APPENDIX

FINALISED ANGUS LOCAL PLAN REVIEW

REPORT OF PUBLIC INQUIRY

STATEMENT OF RESPONSE

BY

ANGUS COUNCIL

COPY OF REPORTS
TO ANGUS COUNCIL/COMMITTEE

REPORT 1342/06 FINALISED ANGUS LOCAL PLAN REVIEW
REPORT OF PUBLIC LOCAL INQUIRY

REPORT 1481/06 FINALISED ANGUS LOCAL PLAN REVIEW
DEFERRED KIRRIEMUIR ITEM

REPORT 78/07 FINALISED ANGUS LOCAL PLAN REVIEW
BEECHWOOD PLACE, KIRRIEMUIR
ANGUS COUNCIL

ANGUS COUNCIL 16 NOVEMBER 2006

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

REPORT BY DIRECTOR OF INFRASTRUCTURE SERVICES

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

1  RECOMMENDATION

It is recommended that the Council:-

(a) note the findings and recommendations contained in the Report on Objections to the Finalised Angus Local Plan Review in relation to unresolved objections and pre-Inquiry modifications to the Finalised Angus Local Plan Review

(b) agree this report, including the detailed assessment set out in Schedule 1 accompanying the Report, as the basis for preparing, publishing and advertising the Council’s Statement of Response as required under the Town and Country Planning (Structure and Local Plans) (Scotland) Regulations 1983;

(c) authorise the Head of Planning and Transport to prepare and publish proposed modifications to the Local Plan Review arising from (b) above to be advertised, placed on deposit and where appropriate notified to relevant previous objectors;

(d) note that a further report will be prepared, for consideration by the Infrastructure Services Committee, on any objections received in due course to relevant published modifications as part of the process towards adopting the Angus Local Plan Review.

2  BACKGROUND

2.1 Report No. 998/06 to the Infrastructure Services Committee of 24 August 2006 notified members that the report of the Angus Local Plan Review Public Inquiry (PLI) was expected imminently. The report also outlined preliminary arrangements for making the Inquiry Report publicly available and that a full response to the Reporters’ recommendations contained in that report would be submitted for consideration by the Council.

2.2 The PLI Report which was subsequently received by Angus Council on 30 August 2006 extends to over 800 pages and is presented in 3 volumes as follows:-
• Volume 1: General Policies and Inquiry Appendices
• Volume 2: Towns; and
• Volume 3: Villages and other settlements;

2.3 A copy of the full Inquiry Report (3 volumes) has previously been placed in the Members' Lounge.

2.4 This report provides:

• a summary of the main points arising from the Reporters' findings and recommendations including those Inquiry items recommended for further change by the Reporters;

• the suggested basis of the Councils response which is set out in full in Schedule 1 circulated alongside this report. This is presented in 3 Sections, one for each Volume of the Inquiry Report, and sets out the Reporters' findings and conclusions on each of the unresolved objections, together with comments and recommendations by the Head of Planning and Transport in respect of each matter; and

• the procedure for preparing and publishing the formal modifications proposed to the Local Plan Review.

3 REPORT OF THE INQUIRY

General

3.1 The Local Plan Inquiry was held between 23 January and 25 April 2006 and dealt with unresolved objections to some 157 matters. The Inquiry Report presents a summary of the evidence together with the Reporters' findings, conclusions and recommendation on each of the matters of objection. As agreed by the Infrastructure Services Committee of 24 August 2006 (Report No. 998/06) a copy of the Inquiry Report has already been made available for inspection free of charge at all Public Libraries and ACCESS Offices, St. James House, Forfar and in village halls at Wellbank, Fowlis, and Birkhill/Muirhead. The PLI report was also made available on the Councils web site at www.angus.gov.uk/localplan In addition, the availability of the Inquiry Report was advertised in the Dundee Courier (22 September 2006) and statutory consultees (including Community Councils) and objectors to the Local Plan were notified by letter.
3.2 Table 1 above categorises recommendations made by the Reporters. Of the total of 157 items, the Reporters have recommended no change in respect of 83 items. Support has also been given for 40 pre-inquiry modifications published by the Council during September-November last year. In 34 cases the Reporters have recommended some other form of change. In several of these cases the Reporters have supported the Local Plan position and/or pre-Inquiry modification in principle but consider additional minor amendments would be beneficial.

### Summary of Changes Recommended by Reporters

3.3 Schedule 1 accompanying this Report provides the Reporters’ conclusions and recommendations in full on each Inquiry item. Appendix 1 to this report provides a summary by Chapter heading.

3.4 Among the 34 changes recommended by the Reporters, the following are the most significant:

- **Arbroath** - A10 : Cairnie Street/ Stobcross (TESCO) - Reporter recommends the proposal is reworded to reflect the approved retail floorspace of up to 3500sqm gross floor area recognising that the possibility of development of 5000sqm gross floor area is already provided for but would require Angus Council to sell land in their ownership;
- **Arbroath** - A16 : Westway - Reporter recommends to delete provision for food retailing (ASDA) at the Westway retail park;
- **Carnoustie** - C6 : Working – Clayholes – Reporter recommends deletion of local plan site and replacement with a new business park site at Carlogie/Panbride;
• **Forfar** - F7 : New Neighbourhood – Westfield – Reporter recommends deletion of the whole allocation;

• **Forfar** - at Gowanbank and Slatefield – Reporter recommends allocation of additional housing sites;

• **Forfar** - Turfbeg – Reporter recommends safeguarding of land at Turfbeg, as an option for housing development in period beyond 2011;

• **Kirriemuir** - K2 : Housing – Hillhead – Reporter recommends deletion of the existing employment land from the housing allocation and some minor rewording;

• **Kirriemuir** - Sunnyside – Reporter recommends allocation of an additional housing site at Sunnyside;

• **Monifieth** - Mf4 : Buddon Drive Cemetery Site – Reporter recommends deletion of site for new cemetery at Buddon Drive and investigate further options;

• **Friockheim** - Reporter recommends deletion of current local plan housing site Fk2 : Housing – East of Kinnell Gardens and replacement with a new housing site South of Gardyne Street, Friockheim.

• **Policy SC43 : Roadside Facilities on the A92** – Reporter recommends that the policy wording is amended to allow for petrol filling station and farm shop adjacent to the A92 at Upper Victoria.

4 ANGUS COUNCIL’S STATEMENT OF RESPONSE

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

4.2 It should however be noted that the Town and Country Planning (Scotland) Act 1997 (Section 17(3)) specifies that a “planning authority shall not adopt any plan or proposal that does not conform” to the approved Structure Plan, in this case the Dundee and Angus Structure Plan. This position is also reinforced in Scottish Planning Policy 1: The Planning System (paragraph 37). Should Angus Council make any decisions in respect of the Reporters’ recommendations which raise issues of conformity with the approved Dundee and Angus Structure Plan, then Section 238 of the Town and Country Planning (Scotland) Act 1997 makes provision for a possible legal challenge as part of the subsequent Local Plan adoption procedures. In addition Section 17(4) of the 1997 Act also allows the Scottish Ministers to direct the Local Authority “to consider modifying the plan or proposals” where they are deemed to be “unsatisfactory”. Section 18 of the 1997 Act further allows the Scottish Ministers to direct that the Local Plan is submitted to them for their approval. In such circumstances the Scottish Ministers “may either approve (in whole or in part and with or without modifications or reservations) or reject the plan”. It is therefore of primary importance that the Angus Local Plan Review is in conformity with the approved Dundee and Angus Structure Plan.

4.3 The Council is required to set out its response to each of the Reporters’ recommendations in a statement giving reasons for accepting or rejecting each recommendation. Schedule 1 accompanying this report deals with each of the items considered at the Inquiry, outlining the nature of objection, the Reporters’ conclusions and recommendation, the Head of Planning and Transport’s comments and the
recommendation to Angus Council. The level and nature of further changes recommended by the Reporters is small in comparison to the number of items which were dealt with by the Inquiry. Table 2 provides a summary of changes recommended by the Reporters together with the head of Planning and Transport’s recommendation to accept or not accept these changes. In summary the Head of Planning and Transport recommends that Angus Council agrees to the majority of the recommendations made by the Reporters and that Schedule 1 forms the basis for the Council’s Statement of Response.

