

FINALISED ANGUS LOCAL PLAN REVIEW

PROPOSED MODIFICATIONS

(AS APPROVED BY ANGUS COUNCIL ON 26 AUGUST 2008)



September 2008

ANGUS COUNCIL

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 NOTICE OF INTENTION TO MODIFY LOCAL PLAN FINALISED ANGUS LOCAL PLAN REVIEW

PROPOSED POST- SECOND INQUIRY MODIFICATIONS

Angus Council propose to modify the above Local Plan.

Certified copies of the Report on Objections to Post-Inquiry Modifications to the Finalised Angus Local Plan Review, of Angus Councils Statement of Response prepared following consideration of the Report, and of the list of proposed post-second inquiry modifications have been deposited at :-

- All Angus Council Libraries and ACCESS Offices;
- Planning and Transport Reception, County Buildings, Market Street, Forfar;
- Angus House, Orchardbank, Forfar;
- Village Halls at Birkhill, Fowlis and Wellbank.

The proposed post-second inquiry modifications are available for inspection free of charge during normal opening hours and can also be viewed online at www.angus.gov.uk/localplan A copy of the proposed post-inquiry modifications can also be obtained from Planning and Transport.

Objections to the proposed post-second inquiry modifications should be submitted in writing, using the appropriate Objection Form available at the above locations. Alternatively, Objection Forms can also be downloaded from www.angus.gov.uk/localplan and sent as an e-mail attachment to localplan@angus.gov.uk

Completed forms should be submitted to the Head of Planning and Transport, Angus Council, County Buildings, Market Street, Forfar DD8 3LG and must be received before 5.00 p.m. on Thursday 16 October 2008.

Objections to the post-second inquiry modifications should state the name and address of the objector, specific matters to which they relate and grounds on which they are made.

5 September 2008

George Chree
Head of Planning and Transport

INTRODUCTION

Angus Council's Infrastructure Services Committee of 26 August agreed their response (Report No793/08 refers) to the Inquiry Reporters conclusions and recommendations contained in the Report on Objections to Post-Inquiry Modifications to the Finalised Angus Local Plan Review (May 2008).

Where Angus Council has agreed with the Inquiry Reporter's recommendations for change and proposes a further modification to the Finalised Angus Local Plan Review, these matters are now formally advertised and detailed in Schedule 1. A six week period is available for objection. For ease of use and reference this schedule is published on cream paper.

Following the first Local Plan Inquiry in 2006 Angus Council published a comprehensive schedule of Post – Inquiry Modifications in February 2007. At their meeting of 22 August 2007 Angus Council considered their response to the objections to the post-inquiry modifications received during the formal objection period, referred a number of matters to a second PLI and published pre – second PLI Modifications in September 2007 with a formal 6 week period for objection. Following consideration of the objections received to these published modifications at their meeting of 27 November 2007 Angus Council referred a number of further matters to a second PLI which was held in April/May 2007. Where the Reporter has recommended that modifications be incorporated into the Local Plan Review without further change or where no objections were received to the pre-second inquiry modifications promoted by the Head of Planning & Transport these are advertised for information only with no further period for objection. These modifications are detailed in Schedule 2 of this publication.

Any person or organisation may object to or make representations in support of the proposed modifications to the Plan, including where appropriate the decision of Angus Council not to accept a recommendation made by the Reporter. However objections cannot be lodged at this stage to the content of the original Finalised Local Plan document.

On completion of the objection period, Angus Council will consider all the submissions made and decide whether it is necessary to hold a further Local Plan Inquiry. A further Inquiry will only be required where a proposed modification generates objections on a matter which has not already been considered at the Public Local Inquiry.

Objections to the modifications on the cream pages only should be submitted in writing, using the appropriate Objection Form available. Alternatively, Objection Forms can also be downloaded from www.angus.gov.uk/localplan and sent as an e-mail attachment to localplan@angus.gov.uk

Completed forms should be submitted to the Head of Planning and Transport, Angus Council, County Buildings, Market Street, Forfar DD8 3LG and must be received before 5.00 p.m. on Thursday 16 October 2008.

Further information contact Ken McGregor, Senior Development Plan Officer, Planning & Transport, Angus Council, Forfar at (01307) 473175 or email: mcgregorkd@angus.gov.uk

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**ANGUS LOCAL PLAN REVIEW
MODIFICATION
SCHEDULE 1**

The following schedule includes proposed modifications resulting from Angus Council's decision in relation to the recommendations of the Inquiry Reporter in the Report on Objections to Post Inquiry Modifications to the Finalised Angus Local Plan Review.

The modifications have been advertised in accordance with the requirements of the Town and Country Planning (Structure and Local Plan) (Scotland) Regulations 1983.

Objections to proposed modifications must be submitted in writing, using the appropriate form available at all public libraries and ACCESS offices and at Planning Reception, County Buildings, Forfar. Alternatively, Objection Forms can also be downloaded from the Council's website at www.angus.gov.uk/localplan and sent as an e-mail attachment to localplan@angus.gov.uk

Objections to the modifications should state the name and address of the objector, the specific matters to which they relate and the grounds on which they are made.

Completed forms should be submitted to the Head of Planning and Transport, Angus Council, County Buildings, Market Street, Forfar DD8 3LG and must be received before 5.00pm on Thursday 16 October 2008.

For further information contact Ken McGregor, Senior Development Plan Officer, Planning and Transport, Angus Council, Forfar at 01307 473175 or e-mail: mcgregorkd@angus.gov.uk

Margin Text : Omission Ribbon Development

Fox Planning Consultancy

862/1/2

SUMMARY OF OBJECTION

Schedule 2(c) states:-

(c) Not extend ribbon development:

The Council's response makes no reference to FPCs pre-inquiry objections concerning ribbon development margin text (see below).

There is no reference in the Council's Response or the Reporter's Recommendations to FPCs pre-inquiry representations in respect of ribbon development. There appears to be no logical reason why the inclusion of a clearer definition of ribbon development would not be relevant, either under Margin Text or within a Glossary, particularly as it were included in the adopted Angus Local Plan 2000. FPCs pre-inquiry representations are repeated below and request that the adopted local plan contain a fuller explanation of ribbon development.

Ribbon Development

The definition of ribbon development as margin text lacks clarity as it falls short of the current definition contained in Angus Local Plan Schedule 1 Countryside Housing Development Criteria Criterion 3 that states:

Angus Council considers ribbon development to be a string of three or more houses along a road. A development proposal to add a single house to two existing houses will constitute ribbon development (unless it forms a gap site as defined above).

The definition of ribbon development should be expanded to include the definition of a road as defined by the relevant legislation, being any way other than a waterway over which there is a public right of passage (by whatever means) and includes the road verge and any bridge, whether permanent or temporary, over which, or tunnel through which the road passes. This is defined by the following legislation

The Town and Country Planning (General permitted Development (Scotland) Order 1992, in Part 1, Section 2 Interpretation contains an interpretation of road as:

- Road has the meaning assigned to it by Section 151 of the Roads (Scotland) Act 1984(e).

