

ANGUS COUNCIL

PLANNING AND TRANSPORT POLICY COMMITTEE

28 NOVEMBER 2002

SUBJECT: DUNDEE AND ANGUS STRUCTURE PLAN
FINAL MODIFICATIONS AND APPROVAL

REPORT BY DIRECTOR OF PLANNING AND TRANSPORT

<p>Abstract: This report comments on the terms of the Scottish Ministers' approval of the Dundee and Angus Structure Plan, including modifications.</p>
--

1 RECOMMENDATION

It is recommended that the Committee –

1. note that the Scottish Ministers have approved, with modifications, the Dundee and Angus Structure Plan and that the period for legal challenge extends until 2 December 2002;
2. note that, in the main, the final modifications reflect the previous comments made by Angus Council on the earlier draft modifications; and
3. agree that the terms of the Scottish Ministers' decision, including modifications, be incorporated into a consolidated Plan for publication jointly with Dundee City Council.

2 INTRODUCTION

- 2.1 The Scottish Executive issued formal notice of the Scottish Ministers' approval of the Dundee and Angus Structure Plan on 14 October 2002. A Notice was published in the Dundee Courier on 18 and 25 October informing the public of the Scottish Ministers' approval and availability of the final modifications for inspection at the appropriate Angus Council and Dundee City Council offices.
- 2.2 A copy of the letter of approval, which includes Annexes detailing the modifications to the Plan together with comments on objections to the Plan not accepted by the Scottish Ministers, is attached as Appendix 1 to this Report.
- 2.3 The decision of the Scottish Ministers is final, subject to a right of challenge within 6 weeks of the notice of approval (up to 2 December 2002) based on any failure to comply with legal requirements or powers conferred by the Town and Country Planning (Scotland) Act 1997.
- 2.4 The Plan, which replaces relevant parts of the Tayside Structure Plan (1993) approved by the Secretary of State in 1997, became operative on 21 October 2002. It provides strategic land use planning guidance across the administrative areas of Angus Council and Dundee City Council.

3 BACKGROUND

- 3.1 The Finalised Dundee and Angus Structure Plan was published and submitted to Scottish Ministers in February 2002. Following a period for objections to the Plan the Scottish Ministers published draft modifications in June 2002. Report 829/02 to Angus Council, 4 July 2002, formed the basis for the Council's response to the Scottish Executive in respect of the proposed draft modifications to the finalised Dundee and Angus Structure Plan.
- 3.2 While the Council accepted 6 of the 14 draft modifications, changes were suggested to the remaining 8 modifications. The Council's response to the draft modifications was forwarded to the Scottish Executive in July 2002.

4 FINAL MODIFICATIONS

- 4.1 The letter of approval, dated 14 October 2002, from the Scottish Executive (Appendix 1 to this Report) confirms that in reaching their decision to approve the Structure Plan the Scottish Ministers have considered all representations and objections made to them. In addition to the matters taken into account in the Plan submitted, they have considered such other matters as they thought relevant.
- 4.2 The Plan is approved subject to 15 modifications, which together with the reasons for the modification, are set out in Annex A to the letter of approval (Appendix 1 to this Report). None of the 15 final modifications affect the broad strategy and other key provisions of the Structure Plan.
- 4.3 Of the 15 final modifications 3 that were accepted by Angus Council, as draft modifications, have been retained unchanged, 9 have been amended in a way that incorporates Angus Council's comments and 2 remain unaltered, although Angus Council suggested a change. One new change has been made, to a modification to which the Council did not seek amendment.
- 4.4 Appendix 2 to the report provides a commentary on the modifications indicating whether a change has been made since the draft modifications were published, and the extent to which the previous comments of the Council have been taken into account in the wording of the final modifications.

5 OBJECTIONS NOT ACCEPTED BY THE SECRETARY OF STATE

- 5.1 Annex B of the letter of approval (Appendix 1 to this Report) provides comments on objections raised where the Scottish Ministers have not accepted the substance of the objections and therefore propose no modifications to the Plan in respect of them. This confirms the Scottish Ministers' endorsement of the Structure Plan's Development Strategy as appropriate and well justified.