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

<table>
<thead>
<tr>
<th>Topic (Text in brackets indicates Volume No and page reference in Schedule 1)</th>
<th>Reporters Recommendation</th>
<th>Head of Planning and Transport Recommendation to Council</th>
</tr>
</thead>
<tbody>
<tr>
<td>Introduction Chapter (Vol 1, page 1)</td>
<td>Insert new text detailing that Scottish Ministers granted Angus Council exemption from requirement to carry out SEA on the Finalised ALP Review</td>
<td>Accept. The suggested change will clarify that Angus Council were granted exemption from the need to carry SEA on the Finalised ALP Review.</td>
</tr>
<tr>
<td>Policy S6 : Development Guidelines and Schedule 1 : Development Guidelines (Vol 1, page 7)</td>
<td>Amend titles of both Policy S6 and Schedule 1 to read “Development Principles”</td>
<td>Accept the recommendation to amend the titles Policy S6 and Schedule 1</td>
</tr>
<tr>
<td>Policy SC1: Housing Land Supply Table 2.1: Housing Land Allowances 2001 – 2011 (on sites of 5 or more houses) (Vol 1, page 12)</td>
<td>Add new text regarding post 2011 period. Include details of structure plan housing allowances for 2011 – 2016 period</td>
<td>Accept. As land allocated by the Local Plan Review in addition to the Structure Plan requirement to 2011 provides for development into the 2011 – 2016 period, it is appropriate to include reference to the indicative housing allowances for the 2011-2016 period specified in the approved Dundee and Angus Structure Plan.</td>
</tr>
<tr>
<td>Omission of Large Country Houses Policy (Vol 1, page 19)</td>
<td>Insert new policy to address the possible scope for larger new country houses that would make a major contribution to the future architectural heritage of Angus.</td>
<td>Accept. Recommend inclusion of a new policy to provide a basis for assessing development proposals for larger new country houses that would make a major contribution to the future architectural and landscape heritage of Angus.</td>
</tr>
<tr>
<td>Policy SC4: Countryside Housing – Reuse and Redevelopment of Existing Sites and Buildings And other countryside housing policies (Vol 1, page 24)</td>
<td>Amended text to supplement changes made by 3rd round modifications.</td>
<td>Accept. Reporter has accepted Angus Councils pre inquiry modifications and has suggested some additional changes. Subject to some minor adjustment these additional changes are acceptable.</td>
</tr>
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<tr>
<td>SC6 : Affordable Housing (Vol 1, page 38)</td>
<td>Additional footnote added to Table 2.3 : Affordable Housing Provision – 2004 - 2011</td>
<td>Accept. The proposed modification will clarify the application of the affordable housing policy.</td>
</tr>
<tr>
<td>Policy SC23 : Large Scale Retail Development Proposals (Vol 1, page 43)</td>
<td>Wording change to 3rd bullet point by Reporter. Amend margin text in line with current national guidance.</td>
<td>Accept. The proposed wording change will ensure that the policy is in conformity with both the Structure Plan and NPPG8. It will also clarify the position in dealing with future development proposals. The suggested modification to the margin text relating to the definition of the sequential approach as proposed by the Reporter will ensure consistency with the terms of NPPG8 Town Centres and Retailing.</td>
</tr>
<tr>
<td>Policy SC43 : Roadside Facilities on the A92 (Vol 2, page 76)</td>
<td>Amend wording of Para 2.109 and Policy SC43 to allow for a petrol filling station and farm shop adjacent to the A92 at Upper Victoria, by Carnoustie.</td>
<td>Not accept. Such a modification would be inconsistent with both national and development plan policies.</td>
</tr>
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<td>Para 3.93, Recycling Facilities (Vol 1, page 94)</td>
<td>Amended text by Reporter</td>
<td>Accept in part. Accept the additional change to extend the range of developments covered by the proposed Supplementary Guidance. Not accept the change from “recycling facilities” to “mini-recycling points”. Angus Council and the objector had reached a pre-Inquiry agreement. The suggested additional amendment by the Reporter is considered to limit the opportunity to secure an appropriate range of recycling facilities from new developments.</td>
</tr>
<tr>
<td>Policy ER37 : Recycling Facilities (Vol 1, page 96)</td>
<td>Amended text by Reporter</td>
<td>Accept the additional change to extend the range of developments covered by the recycling facilities policy.</td>
</tr>
<tr>
<td>Arbroath A9 : Opportunity Site – Ernest Street/ Palmer Street (Vol 2, page 8)</td>
<td>Text added by Reporter</td>
<td>Accept recommended change to clarify that potential ground contamination issues affecting the site will be a material consideration in determining the contribution of affordable housing from the site.</td>
</tr>
<tr>
<td>Arbroath Retailing (Vol 2, page 11) Policy A15 of the Proposed 2nd Round Modifications Paragraph 25 of the Proposed 2nd Round Modifications Policy A16 of Proposed 2nd Round Modification (Previously A10 : Opportunity Site -Cairnie Street/ Stobcross) Policy A17 of the Proposed 2nd Round Modifications (Previously A16 : Westway – Dundee Road)</td>
<td>Reporter recommends that the policy is deleted. Reporter recommends that the paragraph is deleted. Reporter recommends the proposal is reworded to reflect the approved retail floorspace of up to 3500sqm recognising that to have 5000sqm would require Angus Council to release land in their ownership. Reporter recommends deletion of provision for food retailing at Westway and amendments to text.</td>
<td>Accept recommendation to delete Policy A15 proposed in the 2nd Round pre-inquiry modifications. Accept recommendation to delete paragraph proposed in the 2nd Round pre-inquiry modifications. Accept recommendation to amend the proposal to reflect the approved retail floorspace of up to 3500sqm. Accept recommendation to delete provision for food retailing and restrict retailing to non-food retail warehouses for the sale of durable goods.</td>
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<tr>
<td>Carnoustie C6 : Working – Clayholes, Carnoustie (Vol 2, page 45)</td>
<td>Delete site and replace with a new employment land site at Carlogie/Panbride.</td>
<td>Accept in part. It is recommended that 15ha of land at Carlogie should be allocated to meet current relocation and structure plan requirement for employment land. It is not accepted that a further 9ha of land east of Westhaven Road should be identified in this Local Plan for future needs. Any future requirement for additional employment land will be assessed through either a full review or stand alone alteration to the Local Plan.</td>
</tr>
<tr>
<td>Carnoustie and Barry : Omission of Land at Victoria Link with A92 (Vol 2, page 76)</td>
<td>See Policy SC43 above.</td>
<td>Not accept Such a modification would be inconsistent with both national and development plan policies.</td>
</tr>
<tr>
<td>Forfar F4 : Housing – Wester Restenneth (Vol 2, page 84)</td>
<td>Amended wording by Reporter</td>
<td>Accept in part Accept the amended wording in respect of foul drainage arrangements. In addition in order to ensure the availability of housing land to meet the Structure Plan allowance for the Forfar, Kirriemuir &amp; Glens HMA for the period to 2011 it is proposed to increase phased allocation from 100 to 150 units in the period to 2011, with a further 100 units to come forward in the period beyond 2011.</td>
</tr>
<tr>
<td>F7 : New Neighbourhood – Westfield (Vol 2, page 88)</td>
<td>Delete whole proposal for site F7 and para 15.</td>
<td>Accept The Reporter’s recommendation to remove the proposal for a new neighbourhood at Westfield is accepted meantime in order to ensure conformity with the Dundee and Angus Structure Plan guidance on the scale of housing land provision up to 2011. A future Local Plan review will require to reassess possible development areas in order to establish where housing land release will take place in the longer term post 2011. Angus Council had sought to achieve this through the identification of a significant area of land at Westfield in the Finalised Angus Local Plan Review, which was also capable of accommodating longer term growth, but that will need to be reconsidered in a subsequent review of the relative merits of alternative sites.</td>
</tr>
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<tr>
<td>Forfar : Omission – Land at Gowanbank (Vol 2, page 98)</td>
<td>Insert new site for housing development.</td>
<td>Accept recommendation that the site is allocated for the development of around 60 houses during the period to 2011.</td>
</tr>
<tr>
<td>Forfar : Omission – Land at Slatefield (Vol 2, page 104)</td>
<td>Insert new site for housing development.</td>
<td>Accept Recommend that the site is allocated for high quality residential development of a maximum of five houses. This would round off and reflect the type of development which has already taken place in the surrounding area.</td>
</tr>
<tr>
<td>Forfar : Omission – Land at Turfbeg (Vol 2, page 108)</td>
<td>Amend Local Plan by indicating that 17.6ha of land at Turfbeg as being safeguarded for around 300 houses in period beyond 2011. Text should also indicate that development proposals are subject to review and will require to be confirmed by a future local plan</td>
<td>Accept The Reporter is of the opinion that development of the objection site would be acceptable in landscape and visual terms, even although this will extend the urban area and change the character of this location from rural to urban. However, it is clearly not his intention to include the land within the development boundary for Forfar at this stage as it is not formally allocated, nor is it required to meet Structure Plan housing land requirements in the period to 2011, and requires to be confirmed by a future local plan. Recommend the site be shown on the Forfar Inset Map lying outwith the development boundary in order to provide a safeguard from development proposals in the short term which might prejudice the future use of the land.</td>
</tr>
<tr>
<td>Kirriemuir Kirriemuir Inset Map (Vol 2, page 125)</td>
<td>Amend inset map to indicate Roads depot suitability for car, coach and lorry parking.</td>
<td>Not accept Investigation of proposals for the formation of a new car/lorry/coach park is not yet complete. It is considered premature to allocate the land at Slade Road for this specific purpose until Angus Council have made a final determination on this matter.</td>
</tr>
<tr>
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<tr>
<td>K2 : Housing – Hillhead (Vol 2, page 137)</td>
<td>Revert to area of Finalised ALP. Amend allocation by excluding employment land from site.</td>
<td>Accept in part. As the employment land is currently in use by existing businesses it should be removed from the housing allocation. This does not preclude consideration of the site as a brownfield redevelopment site should the premises become vacant in the future. In addition in order to ensure the availability of housing land to meet the Structure Plan allowance for the Forfar, Kirriemuir &amp; Glens HMA for the period to 2011 it is proposed to remove phasing and allocate the whole site (as modified in area by the Reporter) for development of 80 houses in the period to 2011.</td>
</tr>
<tr>
<td>Kirriemuir : Omission – Land at Sunnyside (Vol 2, page 152)</td>
<td>Insert new site for housing development.</td>
<td>Accept the recommendation to allocate 2ha of land at Sunnyside for development of around 40 houses.</td>
</tr>
<tr>
<td>Monifieth Mf4 : Buddon Drive Cemetery Site (Vol 2, page 168)</td>
<td>Delete site Mf4 and include text indicating search for a suitable site.</td>
<td>Accept Agree that the existing allocated site should be deleted and that a full assessment of potential sites should be undertaken before identifying a new cemetery site to serve Monifieth.</td>
</tr>
<tr>
<td>Montrose Montrose : Omission – Glaxo Site (Vol 2, page 182)</td>
<td>Incorporate proposed First Round Modification with further amendment to reflect that Glaxo is no longer closing</td>
<td>Not Accept As Glaxo is to remain in operational use, the site is no longer available for redevelopment. Recommend insertion of new text highlighting need to investigate opportunities for regeneration of south Montrose.</td>
</tr>
<tr>
<td>Villages Arbirlot : Development Boundary (Vol 3, page 1)</td>
<td>Amend development boundary to exclude potential house site.</td>
<td>Accept recommendation to amend the development boundary to exclude the potential house site.</td>
</tr>
<tr>
<td>Bridgend of Lintrathen : Development Boundary (Vol 3, page 25)</td>
<td>Amend development boundary to include land to the west of Lochside Lodge as house plot(s)</td>
<td>Accept recommendation to include land to the west of Lochside Lodge within the development boundary.</td>
</tr>
<tr>
<td>Colliston : Development Boundary (Vol 3, page 32)</td>
<td>Maintain current development boundary to exclude objection site.</td>
<td>Not Accept Angus Council and the objector had reached a pre-inquiry agreement which was the subject of a pre-inquiry modification which was not subject to any objections.</td>
</tr>
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<tr>
<td>Fk2 : Housing – East of Kinnell Gardens &amp; Friockheim : Omission of Land South of Gardyne Street (Vol 3, page 47)</td>
<td>Delete site at Kinnell Gardens and replace with a new site South of Gardyne Street.</td>
<td>Accept recommendation to delete the site at Kinnell Gardens and include alternative site on land to the south of Gardyne Street.</td>
</tr>
<tr>
<td>LG1 : Housing – Letham Grange (Vol 3, page 78)</td>
<td>Minor amendment to wording by Reporter</td>
<td>Accept recommendation to include additional wording to limit the potential for additional housing.</td>
</tr>
<tr>
<td>Memus : Development Boundary (Vol 3, page 86)</td>
<td>Amend village inset map to indicate status of site adjacent to Drovers Inn</td>
<td>Accept. Recommend the village inset map is amended by annotating the land with planning permission adjacent to the Drovers Inn to indicate Land reserved for development related to the Drovers Inn.</td>
</tr>
<tr>
<td>Padanaram : Development Boundary (Vol 3, page 110)</td>
<td>Amend and annotate inset map or create settlement statement.</td>
<td>Accept in part. Not Accept the suggested change to the development boundary. Angus Council and the objector had reached a pre-inquiry agreement which was the subject of a pre-inquiry modification which was not subject to any objections. Accept recommendation to annotate the village boundary map to indicate that the site is reserved for affordable housing development.</td>
</tr>
<tr>
<td>Policy Imp1 : Developer Contributions (Vol 1, page 99)</td>
<td>Add new text to paragraph 5.5 giving commitment to preparation of supplementary guidance, on a settlement basis, to provide an indication of the nature of public services, community facilities and infrastructure for which developer contributions may be anticipated.</td>
<td>Accept. Preparation of supplementary guidance detailing where developer contributions would be required on a settlement by settlement basis will support the general terms of the local plan and provide more certainty for developers.</td>
</tr>
</tbody>
</table>

