affect on amenity etc. Although there is no current proposal by the Council to bring the site forward in the Local Plan period it is considered that the site should be retained as a land reservation.

6.66 As indicated earlier in this report, sufficient sites exist to meet the Structure Plan housing land requirements for the South Angus part of the Dundee housing market area without the need to make any significant further land release. Accordingly no

modification is recommended in respect of objections relating to the omission of sites, as follows:

- land at Ardownie Farm, abutting Ashludie Hospital, on east side of Victoria Street for housing;
- land at Ardestie Farm, immediately abutting the north east boundary of Monifieth, for housing;
- omission of settlement boundary around Mains of Ardestie Farm.

Montrose

- 6.67 In response to an objection by Network Rail (Infrastructure) Ltd to the wording of M9 : Railway Sidings – Montrose Rail Station, modification is recommended to include new margin text clarifying what is meant by ‘rail related uses’.
- 6.68 Since publication of the Finalised Local Plan, Glaxo Smith Kline (GSK) has confirmed that their site at Montrose is to close at the end of 2006. This is a large site adjacent to the port area and provides a major opportunity for redevelopment. Modification is therefore recommended (in response to objection by GSK) to identify this site as an opportunity site for a range/mix of possible uses.
- 6.69 Montrose Port Authority indicated concern about the suitability of Opportunity Sites M5 (a) and (b), for possible residential use given their proximity to a busy commercial/industrial site and the potential for conflict between the uses in terms of noise and traffic safety. It should be noted that since the publication of the Finalised Plan, a consultancy study looking at Montrose Harbour has reported. Given both the GSK position and the findings of the Harbour study, a further report is to be commissioned by Scottish Enterprise Tayside, Angus Council and GSK looking at the economic health of Montrose. It is recommended meantime that the Finalised Plan be modified to delete opportunity sites M5(a) and (b). This would allow the potential for renewal and regeneration of the harbour and south Montrose area to be considered holistically thereby securing a sustainable long term future for of this part of Montrose. It should be noted that development proposals relating to sites M5(a) and (b) can continue to be assessed against existing policies of the Plan.
- 6.70 An objection has been received to the Brechin Road housing area (M1), with the objector putting forward an alternative site for housing at Marykirk Road, Hillside. The Brechin Road site is a long standing local plan allocation for housing (dating back to 1980) and although outline planning permission had been granted, development on site had not yet come forward. Since publication of the Finalised Local Plan full planning permission has been granted for a first phase of housing and development has now commenced. This together with other planning approvals contributes to meeting the Structure Plan housing allowances for the market area. Accordingly no modification is recommended in respect of objections to the omission of land on the:
- east side of Marykirk Road for housing; and
 - south side of the A92 at Rossie Brae for housing.
- 6.71 Following discussion with the NHS Trust (owners of the Sunnyside Hospital Estate) and also Sportscotland, their objections relating to the wording of M4 : Opportunity Site – Sunnyside Hospital Estate have now been withdrawn.

Objection to villages etc (in alphabetic order)

6.72 There have been a considerable number of objections to the Finalised Local Plan Review particularly to the omission of sites for housing development in villages and large countryside sites. Many of the sites are in the South Angus housing market area where sufficient land/sites are available without the need to make further land release through this local plan. Very few modifications are therefore recommended in response to objections received to the Angus villages.

Arbirlot

6.73 No modifications are recommended to the Local Plan in response to objections against the adjustment of the development boundary for the village to enable the construction of a single house. A site appraisal undertaken by the project architect has confirmed the feasibility of the proposed new house and that points of objection can be met.

Auchterhouse

6.74 No modification is suggested in response to the objection relating to the development boundary for the village and the omission from that boundary of an area for housing.

Balgray Tealing

6.75 No modification is recommended in response to the definition of the development boundary for Balgray and the omission of a site for housing.

Balkeerie & Eassie

6.76 Modification of the development boundary is only recommended in response to the objection by the Village Hall Committee to recognise the site that is associated with the hall rebuilding project which is expected to commence in 2007. No other changes are suggested.

Baldovan/Pitempton/Balmuir

6.77 No modification is recommended in response to the objection by Linlathen Developments Ltd & the Taylor Woodrow Group to the omission of land for development.

Barns of Wedderburn

6.78 No modification is suggested in response to the objection by The Earl of Dundee (Birkhill Estate) as it relates to the development of land and buildings at Barns of Wedderburn for up to 8 house units.