6 FINANCIAL IMPLICATIONS

General Resources Issues

- 6.1 The letter of approval for the Structure Plan (Appendix 1 of this Report) highlights that the Scottish Ministers' approval of the Plan does not convey approval of any matter therein for any other statutory purpose. In particular, it does not commit the

Scottish Ministers, or any other Government department, to the payment of grant on any particular project or to the amount of timing of any capital expenditure.

- 6.2 This is a standard qualification that appears in the Scottish Ministers' approval of all Structure Plans. While regulations require a structure plan to indicate the resources likely to be available for implementing the plan the Scottish Executive continues to decline to commit specific financial support toward key investment decisions.

Plan Consolidation and Printing

- 6.3 In accordance with best practice and Scottish Executive advice it will be necessary to incorporate the Scottish Ministers' modifications into a consolidated approved version of the Structure Plan for publication. At this stage the printing costs have still to be established but will be shared with Dundee City Council and contained within the Department's revenue budget for 2002/03.
- 6.4 When published copies of the consolidated approved Plan will be available for distribution and for sale, which will partly offset the costs of printing. It is suggested that a charge of £10.00 be set for purchase of the approved Structure Plan Written Statement.

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 Finance and Director of Law & Administration have been consulted in the preparation of this report.

9 CONCLUSION

- 9.1 The publication of the final modifications by the Scottish Ministers marks the final stage in the Structure Plan approval process. The final modifications generally reflect previous comments by Angus Council. The Plan as now approved by Scottish Ministers replaces the strategic land use planning guidance for Angus and Dundee previously provided by the Tayside Structure Plan 1993.
- 9.2 Attention is now focussed on implementing the approved Structure Plan including via the review and roll forward of the Angus Local Plan.

NOTE

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

1. Dundee and Angus Structure Plan, Finalised Written Statement 2002: Angus Council and Dundee City Council, January 2002.
2. Draft Modifications by Scottish Ministers: Angus Council Report 829/02.

AA/PB/IAL
18 November 2002

Alex Anderson
Director of Planning and Transport

APPENDIX 1**SCOTTISH EXECUTIVE**

Development Department
Planning Services

Victoria Quay
Edinburgh EH6 6QQ

Alec Anderson
Director of Planning and Transport
Angus Council
St James House
St James Road
Forfar
DD8 2ZP

Telephone: 0131-244 7554
Fax: 0131-244 7555
Tom.hardie@scotland.gsi.gov.uk
<http://www.scotland.gov.uk>

Your ref:
Our ref: zpp/30/740/2

14 October 2002

Dear Mr Anderson

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997
DUNDEE & ANGUS STRUCTURE PLAN
FINAL MODIFICATIONS

The Scottish Ministers have decided to approve the above Structure Plan which was submitted on 8th February 2002. In reaching their decision they have considered all representations and objections made to them in accordance with the Town and Country Planning (Structure and Local Plans) (Scotland) Regulations 1983. In addition to the matters taken into account in the Plan submitted, the Scottish Ministers have considered such other matters as they thought relevant.

The Plan is approved subject to a number of modifications which are set out in Annex A to this letter. At Annex B are comments on objections made to the Scottish Ministers during public consultation on the submitted Plan and on the draft modifications where the Scottish Ministers have not accepted the substance of the objections and, as a consequence, propose no modifications to the Plan.

Of particular importance are the modifications on the requirements for, and delivery of affordable housing and on trunk road junctions on the A90 (T) between Perth and Dundee which clarifies SEDD's policy in this regard.

Whilst the Scottish Ministers' approval of the Plan, as modified, is founded primarily on the consideration of policies and proposals, it relates to the Plan as a whole. It should be understood that the Scottish Ministers' approval of the Plan does not convey approval of any matter therein for any other statutory purpose. In particular, it does not commit the Scottish Ministers, or any other Government department, to the payment of grant on any particular project or to the amount or timing of any capital expenditure.