5 PROPOSED MODIFICATIONS TO THE LOCAL PLAN

5.1 The Council’s Statement of Response forms a main input to proposed modifications to the Local Plan. Subject to Members agreeing the terms of the Council’s Statement of Response, it is recommended the Director of Infrastructure Services be authorised to prepare, publish and advertise the resulting modifications. All proposed modifications to the Plan, whether resulting from pre-inquiry negotiations or recommendations from
the Reporters following the Inquiry, must be formally advertised, so that the position of all interested parties is safeguarded.

5.2 Angus Council has previously published three rounds of Pre-Inquiry Modifications and invited objections during a formal six-week period associated with each round. Where the Reporters have recommended that modifications be incorporated into the Local Plan without further change then it is intended that these be advertised for information only, with no further period for objection.

5.3 Where Angus Council agrees with the Reporters’ recommendations for further change, or proposes further changes itself, then these matters will require to be advertised formally as modifications with a six week period for objection. It should be noted that minor matters (typographical and mapping) can be dealt with as minor technical changes and are not required to be included as modifications.

**Public Availability of the Council’s Statement of Response and Modifications**

5.4 The procedures for advertisement, deposit and objection of Modifications are contained in the Town and Country Planning (Structure and Local Plans) (Scotland) Regulations 1983. A formal Notice of Modification is set out in the Regulations and a period of six weeks is available for objection.

5.5 In order to meet the Regulations and assist customer care, the following arrangements are therefore recommended:-

- formally advertise the Council’s Statement of Response and proposed Modifications;

- a hard copy of the Council’s Statement of Response and proposed Modifications will be made available for public inspection free of charge at all Public Libraries and ACCESS Offices and at St. James House, Forfar during normal working hours.

- the information will also be made available, as a pdf format, on the Council’s web site at [www.angus.gov.uk/localplan](http://www.angus.gov.uk/localplan) which can be downloaded and/or printed (free of charge) directly;

- notify all previous objectors of the Council’s decision in respect of their objection(s) and the availability of the Statement of Response and Proposed Modifications and the arrangements for viewing of the documents;

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

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

6 FINANCIAL IMPLICATIONS

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

- the costs of printing, publishing and depositing the Councils Statement of Response and modifications documents; and

- the price to be charged where appropriate for purchase of the Statement of Response, Modifications and extracts.