Section 151 of the Roads (Scotland) Act 1994 defines a road as:

A road is any way other than a waterway over which there is a public right of passage (by whatever means) and includes the road verge and any bridge, whether permanent or temporary, over which, or tunnel through which, the road passes.

ANGUS COUNCIL DECISION

It is recognised that a single definition between the respective policy elements would be beneficial and would enable greater consistency of implementation. Although set out as margin text, the suggested change is material to the policy would therefore need to be advertised as a formal modification.

Accept the Reporter's recommendation.

DETAILS OF PROPOSED MODIFICATION

Modify the definition of ribbon development in the margin text to read as follows:

Ribbon development:

A string of three or more houses along a metalled road - ie. a road with a hard, crushed rock or stone surface as a minimum.

F9 : Safeguarded Site – North of Turfbeg**Elite Homes (Tayside) Ltd****69/1/1****SUMMARY OF OBJECTION**

Elite Homes (Tayside) Limited (Elite) welcome the modification to safeguard land north of Turfbeg, Forfar, for development of around 300 houses.

Elite agree with the Reporter's conclusion that the land at Turfbeg should be reserved as possible longer term housing.

Elite however object to the wording in the modification that the possible future allocation of the site will require to be confirmed by a future local plan. It is submitted that these words should be deleted from the modification.

Scottish Planning Policy: Planning for Housing (SPP3) states, under the heading of Delivering Housing Land that local plans must conform to the Structure Plan and provide sufficient effective land to meet the housing land requirement for at least five years from the date of adoption. SPP3 goes on to state that local plans should also identify further sites to meet the requirements in the medium term.

SPP3 advocates that in looking to the medium term, development plans should identify the triggers for the release of future phases of housing land.

SPP3 states in paragraph 66, that alterations to the housing elements of plans should be prepared where necessary to ensure that housing land requirements are met but an alteration is not required if longer term allocations and releases are simply brought forward earlier.

The proposed modification is contrary to advice in SPP3, paragraph 66. The modification should allow for the release of the land at Turfbeg, if there is a need to do so to maintain an effective supply of housing land, without the need for a formal alteration to the adopted local plan.

The last sentence of the modification should also be changed to read No development will be permitted in the period to 2011, unless there is a need to do so to maintain an effective supply of housing land.

ANGUS COUNCIL DECISION

The Reporter has endorsed the general approach promoted by the Council, following the first public inquiry, in safeguarding the Turfbeg site for possible future development subject to a future Local Plan Review, but raises issues with respect of the compatibility of the detailed wording with the recommendations from the original reporter. Rewording of the text is now suggested by the second Reporter.

The Reporter has confirmed that the site should not be allocated for development and that the site should be considered as part of a future local plan review.

Monitoring of the allocated housing sites will continue through the annual housing land audit process, which will provide early warning of issues relating to housing site performance. If the overall housing position deteriorates such that additional housing land release earlier than 2011 was required, the matter can be dealt with through the hierarchy approach advocated by Dundee & Angus Structure Plan Policy H1: Housing Land Provision which indicates that:

To ensure the continuous provision of a minimum five year effective housing land supply in each housing market area, Local Plans should allocate land to meet the additional allowances in Schedule 1 up to 2011, in accordance with the development strategy, and take account of the indicative scale and distribution of land identified in Schedule 1 for development beyond 2011. If the annual monitor of housing land demonstrates that any of the current effective sites are no longer effective, alternative land should be identified to make up the shortfall, considering the potential contribution from sites in the established.

In the circumstances the Reporter's main recommendation to delete the sentence 'No development will be permitted in the period to 2011' can be accepted. However given the position already set out in the Structure Plan Policy H1, there is no need to make further modification to the Local Plan Review position.

DETAILS OF PROPOSED MODIFICATION

Amend F9 : Safeguarded Site - North of Turfbeg to read as follows:

F9 : Safeguarded Site – North of Turfbeg

17.6 ha of land north of Turfbeg is safeguarded for possible development of around 300 houses and related community facilities in the period beyond 2011.

The possible future allocation of the site will require to be confirmed by a future local plan.

**ANGUS LOCAL PLAN REVIEW
MODIFICATION
SCHEDULE 2**

The following schedule of modifications were previously published as pre-second Public Local Inquiry modifications (12 September 2007) in response to objections to post PLI modifications published in February 2007.

All modifications were advertised for objection in accord with the legislative requirements of the Town and Country Planning (Structure and Local Plan) (Scotland) Regulations 1993 and were either the subject of no objection or recommended by the Inquiry Reporter in the Report on Objections to Post Inquiry Modifications to the Finalised Angus Local Plan Review for incorporation into the Local Plan Review without change.

The modifications are published for information only.

Margin Text: Omission Greenfield Sites

Objector(s)

Mr D Armstrong
Fox Planning Consultancy

Objector Reference(s)

34/2/1
862/1/5

Procedure

Conditionally Withdrawn Written Submissions

Reporter

Jill Moody

BACKGROUND

In response to objections at the earlier stages of the local plan review, the Council proposed wide ranging changes to the suite of countryside housing policies that were presented to the Reporters undertaking the last inquiry in 2006. From these, proposed modification 3 intended to replace the definitions of greenfield and brownfield land in the finalised local plan review with those from Scottish Planning Policy 3: *Planning for Housing* (SPP 3, Core Production CP 32). The previous Reporters agreed and recommended accordingly (Core Production CP 14, pages 37 to 38, 63 to 64, and 67).

REPORTER'S CONSIDERATION

I note no dispute over the value of including the SPP 3 definition of greenfield, and agree for all the reasons discussed before, that it should be included when the local plan review is adopted. In this way, both objections will be satisfied.

REPORTERS RECOMMENDATION

The definition of greenfield land in the glossary of SPP 3 (Core Production CP 32, page 19), should be incorporated into the local plan review as margin text, beside the equivalent definition of brownfield land.

HEAD OF PLANNING AND TRANSPORT COMMENT

Support for the Council's position is noted.

ANGUS COUNCIL DECISION

No change.

Confirm that the margin text for greenfield definition taken from SPP3 Planning for Housing (February 2003) will be included in the Local Plan Review as per the previously approved third round pre-inquiry modification of December 2005. This will be dealt with as a technical change during the final editing of the Local Plan Review.

Margin text

Greenfield land : Land which has never previously been developed, or fully-restored formerly derelict land which has been brought back into active or beneficial use for agriculture, forestry, environmental purposes or outdoor recreation. (SPP3 Planning for Housing, February 2003).

K2: Housing – Hillhead, Kirriemuir

Objector(s)

Select Homes (Tayside) Ltd
J & J Learmonth
Guild Homes (Tayside) Ltd

Objector Reference(s)

871/2/2 & 871/3/1
71/1/3 & 71/2/1
872/2/1

Procedure

Hearing

Reporter

Jill Moody

BACKGROUND

The allocation of 120 houses K2 at Hillhead was included in the Finalised Angus Local Plan Review, with a first phase restriction of 60 houses in the period to 2011. Following the emergence of a site beside K2, the Council published pre-inquiry modifications that deleted the greenfield Beechwood Place site and amended the K2 site boundary to include the extra land, with 120 houses up to 2011 specified for the original, greenfield portion of the site. No house numbers were apportioned to the additional land.