A Notice will appear in the Courier on 18th and 25th October to inform the public of the Scottish Ministers' approval and availability of the final modifications for inspection at the appropriate offices. I enclose a copy of the Notice for your information. The Plan shall become operative on 21st October 2002.

The foregoing decision is final, subject to the right, conferred by Section 238 of the Town and Country Planning (Scotland) Act 1997, of any person aggrieved by the Scottish Ministers' decision to apply to the Court of Session within 6 weeks from the date of publication of the first notice of approval of the Plan, whereby the Court may quash the decision if satisfied that it is not within the powers of the Act or that applicant's interests have been substantially prejudiced by a failure to comply with any requirements of the Act.

I am sending a copy of this letter and annexes to your respective Chief Executives and to all those who have made representations since the Plan was submitted.

Yours sincerely.

Thomas Hardie
Principal Planner

ANNEX A : DUNDEE & ANGUS STRUCTURE PLAN – FINAL MODIFICATIONS

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”.

Reason : 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.

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.’

Reason : to more accurately reflect the current status of a strategic site in this location from Scottish Enterprise’s perspective.

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 “purposes” 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 of ” to ‘establish’.

Reason : To comply with NPPG2 and criteria for approving nationally significant sites.

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, para 4.43, replace second last sentence with the following : ‘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.' Para 4.43, final sentence, modify wording to read 'Where specific needs are identified.....'.

Reason

To set context for modified Housing Policy 6 which immediately follows.

Modification 7 : Chapter 4, Housing Policy 6, first sentence, replace "relevant" with 'needs assessment'. 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 : For clarification and to give policy status to the identification and requirements for affordable housing.

Modification 8 : 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'. 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.

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

Modification 9 : 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 sentence, '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, including the provision of a new grade separated junction west of the Swallow roundabout. Careful consideration will also be given to improving the local road network to complement the trunk road network.'

Reason : These junctions are essentially being improved to improve road safety. To clarify the SEDD's policy for this section of trunk road once existing programmed improvements have been implemented. Should such a grade separated junction solution be required for economic reasons west of the Swallow roundabout then it would have to be funded through the development process. To ensure that the Council also meets its obligations for local roads.

Modification 10 : 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 and other strategic routes, developers will be expected to mitigate this impact.'

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

Modification 11 : 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 the final sentence with the following ‘Scottish Ministers have published and consulted further on a Draft Designation Order, with designation of the National Park in 2003.’

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

Modification 12 : Chapter 7, new Policy Environmental Resources 5A : Historic Environment 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 : Design and Urban Renewal should form a separate policy as it 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.

Modification 13 : Chapter 7, after paragraph 7.22, insert the following new policy, Environmental Resources Policy 5B : Open Space and Recreation with the following words : ‘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 14 : 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 15 : Chapter 8, insert new paragraph 8.5 as follows : 'Local authorities may in some circumstances seek provision of an element of affordable housing within new private housing developments. Paragraph 4.43 and Housing Policy 6 set the context for this. Local Plan policies should set out clearly the level of any contribution expected and the locations concerned, to ensure that planning agreements can be negotiated on an equitable basis. Local Plans should also make it clear that the provision of subsidy is not guaranteed. Developers would be expected to take any requirement for affordable housing into account when negotiating land acquisition.'

Reason : Where local authorities are likely to consider using planning agreements to attempt to secure delivery of affordable housing, they should have a hook in the structure plan which makes it clear to developers what their expectations are.

**ANNEX B
DUNDEE AND ANGUS STRUCTURE PLAN
COMMENTS ON OBJECTIONS NOT ACCEPTED BY SCOTTISH MINISTERS**

General

- a) There should be a policy on major hazards to avoid encroachment occurring near major hazards. (A McNab).
- b) Request for a Public Inquiry or an EIP and for more public consultation on the Plan (A Moncrieff, G Tasker, S Mappin, S Gordon, H Barker, G Milne, M Heptenstall, L McIntosh, B Donnet I McManus, A Bruce, D McLaren, C Benn, Wellbank Developments Ltd, L Taylor) .
- c) Plan does not have a commitment to sustainability (J Geddes).
- d) Joint Plan with Perth & Kinross should be prepared and request that Ministers defer decision on this Plan until can consider Structure Plan for Perth & Kinross (G Sharp, J Picton, A Muir, G Morrison, A Davies, M McSwan, A Brown, G Esson, DG Coutts).