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

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

7 HUMAN RIGHTS IMPLICATIONS

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

8 CONSULTATION

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

9 CONCLUSION

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

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

NOTE

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

- Report on Objections to the Finalised Angus Local Plan Review, Volumes 1, 2 and 3, by Richard E. Bowden, BSc(Hons), MPhil, MRTP and Richard G. Dent, BA(Hons), DipTP, FRTP, August 2006
- Town and Country Planning (Scotland) Act 1997
- Scottish Planning Policy SPP1 : The Planning System

P&T/GDP/KMcG/IAL
8 November 2006

Eric S Lowson
Director of Infrastructure Services
APPENDIX 1

SUMMARY OF KEY POINTS FROM PLI REPORT BY TOPIC

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


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

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

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

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

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

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

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

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

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

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

Roadside facilities on the A92 (Policy SC43): this is also related to the objection to the use of land at the junction of the A92/Upper Victoria road link, Carnoustie for petrol filling station and associated traveller facilities. The Reporter has concluded that there is merit in limited provision and recommended that Policy SC43 and para 2.109 is modified to enable a farm shop and a petrol filling station, but not overnight accommodation, to be promoted at this site.

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

Natural Environment

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

Built Environment

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

Water Resource Management

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

Resources

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

Energy

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

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

Waste Management

The Reporter has endorsed pre-Inquiry modifications proposed by Angus Council in response to objections by SEPA to the policies and supporting text of the Waste Management Section. Additional minor modifications are recommended to paragraph 3.93 and Policy ER37: Recycling Facilities.
Part 4: Town and Village Directory (PLI Report Volume 2)

Arbroath (PLI Report – Volume 2, pages 1 - 92)
The general development strategy and major land allocations at Montrose Road (housing) and Elliot (employment land) were supported, with a minor adjustment to the policy wording of Policy A9: Opportunity Site - Ernest Street/Palmer Street suggested. Sites at Arbirlot Road West/Crudie (housing), Elliot Mill (housing), north Warddykes (housing) and Wardmill/Dens Road (retail) were all rejected.

In terms of major retail development the Reporter has recommended the deletion of food retailing at Westway and that the site should be restricted for use as non-food retail warehouse for the sale of durable goods. The Reporter also recommended that the Stobcross proposal is reworded to reflect the approved retail floorspace of up to 3500 sqm gross floor area recognising that to have 5000sqm would require Angus Council to sell land in their ownership.

Brechin (PLI Report – Volume 2, pages 93 - 103)
The Reporter has endorsed the development strategy and land allocations in Brechin as set out in the Finalised ALP Review and recommends no change in response to objections to the omission of housing sites at Cookston and Unthank. No change is also recommended in response to the objections on the wording of Key Issues and Development Strategy set out in paragraph 9 of the town statement as they relate to retailing.

Carnoustie (PLI Report – Volume 2, pages 104 - 167)
One of the main issues dealt with by the PLI was the location of the new business park. The Reporter has recommended that the Local Plan Review site at Pitskelly Farm on the Upper Victoria Link road be deleted and replaced with a new site at Carlogie Road/Panbride north.

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

Forfar (PLI Report – Volume 2, pages 168 - 238)
The main issue at Forfar was the distribution of housing land. The Reporter has recommended that the major development area allocated by the Finalised Plan at F7: New Neighbourhood - Westfield be deleted in its entirety. However the Reporter has confirmed the modifications for housing land at Western Restenneth and Whitehills Nursery and included new sites at Gowanbank (60 houses) and Slatefield (5 houses).

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

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

The Reporter also endorsed the minor modifications in relation to the primary school site at Whitehills Nursery/Fyfe Street which now has planning permission.
Kirriemuir (PLI Report – Volume 2, pages 239 - 309)
Housing land distribution was the key issue at the PLI. The Reporter confirmed the greenfield site at Hillhead, but rejected the allocation of that part of the site at Cortachy Road currently in business use. The Reporter also allocated a new site as an extension of the site at Sunnyside (40 houses), but rejected land south of Beechwood Place for housing.

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

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

Monifieth (PLI Report – Volume 2, pages 310 - 324)
The Reporter has rejected objections seeking the allocation of additional peripheral housing land at Ashludie Farm, Mains of Ardestie and Ardownie Farm Monifieth.

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

Montrose (PLI Report – Volume 2, pages 325 - 338)
The Reporter endorsed the housing land strategy in Montrose as set out in the Finalised Local Plan and also rejected an objection to include a small site at Marykirk Road. Pre-inquiry modifications relating to M4 : Opportunity Site - Sunnyside Hospital and M9 : Railway Sidings - Montrose Station were accepted by the Reporter. Although the pre-inquiry modification regarding the Glaxo site was accepted, the Reporter has recommended some minor rewording to reflect the fact that Glaxo are staying in Montrose.

Villages (PLI Report – Volume 3)
A considerable number of the objections (60) to the Finalised Local Plan Review related to the omission of land, primarily for housing development, in villages and on greenfield sites in the open countryside. Many of the sites are situated in the South Angus Housing Market Area where sufficient land/sites are available without the need to make further land release through this local plan. The Reporters have recommended very few modifications in response to objections received to the Angus villages.

Arbirlot (pages 1 – 8)
The Reporter has upheld the objection to the revised development boundary for the village and recommended that it be redrawn to delete the potential house site to the rear of the former manse or, if the boundary is retained, the site should be exempt from development to protect the setting of the village.

Auchterhouse (pages 10 – 14)
No modification is recommended by the Reporter in response to the objection relating to the omission of land for housing from the development boundary for the village.

Baldovan/Pitempton/Balmuir (pages 15 – 20)
No modification is recommended in response to the objection to the omission of land for the development of housing and associated facilities and services.
Balgray, Tealing (pages 21 - 24)
No modification is recommended by the Reporter in response to objections on the definition of the development boundary for Balgray and the omission of a site for housing.

Balkeerie & Eassie (pages 25 – 30)
The Reporter has endorsed the pre-Inquiry modification of the development boundary to reflect extent of the site intended for the hall rebuilding project. No other modifications are recommended by the Reporter in response to objections for the inclusion of additional sites for housing development.

Berryhill (pages 31 – 37)
No modification is recommended by the Reporter in response to the objection to the omission of land for housing (including an element of affordable housing) adjacent to the recently completed development at Berryhill Farm. While acknowledging that such provision would make a welcome contribution to the overall provision of affordable housing in the South Angus area, the Reporter does not consider this justifies setting aside the strategy for housing land release promoted by the Dundee & Angus Structure Plan and Angus Local Plan Review.

Birkhill/Muirhead (pages 38 – 42)
No modification is recommended in response to the objection to the omission of 14.2ha of land to the south of Coupar Angus Road as a ‘strategic reserve housing site’.

Bridgefoot (pages 43 – 48)
No modification is recommended by the Reporter in response to the objections relating to the omission of 2 separate sites for housing development.

Bridgend of Lintrathen (pages 49 – 58)
The Reporter has endorsed the pre-Inquiry modification to redraw the development boundary on the south side of the village and recommended an extension of the development boundary at the western edge of the village to include land adjacent to Lochside Lodge with guidance on how that land might be sensitively developed for a limited number of new houses.

Burnside of Duntrune (59 – 62)
No modification is recommended by the Reporter in response to the objection to the omission of around 30ha of land at Burnside of Duntrune (adjacent to Ballumbie Castle Estate) for an extension to the golf course and additional housing development.

Colliston (pages 63 – 64)
The Reporter has recommended no change to the village development boundary of Colliston. However, there appears to have been an administrative mix up with regard to this objection. The Reporter has indicated that he was unaware of the Councils pre-Inquiry modification to agree the inclusion of a small site for housing as a rounding off of the western village boundary which would allow for 3 or 4 houses, subject of course to detailed considerations at the planning application stage. This matter is further discussed in Schedule 1 – Statement of Response.

Craigton of Monikie (pages 65 – 66)
No modification is recommended by the Reporter in response to the objection to the omission of a site for housing from the development boundary.
Eassie Muir (pages 67 – 69)
No modification is recommended in response to the objection to the omission of a site for housing development from the established development boundary.

Edzell (pages 70 – 80)
No modification is recommended in response to objections in respect of land to the north and east of the village for housing and golf course and the omission of the former Mart site from the development boundary at Edzell.

