

**ANGUS COUNCIL**

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**16 NOVEMBER 2006**

**SUBJECT: FINALISED ANGUS LOCAL PLAN REVIEW  
REPORT OF PUBLIC LOCAL INQUIRY**

**REPORT BY DIRECTOR OF INFRASTRUCTURE SERVICES**

**Abstract: This report sets out the Inquiry Reporters' conclusions and recommendations contained in the Report on Objections to the Finalised Angus Local Plan Review and provides the basis for preparing Angus Council's Statement of Response as required by Planning Regulations. The report also outlines the procedures associated with the preparation and publication of proposed modifications as part of the process towards adopting the Angus Local Plan Review.**

**1 RECOMMENDATION**

It is recommended that the Council:-

- (a) note the findings and recommendations contained in the Report on Objections to the Finalised Angus Local Plan Review in relation to unresolved objections and pre-Inquiry modifications to the Finalised Angus Local Plan Review
- (b) agree this report, including the detailed assessment set out in Schedule 1 accompanying the Report, as the basis for preparing, publishing and advertising the Council's Statement of Response as required under the Town and Country Planning (Structure and Local Plans) (Scotland) Regulations 1983;
- (c) authorise the Head of Planning and Transport to prepare and publish proposed modifications to the Local Plan Review arising from (b) above to be advertised, placed on deposit and where appropriate notified to relevant previous objectors;
- (d) note that a further report will be prepared, for consideration by the Infrastructure Services Committee, on any objections received in due course to relevant published modifications as part of the process towards adopting the Angus Local Plan Review.

**2 BACKGROUND**

- 2.1 Report No. 998/06 to the Infrastructure Services Committee of 24 August 2006 notified members that the report of the Angus Local Plan Review Public Inquiry (PLI) was expected imminently. The report also outlined preliminary arrangements for making the Inquiry Report publicly available and that a full response to the Reporters' recommendations contained in that report would be submitted for consideration by the Council.
- 2.2 The PLI Report which was subsequently received by Angus Council on 30 August 2006 extends to over 800 pages and is presented in 3 volumes as follows:-
  - Volume 1: General Policies and Inquiry Appendices
  - Volume 2: Towns; and
  - Volume 3: Villages and other settlements;
- 2.3 A copy of the full Inquiry Report (3 volumes) has previously been placed in the Members' Lounge.

## 2.4 This report provides:

- a summary of the main points arising from the Reporters' findings and recommendations including those Inquiry items recommended for further change by the Reporters;
- the suggested basis of the Councils response which is set out in full in Schedule 1, <http://www.angus.gov.uk/localplan/schedule1.pdf> circulated alongside this report. This is presented in 3 Sections, one for each Volume of the Inquiry Report, and sets out the Reporters' findings and conclusions on each of the unresolved objections, together with comments and recommendations by the Head of Planning and Transport in respect of each matter; and
- the procedure for preparing and publishing the formal modifications proposed to the Local Plan Review.

## 3 REPORT OF THE INQUIRY

## General

- 3.1 The Local Plan Inquiry was held between 23 January and 25 April 2006 and dealt with unresolved objections to some 157 matters. The Inquiry Report presents a summary of the evidence together with the Reporters' findings, conclusions and recommendation on each of the matters of objection. As agreed by the Infrastructure Services Committee of 24 August 2006 (Report No. 998/06) a copy of the Inquiry Report has already been made available for inspection free of charge at all Public Libraries and ACCESS Offices, St. James House, Forfar and in village halls at Wellbank, Fowlis, and Birkhill/Muirhead. The PLI report was also made available on the Councils web site at [www.angus.gov.uk/localplan](http://www.angus.gov.uk/localplan). In addition, the availability of the Inquiry Report was advertised in the Dundee Courier (22 September 2006) and statutory consultees (including Community Councils) and objectors to the Local Plan were notified by letter.

Table 1 : Reporters' Recommendations by Category and Local Plan Chapter

	No Change	Support for Pre-Inquiry Modifications*	Recommend Further Change	TOTAL
Introduction and Strategy	1	3	2	6
Building Sustainable Communities	0	8	6	14
Environment and Resources	0	11	3	14
Arbroath	8	1	2	11
Brechin	3	0	0	3
Carnoustie	13	2	2	17
Forfar	5	3	5	13
Kirriemuir	6	2	3	11
Monifieth	1	0	1	2
Montrose	1	3	1	5
Villages	45	5	8	58
Implementation, Monitoring and Review	0	2	1	3
<b>TOTAL</b>	<b>83</b>	<b>40</b>	<b>34</b>	<b>157</b>

Note: Three rounds of Pre-Inquiry Modifications were published on 23 September 2006 (Report 1081/05 refers); 4 November 2005 (Report 1179/05 and 1180/05 refers) and 2 December 2006 (Report 1415/05 refers).

- 3.2 Table 1 above categorises recommendations made by the Reporters. Of the total of 157 items, the Reporters have recommended no change in respect of 83 items. Support has also been given for 40 pre-inquiry modifications published by the Council during September-November last year. In 34 cases the Reporters have recommended some other form of change. In several of these cases the Reporters have supported the Local Plan position and/or pre-Inquiry modification in principle but consider additional minor amendments would be beneficial.