In response to objections to Hillhead, the Reporters at the first local plan review inquiry in 2006 confirmed the greenfield element of the site, but they limited the release to 40 houses in the period to 2011 and recommended deletion of the adjacent brownfield, extra part of the site, because it was still in industrial use. To provide choice in the housing land supply, the Reporters also recommended the allocation of land at Sunnyside for around 40 houses, for release in the same period to 2011 (Core Production CP 14, pages 284 to 292).

In assessing the Reporters' recommendations, the Council identified an overall shortfall of 85 houses in the Forfar, Kirriemuir & the Glens Housing Market Area up to 2011. Officials then recommended that part of this shortfall should be addressed in Kirriemuir by amending the phasing of site K2 Hillhead from 40 to 80 houses in the period to 2011. Councillors rejected this, instructing instead that a site at Beechwood Place should be included for 40 houses. Post-inquiry modifications to that effect were published in February 2007 but because objections were received, the Council reverted to the originally recommended re-phasing of K2 Hillhead to allow 80 houses in the period to 2011. Accordingly, a second round of post-inquiry modifications were published in September 2007. Objections were again received, but this time the Council resolved to make no further change, preferring instead that the objections are considered at this second inquiry.

REPORTER'S CONSIDERATION

The Council's proposed pre-inquiry modification was for a larger site, and for a total allocation at K2 Hillhead of 120 houses up to 2011. However, the previous Reporters' recommendation is explicit, i.e. they reduced the size of the site at K2, but kept and allocated the same total number of houses on the remainder, with the caveat that the first phase to be developed before 2011 was restricted to 40 houses (Core Production CP 14, paragraphs 1.116, 2.1155, and 2.1251). The Reporters seem not to have allocated the full amount of housing to the initial phase because of three main factors, which were:

- the need to accord with the approved structure plan by including some provision for beyond 2011, albeit subject to review;
- the apparent drainage constraints; and
- the need to provide choice through developing different sites within Kirriemuir, as opposed to within its wider housing market area.

Based on the above, I find that the whole of Hillhead was allocated for housing development, but the balance of the amount was being set aside for later use.

Housing Policy 1 from the approved Dundee and Angus Structure Plan (Core Production CP 1, pages 21 and 22) expects that local plans will:

- allocate sites to meet Schedule 1 up to 2011; and
- take account of the indicative scale and distribution of the land identified in Schedule 1 for development beyond 2011.

Given that, the previous Reporters' recommendation accords entirely with the approved structure plan.

SPP 3 confirms that monitoring should occur via the annual audit process (Core Production CP 32, paragraph 65), and that development plan alterations can be used to address any housing land shortfall, unless longer term allocations and releases can be brought forward (paragraph 66). The supporting structure plan text (Core Production CP 1, paragraph 4.17) and the remainder of Housing Policy 1 add that if the annual monitoring process reveals a shortfall in the 5 year effective land supply, local plan allocations will be the preferred means of identifying alternative development sites, and the potential contribution from sites that form part of the established land supply will be considered next. The structure plan glossary defines the established land supply as including the remaining capacity of sites under construction, sites with planning permission, and sites in adopted local plans (page 80), so that for this particular local housing market area, allocated sites where the local plan review has phased development beyond 2011 are part of the established land supply. More specifically, the balance of the K2 site is in the established supply, mainly because it is allocated in the local plan review. But the evidence also now shows clearly that the balance has enough spare capacity to accommodate the shortfall, and that the site is now effective because it is free from constraint and can be developed within the required timescale.

Although the current shortfall has not emerged through the annual monitoring process, the effect is largely the same, in that the Council has identified that insufficient land has been allocated in the local plan review to meet the approved structure plan requirement. Arguably therefore, a shortfall exists in the amount of land allocated for the period up to 2011. In addressing this, the approved structure plan and SPP 3 give a clear instruction that the deficiency should be resolved by looking first for a local plan allocation that is part of the established land supply as defined. I am satisfied that the Council has followed that process exactly, and has identified part of the balance of K2 as the only existing available option in Kirriemuir. Therefore, I am also satisfied that the Council's intention to accelerate development of K2 and to use some of the balance of that allocation to offset the current 40 house shortfall, is entirely appropriate against SPP 3 and the approved structure plan.

Equally, under the above circumstances, I find no justification in national planning policy or in the approved structure plan for disregarding the potential contribution that a site like K2 might make, in favour of another that may or may not have been considered at the last inquiry, but which is certainly not allocated or even safeguarded for future use. Policy does not support the contention that other sites like Beechwood Place and the extra land at Sunnyside can simply be slotted in instead of, or in advance of, an allocated site like K2, when neither site is even brownfield land. I find also that it is not possible to speculate what number or range of sites the Reporters might have recommended in favour of had they known of the numeric shortfall in the allocated sites. But I am certain the process of selecting K2 involved a comparison between it and the other sites drawn to their attention at the time, i.e. including Beechwood Place and at least part of Sunnyside. Further, based on the above summarised conclusions, the outcome favoured the phased allocation at K2 Hillhead.

If in future, the annual monitoring process produces a shortfall in the effective housing land supply, SPP 3 and approved structure plan Housing Policy 1 impose a clear response hierarchy, with the development plan process remaining the proper central forum for considering the full range of other competing options, i.e. promoting an alteration to the development plan or granting advance planning permission. In other words, if a shortfall in the effective land supply emerges, response mechanisms are in place to address it. However, in this regard, I note the Council's evidence in the most recent housing land supply audit (Council Production 1), that no shortfall of land is predicted for the later period beyond 2016, and I find that the figures in the approved structure plan are intended to be indicative anyway, and quite specifically subject to review (Core Production CP 1, paragraph 4.16 and Schedule 1).

Based on the previous Reporters' conclusions, I find no doubt that they considered the wider community benefits to be derived from developing K2 in the context of the bigger site proposed via the pre-inquiry modifications, i.e. including the industrial land (Core Production CP 14, paragraphs 2.1164 to 2.1177, section Wider Community Benefits), but that the conclusions explicitly exclude the industrial land from the eventual allocation (paragraph 2.1175). However, of greater significance is the conclusion that overall, the community benefits do not amount to an overriding reason for the designation of Hillhead as a sole housing allocation (paragraph 2.1177). I construe this as meaning that any diminution that might be perceived now in the value of those benefits has no bearing on the fundamental acceptability of the allocation and the ability of the smaller site to contribute to the housing land supply, because it did not justify the original allocation. In other words, development with housing is neither dependant upon nor justified by these benefits. But even if it were, the previous Reporters accepted that:

- the health centre need not be confined to within K2 (paragraph 2.1166);

- the Council's standard for affordable housing to be applied was 15%, and K2 has no potential to provide more than any other site (paragraph 2.1167);
- an improved school drop-off point was not inextricably linked to housing development and could be achieved irrespective of it (paragraph 2.1168); and
- the provision of accessible open space was not in the pre-inquiry modification, but it should be provided in accordance with the Council's recognised standard (paragraph 2.1169).