Emmock, Duntrune (pages 81 – 85)
No modification is recommended by the Reporter in respect of the objection to the omission of a site for housing development.

Finavon (pages 86 – 88)
No modifications are recommended in respect of the development boundary for the village.

Friockheim (pages 89 – 112)
The Reporter has recommended that site Fk2 : Housing - East of Kinnell Gardens is deleted and replaced with a site on the south side of Gardyne Street. The Reporter also recommends that the text of the Local Plan is amended to ensure that the package of proposals and village/community improvement initiatives put forward in association with the new houses (as described in the objector’s submissions and accompanying illustrative layouts and associated roads drawings) are all secured for the benefit of Friockheim as a whole. This might usefully involve the preparation of a development brief for Gardyne Street and its environs.

Grahamston, by Arbroath (pages 113 – 114)
No modification is recommended in respect of the objection to the omission of a site for housing development.

Inveraldie and Tealing (pages 115 – 124)
The reporter has endorsed the pre-Inquiry Modification of the development boundary to include Tealing House Walled Garden. No modification is recommended in respect of the omission of an adjacent greenfield site for housing development.

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

Kellas (pages 125 – 128)
No modification is recommended by the Reporter to the objection to the omission of a site for housing development to the west of the village.

Kirkbuddo (pages 129 – 131)
No modification is recommended to the omission of a development boundary for this area and the omission of a site for housing development.

Kirkton of Auchterhouse (pages 132 - 135)
No modification is recommended in response to the objection seeking the extension of the development boundary to include an area of land for housing to the east of the village.
Kirkton of Menmuir (pages 136 – 138)
No modification is recommended in respect of the objection to the omission of Balfour Farm from the development boundary. This however need not totally preclude development as opportunity for conversion of the existing farm steadings and possible new build can be assessed in the context of existing countryside policies.

Kirkton of Monikie (pages 139 – 142)
No modification is recommended in response to the objection to the omission of a development boundary for this loose grouping of buildings.

Letham (pages 143 – 146)
The Reporter recommended that the village inset map should be modified to ensure Policy L4: Safeguard of Employment Land is applied to all areas designated for existing and future industrial or employment use in Letham. The Reporter also confirmed housing sites at Jubilee Park and East Hemming Street as set out in the Finalised Local Plan.

Letham Grange (pages 148 – 154)
The Reporter endorsed the Council’s pre-inquiry modification subject to some minor rewording to Policy LG1: Housing – Letham Grange.

Liff (pages 155 – 159)
No modification is recommended by the Reporter in response to the objection in respect of the omission of a large area of land (14.2ha) on the north side of Woodside Road as a ‘strategic reserve housing site’. Similarly no change is recommended in response to the objection to the omission of a significant area of land, east of Liff Primary School and to the north of Liff Hospital, also as a ‘strategic reserve housing site’.

Logie (pages 160 – 162)
No modification is recommended by the Reporter in respect of the objection to the omission of a development boundary for Logie.

Lundie (pages 163 – 164)
No modification is recommended in response to the objection to the development boundary for Lundie and the omission of an area of land (previously included in the Adopted Local Plan) for potential housing development.

Memus (pages 165 – 166)
The Reporter has recommended no change to the development boundary at Memus as shown in the Finalised Angus Local Plan Review and that the land with planning permission adjacent to the Drovers Inn be highlighted and annotated “Land reserved for development related to the Drovers Inn”.

Monikie (pages 167 – 170)
No modification is recommended in response to the objection related to the omission of an area of land west of Panmure Road (to the rear of the Fiddlers) for housing development.

Muirdrum (pages 171 – 174)
No modification is recommended by the Reporter in response to the objection to the omission of a site for housing development on the eastern side of the village.
Newbigging by Carnoustie (pages 175 – 185)
The Reporter has recommended no change to the Local Plan Review in response to the objection of the omission of land on the south east of the village, or of the omission of land to the west of the village, both for housing development. Members will recall that proposals for housing development on these sites was refused planning permission in July 2006 (Applications 05/01510/OUT and 05/01455/OUT refer).

Newbigging by Tealing (pages 186 – 199)
The Reporter has recommended no modification in response to objections to the omission of two large greenfield sites for housing development in open countryside adjacent to the village.

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

Newtyle (pages 200 – 203)
No modification is recommended by the Reporter in response to the objection against the omission of land to the north of Glamis Road (previously identified for housing in both the Adopted Local Plan and Consultative Draft Plan 2003) from the proposed boundary.

North Craigo (pages 204 – 206)
No modification is recommended by the Reporters in response to the objection by Craigo Farms Ltd over the omission of a site for mixed development.

North Dronley (pages 207 – 209)
The Reporter has agreed that the development boundary for North Dronley should be modified as set out in the pre-Inquiry Modifications put forward by the Council in September 2005.

Padanaram (pages 210 - 211)
The Reporter generally agreed the modification proposed by the Council to include land at St Ninians Road within the development boundary, but recommends that the site boundary should be adjusted and the site annotated as being reserved for affordable housing. Alternatively a settlement statement should be considered to include reference to an affordable housing allocation.

Panmure Estate Policies (pages 212 – 215)
No modification is recommended by the Reporter in response to the objection by Linlathen Developments Ltd to the omission of specific policies/proposals to support development within the Panmure Estate policies. Existing policies related to housing and development in the countryside provide the framework for dealing with development proposals in the area.

Piperdam (pages 216 – 219)
The Reporter has recommended no change to the wording of policy Pd1 : Residential Development and to the limit on housing numbers in response to the objection by Piperdam Golf & Country Club.

South Kingennie (pages 220 – 229)
The Reporter has recommended no change to the Local Plan in response to the 3 objections relating to the omission of sites for housing development adjacent to the development boundary.
Strathmartine Hospital (pages 230 – 237)
No modification is recommended by the Reporter in response to the objection concerning the restrictive nature of the local plan position in terms of housing numbers and seeking the phased release of the whole site for housing development.

Wellbank (pages 238 – 247)
The Reporter has recommended no change to Wellbank in response to objections related to the omission of sites for housing development.

Westhall Terrace (pages 238 – 247)
No change is recommended by the Reporter in response to the objection to the omission of land on the west side of the village for housing development.

Westmuir (pages 252 – 253)
No change is recommended by the Reporter in response to the 2 objections to amend the development boundary for the village to include additional land for development.

Woodville (pages 254 – 255)
The Reporter has recommended no change to the development approach at Woodville.

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

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

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

Part 6 : Appendices (PLI Report – Volume 1)

1. Developments Requiring a Transport Assessment and Travel Plan
The Reporter has endorsed the pre Inquiry modification proposed by Angus Council.
ANGUS LOCAL PLAN PROCEDURE
WHAT HAPPENS NEXT?

Public Local Inquiry
January – April 2006

Reporters prepare Local Plan Inquiry Report setting out
Conclusions and Recommendations on each matter of
objection

Infrastructure Services Committee, 24 August 2006,
agree to make copies of Inquiry Report publicly available when received.
Inquiry Report received on 30 August 2006.

16 November 2006
Angus Council considers Inquiry Report. Preparation of
Statement of Responses to Recommendations made by the
Reporters

Angus Council advertises Modifications.
Available for inspection and notify
individual objectors. Six week period for
objections

Angus Council makes Statement of
Responses available for inspection

Objections to Modifications

Return to
Previous Stages

Need for a further PLI?

Notice of Intention to Adopt

Notify Scottish Ministers

Advertise and Notify

LOCAL PLAN ADOPTED

Copies to Scottish Ministers
ANGUS COUNCIL

14 DECEMBER 2006

SUBJECT: FINALISED ANGUS LOCAL PLAN REVIEW
DEFERRED KIRRIEMUIR ITEM

REPORT BY DIRECTOR OF INFRASTRUCTURE SERVICES

Abstract: This Report sets out the implications of the amendment raised at the special meeting of Angus Council on 16 November 2006 to reduce the phasing of the housing allocation at Hillhead, Kirriemuir from 80 houses to 40 houses in the period to 2011 and to redistribute those 40 houses to Land South of Beechwood Place.