Berryhill

6.79 No modification is recommended to the objection by the landowner to the omission of land, adjacent to the recent development at Berryhill Farm, for mixed tenure housing development. It should be noted that part of this project is based around provision of affordable housing. While it is acknowledged that such provision would meet a shortfall in the South Angus area, it does not justify setting aside the strategy of the Dundee & Angus Structure Plan nor the Angus Local Plan Review strategy as it relates to land release in South Angus.

Birkhill/Muirhead

6.80 No modification is recommended to the objection by A & J Stephens and Bett Homes to the omission of a significant area of land (14.2ha) on the south side of the Coupar Angus Road as a 'strategic reserve housing site'.

Bridgefoot

6.81 No modification is recommended to the objections relating to the omission of sites for housing development.

Bridgend of Lintrathen

- 6.82 Modification is recommended to delete the development boundary proposed by the Finalised Plan and replace it with the boundary previously established by the Consultative Draft Local Plan 2003.

Burnside of Duntrune

- 6.83 No modification is suggested in response to the objection by the Earl of Dundee (Birkhill Estate) to the omission of land (circa 30ha) at Burnside of Duntrune (adjacent to Ballumbie) for an extension to the golf course and additional housing development.

Colliston

- 6.84 Modification of the village development boundary to include a small site on the northwest boundary of the village for housing is recommended in response to the objection by the Geddes Group. This change is considered to be a rounding off of the western village boundary and would allow for 3 or 4 houses, subject of course to detailed considerations at the planning application stage.

Craigton of Monikie

- 6.85 No modification is recommended to the objection related to the omission of a site for housing.

Eassie Muir

- 6.86 No modification is recommended to the objection related to the omission of a site for housing development.

Edzell

- 6.87 No modification is recommended in response to objections from D L B (Scotland) Ltd in respect of land to the north and east of the village for housing and golf course. Or from Hart Estates Ltd in respect of the development boundary at Edzell and the omission of the former Mart site.

Emmock, Duntrune

- 6.88 No modification is recommended in respect of the objection by Trojan Metals, R Melvin Ltd and Torith Ltd to the omission of a site for housing development.

Finavon

- 6.89 Since publication of the Finalised Local Plan Review planning permission has been granted for the erection of two houses in the area adjacent to Finavon farmhouse. The Scottish Executive Trunk Road Network Management Division (RNMMMD) offered no objection at the outline stage and planning permission was granted subject to a Section 75 agreement restricting the number of houses to two. In response therefore to the objections by Craigallan Homes and the landowner no modifications are recommended in respect of the development boundary for the village.

- 6.90 The objection to the Scottish Executives Trunk Roads policy on traffic movements on the trunk road and development affecting trunk roads is a matter of national policy established by the Scottish Executive (RNMMMD). Angus Council cannot apply a different policy; it has no locus in this respect. Where a development proposal affects trunk road/junction, Angus Council will continue to undertake consultation with the Scottish Executive and reflect their recommendation, in respect of planning applications, in the decision of the Council. Clarification of the current policy as it relates to trunk roads/junctions has been taken up with the Scottish Executive.

Friockheim

- 6.91 There has been considerable interest in the future land allocations in the village with a divergent range of views being expressed by both developers/landowners and the community. In addition since the publication of the Finalised Local Plan the health centre has notified the Council that consideration should be given to finding another site that would better suit the centre's future requirements. In addition it has now been clarified by Scottish Water that drainage capacity at the WWTP is less than previously thought – sufficient only for around 40 additional houses.
- 6.92 Given the divergent views expressed during the Local Plan Review process and the fact that the Council had previously adjusted its position following the consultative draft plan stage, from a site south of Gardyne Street to recommend that the site at the east of the village should be allocated, it seems that the most appropriate way to achieve a resolution of the current impasse is take the matter to the Local Plan Inquiry. There are merits and benefits in both locations – east of Kinnell Gardens and south of Gardyne Street. It should be noted that both developers have intimated that provision can be made for a new health centre site.
- 6.93 A major characteristic of the village is the lack of development south of Gardyne Street, a position that seems to have been supported historically. Given the above it is recommended that the status quo continue and that no modification is made to the Finalised Local Plan position.

Grahamston , by Arbroath

- 6.94 No objection is recommended in respect of the objection to the omission of a site for housing development.

Inveraldie

- 6.95 No modification is recommended to the objection by James Keillor Estates Ltd to the omission of land for mixed housing and commercial development, to the west side of the A90(T), at Inveraldie.