Reason

- a) The SP is not the most appropriate document to deal with this issue. Safeguarding and consultation distances are more appropriately dealt with in Circulars and the Local Plan.
- b) A Public Inquiry is not part of the Structure Plan approval process. An Examination in Public is but would only be requested if more information was needed which is not the case. There has already been adequate public consultation of this Plan.
- c) A sustainability audit has been carried out on the policies and proposals which identified a number of sustainability benefits of the strategy.
- d) No basis for joint plan to be prepared but following review of strategic planning should be possible. Cannot defer a decision on submitted Plan as Ministers are committed to a 40 week approval and would be heavily criticised for any delay.

The Development Strategy

- a) Question strategy to develop Western Gateway (WG) at expense of other commuter settlements including coastal corridor and brownfield sites. Housing led approach is not likely to restore vitality to the city and needs further justification. Strategy should concentrate on regeneration and redevelopment in Dundee and runs counter to population projections for the area. (J Paul Associates, D McLean, DG Coutts, S Bate, RFACS)
- b) Strategy and related policies should be reworded to recognise the Scottish Crop Research Institute's ambitions (I Kelly, SCRI).
- c) Strategy will detrimentally affect the environment of the area (A Davies).

Reason

- a) Basis of strategy is well justified to restore balance to development of city and to provide choice to help reverse population decline and is adequately justified.
- b) SCRI's proposal for a science park will be more relevant to Perth & Kinross SP although it is mentioned in the Report of Survey (RoS).
- c) Environmental concerns have been addressed in sustainability audit and through further Environmental Impact Assessment (EIA).

Encouraging Employment

- a) Policy EP6 (new football stadium) only appeared in final WS and has not therefore been subject to enough public consultation which seems unfair (D Heswick).
- b) The proposal for an extension to the Technology Park is unjustified given slow uptake of land elsewhere and large number of brownfield sites available in and around Dundee (S Gordon, J Moir, R Sutcliffe).
- c) Plan does not give sufficient support to tourism (N Clark).
- d) Policy EP2 will not facilitate wider community regeneration or allow area to develop into a multi-use business park incl. leisure facilities and retail development (D Reid, Insignia Richard Ellis).
- e) Not clear whether Policy EP4 is an addition to, or a component part of, the 50 ha highlighted in EPI3 and EP5 should comment that the need for high quality hotels should be capable of being satisfied within the city. The strategic site is not based on an analysis of the market situation. (Wellbank Developments Ltd, DG Coutts).

Reason

- a) Proposal for football stadium has been put in Plan as soon as possible to show support in principle.
- b) Policy EP3 justifies the need for a strategic site and extension to the Technology Park to ensure a range of sites are available to meet the changing needs of business.
- c) Plan encourages leisure and tourism and explains Councils involvement in the promotion and enhancement of the area's assets.
- d) EP2 does not preclude the reuse of older employment areas for other uses. RoS explains that there is potential for the expansion and redevelopment of Kingsway West as a retail park.
- e) The Local Plan will determine the amount of land to be allocated for employment uses to conform to the SP statement of 'up to 50ha'. Policy EP5 is quite clear about hotels being within the city. Scottish Enterprise will assess the site's marketability before adding it to their portfolio.