7 RECOMMENDATION

It is recommended that the Council agree the recommendations of the Director of Infrastructure Services on land at Beechwood Place and at Hillhead in Kirriemuir as previously set out in Schedule 1 to Report No. 1342/06 (appended) and consequently:

(i) do not allocate land south of Beechwood Place for 40 houses; and
(ii) maintain the phased allocation of 80 houses at Hillhead in the period to 2011.

8 INTRODUCTION

8.1 Report No. 1342/06 and Schedule 1 to the special meeting of Angus Council on 16 November 2006 set out the proposed Statement of Response to the Report on Objections to the Finalised Angus Local Plan Review in line with the prescribed Regulations. Members agreed the recommendations of that report with the exception of an alteration to the decision in relation to the former roads depot at Slade Road Kirriemuir and the deferral of a decision in relation to the recommendation on Land South of Beechwood Place, Kirriemuir and the allocation of additional houses to Hillhead, Kirriemuir.

8.2 An amendment to the effect that the proposed increased phasing of 40 houses added to site K2: Housing - Hillhead be redistributed to land south of Beechwood Place in order to assist cross-funding of the allocated employment land on an adjacent site at Forfar Road was deferred pending a report on possible implications. This report considers the implications of allocating 40 houses on land south of Beechwood Place. These relate to:

- Structure Plan conformity;
- Reporter’s findings on the Beechwood Place site;
- Implications of proposed development of 40 houses on land south of Beechwood Place;
- Implications for the development of the confirmed housing allocation at Hillhead;
- Implications for the allocated employment land site at East Muirhead of Logie/Forfar Road.
PLANNING BACKGROUND

8.3 The Finalised Angus Local Plan Review (FALPR) included a proposed allocation of land south of Beechwood Place for 100 houses with a first phase of 50 to come forward in the period to 2011. A new distributor road was identified as being required as part of the joint development of the housing land and the adjacent employment site at East Muirhead of Logie to improve access through the southern part of the town. At the meeting of the Infrastructure Services Committee on 8 September 2005 it was agreed to modify the FALPR to delete the housing site south of Beechwood Place in favour of a larger allocation of land at Hillhead. The increase in the area of the proposed allocation at Hillhead was proposed in order to incorporate part of an adjacent brownfield site which had been put forward. Concentration of the new housing allocation for Kirriemuir on a single new site was considered to provide a comprehensive approach which would secure the delivery of housing development and maximum community benefits within the plan period against a background of uncertainty regarding the availability of infrastructure in Kirriemuir. Following the local plan inquiry the Reporter has agreed with the Council’s previous decision (Infrastructure Services Committee, 8 September 2005) to delete the allocation of land south of Beechwood Place.

8.4 The planning background relevant to consideration of this matter is summarised below and relevant extracts from Schedule 1 to Report No. 1342/06 are included as Appendix 1.

- March 2003 – Publication of Consultative Draft Angus Local Plan Review for consultation – land south of Beechwood Place was not included. (Report No 67/03 refers).
- Objection from landowner/developer received relating to the omission of land south of Beechwood Place.
- February 2005 - Publication of Finalised Angus Local Plan Review - land south of Beechwood Place included for 50 houses as a first phase of a development of 100 houses. (Report No.1506/04 refers).
- 46 objections received relating to the inclusion of land south of Beechwood Place.
- September 2005 – Infrastructure Services Committee agreed first round modification to delete land south of Beechwood Place and increase the area allocated at Hillhead (Report No 1081/05 refers).
- Objection from landowner/developer received to first round modification relating to deletion of land south of Beechwood Place, 17 original objectors to the allocation were satisfied by the modification.
- February 2006 - Local Plan Inquiry sessions on Kirriemuir.
- August 2006 - Report on Objections to the Finalised Angus Local Plan Review – Reporter accepts Angus Council’s proposed modification to delete Land South of Beechwood Place.

9 DISCUSSION

9.1 The Finalised Angus Local Plan Review as modified by the Council, allocated a single site at Hillhead for housing development in Kirriemuir in addition to sites already identified in the first Angus Local Plan and sites with planning permission. In
the Report on Objections to the Finalised Angus Local Plan Review in relation to the housing land supply in Kirriemuir in general the Reporter concluded that it was preferable to provide as wide a range of choice as possible. He disagreed with the Council’s position that the range of choice is provided throughout the housing market area as a whole and concluded that it would be appropriate to allocate more than a single new site for housing development in Kirriemuir. In considering the range of sites put forward for housing development by local landowners, the Reporter recommended that the Council’s first round pre-inquiry modification to delete the proposed allocation of land south of Beechwood Place be upheld, and that the allocation of a new site at Sunnyside for 40 houses was preferable to the other options. In relation to the proposed allocation at Hillhead, the Reporter recommended the retention of the overall allocation of 120 houses on a reduced site area, with an initial phase of 40 houses in the period to 2011, and 80 houses post 2011.

9.2 As set out in pages 112 to 114 of Schedule 1 to Report 1342/06 which are attached as Appendix 1a, the Head of Planning and Transport identified a small shortfall (85 units) in the Reporter’s housing land supply calculations for the Forfar, Kirriemuir and the Glens Housing Market Area. In order to ensure that the housing land supply fully meets the requirements of the Dundee and Angus Structure Plan for the period to 2011, the Director of Infrastructure Services recommended that the phasing of development on two sites confirmed by the Reporter as housing allocations (Hillhead in Kirriemuir and Wester Restenneth in Forfar) should be adjusted to accommodate the additional numbers required. The initial phase of the development of 120 houses allocated for Hillhead was therefore recommended to be increased from 40 to 80 houses up to 2011, with 40 houses to come forward post 2011.

9.3 The amendment raised at the Council meeting on 16 November 2006 proposed the phasing of development at Hillhead remain as recommended by the Reporter (ie 40 houses to 2011, and 80 houses after 2011) and the additional 40 houses required to address the shortfall to be allocated on land south of Beechwood Place. The implications of this are set out below.

Structure Plan conformity

9.4 The amendment relates solely to the redistribution of part of the housing land supply in Kirriemuir in the period to 2011 and would not lead to any change in the overall level of development for Kirriemuir recommended by officers which is considered to be in conformity with the Dundee and Angus Structure Plan.

Reporters Findings on the Beechwood Place site.

9.5 The Reporter’s findings in relation to land south of Beechwood Place are set out at pages 148 to 150 of the Draft Angus Council Statement of Response which formed Schedule 1 to Report No 1342/06 and is attached as Appendix 1b to this Report. The Reporter’s findings can be summarised as follows:

- **Landscape and visual impact** – considers the site is highly visible, and that an extension to the south of Kirriemuir onto this land would be detrimental to the landscape setting of the town. Concludes the site should not be allocated for development.

- **Land use** – considers agriculture is a reasonable use of the land, which relates well to the clear urban edge formed by Beechwood Place.
• **Accessibility** – considers the site is accessible in terms of walking, cycling and public transport.

• **Traffic** – considers traffic generated by the site is not a significant issue.

• **Wider Community benefits** –
  
  (1) **improvement to gateways** – it is not essential to undertake a large development to solve image problems of the entrances to the town.
  
  (2) **distributor road** – accepts that it would bring about general benefits. Does not consider the prospect of the distributor road to be such that need for its construction weighs in favour of the residential use of the land to the south of Beechwood Place.
  
  (3) **proximity of employment land and housing development** – considers there are benefits in providing opportunity for jobs close to home, supporting the sustainable principle of reducing the need to travel. Also that benefit could derive from joint provision of infrastructure.

Overall, whilst acknowledging that certain community benefits would result the Reporter is not persuaded that the benefits should be given greater weight than the concerns expressed in terms of landscape and visual impact.

**Implications of proposed development of 40 houses on land south of Beechwood Place**

4.6 There were 46 objections to the inclusion of the proposed housing land allocation south of Beechwood Place in the FALPR. In response to the published first round pre-inquiry modification to delete the site, 17 objectors withdrew or conditionally withdrew their objections, the remaining objectors maintained their position.

4.7 It is necessary to consider whether the proposed amendment relates to 40 houses in total over the whole site, 40 houses as the first phase of a longer term, larger development, or 40 houses on a smaller, unidentified part of the larger site.