Inverarity

- 6.96 No modification is recommended to the objection by Fotheringham Estates to the omission of a site for housing development.

Kellas

- 6.97 No modification is suggested to the objection to the omission of a site, on the west of the village, for housing development.

Kingsmuir

- 6.98 No modifications are recommended in respect of the objection by Bonnyman Properties to the reduction in house numbers relating to Ki1 : Housing – Bunkerhill and the requirement introduced for affordable housing.
- 6.99 Similarly no modification is suggested in response to the omission of a site at Dukeswood Nursery from the development boundary. Sufficient housing land exists with the two sites allocated without the need to amend the boundary. This position can be reconsidered at any future Local Plan Review.

Kirkbuddo

- 6.100 No modification is recommended to the omission of a development boundary for this area and the omission of a site for housing development.

Kirkton of Auchterhouse

6.101 No modification is suggested in response to the objection seeking the extension of the development boundary to the east of the village, to include an area of land for housing.

Kirkton of Menmuir

6.102 No modification is recommended in respect of the objection to the omission of Balfour Farm from the development boundary. The area requested for inclusion is very considerable and would dwarf the existing scale of the settlement. This however need not totally preclude development as opportunity for conversion of the existing farm steading and possible new build can be assessed in the context of existing countryside policies.

Kirkton of Monikie

6.103 No modification is recommended in response to the objection to the omission of a development boundary for this location and the omission of a site for housing development.

Letham

6.104 No modification is recommended in response to objections against the inclusion of the housing site at Jubilee Park (L2). It should also be noted that since publication of the Finalised Local Plan, planning permission for housing has been granted for the development of the allocated site at East Hemming Street (L3).

Letham Grange

6.105 No modification is recommended in response to the objection relating to the omission of a site (previously known as site Y) for housing. An appeal against the refusal of planning permission for a small house development on this site was dismissed in 1995. There has been no significant change of circumstances that would warrant a change of view by the Council and inclusion of this site for development.

6.106 A sustainable future is a major issue affecting the Letham Grange estate, with the golf course and hotel currently in the hands of an Administrator. Letham Grange Developments Ltd in conjunction with the Administrator are looking at how this might be achieved and considering the potential for time share accommodation, reduction of one of the course from 18 holes to 9 holes and scope for some additional housing. Although not unsympathetic to the need to establish a sustainable long term plan for the future of the estate insufficient justification or proposals have been submitted at this stage that would allow a change in policy. Accordingly it is recommended that no modification be made meantime to the Finalised Plan in respect of objections by Letham Grange Developments Ltd or Select Homes to the wording of LG1:Housing – Letham Grange and LG2:Tourism and Recreation Development. Opportunity for resolution of these objections will continue to be pursued.

Liff

6.107 No modification is recommended in response to the objection by A & J Stephens in respect of the omission of a large area of land (14.2ha) on the north side of Woodside Road as a 'strategic reserve housing site'. Similarly no change is suggested to the objection by A & J Stephens and Bett Homes to the omission of a significant area of land, east of Liff Primary School and to the north of Liff Hospital, also as a 'strategic reserve housing site'.

Logie

6.108 No modification is recommended in respect of the objection to the omission of a development boundary for Logie.

Lundie

6.109 No modification is recommended to the change in the development boundary for Lundie and the omission of an area of land (previously included in the Adopted Local Plan) from the proposed boundary.

Memus

6.110 No modification is recommended in respect of the objection by Kirriemuir Landward East Community Council against the adjustment made to the development boundary at Memus as it relates to the land adjacent to the Drovers Inn.

Monikie

6.111 No modification is suggested in response to the objection related to the omission of an area west of Panmure Road (to the rear of the Fiddlers) for housing development.

Muirdrum

6.112 No modification is recommended in response to the objection to the omission of a site for housing development on the eastern side of the village, which has been affected by the A92 road realignment.

Newbigging by Carnoustie

6.113 Since publication of the Finalised Local Plan, full planning permission was approved in May 2005 for the development of the allocated site Nb1 : Housing – Pitairlie Road/Newbigging North and site works are now underway (planning application 04/00944/FUL refers). No modifications are recommended in response to the objections by Tighmore to either this site or the omission of land on the south east of the valliage for housing development. Similarly no modification is recommended to the objection by Linlathen Developments Ltd to the omission of additional land associated with Proposal Nb1.