### Summary of Changes Recommended by Reporters

- 3.3 Schedule 1 accompanying this Report provides the Reporters' conclusions and recommendations in full on each Inquiry item. Appendix 1 to this report provides a summary by Chapter heading.
- 3.4 Among the 34 changes recommended by the Reporters, the following are the most significant :-
- **Arbroath** - A10 : Cairnie Street/ Stobcross (TESCO) - Reporter recommends the proposal is reworded to reflect the approved retail floorspace of up to 3500sqm gross floor area recognising that the possibility of development of 5000sqm gross floor area is already provided for but would require Angus Council to sell land in their ownership;
  - **Arbroath** - A16 : Westway - Reporter recommends to delete provision for food retailing (ASDA) at the Westway retail park;
  - **Carnoustie** - C6 : Working – Clayholes – Reporter recommends deletion of local plan site and replacement with a new business park site at Carlogie/Panbride;
  - **Forfar** - F7 : New Neighbourhood – Westfield – Reporter recommends deletion of the whole allocation;
  - **Forfar** - at Gowanbank and Slatefield – Reporter recommends allocation of additional housing sites;
  - **Forfar** - Turfbeg – Reporter recommends safeguarding of land at Turfbeg, as an option for housing development in period beyond 2011;
  - **Kirriemuir** - K2 : Housing – Hillhead – Reporter recommends deletion of the existing employment land from the housing allocation and some minor rewording;
  - **Kirriemuir** - Sunnyside – Reporter recommends allocation of an additional housing site at Sunnyside;
  - **Monifieth** - Mf4 : Buddon Drive Cemetery Site – Reporter recommends deletion of site for new cemetery at Buddon Drive and investigate further options;
  - **Friockheim** - Reporter recommends deletion of current local plan housing site Fk2 : Housing – East of Kinnell Gardens and replacement with a new housing site South of Gardyne Street, Friockheim.
  - **Policy SC43 : Roadside Facilities on the A92** – Reporter recommends that the policy wording is amended to allow for petrol filling station and farm shop adjacent to the A92 at Upper Victoria.

## 4 ANGUS COUNCIL'S STATEMENT OF RESPONSE

- 4.1 As indicated in Report 998/06 the responsibility for agreeing/not agreeing the Reporters' recommendations rests with Angus Council and as such differs from the procedures associated with both Structure Plans and Planning Application Appeals where the final decision rests with the Scottish Ministers. Angus Council is responsible for the final content of the Local Plan and is therefore not obliged to accept the Reporters' recommendations. However, as an independent and impartial party, the Reporters' conclusions and recommendations merit the most careful attention in taking forward the Local Plan to adoption.

- 4.2 It should however be noted that the Town and Country Planning (Scotland) Act 1997 (Section 17(3)) specifies that a “planning authority shall not adopt any plan or proposal that does not conform” to the approved Structure Plan, in this case the Dundee and Angus Structure Plan. This position is also reinforced in Scottish Planning Policy 1: The Planning System (paragraph 37). Should Angus Council make any decisions in respect of the Reporters’ recommendations which raise issues of conformity with the approved Dundee and Angus Structure Plan, then Section 238 of the Town and Country Planning (Scotland) Act 1997 makes provision for a possible legal challenge as part of the subsequent Local Plan adoption procedures. In addition Section 17(4) of the 1997 Act also allows the Scottish Ministers to direct the Local Authority “to consider modifying the plan or proposals” where they are deemed to be “unsatisfactory”. Section 18 of the 1997 Act further allows the Scottish Ministers to direct that the Local Plan is submitted to them for their approval. In such circumstances the Scottish Ministers “may either approve (in whole or in part and with or without modifications or reservations) or reject the plan”. It is therefore of primary importance that the Angus Local Plan Review is in conformity with the approved Dundee and Angus Structure Plan.
- 4.3 The Council is required to set out its response to each of the Reporters’ recommendations in a statement giving reasons for accepting or rejecting each recommendation. Schedule 1 accompanying this report deals with each of the items considered at the Inquiry, outlining the nature of objection, the Reporters’ conclusions and recommendation, the Head of Planning and Transport’s comments and the recommendation to Angus Council. The level and nature of further changes recommended by the Reporters is small in comparison to the number of items which were dealt with by the Inquiry. Table 2 provides a summary of changes recommended by the Reporters together with the head of Planning and Transport’s recommendation to accept or not accept these changes. In summary the Head of Planning and Transport recommends that Angus Council agrees to the majority of the recommendations made by the Reporters and that Schedule 1 forms the basis for the Council’s Statement of Response.

**Table 2 – Summary of Changes Recommended by Reporters and Head of Planning and Transport**

<b>Topic</b> (Text in brackets indicates Volume No and page reference in Schedule 1)	<b>Reporters Recommendation</b>	<b>Head of Planning and Transport Recommendation to Council</b>
Introduction Chapter (Vol 1, page 1)	Insert new text detailing that Scottish Ministers granted Angus Council exemption from requirement to carry out SEA on the Finalised ALP Review	Accept The suggested change will clarify that Angus Council were granted exemption from the need to carry SEA on the Finalised ALP Review.
Policy S6 : Development Guidelines and Schedule 1 : Development Guidelines (Vol 1, page 7)	Amend titles of both Policy S6 and Schedule 1 to read “Development Principles”	Accept the recommendation to amend the titles Policy S6 and Schedule 1
Policy SC1 : Housing Land Supply  Table 2.1 : Housing Land Allowances 2001 – 2011 (on sites of 5 or more houses) (Vol 1, page 12)	Add new text regarding post 2011 period.  Include details of structure plan housing allowances for 2011 – 2016 period	Accept As land allocated by the Local Plan Review in addition to the Structure Plan requirement to 2011 provides for development into the 2011 – 2016 period, it is appropriate to include reference to the indicative housing allowances for the 2011-2016 period specified in the approved Dundee and Angus Structure Plan.