**40 houses over the whole site**

4.8 The area identified as a proposed allocation in the FALPR was 6 hectares of land with around 100 houses proposed. The development required the demolition of the East Muirhead of Logie farm buildings, substantial landscaping and boundary treatments, a new distributor road linking the Forfar Road and the Glamis Road and 15% affordable housing. The development of only 40 houses over the whole site is less likely to be able to deliver the full landscaping and infrastructure requirements considered necessary.

**40 houses as a first phase of a larger development**

4.9 The reinstatement of an allocation of around 100 houses with a first phase of 40 units in the period to 2011, and the remaining 60 units to come forward beyond 2011 is a possible form of development. However, this was the general form of development put forward by the landowner at the Local Plan Inquiry, considered by the Reporter and rejected for the reasons set out above in favour of the allocation of a smaller area of land at Sunnyside on the west side of the town. Land south of Beechwood Place was not the only site which was rejected by the Reporter. Five other sites in
Kirriemuir were put forward for housing development by local landowners and similarly rejected.

4.10 The redistribution of 40 houses from Hillhead to Beechwood would not change the level of development for Kirriemuir considered appropriate in the period to 2011. However, identifying a larger allocation at Beechwood Place at this stage in addition to the identified sites at Hillhead and Sunnyside would result in a commitment for the period beyond 2011. Preparation of a future local plan would be the most appropriate time to determine the appropriate future level of development for Kirriemuir taking into account the drainage situation at that time as well as the prevailing school population figures and health centre capacity. These issues were all matters of concern raised during the preparation of the Local Plan Review but found to be capable of accommodating the level of development put forward up to 2011.

Identification of a smaller site for 40 houses

4.11 Consideration of development of part of the site for 40 houses is more challenging for the following reasons:

- there are no defined areas within the larger site within which 40 houses could be easily sited, options may include frontage development along Beechwood Place, development of the eastern part of the site or the western part of the site;

- development of a smaller area with no longer term plan for the remaining parts of the site would raise uncertainty and may be less visually acceptable than development of the whole area;

- the costs associated with developing only part of the site may be proportionally high – demolition of existing farm buildings, provision of roads and drainage infrastructure and extensive landscaping would still be required.

- In relation to roads infrastructure, the Head of Roads advises that an access to a development of 40 houses along the frontage of Beechwood Place could be achieved, but that Beechwood Place is not adopted along its full length and that the junction of Beechwood Place with the Forfar Road is sub-standard. Improvements would be required to bring the road and junction up to the necessary standard. This form of development would undoubtedly change the existing character of Beechwood Place. The previous allocation did not propose frontage access onto Beechwood Place which would have formed a residential road rather than a through route. Development of an area to the east of the site could be accessed from a new roundabout which could serve both the new business park development and housing but the road serving the housing development would require to be to distributor road standard in order to secure the future potential of a distributor road linking through to the Glamis Road. Development of an area at the Glamis Road side of the site would similarly require to be accessed from a road of distributor road standard to allow for a future connection.
Implications of interim removal of 40 houses from the proposed development at Hillhead

4.12 The FALPR as modified, proposed the allocation of 120 houses at Hillhead in the period to 2011. The Reporter’s recommendations confirmed the allocation of housing land at Hillhead on a revised site excluding the area currently in employment use to the north, commonly referred to as “Lawson’s yard”. The Reporter recommended an initial phase of development of 40 houses. It is considered that this may have implications for the ability of the developer to bring the site forward in terms of infrastructure investment and related off site works. The requirement to address the identified shortfall in the housing land supply for the Forfar, Kirriemuir and the Angus Glens Housing Market Area (discussed at 4.2 above) created the opportunity to increase the phasing on this site which in turn may ensure its delivery. (Extract from Schedule 1 in relation to Hillhead is attached as Appendix 1c) The redistribution of 40 units from Hillhead in order to allocate land at Beechwood Place resulting in limited numbers allocated on each site may not be sufficient to secure satisfactory delivery of housing units alongside other requirements on either site. This was among the reasons the Council agreed to delete the allocation at Beechwood Place as a first round modification.

Implications for the allocated employment land site at K4 : Working – East Muirhead of Logie/Forfar Road.

4.13 In support of their objection to the omission of housing land south of Beechwood Place, the landowner/developer did not present detailed evidence that housing development was inextricably related to development of the adjacent employment land, which they also control. In response to the first round modification to delete land south of Beechwood Place, the landowner/developer submissions to the local plan inquiry stated: “The development strategy now proposed by the Council compromises the delivery of the business allocation at K4…”, but no detailed evidence was led in support of this statement. If the landowner / developer was unwilling either to develop the business park or to release the land to another party to allow development, the delivery of the business park could be significantly delayed. However, since the close of the Public Local Inquiry outline planning permission for mixed industrial development (Class 4 – Business use, Class 5 - General Industrial use and Class 6 – storage and distribution uses) has been granted by Development Control Committee on 15 June 2006. (Report No. 820/06 refers).

10 FINANCIAL IMPLICATIONS

10.1 There are no financial implications arising from this report.

11 HUMAN RIGHTS IMPLICATIONS

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

12 CONSULTATION

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

13.1 The detailed implications of development of 40 houses at Beechwood Place are to some extent dependant on the form of development proposed. However, allocating land south of Beechwood Place for housing would be contrary to the decision of the Infrastructure Services Committee in September 2005. It would also be contrary to the Reporter’s conclusions and recommendations having considered the proposed development in some detail at the Local Plan Inquiry.

13.2 In the event that the Council is minded to reverse the previous decision of Infrastructure Services Committee of 8 September 2005 and the Reporter’s findings and agree to amend the Local Plan Review to allocate land for 40 houses south of Beechwood Place it will be necessary to ensure that the proper delivery of that development is provided for. It would also be necessary for members to clarify the extent of development as discussed at paragraphs 4.6 – 4.11 above, and to provide sufficient planning reasons for that decision. In these circumstances the Head of Planning and Transport would wish any new policy to include requirements for satisfactory roads access, landscaping and boundary treatment, 15% affordable housing, provision for connection to possible future development, and suitable use and maintenance of the remaining area of land not required for development at this stage.

NOTE

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

- Report of the Public Inquiry into Unresolved Objections to the Finalised Angus Local Plan Review, Volumes 1, 2 and 3, by Richard E. Bowden, BSc(Hons), MPhil, MRTPI and Richard G. Dent, BA(Hons), DipTP, FMRTPI, August 2006
- Report No. 1081/05 Finalised Angus Local Plan Review – Responses to Objections and Progress towards Public Local Inquiry. Infrastructure Services Committee 8 September 2005
- Town and Country Planning (Structure and Local Plans) (Scotland) Regulations 1983 (Statutory Instrument 1983 No. 1590 (S149)).

P&T/NH/IAL
29 November 2006

Eric S Lowson
Director of Infrastructure Services
APPENDIX 1

EXTRACTS FROM SCHEDULE 1 TO REPORT NO. 1342/06

Reported to Special Meeting of Angus Council 16 November 2006

- 1a – Forfar, Kirriemuir and the Angus Glens Housing Market Area
- 1b – Kirriemuir : Land south of Beechwood Place
- 1c – Kirriemuir : Site K2, Hillhead.
Abstract: This Report sets out the suggested wording of the modification to the 
Angus Local Plan Review, agreed in principle by Angus Council at their meeting of 14 
December 2006, to allocate land South of Beechwood Place, Kirriemuir for 40 houses 
in the period to 2011.

14 RECOMMENDATION

14.1 It is recommended that the Committee:-

1) agree the draft wording for the proposal to allocate 40 houses at Beechwood 
Place, Kirriemuir as set out in para 4.8 of this report;
2) agree the other modifications set out in paragraphs 4.10 and 4.11, which follow 
from the above.

15 INTRODUCTION

15.1 Angus Council at their meeting of 14 December 2006 agreed in principle to modify 
the Angus Local Plan Review and allocate a site south of Beechwood Place, 
Kirriemuir for 40 houses for the following planning reasons:

• the allocation at Beechwood Place will provide additional choice;
• the site is one originally supported and included by the Council within the 
Finalised Local Plan Review (February 2005); and
• the site provides an integrated development, incorporating housing land with 
employment land and certain community benefits.

15.2 The Head of Planning & Transport was requested to submit draft wording for the 
proposed allocation to the Infrastructure Services Committee for approval, prior to 
publication of Local Plan Review post inquiry modifications. This report sets out the 
draft wording associated with the proposal for approval of the Committee and the 
other modifications to the Kirriemuir settlement statement arising from the earlier 
Council decision.

