

ANGUS COUNCIL

4 JULY 2002

SUBJECT: DUNDEE AND ANGUS STRUCTURE PLAN – DRAFT MODIFICATIONS

REPORT BY DIRECTOR OF PLANNING AND TRANSPORT

<p>Abstract: This report provides the Council's proposed response to the draft modifications to the Structure Plan published by Scottish Ministers.</p>
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1 RECOMMENDATION

It is recommended that Angus Council approve the commentary/response outlined in Appendix 1 to this report as the basis of the Council's formal response to the Scottish Executive, including representations in respect of adjustments to 10 of the proposed modifications to the Structure Plan.

2 INTRODUCTION

- 2.1 Report 706/02 to the Planning & Transport Policy Committee, 13 June 2002, indicated that the Scottish Ministers had given notice by public advertisement on 7 June 2002 of proposed modifications to the Dundee and Angus Structure Plan. Objections to the proposed modifications may be made by any party to the Scottish Executive Development Department up to Friday, 19 July 2002.
- 2.2 The Planning & Transport Policy Committee agreed that the terms of Angus Council's response to the draft modifications be the subject of a report to the full Council meeting to be held on 4 July 2002. The Committee also noted the intention to hold an early meeting of the Joint Structure Plan Panel to enable consideration of the terms of Angus Council's response to the draft modifications alongside discussion with Dundee City Council as joint Structure Plan Authority.

3 PROPOSED RESPONSE

- 3.1 A meeting of the Joint Structure Plan Panel was subsequently held on 17 June 2002 at which detailed consideration was given to the draft modifications and the terms of the proposed response to each modification.
- 3.2 The Joint Structure Plan Panel agreed that the commentary/response outlined in Appendix 1 be recommended to each of the Councils as the basis of the formal response to the Scottish Executive, including representations in respect of adjustment to 10 of the 14 proposed modifications.
- 3.3 None of the 14 proposed modifications affect the broad strategy of the Structure Plan and it is suggested that Angus Council endorse the recommendations of the Joint Structure Plan Panel.

4 FINANCIAL IMPLICATIONS

- 4.1 There are no financial implications arising from this report.

5 HUMAN RIGHTS IMPLICATIONS

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

6 CONSULTATION

6.1 The Chief Executive, Director of Finance and Director of Law & Administration have been consulted in the preparation of this report.

7 CONCLUSION

7.1 Publication of the draft modifications by the Scottish Ministers marks an important stage in the Structure Plan approval process. Significantly this confirms that an Examination in Public of the Structure Plan will not be required thereby considerably shortening the timescale for final approval of the Plan.

7.2 Overall it is reassuring to note that the proposed modifications do not challenge the fundamental thrust of the Structure Plan, and its strategy and other key provisions remain unaltered.

NOTE

No background papers, as defined by Section 50D of the Local Government (Scotland) Act 1973, (other than any containing confidential or exempt information) were relied on to any material extent in preparing the above Report.

AA/CGR/KW
24 June 2002

Alex Anderson
Director of Planning and Transport

Appendix 1

DUNDEE & ANGUS STRUCTURE PLAN – DRAFT MODIFICATIONS

This table indicates the Proposed Modifications by Scottish Ministers together with commentary and response by the Directors of Planning.

<p>Modification 1 : Chapter 2, paragraph 2.6, end of second sentence, add the words 'and could be lower.' At paragraph 2.7, first sentence, delete "1998-based"; after "projections" add 'also'; delete "small". At paragraph 4.3, first sentence, delete the words "most recent".</p> <p><u>Reason</u> : To acknowledge that the 2000-based population projections (which are the most recent) for the two Council areas are more pessimistic than the 1998-based projections which form the basis of the Plan's policies.</p>	<p>Commentary/Response:</p> <p>Accepted.</p> <p>The rewording reflects the current position in respect of the 2000 based population projections published by the General Register Office for Scotland (GRO) in February 2002.</p>
<p>Modification 2 : Chapter 3, paragraph 3.16, first sentence, replace "site" with 'location'. Second sentence, replace "Development International" with 'Enterprise' ; insert comma after "requested"; replace "to consider" with 'subject to completion of market and technical assessments, to endorse'; replace "proposals" with 'projects, and support its designation'.</p> <p><u>Reason</u> : to more accurately reflect the current status of a strategic site in this location from Scottish Enterprise's perspective.</p>	<p>Commentary/Response:</p> <p>Accepted.</p> <p>The rewording confirms positive support for Employment Policy 4 with the wording changes reflecting procedural requirements rather than the principle of the proposed Strategic Site.</p>
<p>Modification 3 : Chapter 3, Employment Policy 4, first sentence, replace "Dundee and Angus Structure Plan" with 'Councils'; after "will", insert the words 'investigate the potential for'; delete "promote the allocation of"; after "Dundee" add 'suitable for indigenous and'; delete "for international marketing for"; at end of sentence, after "purpose" add 'and promote its designation to Scottish Enterprise and the Scottish Executive'; Third sentence, after "and" insert comma and add 'in association with Scottish Enterprise Tayside will'; delete "Scottish Development International will...to assist in the'; and change "establishment" to 'establish'.</p> <p><u>Reason</u> : To comply with NPPG2 and criteria for approving nationally significant sites.</p>	<p>Commentary/Response:</p> <p>The rewording makes the first sentence slightly cumbersome but is generally accepted.</p> <p>The changes to the third sentence are also accepted but after 'establish' the word '<u>of</u>' should be deleted as superfluous.</p>