I also note the Council's evidence that apart from the health centre, the need for which has been over taken by events that are outwith the Council's control, these other benefits have all been accounted for by the approved development brief, the various planning applications, and in the section 75 agreement under negotiation, so that they will all be provided. Therefore, based on all of the above, I find no reason to accept the view that these expectations have diminished, and especially to an extent that might undermine the original K2 allocation.

The previous Reporters also considered landscape, visual, and traffic impacts for Hillhead, and they were satisfied on all counts that the impacts would be wholly acceptable (paragraphs 2.1178 to 2.1186, and 2.1193 to 2.1196). Further, I note that in discussion at the hearing session, all of the objectors to the proposed post-inquiry modifications accepted these conclusions.

Overall therefore, while I will consider the merits of the other site options suggested in the context of the linked, site specific objections, I am satisfied that the objections raise nothing in respect of K2 Hillhead that was not considered before, or that otherwise justifies departing from the views and recommendations expressed by the previous Reporters, or that might prevent bringing an additional 40 houses forward at K2 Hillhead for development before 2011.

REPORTER'S RECOMMENDATION

Accordingly, I recommend that the Council adheres to the proposed post-inquiry modification to increase the allocation for the site described as K2: Hillhead, for an extra 40 homes.

HEAD OF PLANNING AND TRANSPORT COMMENT

Support for the Council's position is noted.

ANGUS COUNCIL DECISION

No change.

Accept the Reporter's recommendation and confirm the Local Plan Review modification as follows:

"K2 : Housing – Hillhead

7.6 hectares of land between Kinnordy Road and Shielhill Road is allocated for around 120 dwellings. A first phase of 80 units will be permitted for development in the period to 2011.

Proposals should all be in accordance with a development brief which will be prepared for this site and which will include details of the following requirements:

- **vehicular access from Kinnordy Road. Access from Shielhill Road may be permitted if suitable arrangements can be agreed to relocate or redesign the drop-off/pick-up point for pupils of Northmuir Primary School;**
- **15% of the capacity of the site to provide LCHO affordable housing; and**
- **proposals for suitable use and maintenance of the land not required for phase 1.**

K3: Housing – Sunnyside, Kirriemuir

Objector(s)

Select Homes (Tayside) Ltd
Guild Homes (Tayside) Ltd

Objector Reference(s)

871/2/3
872/1/1

Supporter

J & J Learmonth

Procedure

Hearing

Reporter

Jill Moody

BACKGROUND

The site was included in the consultative draft version of the Angus Local Plan (2003) as site K4: Sunnyside. However, it was deleted from the finalised version in response to objections received, and it was replaced by K3: Housing – Land South of Beechwood Place. The Reporters conducting the first inquiry considered an objection to the omission of this site from the local plan review, and they recommended that it should be allocated for around 40 houses to provide an element of choice in the local Kirriemuir housing market. In doing so, they recognised that constraints like access needed to be resolved, but they concluded that there was a reasonable expectation that these issues would be resolved within the plan period. Angus Council accepted the Reporters' recommendation and published a post-inquiry modification in February 2007, whereby the site became K3 Sunnyside for about 40 homes. Although this proposed modification was the subject of further objection, the Council resolved to maintain it, and to have these objections considered at a second inquiry.

REPORTER'S CONSIDERATION

I find no connection between these objections to the proposed allocation of site K3 at Sunnyside and the housing land supply shortfall issue that affects Kirriemuir's housing market area. Therefore, there is no issue to be considered about the number of houses. That said, I note that the concerns raised relate to the ability of the site to be developed inside the required timescale.

Following the last inquiry, the previous Reporters acknowledged that the K3 Sunnyside site suffered drainage and vehicular access difficulties, to the extent that it was not actually effective at the point they considered the objections to its omission. However, they were satisfied that K3 was capable of becoming effective in the required plan period, i.e. before 2011, and that the shortcomings should not prevent its allocation (Core Production CP 14, paragraphs 2.1220 and 2.1222). Accordingly, they recommended that the site should be allocated and the Council accepted that view in the proposed post-inquiry modifications.

The approved structure plan glossary defines effective housing land as *that part of the established housing land supply that is expected to be free of constraints in the 5 year period under consideration and will therefore be available for construction of houses* (Core Production CP 1, page 80). This definition is repeated in the margin text of the finalised local plan review (Core Production CP 5, page 19) and it reflects national planning policy in SPP 3. In addition, PAN 38 states that to be effective, it must be shown that within the period under consideration, the site will be available for the construction of housing and be free of the listed range of constraints (Core Production CP 40, paragraph 29). The objectors are challenging compliance only in terms of ownership and infrastructure. For ownership, PAN 38 expects that an effective site *is in the ownership or control of a party which can be expected to develop it or to release it for development*. For infrastructure, PAN 38 expects that *the site is either free of infrastructure constraints, or any required infrastructure can realistically be provided by the developer or another party to allow development*.

Looking firstly at ownership, I have received no evidence to show that the owner of the K3 housing site is not likely to release it for development. However, there is an issue about ownership of the access route because it crosses Council owned land at the Mortarholes lock-up garages. The previous Reporters considered this issue and found the prospects of development to be good. The evidence available in respect of these current objections and this second inquiry is that formal agreement has now been reached and signed by the Council, and is being registered, whereby vehicular access can be formed to the required standard at Mortarholes and used to serve the K3 site along with the adjoining land at K(b).

In terms of infrastructure, I note that the Council has satisfied itself that vehicular access can be achieved to K3 in accordance with the required safety standards, and that it has resolved to grant planning permission for K(b) on that basis. In addition, the statement from Scottish Water (Core Production CP 84) confirms that generally, Kirriemuir is no longer subject to the same level of development restriction or uncertainty as applied at the last inquiry. I understand from that statement, that applications for drainage connections to development sites will now be considered by Scottish Water on a first come first served basis and overall, there seems to be enough spare capacity to accommodate the required level of house building, as envisaged by approved structure plan Housing Policy 1.

Therefore, I find no impediment to the principle development on K3 in either respect. The objectors may still disagree about the technical solutions to be used in addressing these issues, i.e. the way in which access and drainage connections to K3 might actually be formed. But I consider these are detailed considerations for the Council and other relevant authorities to determine. Fundamentally, they are not issues for me to consider as part of this local plan inquiry process.

Based on the above, I am satisfied that the position as regards the effectiveness of the K3 Sunnyside site is now even stronger and more certain than it was at the last inquiry, because the site may now be regarded as actually effective in terms of complete ownership and infrastructure provision as compared to the PAN 38 criteria. Further, I find no evidence to justify overturning the previous reporters' conclusion that the site is, in planning terms, suitable for housing development.

REPORTER'S RECOMMENDATION

Accordingly, I recommend that the Council adheres to the proposed post-inquiry modification to allocate the site described as K3: Sunnyside, for about 40 homes.