Housing and Communities

- a) Object to the scale and visual impact of proposed housing in Liff area as will increase road traffic with no improvement to roads. Use of Liff Hospital for housing will promote coalescence and encourage urban sprawl. Western Gateway proposal will lead to loss of rural character and be detrimental to environmental and visual amenity. Object to expansion of Dundee into the countryside when population is declining and there are many brownfield sites available and will lead to the loss of prime quality agricultural land. Proposed development will bring about increased car travel and bus services are already poor. Minor roads cannot cope with increased usage without significant investment. Local services will also be required including shops, schools, post office etc. (Residents of Liff, Fowlis, St Madoes and Benvie, G Tasker, J Geddes, S Gordon, H Barker, G Milne, S Gordon, G Sharp, M Heppenstall, K Strachan, D Johnston, B Donnet, I McManus, N Clark, Mrs Brown, J McPhee, Mrs McIntosh, S Milne, J Picton, Consignia Property Holdings Ltd, G Morrison, D McLaren, L Taylor).
- b) Request for additional housing allocations in Schedule 1 in the WG area in the period up to 2016 to support investment in infrastructure in terms of roads, education and community facilities. Request more greenfield land to be released in the north and east of Dundee and coastal corridor in S Angus. (S Partington, G MaCallum, B Melville, Taybank Properties Ltd, Morrison Homes Ltd, D Reid, Wilson Homes, Angus Estates Ltd, Wellbank Developments

Ltd). Object to allocations north of A92 on basis that too much housing has already been provided in the eastern area (H Allan). Concern regarding policy HP3 which states that LPs should have regard to the concept plan (J Lochhead). Object to priority being given to Forfar over Kirriemuir in Policy H4 and Schedule 1 (J Learmonth).

c) There is a lack of guidance and provision for self-build housing plots to assist regeneration (M Holmes, C Semple). Housing land allocations for Arbroath HMA have been underestimated and request change to Schedule 1 (J Hutchesons Trust). Request that SP be amended to more accurately reflect national policy on housing in the countryside and for clarification of “traditional construction” with respect to new build in the countryside. (D Wren). Request for housing policies to have more regard for landscape character and capacity (P Gaskell).

Reason

a) The Plan explains the reasons and justification for opening up the western gateway, the main one being to attract those sections of the community who have been leaving the city and to try and arrest population decline. The western gateway proposal represents an opportunity for an integrated, mixed use, high quality new development on a sustainable basis. Brownfield development of Liff hospital presents an opportunity. The concept plan in Report of Survey explains that roads and access will be improved and that development will be carried out sensitively respecting the landscape setting, retaining village identity and avoiding coalescence. The limited loss of some prime quality agricultural land is justified in terms of achieving the strategy. The scale of development will be carefully controlled as will the phasing of development (Para 2.25 WS). The Concept plan (RoS) mentions that Environmental Impact Assessments may require to be undertaken and that a landscape study already has been done plus sustainability appraisal. New development will support the existing bus service. Page 63 of RoS mentions that developer contributions will be sought towards road improvements. Developers will also have to prepare Transport Assessments which demonstrate a reduction in the level of travel demand and sustainable mode shares.

b) There is no justification for additional housing allocations given latest GROS projections for population and households over the Plan period. Further release of greenfield land in the north and east of Dundee, over and above that allocated in SP, would jeopardise the SP strategy. Any specific windfall releases would be a matter for the planning authority as set out at HP2. Additions to the effective land supply north of A92 will be focussed on main settlements. Concept plan is indicative only of the overall scheme and would not replace detailed LP coverage for this area which is explained at para 4.30 of written statement. LP review will allocate housing between settlements within SP allocations on the basis of service capacity and demand.

c) Self build issue is essentially a matter for local plans and design briefs although scope exists within Plan for this. Regard has also been had to the capacity of the burghs to absorb further housing development. SP policy on housing in the countryside is not over restrictive and the use of materials is only one aspect in the consideration of its appropriateness. HP5 explains the importance of landscape in housing provision and refers to relevant PANs.

Town Centres and Retailing

a) It is not clear how the demand for additional non-food retail development is to be met and the Plan should clearly identify the amount of additional retail development, in accordance with NPPG 8 and indicate scale and general location of any new development. The Plan does not recognise the challenges facing the Lochee district centre. The reference to

- potential deficiencies in shopping provision should be clarified as relating to either qualitative or quantitative deficiencies (Marleybone Warwick Balfour Ltd, Wm Morrison Supermarkets).
- b) Request that references be deleted to all sites that are considered against TC&R Policy 4 as these locations have not been subject to consultation (P Pritchett).
 - c) TC&R Policy 5 fails to recognise that new development proposals can improve accessibility of a site (Insignia Richard Ellis).