Omission of Large Country Houses Policy (Vol 1, page 19)	Insert new policy to address the possible scope for larger new country houses that would make a major contribution to the future architectural heritage of Angus.	Accept Recommend inclusion of a new policy to provide a basis for assessing development proposals for larger new country houses that would make a major contribution to the future architectural and landscape heritage of Angus.
Policy SC4 : Countryside Housing – Reuse and Redevelopment of Existing Sites and Buildings And other countryside housing policies (Vol 1, page 24)	Amended text to supplement changes made by 3 <sup>rd</sup> round modifications.	Accept Reporter has accepted Angus Councils pre inquiry modifications and has suggested some additional changes. Subject to some minor adjustment these additional changes are acceptable.
SC6 : Affordable Housing (Vol 1, page 38)	Additional footnote added to Table 2.3 : Affordable Housing Provision – 2004 - 2011	Accept The proposed modification will clarify the application of the affordable housing policy.
Policy SC23 : Large Scale Retail Development Proposals (Vol 1, page 43)	Wording change to 3 <sup>rd</sup> bullet point by Reporter. Amend margin text in line with current national guidance.	Accept The proposed wording change will ensure that the policy is in conformity with both the Structure Plan and NPPG8. It will also clarify the position in dealing with future development proposals. The suggested modification to the margin text relating to the definition of the sequential approach as proposed by the Reporter will ensure consistency with the terms of NPPG8 Town Centres and Retailing.
Policy SC43 : Roadside Facilities on the A92 (Vol 2, page 76)	Amend wording of Para 2.109 and Policy SC43 to allow for a petrol filling station and farm shop adjacent to the A92 at Upper Victoria, by Carnoustie.	Not accept Such a modification would be inconsistent with both national and development plan policies.
Energy Section (Vol 1, page 63)	Para 3.70 – amended text by Reporter  Policy ER33 : Renewable Energy Developments – amended text by Reporter.  Para 3.76 – amended text by Reporter.  Para 3.77 – replacement text by Reporter and margin text deleted.  Para 3.78 – replacement text by Reporter.  Para 3.79 – replacement text by Reporter.  Para 3.84 – amended text by Reporter.  Policy ER34 : Wind Energy Development – replacement text by Reporter.	Accept all proposed changes.  There are a considerable number of changes arising from either pre-inquiry modifications or from the reporter. These changes bring the Local Plan into line with the positive approach promoted by NPPG6: Renewable Energy and the approved Dundee and Angus Structure Plan and clarify the references to the Tayside Landscape Character Assessment and SNH Policy Statement 02/02.

Para 3.93, Recycling Facilities (Vol 1, page 94)	Amended text by Reporter	Accept in part. Accept the additional change to extend the range of developments covered by the proposed Supplementary Guidance. Not accept the change from "recycling facilities" to "mini-recycling points". Angus Council and the objector had reached a pre-Inquiry agreement. The suggested additional amendment by the Reporter is considered to limit the opportunity to secure an appropriate range of recycling facilities from new developments.
Policy ER37 : Recycling Facilities (Vol 1, page 96)	Amended text by Reporter	Accept the additional change to extend the range of developments covered by the recycling facilities policy.
<b>Arbroath</b>		
A9 : Opportunity Site – Ernest Street/ Palmer Street (Vol 2, page 8)	Text added by Reporter	Accept recommended change to clarify that potential ground contamination issues affecting the site will be a material consideration in determining the contribution of affordable housing from the site.
<u>Arbroath Retailing</u> (Vol 2, page 11)		
Policy A15 of the Proposed 2nd Round Modifications	Reporter recommends that the policy is deleted.	Accept recommendation to delete Policy A15 proposed in the 2 <sup>nd</sup> Round pre -inquiry modifications.
Paragraph 25 of the Proposed 2nd Round Modifications	Reporter recommends that the paragraph is deleted.	Accept recommendation to delete paragraph proposed in the 2 <sup>nd</sup> Round pre-inquiry modifications.
Policy A16 of Proposed 2nd Round Modification (Previously A10 : Opportunity Site -Cairnie Street/ Stobcross)	Reporter recommends the proposal is reworded to reflect the approved retail floorspace of up to 3500sqm recognising that to have 5000sqm would require Angus Council to release land in their ownership.	Accept recommendation to amend the proposal to reflect the approved retail floorspace of up to 3500sqm.
Policy A17 of the Proposed 2nd Round Modifications (Previously A16 : Westway – Dundee Road)	Reporter recommends deletion of provision for food retailing at Westway and amendments to text.	Accept recommendation to delete provision for food retailing and restrict retailing to non-food retail warehouses for the sale of durable goods.
<b>Carnoustie</b>		
C6 : Working – Clayholes, Carnoustie (Vol 2, page 45)	Delete site and replace with a new employment land site at Carlogie/Panbride.	Accept in part. It is recommended that 15ha of land at Carlogie should be allocated to meet current relocation and structure plan requirement for employment land. It is not accepted that a further 9ha of land east of Westhaven Road should be identified in this Local Plan for future needs. Any future requirement for additional employment land will be assessed through either a full review or stand alone alteration to the Local Plan.

Carnoustie and Barry : Omission of Land at Victoria Link with A92 (Vol 2, page 76)	See Policy SC43 above.	Not accept Such a modification would be inconsistent with both national and development plan policies.
<b>Forfar</b>		
F4 : Housing – Wester Restenneth (Vol 2, page 84)	Amended wording by Reporter	Accept in part Accept the amended wording in respect of foul drainage arrangements. In addition in order to ensure the availability of housing land to meet the Structure Plan allowance for the Forfar, Kirriemuir & Glens HMA for the period to 2011 it is proposed to increase phased allocation from 100 to 150 units in the period to 2011, with a further 100 units to come forward in the period beyond 2011.
F7 : New Neighbourhood – Westfield (Vol 2, page 88)	Delete whole proposal for site F7 and para 15.	Accept The Reporter's recommendation to remove the proposal for a new neighbourhood at Westfield is accepted meantime in order to ensure conformity with the Dundee and Angus Structure Plan guidance on the scale of housing land provision up to 2011. A future Local Plan review will require to reassess possible development areas in order to establish where housing land release will take place in the longer term post 2011. Angus Council had sought to achieve this through the identification of a significant area of land at Westfield in the Finalised Angus Local Plan Review, which was also capable of accommodating longer term growth, but that will need to be reconsidered in a subsequent review of the relative merits of alternative sites.
Forfar : Omission – Land at Gowanbank (Vol 2, page 98)	Insert new site for housing development.	Accept recommendation that the site is allocated for the development of around 60 houses during the period to 2011.
Forfar : Omission – Land at Slatefield (Vol 2, page 104)	Insert new site for housing development.	Accept Recommend that the site is allocated for high quality residential development of a maximum of five houses. This would round off and reflect the type of development which has already taken place in the surrounding area.