Modification 4 : Chapter 3, paragraph 3.26, add new sentence at end of paragraph as follows:

‘The irreversible use of prime quality agricultural land for development outwith that required by the structure plan strategy will not normally be permitted.’

Reason : Current government policy protects prime quality agricultural land.

Modification 5 : Chapter 4, end of paragraph 4.25 add the following new sentence ‘Properties will only be demolished if they have no historic value and do not meet an identified need for affordable housing.’

Reason : In support of NPPG 18 which singles out the tenement tradition as being both representative and of historic value. In support of NPPG 3 and meeting local needs for affordable housing.

Modification 6 : Chapter 4, Housing Policy 6, after first sentence add two bullet points as follows:

- ‘priorities for affordable housing should be identified in accordance with the Local Housing Strategies
- requirements for affordable housing should result from a robust housing needs assessment.’.

Reason : To give policy status to the identification and requirements for affordable housing.

Commentary/Response:

Environmental Resources Policy 7: Agricultural Land already reflects current national policy and the new sentence seems unnecessary here in the context of Rural Employment and should be deleted.

The final bullet point of Employment Policy 7: Rural Employment already makes a cross reference to Environmental Policies of the Structure Plan which includes the Agricultural Land policy.

Commentary/Response:

Accepted.

Reference to ‘historic’ tenement property is made in the Report of Survey.

Commentary/Response:

With regard to the first bullet point, in order to set a context it is suggested that an introductory reference to Local Housing Strategies (LHS) and their role is required in para 4.43, alongside a reference to the role of housing needs assessments to advise LHS. Suggest therefore that the penultimate sentence of para 4.43 be replaced with:

‘Although the planning system can assist in meeting local needs, policies and land allocations in Development Plans should support the priorities established by Local Housing Strategies currently being prepared by both Dundee City and Angus Councils and be based on clear evidence of local need. Both Councils have commissioned Local Housing Needs Assessments which will inform preparation of their individual Local Housing Strategies’

Also modify final sentence to replace ‘Where studies identify specific needs...’ with ‘Where specific needs are identified...’

With regard to the second bullet point it would also be appropriate to modify the first part of the Policy 6 to refer to ‘needs assessment studies’ rather than ‘relevant studies’.

Modification 7 : Chapter 5, end of Town Centres & Retailing Policy 4, replace the term “Green Transport Plans” with ‘Travel Plans’ (and in the Glossary). In final sentence after “appropriate” add ‘planning conditions and’.

Reason : To bring the Plan up to date and to conform to national planning policy guidance.

Modification 8 : Chapter 6, paragraph 6.9, insert full stop after “safety” and delete the words “and accessibility to development areas served by the strategic road network.” Insert the following sentences, ‘No new junctions will be permitted on the A90 between Perth and Dundee for safety reasons and consideration should be given to the improvement of existing junctions. Careful consideration will also be given to improving the local road network to complement the trunk road network.’

Reason : These junctions are being improved to improve road safety and not to provide access to land for development. To clarify the SEDD’s policy for this section of trunk road once existing programmed improvements have been implemented. To ensure that the Council also meets its obligations for local roads.

Modification 9 : Chapter 6, paragraph 6.24, add a final sentence, ‘Where travel generated by such developments has a significant impact on flow or safety on the Trunk Road, developers will be expected to mitigate this impact.’

Reason : To ensure that developers understand their responsibilities for dealing with travel impacts.

Commentary/Response:

Accepted.

As a consequence of this Modification the final paragraphs of both Town Centres & Retail Policy 5 and Transport Policy 4 will also require to be modified to ensure consistency.

Commentary/Response:

Accept the first part of modification to delete the words ‘and accessibilitystrategic road network’.