HEAD OF PLANNING AND TRANSPORT COMMENT

Support for the Council's position is noted.

ANGUS COUNCIL DECISION

No change.

Accept the Reporter's recommendation and confirm the Local Plan Review modification as follows.

K3 : Housing - Sunnyside

Two hectares of land south of site K(b) : Westfield/Lindsay Street, is allocated for around 40 dwellings.

Access will be taken from site K(b). Development will require to have regard to the edge of town location with appropriate landscaping, particularly planting along the western and southern boundaries. The benefits of the southerly aspect of the site should be reflected in an energy efficient layout and design

K3: Housing – Sunnyside, Kirriemuir

Objector(s)	Objector Reference(s)
Stephen Whyte	187/1/1
Mrs Lorna Allison	240/1/1
Mr & Mrs Garden	352/1/1 & 353/1/1
Neil Sutherland	504/1/1
Mr & Mrs Brown	508/1/1 & 606/1/1
Mr Allison	1089/1/1
Heather & Blair Hood	1093/1/1
Marjory D. Wallace	1094/1/1
Mr & Mrs Little	1095/1/1 & 1097/1/1
Robert & Kathleen Gourlay	1098/1/1 & 1099/1/1

Procedure	Reporter
Written Submissions	Jill Moody

BACKGROUND

The site was included in the consultative draft version of the Angus Local Plan (2003) as site K4: Sunnyside. However, it was deleted from the finalised version in response to objections received, and it was replaced by K3: Housing – Land South of Beechwood Place. The Reporters conducting the first inquiry considered an objection to the omission of this site from the local plan review, and they recommended that it should be allocated for around 40 houses to provide an element of choice in the local Kirriemuir housing market. In doing so, they recognised that constraints like access needed to be resolved, but they concluded that there was a reasonable expectation that these issues would be resolved within the plan period. Angus Council accepted the Reporters' recommendation and published a post-inquiry modification in February 2007, whereby the site became K3 Sunnyside for about 40 homes. Although this proposed modification was the subject of further objection, the Council resolved to maintain it, and to have these objections considered at a second inquiry.

REPORTER'S CONSIDERATION

I find that the views of these objectors were withdrawn and not considered at the last local plan inquiry through the belief that the Council was no longer promoting the site at Sunnyside for development. On that basis, it is entirely appropriate for me to consider them now, in response to the proposed post-inquiry modifications.

That said, Section 17(3) of the Town and Country Planning (Scotland) Act 1997 prohibits the adoption of a local plan that does not conform to the appropriate approved structure plan. Therefore, the Council must make sure that the local plan review accords with the current approved structure plan specified five year housing land requirement for Kirriemuir. In other words, the local plan review must allocate enough housing land to accommodate the number of housing units specified in the approved structure plan (Core Production CP 1, Housing Policy 1). As it stands, the local plan review would fall short of meeting that requirement, but it would fail to an even greater extent without Sunnyside.

The previous Reporters took the view that more than one site should be used in Kirriemuir to accommodate the approved structure plan requirement and, after comparing a range of options, they chose to allocate Sunnyside along with Hillhead (Core Production CP 14, paragraph 2.1251). In doing so, the Reporters accepted the principle of:

- a greenfield land release to satisfy the housing land requirement;
- extending Kirriemuir to the south west; and
- creating a new urban edge with landscaping.

They also took account of the impact of and relationship between the allocation and the existing houses and built form at Sunnyside. In particular, the previous Reporters concluded that:

- the site would not be especially visible or have a considerable landscape impact in views along Glamis Road;
- layout, design, and tree planting could be used to soften and thereby to avoid creating an abrupt urban edge;
- layout and design could also be used to reduce the impact on the residential amenity and privacy of existing residents;
- the viability of the remaining agricultural land was at best doubtful; and
- the volume of traffic arising would be low enough that existing roads could accommodate it safely, albeit with improvements (Core Production CP 14, paragraphs 2.1211 to 2.1217).

I have received no new evidence that leads me to disagree with their conclusions on any of these issues, especially given the compact shape and contained form of the proposed site, the relatively small number of houses on Sunnyside that would be directly affected by development, and the potential to use early landscaping to soften and contain the site. I note that these considerations all satisfy SPP 3. Further, I note that the Council has since resolved to grant planning permission for the K(b) site and has received an application for outline planning permission for the K3 site. I expect that the above detailed design issues will be considered as part of that development management process. The objectors may still disagree about the technical solutions to be used in addressing the issues, i.e. the relationship to the existing housing, the landscaping, and the way in which access might actually be formed to K3, but I consider these are detailed considerations for the Council and other relevant authorities to determine. Fundamentally, they are not issues for me to consider as part of this local plan inquiry process.

The ability to achieve land to provide a vehicular access into the site was also considered before, with the conclusion that access was ultimately achievable (Core Production CP 14, paragraph 2.1219). I have considered this in more detail in the context of objections from Select Home and Guild Homes. Suffice to say here that the evidence for those objections satisfies me that the deliverability of development at the K3 Sunnyside site is now even stronger and more certain than it was at the last inquiry because the Council has agreed a Deed of Servitude right to construct and use a vehicular access across the Mortarholes lock-up garage site. On that basis, K3 may now be regarded as effective in terms of the ownership and infrastructure criteria from PAN 38 (Core Production CP 40, paragraph 29).

However, these objections raise 2 new issues, i.e. access through Sunnyside and capacity at the High School. Firstly, I have no evidence to suggest that anything more than a pedestrian access is proposed from K3 through to Sunnyside, although I am inclined to agree that a proposal for vehicular access could impact on traffic safety and residential amenity along that street. However, this issue is again a matter for detailed consideration as part of the development management process and any continuing concerns should be raised with the Council in that forum. For my purposes, there is no fundamental reason why the unconfirmed prospect of a secondary access via that route would not prevent this housing allocation from being confirmed. Secondly, the Council's Director of Education has provided evidence to confirm that although capacity at the relevant Webster's High School is under pressure, so that it is an issue, enough space should be available to accommodate the number of extra pupils arising from this proposed development. Therefore again, I find nothing in these additional concerns that would prevent the site from being allocated for development as per the previous Reporters' recommendation.

REPORTER'S RECOMMENDATION

Accordingly, I recommend that the Council adheres to the proposed post-inquiry modification to allocate the site described as K3: Sunnyside, for about 40 homes.

HEAD OF PLANNING AND TRANSPORT COMMENT

Support for the Council's position is noted.

ANGUS COUNCIL DECISION

No change.

Accept the Reporter's recommendation and confirm the Local Plan Review modification as follows:

K3 : Housing - Sunnyside

Two hectares of land south of site K(b) : Westfield/Lindsay Street, is allocated for around 40 dwellings.

Access will be taken from site K(b). Development will require to have regard to the edge of town location with appropriate landscaping, particularly planting along the western and southern boundaries. The benefits of the southerly aspect of the site should be reflected in an energy efficient layout and design.