<p>Forfar : Omission – Land at Turfbeg (Vol 2, page 108)</p>	<p>Amend Local Plan by indicating that 17.6ha of land at Turfbeg as being safeguarded for around 300 houses in period beyond 2011. Text should also indicate that development proposals are subject to review and will require to be confirmed by a future local plan</p>	<p>Accept The Reporter is of the opinion that development of the objection site would be acceptable in landscape and visual terms, even although this will extend the urban area and change the character of this location from rural to urban. However, it is clearly not his intention to include the land within the development boundary for Forfar at this stage as it is not formally allocated, nor is it required to meet Structure Plan housing land requirements in the period to 2011, and requires to be confirmed by a future local plan. Recommend the site be shown on the Forfar Inset Map lying outwith the development boundary in order to provide a safeguard from development proposals in the short term which might prejudice the future use of the land.</p>
<b>Kirriemuir</b>		
<p>Kirriemuir Inset Map (Vol 2, page 125)</p>	<p>Amend inset map to indicate Roads depot suitability for car, coach and lorry parking.</p>	<p>Not accept Investigation of proposals for the formation of a new car/lorry/coach park is not yet complete. It is considered premature to allocate the land at Slade Road for this specific purpose until Angus Council have made a final determination on this matter.</p>
<p>K2 : Housing – Hillhead (Vol 2, page 137)</p>	<p>Revert to area of Finalised ALP Amend allocation by excluding employment land from site.</p>	<p>Accept in part. As the employment land is currently in use by existing businesses it should be removed from the housing allocation. This does not preclude consideration of the site as a brownfield redevelopment site should the premises become vacant in the future. In addition in order to ensure the availability of housing land to meet the Structure Plan allowance for the Forfar, Kirriemuir &amp; Glens HMA for the period to 2011 it is proposed to remove phasing and allocate the whole site (as modified in area by the Reporter) for development of 80 houses in the period to 2011.</p>
<p>Kirriemuir ; Omission – Land at Sunnyside (Vol 2, page 152)</p>	<p>Insert new site for housing development.</p>	<p>Accept the recommendation to allocate 2ha of land at Sunnyside for development of around 40 houses.</p>
<b>Monifieth</b>		
<p>Mf4 : Buddon Drive Cemetery Site (Vol 2, page 168)</p>	<p>Delete site Mf4 and include text indicating search for a suitable site.</p>	<p>Accept Agree that the existing allocated site should be deleted and that a full assessment of potential sites should be undertaken before identifying a new cemetery site to serve Monifieth.</p>

<b>Montrose</b>		
Montrose : Omission – Glaxo Site (Vol 2, page 182)	Incorporate proposed First Round Modification with further amendment to reflect that Glaxo is no longer closing	Not Accept As Glaxo is to remain in operational use, the site is no longer available for redevelopment. Recommend insertion of new text highlighting need to investigate opportunities for regeneration of south Montrose.
<b>Villages</b>		
Arbirlot : Development Boundary (Vol 3, page 1)	Amend development boundary to exclude potential house site.	Accept recommendation to amend the development boundary to exclude the potential house site.
Bridgend of Lintrathen : Development Boundary (Vol 3, page 25)	Amend development boundary to include land to the west of Lochside Lodge as house plot(s)	Accept recommendation to include land to the west of Lochside Lodge within the development boundary.
Colliston : Development Boundary (Vol 3, page 32)	Maintain current development boundary to exclude objection site.	Not Accept Angus Council and the objector had reached a pre-inquiry agreement which was the subject of a pre-inquiry modification which was not subject to any objections.
Fk2 : Housing – East of Kinnell Gardens & Friockheim : Omission of Land South of Gardyne Street (Vol 3, page 47)	Delete site at Kinnell Gardens and replace with a new site South of Gardyne Street.	Accept recommendation to delete the site at Kinnell Gardens and include alternative site on land to the south of Gardyne Street.
L2 : Housing – Jubilee Park (Vol 3, page 74)	Amend village inset map to delineate areas covered by Policy L4 : Safeguard of Employment Land.	Accept recommendation and amend village inset map to delineate areas covered by Policy L4 : Safeguard of Employment Land.
LG1 : Housing – Letham Grange (Vol 3, page 78)	Minor amendment to wording by Reporter	Accept recommendation to include additional wording to limit the potential for additional housing.
Memus : Development Boundary (Vol 3, page 86)	Amend village inset map to indicate status of site adjacent to Drovers Inn	Accept Recommend the village inset map is amended by annotating the land with planning permission adjacent to the Drovers Inn to indicate "Land reserved for development related to the Drovers Inn".
Padanaram : Development Boundary (Vol 3, page 110)	Amend and annotate inset map or create settlement statement.	Accept in part. Not Accept the suggested change to the development boundary. Angus Council and the objector had reached a pre-inquiry agreement which was the subject of a pre-inquiry modification which was not subject to any objections. Accept recommendation to annotate the village boundary map to indicate that the site is reserved for affordable housing development.

Policy Imp1 : Developer Contributions (Vol 1, page 99)	Add new text to paragraph 5.5 giving commitment to preparation of supplementary guidance, on a settlement basis, to provide an indication of the nature of public services, community facilities and infrastructure for which developer contributions may be anticipated.	Accept. Preparation of supplementary guidance detailing where developer contributions would be required on a settlement by settlement basis will support the general terms of the local plan and provide more certainty for developers.
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## 5 PROPOSED MODIFICATIONS TO THE LOCAL PLAN

- 5.1 The Council's Statement of Response forms a main input to proposed modifications to the Local Plan. Subject to Members agreeing the terms of the Council's Statement of Response, it is recommended the Director of Infrastructure Services be authorised to prepare, publish and advertise the resulting modifications. All proposed modifications to the Plan, whether resulting from pre-inquiry negotiations or recommendations from the Reporters following the Inquiry, must be formally advertised, so that the position of all interested parties is safeguarded.
- 5.2 Angus Council has previously published three rounds of Pre-Inquiry Modifications and invited objections during a formal six-week period associated with each round. Where the Reporters have recommended that modifications be incorporated into the Local Plan without further change then it is intended that these be advertised for information only, with no further period for objection.
- 5.3 Where Angus Council agrees with the Reporters' recommendations for further change, or proposes further changes itself, then these matters will require to be advertised formally as modifications with a six week period for objection. It should be noted that minor matters (typographical and mapping) can be dealt with as minor technical changes and are not required to be included as modifications.