Reason

- a) Plan explains that the district centres will be supported and monitored in retailing terms and action will be taken where necessary. Also explains that there is limited spare expenditure capacity and a need for caution when considering proposals for non-food retailing. The LP will define the boundaries and the appropriate level of floorspace in each. The Plan refers to the range and quality as well as levels of provision and implies that deficiencies could be either qualitative or quantitative.
- b) It is reasonable for the SP to give an indication of the shortfall and the general location of retail provision. Detailed provision is a matter for the LP and DC process although decisions on the applications should await development plan approval/adoption
- c) The reference to Transport Assessment and Travel Plans within the policy acknowledge the importance of improving accessibility to new development proposals.

Transport and Travel

- a) Proposed housing in the Liff area will increase road traffic and commuting with no improvement to roads. Further use of minor roads in WG will cause more congestion and have adverse impact on business unless there is significant investment in road capacity. Access to A90 is already difficult and there is a need for independent road study. The loss of the bus service to Liff once the Hospital closes would be a great pity. There is lack of facilities for cyclists and pedestrians to cross the Kingsway and a lack of information on how facilities will be extended in to the WG area. Development will also generate high levels of traffic noise. The concept plan should provide more guidance on likely transport implications and mitigation measures through better consultation. (E Norman, A Thomson, W East, A Moncrieff, S Blair, D Kelly, D Hopgood, L Hosrspool, S Cannon, A Stewart, S Mappin, L Fyfe, J Moir, M Heptenstall, S Marshall, T McConnachie, N Clark, A Bruce, S McLean, D McLean, Consignia Properties Holdings Ltd, G Morrison, A Brown, Wellbank Developments Ltd, Heather Pre-Packs Ltd, D Hopwood).
- b) Request that strategic transport investment along the coastal corridor should promote the general area (Montagu Evans).
- c) Transport proposal 2 should acknowledge that Councils do not have full responsibility for all stated proposals (DG Coutts).

Reason

- a) Concept plan in Report of Survey explains that roads and access will be improved and that new development will support the existing bus service. Unlikely therefore to be a net loss in service. Developer contributions will be sought towards road improvements in the WG area, including access to A90 and crossing facilities on the Kingsway for pedestrians and cyclists. Developers will have to prepare detailed Transport Assessments which explain how access by a range of modes will be achieved. A certain amount of traffic noise will be generated but mitigation measures will be introduced and this issue will be covered in the forthcoming EIA. Commitment is given in Plan and Report of Survey to setting out transport

implications for the western gateway through the master plan and Local Plan reviews being prepared and to consult with interested parties on these.

b) Public transport improvements are being planned to improve access for the whole area as explained in Transport proposal 1.

c) Transport proposal 2 commits the Councils to pursuing the implementation of proposals only and does not imply sole responsibility.

Environmental Resources

Policy ER1 does not protect biodiversity interests where development is allowed. Quotes the Nature for Scotland policy which places “a new duty for Scottish Ministers to have regard to the conservation of biodiversity, the richness and variety of our species and habitats”. Policy also relies on designation system to identify every site of conservation value which cannot work for conserving ancient woodland. Ancient woodland, as occurs in Angus, lacks designation and continues to be subject to devt pressures, overgrazing and fragmentation and Pol ER 1 should reflect this. Similarly, at Pol ER2 would like to see a stronger commitment to protecting biodiversity in line with NPPG 14 and PAN 60. At ER6 would like to see a specific commitment to the good management of existing urban and peri-urban woods, and the sensitive design of new urban woods. Would like to see a commitment to review the IFS within 2 years at Pol ER 8 (A Fairbairn). Policy ER10 should give broad search areas for wind farms (J Geddes, H King). The landscape study carried out is not independent of the two Councils (H Barker). Some of the western gateway area is prone to flooding and there is a lack of flooding assessment. Need for more emphasis on protection of natural heritage through LPs (P Gaskell). An SSSI (Whitehouse Den) is not being properly protected from a waste management site (G Cowper).

