ANGUS COUNCIL
ROADS COMMITTEE
25 JANUARY 2001
A92 PROJECT – UPDATE ON STATUTORY PROCESSES
REPORT BY THE DIRECTOR OF ROADS

ABSTRACT
This report provides an update on the current progress which has been made in the statutory process associated with the promotion of the project and advises the Committee that a Public Local Inquiry is to be held into the Orders which have been published as part of that process.

1 RECOMMENDATION

It is recommended that the Committee agree to note:

(i) the progress which has been achieved to date in the statutory processes required for the project;

(ii) that a Public Local Inquiry is to be held into the various Orders required in promoting the project.

2 INTRODUCTION

The Council has been working for some time now on the promotion of the project to upgrade the existing A92 road between Dundee and Arbroath and the associated improvement of various related side roads. Before being able to invite tenders for the Design, Build, Finance and Operate (DBFO) contract it is necessary for the Council to have in place the necessary statutory approvals required in association with the promotion of the project.

The formal part of this process commenced with the publication of the Councils’ Notices of Intention to Develop (the project) ie both Dundee City Council’s and Angus Council’s notices, in May 1999.

3 DETAILS

Following on from the publication of the Notices of Intention to Develop (NID) it was also necessary for the Councils to prepare and publish the various Orders associated with the project including in particular the Compulsory Purchase Orders and the appropriate Roads Orders. The various Orders were published subsequent to and following on from the publication of the NID.

The statutory processes for each of these are essentially similar and require a period for consultation and the lodging of any objections after which objections received are considered by the Scottish Executive in considering whether or not to grant (deemed) planning consent and/or confirm or otherwise the various Orders.
The processes differ significantly in that the Ministers have discretion in the case of the 
NID to make a judgement on the substance of any objections raised and decide whether 
or not to hold a Public Local Inquiry before determining the NID referred to them, 
whereas by contrast in the case of the various Orders no such discretion exists and a 
Public Local Inquiry must be held if objections are not able to be resolved and if the 
objections are maintained by the objectors.

In the event the Scottish Ministers granted (deemed) planning consent for the 
corresponding NID in the two Council areas in December 1999.

However the Councils have now been notified that a conjoined Public Local Inquiry will 
be required to consider objections raised and maintained to the various Orders in both the 
Dundee City Council and the Angus Council areas. A pre-inquiry meeting has been held 
and the inquiry has been provisionally set to commence on 18 April 2001.

Members of the Committee may wish to note that the relevant officers from the Councils 
together with the external project advisers are currently in the process of preparing the 
Councils’ statement of case to present to the Reporter at the Inquiry.

4 FINANCIAL IMPLICATIONS

There are staff and advisers time costs associated with the preparation for and attendance 
at the Inquiry but these can be contained within the Council’s financial plan provision for 
the project in years 2000/01 and 2001/02.

5 HUMAN RIGHTS IMPLICATIONS

There are no human rights implications arising as a direct consequence of this Report.

6 CONSULTATION

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

7 CONCLUSION

The A92 project received deemed planning consent in December 1999, however the 
necessary Orders required to promote the project have raised a number of objections 
which have been maintained by the objectors and which therefore require to be addressed 
at a Public Local Inquiry. The Council has now been advised by the Scottish Executive 
that the necessary Public Local Inquiry will be held provisionally commencing on 18 
April 2001.

Dr Bob McLellan
DIRECTOR OF ROADS

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.

REPORTS/a92.stat.proc
JG/SH
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