### Public Availability of the Council's Statement of Response and Modifications

- 5.4 The procedures for advertisement, deposit and objection of Modifications are contained in the Town and Country Planning (Structure and Local Plans) (Scotland) Regulations 1983. A formal Notice of Modification is set out in the Regulations and a period of six weeks is available for objection.
- 5.5 In order to meet the Regulations and assist customer care, the following arrangements are therefore recommended:-
- formally advertise the Council's Statement of Response and proposed Modifications;
  - a hard copy of the Council's Statement of Response and proposed Modifications will be made available for public inspection free of charge at all Public Libraries and ACCESS Offices and at St. James House, Forfar during normal working hours.
  - the information will also be made available, as a pdf format, on the Councils web site at [www.angus.gov.uk/localplan](http://www.angus.gov.uk/localplan) which can be downloaded and/or printed (free of charge) directly;
  - notify all previous objectors of the Council's decision in respect of their objection(s) and the availability of the Statement of Response and Proposed Modifications and the arrangements for viewing of the documents;

- make publicly available a copy of the documents in a range of media including:-
  - a full copy of the Statement of Response and Modifications available on cd (free of charge);
  - a hard copy for purchase of the Statement of Response (cost £25.00); Modifications (cost £5) or extracts of the documents as per the Council's existing schedule;

5.6 On conclusion of the six-week period, a report on all objections received to proposed modifications will be prepared for consideration by the Infrastructure Services Committee. The timescale for progressing the Local Plan towards adoption will be dependent upon the degree and nature of any objections made to the published modifications. A diagram summarising various steps in the procedure being followed is annexed to this Report.

## **6 FINANCIAL IMPLICATIONS**

6.1 Financial issues arise at this stage in respect of:-

- the costs of printing, publishing and depositing the Councils Statement of Response and modifications documents; and
- the price to be charged where appropriate for purchase of the Statement of Response, Modifications and extracts.

6.2 The number of copies of the Statement of Response and Modifications documents to be published will be considerably less at this stage than in earlier parts of the process when copies of the Local Plan Review were widely circulated. It is intended that the Statement of Response and Modifications documents be available in a range of media as set out in paragraph 5.5. In addition to making available deposit copies for inspection and publishing the full Statement of Response and Modification documents for sale, it is proposed that relevant extracts of the Report be made available on request free of charge to previous objectors to the Local Plan Review listed in the Inquiry Report. Costs will be contained within the Planning and Transport Revenue Budget for 2006/07. Part of the printing and publication costs may be recouped through sales of the Statement of Response and Modifications.

6.3 A charge of £25.00 is proposed for the purchase of the full Statement of Response; £5.00 for a full set of modifications; extracts for either would be charged as per the Councils existing schedule.

## **7 HUMAN RIGHTS IMPLICATIONS**

7.1 There are no human rights implications arising from this report.

## **8 CONSULTATION**

8.1 The Chief Executive, Director of Corporate Services, Head of Finance and Head of Law & Administration have been consulted during the preparation of this report.

## **9 CONCLUSION**

9.1 This report updates Angus Council on the findings, conclusions, and recommendations made by the Inquiry Reporters in respect of those matters dealt with by the Finalised Angus Local Plan Review Public Inquiry.

- 9.2 There has been a significant measure of support from the Reporters to many of the policies and proposals contained in the Local Plan Review and the three rounds of Pre-Inquiry Modifications published by the Council. The Reporters have also recommended further changes to 34 of the 157 items dealt with at the Inquiry, some of which are of a minor nature.
- 9.3 This Report suggests that the majority of the Reporters' main policy recommendations be agreed by the Council and that for those items where modification is now being proposed that the relevant procedures be implemented. The modifications will be prepared and then advertised for a period of six weeks and any objections will be reported to a future meeting of the Infrastructure Services Committee. The timescale for progressing the Local Plan towards adoption will be dependent on the degree and nature of any objections received to the relevant proposed modifications

## NOTE

The following background papers, as defined by Section 50D of the Local Government (Scotland) Act 1973, (other than any containing confidential or exempt information) was relied on to a material extent in preparing the above Report.

- Report on Objections to the Finalised Angus Local Plan Review, Volumes 1, 2 and 3, by Richard E. Bowden, BSc(Hons), MPhil, MRTPI and Richard G. Dent, BA(Hons), DipTP, FRTPI, August 2006
- Town and Country Planning (Structure and Local Plans) (Scotland) Regulations 1983 (Statutory Instrument 1983 No. 1590 (S149).
- Town and Country Planning (Scotland) Act 1997
- Scottish Planning Policy SPP1 : The Planning System

P&T/GDP/KMcG/IAL

8 November 2006

Eric S Lowson  
Director of Infrastructure Services

## APPENDIX 1

**SUMMARY OF KEY POINTS FROM PLI REPORT BY TOPIC**

The following is a broad summary of the Reporters' Recommendation by Section heading. Schedule 1 which accompanies this report deals with each of the items considered at the Inquiry, outlining the nature of objection, the Reporters' conclusions and recommendation, the Head of Planning and Transport comments and the recommendation to Angus Council.

**Part 1: Introduction and Strategy (PLI Report, Volume 1, pages 1 - 15)**

There were objections to the detailed wording of Policies S1: Development Boundaries, S2: Accessible Development and Schedule 1 attached to Policy S6 : Development Guidelines. The Reporters have recommended no change in respect of those matters other than the previously proposed modifications by Angus Council. The Reporter endorsed the pre-inquiry modifications promoted by the Council and recommended that the document should incorporate reference to the decision by the Scottish Ministers not to require a Strategic Environmental Assessment of the Finalised Angus Local Plan Review.