Reason

Policy ER1 explains that where development is proposed an ecological assessment must be carried out. Key ancient woodland is protected through SSSI designation as shown in RoS. ER2 does not lack commitment to protecting biodiversity and paras 7.21-7.23 give a commitment to improving environmental quality, including policy woodlands and sensitive design. RoS also refers to the protection and enhancement of environmental quality in new devt and urban renewal and explains that the IFS may require updating but not a major review at this time. RoS explains that LPs will establish the locational guidance and areas of search for renewable energy projects. A landscape study (and a sustainability audit) was carried out by consultants to inform on best options for development. EIA, flood risk will all be assessed prior to LP preparation of details and siting of development. Role for LPs is described in Policies ER2 and 4 and elsewhere in Plan. Specific SSSI protection is not a matter for the Plan which provides policy protection to all SSSIs. If policy criteria are not being applied then this is a matter for enforcement by the planning authority

Implementation

Policy Implementation 11 implies that developer contributions are the key to implementation of western gateway but this is not explicit and policy should state what the basis for developer contributions are (Wellbank Developments Ltd).

Reason

Imp policy 11 is a statement of principle and clarifies role for LPs in securing developer contributions.

Report of Survey

Request that an amendment is made to Maps 1 and 6 in RoS which sets out the area of search for WG proposals. Map of WG is inadequate and lacks detail of village development (Scotia Developments Ltd, G Milne, R Sutcliffe, SCRI, G Zealand, Wellbank Developments Ltd).

Reason

This is a matter for the Planning authority and its partners and those with interests in drawing up the detailed proposals and master plan as part of the LP process. SP maps referred to are indicative only and final boundaries have to be drawn up as part of this process. Site selection for specific uses, including village layouts, will occur through development of detailed proposals in Local Plans which will follow this Structure Plan's approval.

APPENDIX 2 –COMMENTARY BY THE DIRECTOR OF PLANNING AND TRANSPORT ON ANNEX A: DUNDEE & ANGUS STRUCTURE PLAN – FINAL MODIFICATIONS

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”.

Reason : 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.

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.’

Reason : to more accurately reflect the current status of a strategic site in this location from Scottish Enterprise’s perspective.

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 “purposes” 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 of ” to ‘establish’.

Reason : To comply with NPPG2 and criteria for approving nationally significant sites.

Commentary

This is the same as draft modification no. 1 which was accepted by Angus Council.

This is the same as draft modification no. 2 which was accepted by Angus Council.

This is nearly identical to draft modification no. 3. The only change is, as suggested by Angus Council, that the word “of” should be deleted after “establishment” as it is superfluous.

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.

This is the same as draft modification no. 4. Angus Council suggested that this modification was unnecessary as Employment Policy 7 makes cross reference to the Environmental Resources Policy 7: Agricultural Land policy which reflects national policy. This suggestion has not been incorporated. (See also Report 1400/02 on reviewing the special protection of 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.

This is the same as draft modification no. 5 which was accepted by Angus Council.

Modification 6 : Chapter 4, para 4.43, replace second last sentence with the following : '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.' Para 4.43, final sentence, modify wording to read 'Where specific needs are identified.....'.

Reason

To set context for modified Housing Policy 6 which immediately follows.

This is a new modification and incorporates wording suggested by Angus Council in response to draft modification no. 6.

Modification 7 : Chapter 4, Housing Policy 6, first sentence, replace "relevant" with 'needs assessment'. 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 : For clarification and to give policy status to the identification and requirements for affordable housing.

Modification is similar to draft modification 8 the only difference being that suggested by Angus Council to replace "relevant" in the first sentence with 'needs assessment'. The Council's other suggestions in response to the draft modification have been included as new modification no. 6.

Modification 8 : 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’. 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.

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

Modification 9 : 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 sentence, ‘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, including the provision of a new grade separated junction west of the Swallow roundabout. Careful consideration will also be given to improving the local road network to complement the trunk road network.’