K4: Housing – South of Beechwood Place, Kirriemuir

Objector(s)

J & J Learmonth
Select Homes (Tayside) Ltd

Objector Reference(s)

71/1/1 & 71/2/4
871/2/1 & 873/3/2

Procedure

Hearing

Reporter

Jill Moody

BACKGROUND

Land south of Beechwood Place was not in the consultative draft version of the local plan review, but it was in the finalised version for around 50 homes as a phase 1 up to 2011, with a requirement to prepare a development brief incorporating access to the adjacent employment land referred to as K4: Working – East Muirhead of Logie. The housing site was included as an alternative greenfield site to Sunnyside, which had been deleted in response to objection. However, following objections to the inclusion of the Beechwood site, the emergence of a brownfield site beside K2 Hillhead, and taking account of an uncertain drainage position, the Beechwood Place site was deleted in the September 2005 pre-inquiry modifications.

After considering objections, the Reporters at the first local plan review inquiry, recommended in 2006 that the site should not be allocated, for landscape and visual impact reasons. They also recommended a knock-on adjustment to K4: Working.

In assessing the Reporter's recommendations, the Council identified a shortfall of 85 houses in the Forfar, Kirriemuir & the Glens Housing Market Area up to 2011. Officials then recommended that part of this shortfall should be addressed in Kirriemuir by amending the phasing of site K2 Hillhead from 40 to 80 houses in the period to 2011. Councillors rejected this, instructing instead that a site at Beechwood Place should be included for 40 houses. Post-inquiry modifications to that effect were published in February 2007 but because objections were received, the Council reverted to the originally recommended re-phasing of K2 Hillhead to allow 80 houses in the period to 2011. Accordingly, a second round of post-inquiry modifications was published in September 2007. Objections were again received, but this time the Council resolved to make no further change to the local plan review, preferring instead that the objections are considered at this second inquiry.

REPORTER'S CONSIDERATION

The Select Homes objection falls into two main parts, namely the fundamental objection to the deletion of the Beechwood Place site from the proposed modifications, and the secondary objection that if it is reinstated, the site should be made bigger to make best use of the space and to relate as closely as possible to the configuration of the adjoining business park at East Muirhead of Logie.

Turning first to the fundamental objection, given improved drainage potential, the previous Reporters concluded that the approved structure plan housing land need in Kirriemuir should be satisfied on more than one site. They then considered a range of competing options that had been drawn to their attention by way of objections, to accommodate the balance of the amount subtracted from K2 Hillhead. The competing sites included Beechwood Place, and at least part of Sunnyside. The outcome of that process preferred Sunnyside for reasons explained in the first inquiry report (Core Production CP 14, pages 293 to 298).

In the context of the current shortfall of land to accommodate 40 houses in Kirriemuir, I have dealt with the policy background to the Council's proposal to resolve this issue by accelerating development at K2 Hillhead, against the linked Select Homes objection to that site. I do not propose to repeat the argument here, other than to stress that I find no justification in national planning policy or in the approved structure plan for disregarding the potential contribution that a site like K2 might make, in favour of another site that was not allocated at the last inquiry. Policy does not support the contention that other sites like Beechwood Place and the extra land at Sunnyside can simply be slotted in instead of, or in advance of, an allocated site like K2, especially when that site is not even brownfield land. I find also that the future housing land position for the relevant housing market area has been taken into account, and that the approved structure plan specified review would be the proper way to consider any subsequent shortfall in supply. Therefore, based on all of the above, the Council's

response to the current situation of allocating the extra housing to K2 Hillhead is appropriate and the Beechwood Place site is not in contention.

I have also dealt with the issue of community benefits at Hillhead in the context of the linked K2 objection, so that I will only restate my conclusion that these expectations have not diminished, that the clear majority are now secure, and that the original K2 allocation stands undamaged by the minor changes that have occurred in the interim, due to circumstances beyond the Council's control.

The previous Reporters took specific account of landscape and visual impact at Beechwood Place (paragraphs 2.1198 and 2.1199). They concluded that the proposed south boundary, which at that time was as now requested by the Select Homes objection, i.e. it lined through with the business park and was south of the farm access, offered little containment. As a result, the larger site then under consideration would have a high level of local visual impact, which they judged to be harmful. While the current Select Homes objection disagrees with that view, no new evidence has been presented to show that the impact of the reduced number of homes now under consideration would be better.

The previous Reporters accepted that their concerns over landscape and visual impact might need to be set aside if more housing allocations are needed (paragraph 2.1200). I am satisfied that position has not yet been reached because the existing K2 allocation has enough spare capacity to absorb the current need of 40 houses. Therefore, there is still no justification to set aside the Reporters' concerns, especially as I have no evidence to show that the impact 40 houses on a smaller site might not be worse. I have noted the suggestion that more land could be allocated for future development, but that position has not been justified by factual evidence to show a clear future need for more housing land beyond 2011. In contrast, the only evidence presented is the Council's most recent housing land audit (Core Production CP 70 and Council production 1), which shows an adequate supply. But if that situation should change, the whole Beechwood Place site could then be reconsidered as part of the review process envisaged by the approved structure plan and SPP 3, which I have referred to above and described in more detail elsewhere in this report.

As regards the link with the business park, the approved structure plan requires that local plans should provide a supply of employment land in the same way as for housing. For Kirriemuir, this amounts to up to 5 hectares (Core Production CP 1, Employment Policy 1, page 12). In satisfying this, the finalised local plan review proposed to allocate land at East Muirhead of Logie (paragraph 2.45), so the justification for the business park is based on the approved structure plan and not on a Council vision of a southerly expansion of Kirriemuir based on a linked housing and business park development. The finalised local plan review proposals map shows the allocation as a 4 hectare business park at K4: Working – East Muirhead of Logie. However, the allocation is subject to the following caveats:

- development is subject to a joint development brief with the then adjoining K3 Beechwood Place housing site;
- longer term vehicular access to the business park via a new distributor road; and
- both sites are to be subject to a combined landscaped and boundary treatment, to create best fit (page 142).

Therefore, the finalised local plan review created some linkage, but there is no suggestion that the development sites are interdependent. While I can see distinct advantages in pursuing a strategic development of that whole area via a planned, combined, and master planned approach, these benefits are only relevant if the housing development is fundamentally necessary or desirable. I have stated above my view that it is not currently necessary, and the previous Reporters found it to be undesirable. In reaching that view, they clearly balanced whether this benefit would outweigh their other concerns.