**Part 2: Building Sustainable Communities (PLI Report, Volume 1, pages 16 - 97)****Housing**

Housing land supply (Policy SC1): while the Reporter recommends no change to the broad thrust of the policy, he has recommended the inclusion of a more detailed statement on Structure Plan requirements for the period from 2011 to 2016 including indicative totals for each housing market area.

Omission of a large country houses policy: the Reporter recommends that either a freestanding policy is reintroduced or alternatively new Countryside Housing Policy SC6 should be modified to allow for this type of development.

Housing in the Countryside: the broad approach by the Council covered by pre-inquiry modifications has been supported, the Reporter has recommended some additional change to clarify the supporting text and policy wording.

Affordable Housing (Policy SC6): the Reporter has supported the policy as published but recommended inclusion of a footnote to Table 2.3 to clarify implementation of the policy.

**Town Centres and Retailing**

Large Scale Retail Development (Policy SC23): the Reporter has endorsed the pre-inquiry modifications but recommends the policy wording be amended to delete reference to distribution and add a reference to sequential approach in the margin text to reflect NPPG8.

**Sport and Recreation**

The Reporter has endorsed the pre-Inquiry modifications proposed by Angus Council in relation to countryside access.

**Community Facilities and Services**

The Reporter has endorsed the minor pre-Inquiry modifications proposed by Angus Council to paragraphs 2.94, 2.95, and 2.96.

**Transport and Communication**

The Reporter endorsed the pre-Inquiry modifications proposed by Angus Council to Policy SC38 : Bus Transport and paragraph 2.113 in the Telecommunications section.

Roadside facilities on the A92 (Policy SC43): this is also related to the objection to the use of land at the junction of the A92/Upper Victoria road link, Carnoustie for petrol filling station and associated traveller facilities. The Reporter has concluded that there is merit in limited

provision and recommended that Policy SC43 and para 2.109 is modified to enable a farm shop and a petrol filling station, but not overnight accommodation, to be promoted at this site.

### **Part 3 : Environment and Resources (PLI Report, Volume 1 pages 98 - 172)**

#### **Natural Environment**

The Reporter has endorsed the pre-Inquiry modification proposed by Angus Council to amend Figure 3.1: Natural Heritage Designations to reflect the designation of the River South Esk and River Tay and its Tributaries as Special Areas of Conservation.

#### **Built Environment**

In response to objection over the lack of appropriate noise pollution policies to protect the general environment and amenity value of Angus from increasing noise levels, the Reporter has endorsed the pre-Inquiry modification proposed by Angus Council to introduce a new policy to deal with noise pollution and noise sensitive development.

#### **Water Resource Management**

The Reporter has endorsed pre-Inquiry modifications proposed by Angus Council in response to an objection by SEPA to the wording of Policy ER22 : Private Drainage Systems.

#### **Resources**

The Reporter has endorsed the minor pre-Inquiry modification proposed by Angus Council to the wording of margin text in support of Policy ER30 : Intensive Livestock Buildings

#### **Energy**

The Reporter has generally supported the pre-Inquiry modifications proposed by Angus Council to the text and policies contained in the Energy Section of the Angus Local Plan Review and recommended a number of further modifications to:-

- Paragraph 3.70;
- Policy ER33 : Renewable Energy;
- Paragraphs 3.76 – 3.78;
- Figure 3.4 : Wind Energy Development – Geographic Areas;
- Paragraphs 3.79 – 3.82 and 3.84; and
- Policy ER34 : Wind Energy Development

#### **Waste Management**

The Reporter has endorsed pre-Inquiry modifications proposed by Angus Council in response to objections by SEPA to the policies and supporting text of the Waste Management Section. Additional minor modifications are recommended to paragraph 3.93 and Policy ER37 : Recycling Facilities.

### **Part 4 : Town and Village Directory (PLI Report Volume 2)**

#### **Arbroath (PLI Report – Volume 2, pages 1 - 92)**

The general development strategy and major land allocations at Montrose Road (housing) and Elliot (employment land) were supported, with a minor adjustment to the policy wording of Policy A9 : Opportunity Site - Ernest Street/Palmer Street suggested. Sites at Arbirlot Road West/Crudie (housing), Elliot Mill (housing), north Warddykes (housing) and Wardmill/Dens Road (retail) were all rejected.

In terms of major retail development the Reporter has recommended the deletion of food retailing at Westway and that the site should be restricted for use as non-food retail warehouse for the sale of durable goods. The Reporter also recommended that the Stobcross proposal is reworded to reflect the approved retail floorspace of up to 3500 sqm

gross floor area recognising that to have 5000sqm would require Angus Council to sell land in their ownership.

**Brechin (PLI Report – Volume 2, pages 93 - 103)**

The Reporter has endorsed the development strategy and land allocations in Brechin as set out in the Finalised ALP Review and recommends no change in response to objections to the omission of housing sites at Cookston and Unthank. No change is also recommended in response to the objections on the wording of Key Issues and Development Strategy set out in paragraph 9 of the town statement as they relate to retailing.

**Carnoustie (PLI Report – Volume 2, pages 104 - 167)**

One of the main issues dealt with by the PLI was the location of the new business park. The Reporter has recommended that the Local Plan Review site at Pitskelly Farm on the Upper Victoria Link road be deleted and replaced with a new site at Carlogie Road/Panbride north.

The Reporter supported the Council's position on new golf courses at Carnoustie and rejected proposals at both Carlogie Farm and Panbride/Westhaven for combined golf course and housing developments. The Reporter also rejected a range of other sites for housing development around the fringe of the town and Barry village.

**Forfar (PLI Report – Volume 2, pages 168 - 238)**

The main issue at Forfar was the distribution of housing land. The Reporter has recommended that the major development area allocated by the Finalised Plan at F7: New Neighbourhood - Westfield be deleted in its entirety. However the Reporter has confirmed the modifications for housing land at Western Restenneth and Whitehills Nursery and included new sites at Gowanbank (60 houses) and Slatefield (5 houses).