Reason : These junctions are essentially being improved to improve road safety. To clarify the SEDD’s policy for this section of trunk road once existing programmed improvements have been implemented. Should such a grade separated junction solution be required for economic reasons west of the Swallow roundabout then it would have to be funded through the development process. To ensure that the Council also meets its obligations for local roads.

Modification 10 : 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 and other strategic routes, developers will be expected to mitigate this impact.’

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

The modification is the same as draft modification no. 7 with the addition of a note to draw attention to the need for Town Centres and Retail Policy 5 and Transport Policy 4 to be changed, as suggested by Angus Council, to ensure consistency. The words ‘and for consistency’ have been added to the end of the reason.

This modification is slightly different to draft modification no. 8 and takes account of comments from Angus Council that the original modification, suggesting that no new junctions will be permitted on the A90 between Perth and Dundee, was inflexible. Angus Council’s suggested wording that “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” has been included, followed by new wording ‘including the provision of a new grade separated junction west of the Swallow roundabout.’

A caveat has also been included in the reason for the modification stating that “Should such a grade separated junction solution be required for economic reasons west of the Swallow roundabout then it would have to be funded through the development process.”

These modifications take account of Angus Council’s comments and also help to clarify the Scottish Executive’s position with regard to the A90 trunk route between Dundee and Perth.

The only change to this since the draft modification (where it was modification no. 9) is in the addition of ‘and other strategic routes’ after “Trunk Road”. This change is as suggested by Angus Council.

Modification 11 : 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 the final sentence with the following ‘Scottish Ministers have published and consulted further on a Draft Designation Order, with designation of the National Park in 2003.’

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

Modification 12 : Chapter 7, new Policy Environmental Resources 5A : Historic Environment 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 : Design and Urban Renewal should form a separate policy as it 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.

The last sentence of draft modification no. 10 has been removed to make Modification no. 11. The last sentence stated: “Under current proposals, the boundary would not impinge into Dundee or Angus.” The removal of this sentence improves the modification and does not pre-judge any further changes to the National Park boundaries that might emerge following further consultation on the Draft Designation Order.

The only change to this modification (previously draft modification no. 11) is in the addition of a title for new Environmental Resources Policy 5A. As suggested by Angus Council the policy is now called ‘Historic Environment’. One of the Council’s other comments that the second sentence of the 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 and . . . qualities of the area” has not be incorporated. The other change to the modification is as suggested by Angus Council that the remainder of the original Environmental Resources policy 6 should be called ‘Design and Urban Renewal’. This suggestion has been incorporated.

Modification 13 : Chapter 7, after paragraph 7.22, insert the following new policy, Environmental Resources Policy 5B : Open Space and Recreation with the following words : '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 14 : 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 15 : Chapter 8, insert new paragraph 8.5 as follows : 'Local authorities may in some circumstances seek provision of an element of affordable housing within new private housing developments. Paragraph 4.43 and Housing Policy 6 set the context for this. Local Plan policies should set out clearly the level of any contribution expected and the locations concerned, to ensure that planning agreements can be negotiated on an equitable basis. Local Plans should also make it clear that the provision of subsidy is not guaranteed. Developers would be expected to take any requirement for affordable housing into account when negotiating land acquisition.'

Reason : Where local authorities are likely to consider using planning agreements to attempt to secure delivery of affordable housing, they should have a hook in the structure plan which makes it clear to developers what their expectations are.

The only change to this modification since the draft modifications is the change in policy number from 6 to 5B and in the addition of a title 'Open Space and Recreation'. Both changes are as suggested by Angus Council.

This is the same as draft modification no. 13. The change suggested by Angus Council to change "achieving" to 'addressing' has not been incorporated.

This has been changed since the draft modification stage (draft modification no. 14) and now puts more emphasis on the role of Local Plan policies in setting out the location and level of any contribution expected in the provision of affordable housing. This is in order to clarify the Scottish Executive's policy in this respect and puts the onus on Local Plans to provide detailed guidance on the provision and delivery of affordable housing.