With regard to the second part of the modification the Scottish Executive’s commitment to improving road safety on the A90(T) is welcomed. However, it is suggested that to state that no new junctions will be permitted between Perth and Dundee in advance of detailed investigation appears premature and somewhat inflexible.

Significant development proposals currently exist both north and south of the A90(T) west of Dundee that could bring benefit to the local area. The Councils acknowledge that any new junction to provide access to development proposals that would compromise road safety would not be accepted by the Scottish Executive.

It is suggested that the first sentence of the proposed modification be deleted and replaced with the following ‘Consideration should be given to the rationalisation and improvement of existing junctions on the A90(T) between Dundee and Perth within the Structure Plan Area.’

The second sentence is accepted.

Commentary/Response:

Accepted.

This could equally apply to developments that affect other strategic roads and it is suggested that after ‘Trunk Road’ the following should be inserted ‘and other strategic routes’

Modification 10 : Chapter 7, paragraph 7.10, delete “has”, line 1; replace “which includes” with ‘Options included...’ to begin new second sentence; replace “incorporates” with ‘incorporated’ at line 3; replace whole of final sentence with the following ‘Scottish Ministers have now published and are consulting further on a Draft Designation Order, with designation of the National Park in 2003. Under current proposals, the boundary would not impinge into Dundee or Angus.’

Reason : To update progress being made on the designation of the Cairngorms National Park.

Modification 11 : Chapter 7, new Policy Environmental Resources 5A to follow paragraph 7.21, take the first paragraph of policy ER6 as follows; “Local Plans will establish.....distinctive qualities of Dundee and Angus.” and combine it with the following text: ‘The historic environment of Dundee and Angus is a valuable, non renewable resource which must be protected, conserved and enhanced. Local Plans shall identify these assets and include policies which:

- protect the site and setting of listed buildings and ancient scheduled monuments;
- protect other archaeological sites and sensitive areas. Where this is not feasible, proper recording and analysis shall take place;
- protect and enhance conservation areas and historic gardens and designed landscapes.’

The remainder of the original Environmental Resources policy 6 should form a separate policy which deals more explicitly with design and urban renewal issues. It should follow para 7.26 as it does at present.

Reason : To ensure the identification and appropriate protection of the natural heritage resource in line with NPPG18. To differentiate between protection of the historic environment (Pol ER5A) and to make Pol ER6 a separate policy which deals more explicitly with design and urban renewal issues.

Commentary/Response:

Angus Council will be commenting on the content of the Draft Designation Order as a separate matter, outwith the Structure Plan approval process.

Use of the word ‘impinge’ in the final sentence could imply an adverse affect on the Dundee and Angus area. Suggest that ‘would not impinge into’ be deleted and replaced with ‘does not incorporate any parts of’

Commentary/Response:

This new policy will also require a title.

Suggest ‘Historic Environment’

The existing Environment Policy 6 will need to be retitled.

Suggest ‘Design and Urban Renewal’

The second sentence of the proposed new policy ‘The historic environment..... conserved and enhanced’ is a statement and may be more appropriate at the end of para 7.21 to replace the existing final sentence ‘Safeguarding andqualities of the area’

Modification 12 : Chapter 7, after paragraph 7.22, insert the following new policy, Environmental Resources Policy 6 : 'Local Plans should contain policies to protect open space and playing fields and to provide new facilities in areas of deficiency, based on a comprehensive open space strategy and locally derived standards for open space provision. Existing sport and leisure facilities, including public open space should be safeguarded from development unless acceptable alternative provision can be provided.'

Reason : To bring Plan in line with NPPG 11 (paragraph 92).

Modification 13 : Chapter 7, after paragraph 7.36, insert the following sentence : 'It is recognised that some impact from these developments is inevitable but this needs to be weighed against the consequences of climate change and the contribution renewable energy developments can make towards achieving this.'

Reason : To clarify why it is necessary to balance the impact of renewable energy development against their wider benefits.

Modification 14 : Chapter 8, insert new paragraph 8.5 as follows : 'In terms of affordable housing, where planning agreements are to be implemented, the provision of subsidy is not guaranteed and Communities Scotland and local authorities expect developers to take the requirement for affordable housing into account in negotiating a land value with the site owners.'

Reason : To give more cognisance to the delivery actions and investment plans of key partners.

Commentary/Response:

The policy should be renumbered as Policy 5B.

This new policy will also require a title.

Suggest 'Open Space and Recreation'

As a consequence of this modification para 2 of the existing Environmental Resources Policy 6 appears to be superfluous and should be deleted.

Commentary/Response:

The use of the word 'achieving' is misleading and would be better replaced with 'addressing'

Commentary/Response:

Accepted