The Reporter has also recommended that 17.6ha of land at Turfbeg is identified as being safeguarded for around 300 houses in the period beyond 2011. Text should also indicate that development proposals are subject to review and will require to be confirmed by a future local plan.

The omission of sites at Suttieside (housing) and at North Mains Farm (housing and employment) were rejected.

The Reporter also endorsed the minor modifications in relation to the primary school site at Whitehills Nursery/Fyfe Street which now has planning permission.

**Kirriemuir (PLI Report – Volume 2, pages 239 - 309)**

Housing land distribution was the key issue at the PLI. The Reporter confirmed the greenfield site at Hillhead, but rejected the allocation of that part of the site at Cortachy Road currently in business use. The Reporter also allocated a new site as an extension of the site at Sunnyside (40 houses), but rejected land south of Beechwood Place for housing.

Other sites rejected for housing use included land at Herdhill/Martin Park, Pathhead Nursery, Newton Park and north of Cortachy Road (2 sites).

The Reporter confirmed land East of Muirhead of Logie for employment use.

**Monifieth (PLI Report – Volume 2, pages 310 - 324)**

The Reporter has rejected objections seeking the allocation of additional peripheral housing land at Ashludie Farm, Mains of Ardestie and Ardownie Farm Monifieth.

The Reporter has recommended that site Mf4 : Buddon Drive Cemetery Site, which was previously reserved by the adopted Local Plan, is deleted and that the Local Plan is amended to indicate that Angus Council will undertake a search for a new cemetery site for inclusion in a future local plan review or earlier if required.

**Montrose (PLI Report – Volume 2, pages 325 - 338)**

The Reporter endorsed the housing land strategy in Montrose as set out in the Finalised Local Plan and also rejected an objection to include a small site at Marykirk Road. Pre-inquiry modifications relating to M4 : Opportunity Site - Sunnyside Hospital and M9 : Railway Sidings - Montrose Station were accepted by the Reporter. Although the pre-inquiry modification regarding the Glaxo site was accepted, the Reporter has recommended some minor rewording to reflect the fact that Glaxo are staying in Montrose.

**Villages (PLI Report – Volume 3)**

A considerable number of the objections (60) to the Finalised Local Plan Review related to the omission of land, primarily for housing development, in villages and on greenfield sites in the open countryside. Many of the sites are situated 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. The Reporters have recommended very few modifications in response to objections received to the Angus villages.

Arbirlot (pages 1 – 8)

The Reporter has upheld the objection to the revised development boundary for the village and recommended that it be redrawn to delete the potential house site to the rear of the former manse or, if the boundary is retained, the site should be exempt from development to protect the setting of the village.

Auchterhouse (pages 10 – 14)

No modification is recommended by the Reporter in response to the objection relating to the omission of land for housing from the development boundary for the village.

Baldovan/Pitempton/Balmuir (pages 15 – 20)

No modification is recommended in response to the objection to the omission of land for the development of housing and associated facilities and services.

Balgray, Tealing (pages 21 - 24)

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

Balkeerie & Eassie (pages 25 – 30)

The Reporter has endorsed the pre-Inquiry modification of the development boundary to reflect extent of the site intended for the hall rebuilding project. No other modifications are recommended by the Reporter in response to objections for the inclusion of additional sites for housing development.

Berryhill (pages 31 – 37)

No modification is recommended by the Reporter in response to the objection to the omission of land for housing (including an element of affordable housing) adjacent to the recently completed development at Berryhill Farm. While acknowledging that such provision would make a welcome contribution to the overall provision of affordable housing in the South Angus area, the Reporter does not consider this justifies setting aside the strategy for housing land release promoted by the Dundee & Angus Structure Plan and Angus Local Plan Review.

Birkhill/Muirhead (pages 38 – 42)

No modification is recommended in response to the objection to the omission of 14.2ha of land to the south of Coupar Angus Road as a 'strategic reserve housing site'.

Bridgefoot (pages 43 – 48)

No modification is recommended by the Reporter in response to the objections relating to the omission of 2 separate sites for housing development.

Bridgend of Lintrathen (pages 49 – 58)

The Reporter has endorsed the pre-Inquiry modification to redraw the development boundary on the south side of the village and recommended an extension of the development boundary at the western edge of the village to include land adjacent to Lochside Lodge with guidance on how that land might be sensitively developed for a limited number of new houses.

Burnside of Duntrune (59 – 62)

No modification is recommended by the Reporter in response to the objection to the omission of around 30ha of land at Burnside of Duntrune (adjacent to Ballumbie Castle Estate) for an extension to the golf course and additional housing development.

Colliston (pages 63 – 64)

The Reporter has recommended no change to the village development boundary of Colliston. However, there appears to have been an administrative mix up with regard to this objection. The Reporter has indicated that he was unaware of the Council's pre-Inquiry modification to agree the inclusion of a small site for housing as a rounding off of the western village boundary which would allow for 3 or 4 houses, subject of course to detailed considerations at the planning application stage. This matter is further discussed in Schedule 1 – Statement of Response.

Craigton of Monikie (pages 65 – 66)

No modification is recommended by the Reporter in response to the objection to the omission of a site for housing from the development boundary.

Eassie Muir (pages 67 – 69)

No modification is recommended in response to the objection to the omission of a site for housing development from the established development boundary.

Edzell (pages 70 – 80)

No modification is recommended in response to objections in respect of land to the north and east of the village for housing and golf course and the omission of the former Mart site from the development boundary at Edzell.

Emmock, Duntrune (pages 81 – 85)

No modification is recommended by the Reporter in respect of the objection to the omission of a site for housing development.

Finavon (pages 86 – 88)

No modifications are recommended in respect of the development boundary for the village.