16 BACKGROUND

16.1 Report No. 1342/06 and Schedule 1 submitted to the special meeting of Angus 
Council on 16 November 2006 set out the proposed Statement of Response to the 
Report on Objections to the Finalised Angus Local Plan Review in line with the 
prescribed Town & Country Planning (Structure and Local Plan) (Scotland) 
Regulations 1983. In relation to the objection to the omission of a site for housing at
Beechwood Place, Kirriemuir the Head of Planning & Transport had recommended the acceptance of the Inquiry Reporter’s recommendation not to include the site in the Angus Local Plan Review. Members however agreed the deferral of a decision in relation to the recommendations on Land South of Beechwood Place, Kirriemuir and at Hillhead, Kirriemuir. At the Council meeting of 14 December 2006, Report 1481/06 set out the implications of the amendment raised at the special meeting of Angus Council on 16 November 2006 to amend the phasing of the housing allocation at Hillhead, Kirriemuir from 80 houses to 40 houses in the period to 2011 and to allocate those 40 houses to land South of Beechwood Place.

16.2 The Council agreed, in principle, to amend the Local Plan Review to include a site south of Beechwood Place for 40 houses and to retain the first phase of 40 houses at Hillhead, in the period to 2011.

17 MODIFICATIONS REQUIRED TO THE KIRRIEMUIR SETTLEMENT STATEMENT

17.1 As a result of the 14 December 2006 decision, a number of modifications require to be made to the Kirriemuir settlement statement in the Local Plan Review and these are set out below.

Beechwood Place

17.2 The land immediately south of Beechwood Place, is considerably greater in area than that required to meet the terms of the proposed modification. Nonetheless it is important that site principles established for this smaller area do not prejudice the development potential of the larger site in the future. Throughout the post inquiry deliberations of this site, both the developer and Councillors have highlighted the importance of cross funding from the housing development to enable the development of the business park, improvements to the southern gateway of Kirriemuir; provision of a new distributor road; and benefits associated with the proximity of business land and housing land. Council officers will therefore seek to negotiate with the developer to secure a range of planning obligations from the development of both the housing and employment land.

17.3 In relation to road access, the original proposal (at the Finalised Local Plan Review stage February 2005) had been the formation of a new roundabout at Forfar Road, giving access to both the business park and housing uses and the construction of a new distributor road from Forfar Road through to Glamis Road. This was based on a larger housing site for 100 houses with an initial phased release of 50 houses in the period to 2011, with a subsequent phase of 50 in the period beyond. It was intended that there would have been no vehicular access from the existing Beechwood Place frontage for any new housing.

17.4 It should be noted that outline planning permission has already been granted for the business park (Application 06/00294/OUT and report R820/06 refers). The indicative road layout associated with this permission showed a realignment of the A926 Forfar Road, a new roundabout junction for the Forfar Road within the business park site, which included a spur giving access into the land south of Beechwood Place. Given the above, it would be prudent to allocate an area for housing that could make use of the new junction. Accordingly therefore the site identified for the 40 houses is at the eastern end of Beechwood Place.
17.5 The housing development (40 units) is expected to contribute funding to establish the business park (including road realignment, access and internal roads, servicing, and landscaping); provide an element of affordable housing (15%); as well as structural landscaping and it is therefore unreasonable to expect the full extent of the distributor road at this time. It is however important that in taking forward detailed matters as part of any planning application the possibility of linking with the Glamis Road is not prejudiced. In terms of the timing and phasing of both developments (housing and business park) the release of the housing land should be phased and linked to the establishment of the business park. It is expected that this can be dealt with through a legal agreement, as part of progressing a planning application for the housing.

17.6 Good quality structural landscaping is also considered an essential part of the proposal, particularly around the perimeter of the housing land. Opportunity exists to integrate the landscaping required for the development of both the employment and housing land to secure maximum benefit for this part of the town.

17.7 Detailed matters relating to road alignment, relationship between housing and employment land development, and structural landscaping can all be dealt with at the planning application stage.

17.8 The suggested wording of the proposed modification is as follows. The plan set out in Appendix 1 indicates the area allocated at Beechwood Place.

**K4: Housing – South of Beechwood Place**

2.5ha of land south of Beechwood Place is allocated for 40 dwellings and should take into account the following requirements:-

- 15% of the capacity of the site to provide LCHO affordable housing;
- vehicular access to be taken from the new Forfar Road junction, formed to serve the business park;
- no frontage access from Beechwood Place;
- landscaping and other boundary treatments will be required to provide an appropriate high quality visual entrance to the town. Particular attention should be given to:-
  - a suitable landscape buffer along the boundary with the employment land allocated under K5 : Working - East Muirhead of Logie, Forfar Road;
  - the proximity of existing housing at Beechwood Place; and
  - the location of this site on the edge of the town.

In addition the release of housing land will be phased and linked to the establishment of the employment land (K5) through the use of a legal agreement.

**Hillhead**

17.9 Following on from the above, the wording for Hillhead set out in Schedule 1 of Report 1342/06 also requires to be marginally adjusted in respect of the number of houses released in the first phase of development, indicating a re-allocation from 80 to 40 houses released in the period to 2011.
17.10 The wording of the modification is as follows:

**K2 : Housing – Hillhead**

7.6ha of land between Kinnordy Road and Shielhill Road is allocated for around 120 dwellings. A first phase of **40 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;
- proposals for suitable use and maintenance of the land not required for phase 1.

**Other changes**

17.11 The changes above result in the following amendments to other parts of the Plan.

- Amend Table 3: New Allocations, in the Kirriemuir Settlement Statement as follows:

<table>
<thead>
<tr>
<th>Table 3 : New Allocations</th>
</tr>
</thead>
<tbody>
<tr>
<td>K2 Hillhead</td>
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<tr>
<td>K3 Sunnyside</td>
</tr>
<tr>
<td>K4 Beechwood Place</td>
</tr>
<tr>
<td>Total</td>
</tr>
<tr>
<td>40</td>
</tr>
<tr>
<td>40</td>
</tr>
<tr>
<td>40</td>
</tr>
<tr>
<td>120</td>
</tr>
</tbody>
</table>

- Amend Appendix 2 : Housing Land Supply in each Housing Market Area to reflect the Kirriemuir changes above.

- Renumber K4: Working – East Muirhead of Logie, Forfar Road as **K5**, reflecting the renumbering of the housing land allocations.

**18 NEXT STEPS**

18.1 In accordance with the Town and Country Planning (Structure and Local Plans)(Scotland) Regulations 1983, the post inquiry modifications agreed previously and those set out above will require to be advertised with a period of six weeks available for objections.

18.2 A further report dealing with any objections to post inquiry modifications, any requirement for a second public local inquiry, and procedures relating to the adoption process will be submitted as soon as possible after the conclusion of the objection period.

**19 FINANCIAL IMPLICATIONS**

19.1 There are no financial implications arising from this report.
20 HUMAN RIGHTS IMPLICATIONS

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

21 CONSULTATION

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

22 CONCLUSION

22.1 Angus Council agreed in principle to modify the Angus Local Plan Review to incorporate a site south of Beechwood Place for 40 houses. The wording of the new proposal and implications for other elements of the Kirriemuir settlement statement are set out for approval of the Committee. These modifications, together with other post inquiry modifications, previously agreed by Council, will be advertised and a period of 6 weeks available for objections. This could lead to a requirement for a second public local inquiry before the Angus Local Plan Review can be adopted.

NOTE

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

- Report of the Public Inquiry into Unresolved Objections to the Finalised Angus Local Plan Review, Volumes 1, 2 and 3, by Richard E. Bowden, BSc(Hons), MPhil, MRTP and Richard G. Dent, BA(Hons), DipTP, FMRTPI, August 2006
- Report No. 1081/05 Finalised Angus Local Plan Review – Responses to Objections and Progress towards Public Local Inquiry. Infrastructure Services Committee 8 September 2005

P&T/GDP/NH/IAL
16 January 2007

Eric S Lowson
Director of Infrastructure Services
APPENDIX 1
AMENDMENT TO KIRRIEMUIR SETTLEMENT PROPOSALS MAP SHOWING BEECHWOOD PLACE SITE