Newbigging by Tealing

6.114 No modification is recommended to the objection by P & S Developments to the omission of two large greenfield sites for housing development. Similarly, no modification is recommended to the objection that the development boundary be extended to include a small site for housing to the east of the village.

Newtyle

6.115 No modification is recommended in respect of the objection against the change in the development boundary for Newtyle and the omission of an area land (previously identified for housing in both the Adopted Local Plan and Consultative Draft Plan 2003) from the proposed boundary.

North Craigo

6.116 No modification is recommended in response to the objection by Craigo Farms Ltd and the omission of a site for mixed development.

North Dronley

6.117 Modification is recommended to the village boundary to respond to the objection by Strathallan (Ardargie Mill) Ltd. The modification would reinstate the boundary previously established by the first Angus Local Plan.

Padanaram

6.118 Modification of the village development boundary is recommended in response to the objection by Albamuir. The site lies within the built up area of the village and is defined by housing development on three sides and an existing field boundary. The adjustment

is viewed as a rounding off of the boundary west of St Ninians Road and may allow housing development to come forward where drainage capacity is available.

Panmure Estate Policies

- 6.119 No modification is recommended in response to the objection by Linlathen Developments Ltd related to the omission of policies for development within the Panmure Estate area that would allow for development. Existing policies related to housing and development in the countryside provides a framework for dealing with development proposals.

Piperdam

- 6.120 Since development at Piperdam commenced, a total of 123 houses have been approved in 3 phases, the latest being a phase of 40 houses in 2004, which have been justified as necessary to support development of the recreation and tourist based facilities. To date there has been no indication of a final number or location of houses to be developed as part of an agreed overall development strategy for the area. This raises significant concerns over the incremental and unplanned growth of the housing element of this development, its contribution to the housing land supply of the South Angus housing market area and its impact on the unique qualities and landscape setting of the Piperdam complex. Accordingly at this stage no modification is recommended in respect of the objection by Piperdam Golf & Country Club to the wording of policy Pd1 on residential development and to the limit on housing numbers.

Ruthven

- 6.121 No modification is recommended to the development boundary as set out in the Finalised Local Plan Review.

South Kingennie

- 6.122 No modifications are recommended in response to the objections received relating to the omission of sites for housing development adjacent to the development boundary.

Strathmartine Hospital

- 6.123 Although this major brownfield site is located within Angus on the edge of Dundee and is now available for redevelopment, the capacity of the primary school serving the catchment area limits the numbers of houses that come forward immediately to around 40 in the initial plan period. Without resolution of this major infrastructure issue there is little prospect of additional development during the local plan period. There are also significant issues with the compatibility of major housing development with the strategy for the market area as set out in the Dundee and Angus Structure Plan. Given this position no modification is recommended in response to the objection by NHS Tayside to the wording of St1 : Opportunity Site – Strathmartine Hospital, which limits housing development to a maximum of 40 units during the life of this local plan. Similarly, no modification is suggested in response to the objection by Heathfield Limited to the restrictive nature of the local plan position in terms of housing numbers and seeking the phased release of the whole site for housing development. However it is recognised that this is a brownfield site for which new uses are required and the initial limitation of 40 houses falls well below the capacity of the site. Further discussion on the merits of a comprehensive redevelopment of the site, its relationship to the Structure Plan strategy and the resolution of infrastructural issues will continue.

- 6.124 Although no modification is recommended in response to objection by Strathmartine Community Council, requesting further clarification as to what is meant by business uses, the response to the Community Council should clarify this position.

Tealing

6.125 Modification of the development boundary is recommended in response to an objection to include Tealing House walled garden. This is considered to round off the development boundary at this location and provide opportunity to sustain the future of this property. No modification is suggested in respect of the omission of an adjacent greenfield site for housing development.

Wellbank

6.126 No modifications are recommended in response to objections related to the definition of the development boundary and the omission of sites for housing development.

Westhall Terrace

6.127 No modification is suggested in response to the objection to the omission of land on the west side of the village for housing development.

Westmuir

6.128 No modification is recommended in response to the objections to amend the development boundary for the village and in particular the omission of a strip of land along the top road for development.

Woodville

6.129 No modification is recommended in response to the objection to the wording of the development policy (Wv1) for the Woodville area, in that it is overly restrictive.

West Newbigging

6.130 No modification is recommended in response to the objection to the wording of Policy SC4 as it relates to land holdings at West Newbigging or the non-allocation of a site for housing development.