Friockheim (pages 89 – 112)

The Reporter has recommended that site Fk2 : Housing - East of Kinnell Gardens is deleted and replaced with a site on the south side of Gardyne Street. The Reporter also recommends that the text of the Local Plan is amended to ensure that the package of proposals and village/community improvement initiatives put forward in association with the new houses (as described in the objector's submissions and accompanying illustrative layouts and associated roads drawings) are all secured for the benefit of Friockheim as a whole. This might usefully involve the preparation of a development brief for Gardyne Street and its environs.

Grahamston, by Arbroath (pages 113 – 114)

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

Inveraldie and Tealing (pages 115 – 124)

The reporter has endorsed the pre-Inquiry Modification of the development boundary to include Tealing House Walled Garden. No modification is recommended in respect of the omission of an adjacent greenfield site for housing development.

No modification is recommended by the Reporter in response to the objection in respect of the omission of land for mixed housing and commercial development, to the west side of the A90(T), at Inveraldie.

Kellas (pages 125 – 128)

No modification is recommended by the Reporter to the objection to the omission of a site for housing development to the west of the village.

Kirkbuddo (pages 129 – 131)

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 (pages 132 - 135)

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

Kirkton of Menmuir (pages 136 – 138)

No modification is recommended in respect of the objection to the omission of Balfour Farm from the development boundary. 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 (pages 139 – 142)

No modification is recommended in response to the objection to the omission of a development boundary for this loose grouping of buildings.

Letham (pages 143 – 146)

The Reporter recommended that the village inset map should be modified to ensure Policy L4 : Safeguard of Employment Land is applied to all areas designated for existing and future industrial or employment use in Letham. The Reporter also confirmed housing sites at Jubilee Park and East Hemming Street as set out in the Finalised Local Plan.

Letham Grange (pages 148 – 154)

The Reporter endorsed the Council's pre-inquiry modification subject to some minor rewording to Policy LG1 : Housing – Letham Grange.

Liff (pages 155 – 159)

No modification is recommended by the Reporter in response to the objection 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 recommended in response to the objection 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 (pages 160 – 162)

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

Lundie (pages 163 – 164)

No modification is recommended in response to the objection to the development boundary for Lundie and the omission of an area of land (previously included in the Adopted Local Plan) for potential housing development.

Memus (pages 165 – 166)

The Reporter has recommended no change to the development boundary at Memus as shown in the Finalised Angus Local Plan Review and that the land with planning permission adjacent to the Drovers Inn be highlighted and annotated "Land reserved for development related to the Drovers Inn".

Monikie (pages 167 – 170)

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

Muirdrum (pages 171 – 174)

No modification is recommended by the Reporter in response to the objection to the omission of a site for housing development on the eastern side of the village.

Newbigging by Carnoustie (pages 175 – 185)

The Reporter has recommended no change to the Local Plan Review in response to the objection of the omission of land on the south east of the village, or of the omission of land to the west of the village, both for housing development. Members will recall that proposals for housing development on these sites was refused planning permission in July 2006 (Applications 05/01510/OUT and 05/01455/OUT refer).

Newbigging by Tealing (pages 186 – 199)

The Reporter has recommended no modification in response to objections to the omission of two large greenfield sites for housing development in open countryside adjacent to the village.

The Reporter has however recommended that the northern edge of the development boundary at Newbigging by Tealing is extended to incorporate a small rectangular area of land suitable for housing development.

Newtyle (pages 200 – 203)

No modification is recommended by the Reporter in response to the objection against the omission of land to the north of Glamis Road (previously identified for housing in both the Adopted Local Plan and Consultative Draft Plan 2003) from the proposed boundary.

North Craigo (pages 204 – 206)

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

North Dronley (pages 207 – 209)

The Reporter has agreed that the development boundary for North Dronley should be modified as set out in the pre-Inquiry Modifications put forward by the Council in September 2005.

Padanaram (pages 210 - 211)

The Reporter generally agreed the modification proposed by the Council to include land at St Ninians Road within the development boundary, but recommends that the site boundary should be adjusted and the site annotated as being reserved for affordable housing. Alternatively a settlement statement should be considered to include reference to an affordable housing allocation.

Panmure Estate Policies (pages 212 – 215)

No modification is recommended by the Reporter in response to the objection by Linlathen Developments Ltd to the omission of specific policies/proposals to support development within the Panmure Estate policies. Existing policies related to housing and development in the countryside provide the framework for dealing with development proposals in the area.

Piperdam (pages 216 – 219)

The Reporter has recommended no change to the wording of policy Pd1 : Residential Development and to the limit on housing numbers in response to the objection by Piperdam Golf & Country Club.

South Kingennie (pages 220 – 229)

The Reporter has recommended no change to the Local Plan in response to the 3 objections relating to the omission of sites for housing development adjacent to the development boundary.

Strathmartine Hospital (pages 230 – 237)

No modification is recommended by the Reporter in response to the objection concerning 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.

Wellbank (pages 238 – 247)

The Reporter has recommended no change to Wellbank in response to objections related to the omission of sites for housing development.

Westhall Terrace (pages 238 – 247)

No change is recommended by the Reporter in response to the objection to the omission of land on the west side of the village for housing development.

Westmuir (pages 252 – 253)

No change is recommended by the Reporter in response to the 2 objections to amend the development boundary for the village to include additional land for development.

Woodville (pages 254 – 255)

The Reporter has recommended no change to the development approach at Woodville.

**Part 5 : Implementation, Monitoring and Review (PLI Report – Volume 1)****Implementation**

In relation to Policy Imp1 : Developer Contributions the Reporter has recommended that the Council prepare supplementary guidance, on a settlement basis, to provide an indication of the nature of public services, community facilities and infrastructure for which developer contributions may be anticipated.

**Monitoring and Review**

The Reporter has endorsed the pre Inquiry modification proposed by Angus Council

**Part 6 : Appendices (PLI Report – Volume 1)****1. Developments Requiring a Transport Assessment and Travel Plan**

The Reporter has endorsed the pre Inquiry modification proposed by Angus Council.



**ANGUS LOCAL PLAN PROCEDURE  
WHAT HAPPENS NEXT?**