The previous Reporters considered an objection by Select Homes to K4, which stressed the benefits of the distributor road in providing good access to the business park. I note here a particular statement in the Reporters' summary of evidence from Select that *Even in the event of housing land not coming forward at this time, the local plan review should make adequate provision for a good quality access to the employment land. This is an important requirement in its own right but is also needed so as not to prejudice future housing at Beechwood Place* (Core Production CP 14, paragraph 2.1260). I consider that this statement suggests the housing and employment proposals were being presented and considered as separate packages, which differs from the current objection. I find nothing in the Reporters' summary of the corresponding housing site objection that contradicts that view (pages 263 to 265). Therefore, I am satisfied that the previous Reporters considered the proposals as divisible and recommended accordingly, i.e. that the business park should proceed whereas

the housing should not. On that basis, the distributor road did not justify the business park alone, because other acceptable options existed directly off Forfar Road. Similarly, the predicted amount of traffic generally, and especially turning traffic through the Morrison Street/Glamis Road junction with the housing development was judged not to be enough to justify the new road, and thereby to outweigh the landscape and visual impact concerns that persuaded against allocation of the Beechwood Place site for housing (paragraph 2.1206).

Therefore, I find that the only new issue raised for consideration at this inquiry relates to the question of cross subsidy between the business park and the housing site. Although the concept of cross subsidy can be a valid planning consideration, in this case I have no clear factual, or quantifiable evidence to show where or why any funding gap might arise, or to show exactly how the profit from the housing would be ploughed back into some particular aspect of the business park development, and quickly enough to secure the urgent site start that all seem to want. I note here that Guild Homes offered a concession in the context of the K2 Hillhead site, whereby if this kind of evidence was produced, they would not oppose some housing allocation at Beechwood Place in place of K2. Clearly without this evidence, there can be no justification for invoking that concession. In discussing the issue at the Beechwood Place hearing session, it emerged that the concerns were because of private and contractual arrangements that seemed to prevent development of the business park in isolation. Clearly this is not a valid planning consideration, other than the extent to which it might stop delivery of a desirable development. However, with the Council's available statutory compulsory purchase powers, the business park could still be implemented, although I accept that it would be delayed. Nevertheless, in all of these circumstances, I am satisfied that the cross subsidy issue is not of enough weight to justify allocating an otherwise unacceptable housing site, just to unlock the business park.

Consequently and overall, I find no reason to depart from either the correct policy response to the existing housing land shortfall, or the previous Reporters' conclusions.

Turning next to the Learmonth objection, I have included reference to this in my report against the possibility that the outcome might have found in favour of allocating the Beechwood Place site. In that case, I would have needed to consider the Learmonth opposition in detail. However, because I have concluded that the Beechwood Place site should remain deleted from the local plan review, I find, as the Council has done, that the objection is satisfied. Based on that, consideration of the issues raised via this second inquiry is no longer applicable.

REPORTER'S RECOMMENDATION

Accordingly, I recommend that the site south of Beechwood Place should not be allocated for development as a response to the current shortfall in the relevant housing market area.

HEAD OF PLANNING AND TRANSPORT COMMENT

Support for the Council position is noted.

ANGUS COUNCIL DECISION

No change.

Accept the Reporter's recommendation and confirm Local Plan Review position as follows:

- Delete site K4: Housing – South of Beechwood Place
 - Amend the Kirriemuir Inset Proposals Map to remove land South of Beechwood Place and redraw the development boundary.
 - Renumber K5: Working – East Muirhead of Logie, Forfar Road as **K4**.
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K4: Housing – South of Beechwood Place, Kirriemuir

Objector(s)	Objector Reference(s)
W D & I F Cameron	683/1/1 & 684/1/1
Mr & Mrs Robertson	685/1/1 & 686/1/1
Miss Celia Topping	708/1/1
Mr & Mrs Kirkman	711/2/1 & 712/1/1
Mr & Mrs Johnston	751/1/1 & 752/1/1
Mr H G McCrum	753/1/1
A S & R L Murray	861/1/1 & 1091/1/1
Wilma Falconer	878/1/1
Sheena Gallacher	1086/1/1
Alyssa Bell	1088/1/1
Harry Mowbray	1092/1/1
Mr & Mrs Dobson	1090/1/1
F M & S W Clark	703/1/1 & 704/1/1
A & N Ferguson	1085/1/1 & 760/1/1
James Hill	855/1/1
Eric Y Hill	843/1/1

Procedure	Reporter
Written Submissions	Jill Moody

BACKGROUND

Land south of Beechwood Place was not in the consultative draft version of the local plan review, but it was in the finalised version for around 50 homes as a phase 1 up to 2011, with a requirement to prepare a development brief incorporating access to the adjacent employment land referred to as K4: Working – East Muirhead of Logie. The housing site was included as an alternative greenfield site to Sunnyside, which had been deleted in response to objection. However, following objections to the inclusion of the Beechwood site, the emergence of a brownfield site beside K2 Hillhead, and taking account of an uncertain drainage position, the Beechwood Place site was deleted in the September 2005 pre-inquiry modifications.

After considering objections, the Reporters at the first local plan review inquiry, recommended in 2006 that the site should not be allocated, for landscape and visual impact reasons. They also recommended a knock-on adjustment to K4: Working.

In assessing the Reporters recommendations, the Council identified a shortfall of 85 houses in the Forfar, Kirriemuir & the Glens Housing Market Area up to 2011. Officials then recommended that part of this shortfall should be addressed in Kirriemuir by amending the phasing of site K2 Hillhead from 40 to 80 houses in the period to 2011. Councillors rejected this, instructing instead that a site at Beechwood Place should be included for 40 houses. Post-inquiry modifications to that effect were published in February 2007 but because objections were received, the Council reverted to the originally recommended re-phasing of K2 Hillhead to allow 80 houses in the period to 2011. Accordingly, a second round of post-inquiry modifications was published in September 2007. Objections were again received, but this time the Council resolved to make no further change to the local plan review, preferring instead that the objections are considered at this second inquiry.

REPORTER'S CONSIDERATION

I have included reference to these written submissions objections in my report against the possibility that the outcome might have found in favour of allocating the Beechwood Place site. In that case, I would have needed to consider the issues raised in opposition in detail. However, because I have concluded that the Beechwood Place site should remain deleted from the local plan review, I find, as the Council has done, that the objection is satisfied. I also note that the majority of the concerns were covered at the last inquiry and in the previous Reporters' recommendation that Beechwood Place should not be allocated for housing development. Based on that, the objections are satisfied and detailed consideration of the issues raised via this second inquiry is no longer applicable.

REPORTER'S RECOMMENDATION

As before, I recommend that the site south of Beechwood Place should not be allocated for development as a response to the current shortfall in the relevant housing market area.

HEAD OF PLANNING AND TRANSPORT COMMENT

Support for the Councils position is noted.

ANGUS COUNCIL DECISION

No change.

Accept the Reporter's recommendation and confirm Local Plan Review position as follows:

- Delete site K4: Housing – South of Beechwood Place
 - Amend the Kirriemuir Inset Proposals Map to remove land South of Beechwood Place and redraw the development boundary.
 - Renumber K5: Working – East Muirhead of Logie, Forfar Road as **K4**.
-

F8: Housing – Slatefield, Forfar

Objector(s)

Ms B Eleanor Gledhill

Objector Reference(s)

1108/1/1

Procedure

Written Submissions

Reporter

Jill Moody

BACKGROUND

At the finalised local plan inquiry in 2006, the Reporters considered an objection into the omission of this site. They recommended that the site should be allocated for a high quality development of around 5 homes (Core Production CP 14). The Council's published post-inquiry modifications allocated the site as F8 for housing, and applied a maximum of 5 homes (Core Production CP 22). However, the Council's subsequent objection response in 2007 proposes to change this reference to accord with the Reporters' recommendation. The issue is referred to this second inquiry in response to an objection to that second proposed post-inquiry modification.