Part 5: Implementation, Monitoring and Review

6.131 Modification is recommended in response to the objection by the Tayside Biodiversity Partnership to the wording of paragraph 5.14 and the request to include an additional bullet point, incorporating a relevant biodiversity indicator.

6.132 No modification is recommended to the objection by Homes for Scotland as it relates to Policy Imp1 : Developer Contributions and their request for more detail on how it will be implemented. However Angus Council will consider the preparation of an Advice Note dealing with this important matter.

7 OTHER MODIFICATIONS

7.1 A list of other modifications proposed by the Director of Planning and Transport is included as Appendix 1b. These cover technical omissions, clarification of points and/or update information. Other minor matters (typographical and mapping) can be dealt with as minor technical changes and are not required to be included as modifications.

8 NEXT STEPS

8.1 The procedures and regulations governing the pre and post Inquiry steps are set out in the Planning Regulations and the Code of Conduct for Public Local Inquiries. Guidance is also set out in Angus Council's Local Plan Charter.

- 8.2 The response by the Council to the various objections made to the Finalised Local Plan Review, as set out in the appendices accompanying this report, is an important milestone in the Local Plan process. The Statement of Responses to Objections will be published on the Local Plan web page and made available in Public Libraries and Access Offices. All objectors will be notified of the decision of the Council in respect of their objection and a copy of the appropriate response, as set out in the appendices, will be sent out to each objector. This will allow the objectors to consider their position and whether they wish to continue their objection.
- 8.3 Modifications approved as part of this report will be published for public inspection and objection (over a six week period) as soon as possible after the Committee meeting, with the outcome being reported to Committee as soon as possible thereafter.
- 8.4 Opportunity will also be taken to continue discussing and negotiating potential mutually acceptable amendments with relevant objectors. Preparation of the Council's evidence in relation to objections received and not withdrawn will continue.
- 8.5 Arrangements for the Local Plan Public Inquiry will continue to be progressed with update reports brought forward to Committee as appropriate.

9 FINANCIAL IMPLICATIONS

- 9.1 An allowance of £55,000 towards holding a Public Local Inquiry has been included in the Forward Planning Section Revenue Budget for 2005/2006. As notified previously the cost for the Reporter will be £275 (+ VAT) in respect of each day on which the Inquiry sits or on which the Reporter is otherwise engaged on work connected with the Inquiry. Reporters are allowed three days per day of the Inquiry for report writing. Costs will also be incurred for the Programme Officer and administration of the Inquiry (booking halls etc.) At this stage, it is anticipated that this can be contained within the Budget. However, this may need to be reviewed in the light of progress on finalising arrangements.
- 9.2 In addition, consideration continues to be given to the need for the appointment of external legal representation to be available for certain matters to be considered at the Inquiry and the various costs associated with this. Provision for significant legal representation during the Inquiry may not be contained within the initial £55,000 allowance, but would need to be met as part of the corporate commitment to fulfilling statutory requirements as previously agreed when setting the Department's revenue budget.

10 HUMAN RIGHTS IMPLICATIONS

- 10.1 Potential human rights issues at this stage in the local plan process relate to adequately publicising Angus Council's Statement of Responses to Objections to the Finalised Local Plan Review, first round pre-inquiry modifications and emerging arrangements for the Public Local Inquiry, thereby ensuring that sufficient opportunity is available to all interested parties, including objectors and other contributors, to view and make comments on the published material. The arrangements summarised in sections 3, 4 and 7 of this report, fully meet statutory requirements in publicising the Council's response on objections and the emerging arrangements associated with the Public Local Inquiry.

11 CONSULTATION

11.1 The Chief Executive, Acting Director of Finance and Director of Law & Administration have been consulted in the preparation of this Report.

12 CONCLUSION

12.1 Following assessment of the objections made to the Finalised Angus Local Plan Review and negotiation with objectors a small number of objections have been withdrawn. Various draft modifications are also being recommended which may result in a further group of modifications being resolved. These modifications if agreed by the Committee will be subject to advertisement and public scrutiny with a six week period for objection being available.

12.2 For objections not withdrawn, a Public Local Inquiry will be required. Arrangements are continuing to be finalised, including the appointment of a second Scottish Executive Inquiry Reporter, detailing of the Inquiry timetable and preparation of Angus Council's evidence. Further details will be reported to subsequent meetings of the Infrastructure Services Committee in due course.

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.

AA/GDP/KW
1 September 2005

Alex Anderson
Director of Planning and Transport