REPORTER'S CONSIDERATION

Arguably, this objection raises issues that were considered before, which should not be revisited at this extremely late stage. However, in the interests of thoroughness and complete transparency of process, I have preferred to comment as follows.

Reference is made in the objection to the loss of views and to the reduction of house values. Because it is not the function of the planning system to preserve private benefits and individual property values, neither of these issues can be relevant planning considerations.

Before the last inquiry, the objections, the various inquiry sessions and timetable were advertised and all the documents, objections, responses, statements, and precognitions were placed on public deposit for reference around a variety of local venues. As a result, the consideration of an objection into the omission of Slatefield as a housing site was widely and obviously publicised. Following the first inquiry, the site was mentioned explicitly in the list of significant changes detailed in the November 2006 committee report, as follows *Forfar – at Gowanbank and Slatefield – Reporter recommends allocation of additional housing sites* (Core Production CP 15, paragraph 3.4). In addition, Table 2 in the report specifies Slatefield and recommends acceptance of the Reporters' recommendations (page 7). Section 5 of that same report then details the intended subsequent publicity measures for the post-inquiry modifications, which were to:

- advertise the proposed modifications and to allow 6 weeks for comment, as per the regulations;
- to place information in local libraries and on the Council's web site;
- to notify previous objectors;
- to make copies of the Council's responses available on request; and
- to report back to committee once the objection period had closed.

The Council's statement of response to the objections received as a result of that process was reported to committee in August 2007 and the only objection for Slatefield was from Select Homes (Tayside) Ltd regarding the maximum applied to the number of houses allocated to the site. The Council then adjusted its position and re-advertised, with a further 6 week objection period. It was only then that an objection emerged from Mrs Gledhill. No other community response had been forthcoming throughout. Therefore, the evidence shows beyond doubt that the Council has complied with, and indeed has exceeded, its statutory obligations under the applicable regulations in terms of handling and publicising objections to the local plan review, along with the responses and subsequent modifications arising. It is also beyond doubt that the consideration of local plan objections is not subject to the same neighbour notification requirements as apply to planning applications. Equally, the lack of an objection to the local plan review does not preclude an objection to any planning application, so that the basic right to object has not been removed.

At the last inquiry, it was for the Council to present its case as it saw fit. The Reporters then balanced all of the written documents and arguments, as well as the oral evidence, before reaching their conclusions, so that the Council's precognitions only form part of that overall picture. Further, when the previous Reporters looked at the principle of including Slatefield as a housing site, they stated beyond doubt that no site layout had been considered (Core Production CP 14, paragraph 2.844, page 211). Therefore, if the subsequent planning application plans are not accurate, that issue should be raised with the development management staff instead. It is not the function of this process or report to consider those details.

The previous Reporters assessed the proposed site allocation in the context of other applicable structure and local plan policies, and explicitly against SPP 3 (Core Production CP 14, paragraph 2.836, page 210). In addition, they considered visual and landscape impact, based not just on the submitted evidence, but also on their own site inspections and experienced perceptions, with the conclusion that low density development would cause no significant harm. The issue of choice and any need for the site was also considered, along with the balance of allocations on brownfield and greenfield land. The conclusion in each instance was that the site was acceptable for development as described (pages 210 and 211).

The existence of the section 75 agreement was not regarded as an impediment to the proposed allocation by the last Reporters and, in my view, it could not be the intention of the Planning Act to create a situation whereby a planning authority could disable itself from carrying out its proper planning functions. In addition, section 75 agreements generally contain provision for a termination, specifically to allow for the prospect that circumstances may change and the agreement may no longer be relevant. Therefore, any misinterpretation of the long term effect of the agreement is unfortunate, but it should not prevent the recommended allocation from being incorporated into the local plan review.

No quantifiable evidence has been submitted to show that the site is so constrained as to be undevelopable, or that the agricultural unit of which it may or may not form part would be rendered unviable by development. For example, I note no objection to that effect from the relevant farmer. The evidence about a lack of market interest and demand for housing is contradicted by the assessment of land supply and demand until 2011 in the context of Housing Policy 1 from the approved Dundee and Angus Structure Plan (Core Production CP 1).

For all of these reasons, I am satisfied that the objection raises nothing that was not considered before, or that otherwise justifies overturning the previous Reporters' conclusion that the Slatefield site is, in planning terms, suitable for the form of housing development they described.

REPORTER'S RECOMMENDATION

Accordingly, I recommend that the Council proceeds to allocate the site described as F8: Slatefield, for a high quality development of around 5 homes, with the final number being left to the development management process to determine.

HEAD OF PLANNING AND TRANSPORT COMMENT

Support for the Council's position is noted.

ANGUS COUNCIL DECISION

No change.

Accept the Reporter's recommendation and confirm Local Plan Review modification as follows:

"F8 : Housing - Slatefield

Approximately 2ha of land at Slatefield is allocated for a high quality residential development of around five houses."

F8: Housing – Slatefield, Forfar

Objector(s)

Select Homes (Tayside) Ltd

Objector Reference(s)

871/1/1

Procedure

Written Submissions

Reporter

Jill Moody

BACKGROUND

At the finalised local plan inquiry in 2006, the Reporters considered an objection into the omission of this site. They recommended that the site should be allocated for a high quality development of around 5 homes (Core Production CP 14). The Council's published post inquiry modifications allocated the site as F8 for housing, and applied a maximum of 5 homes (Core Production CP 22). However, the Council's subsequent objection response in 2007 proposes to change this reference to accord with the Reporters' recommendation. Nevertheless, the issue is referred to this second inquiry for completeness.

REPORTER'S CONSIDERATION

The previous Reporters' conclusions did not refer to the issue of vehicular access, but they did note the specific lack of any indicative layout for the site (Core Production CP 14, paragraph 2.844). The recommendation to allocate the site for 5 houses appears to stem from evidence that the site could contain a range of 5 to 10 homes, which was not disputed.

I note that the principle of the allocation is acceptable to the Council and, that based on the particular circumstances of the site, the access constraint previously applied by roads officials, which limited development to a maximum of 5 houses, has now been lifted. I see no reason to disagree with that view, or to depart from the views expressed by the previous Reporters.

REPORTER'S RECOMMENDATION

Accordingly, I recommend that the site should be allocated for a high quality development of around 5 homes, with the final number being left to the development management process to determine.

HEAD OF PLANNING AND TRANSPORT COMMENT

Support for the Council's position is noted.

ANGUS COUNCIL DECISION

No change.

Accept the Reporter's recommendation and confirm Local Plan Review modification as follows:

"F8 : Housing – Slatefield

Approximately 2ha of land at Slatefield is allocated for a high quality residential development of around five houses."
