

REPORT TO: SPECIAL PLANNING AND TRANSPORTATION COMMITTEE

REPORT ON: A92 PROJECT – PROMOTION OF NOTICE OF INTENTION TO DEVELOP AND OTHER STATUTORY ORDERS FOR “MANDATORY VARIANT”

REPORT BY: DIRECTOR OF PLANNING AND TRANSPORTATION

REPORT NO: 405-2003

1 PURPOSE OF REPORT

1.1 This Report seeks formal authority from the Council for the promotion of the necessary Notice of Intention to Develop and other Statutory Orders by Dundee City Council required for the implementation of that part of the preferred bid design for the A92 dualling project within Dundee City Council’s boundaries, ie at West Grange Road.

2 RECOMMENDATIONS

2.1 It is recommended that the Council agrees to:

- a publish the necessary supplementary Notice of Intention to Develop (NID) to allow implementation of the preferred bid design for the A92 Dundee-Arbroath project insofar as the same varies from the specimen design for the Project for which NID already exists, namely at West Grange/Ethiebeaton, Monifieth;
- b make the necessary amendments to the Dundee City Council (A92 Dundee-Arbroath Dualling) (New Side Roads, Side Road Improvements, Stopping-Up of Side Roads and Private Accesses and Provision of New Means of Private Access) Order 2000 for the same purposes as the supplementary NID referred to in recommendation (a);
- c the making of a public path extinguishment order by Angus Council in respect of the diverted public path referred to in the Angus Council Public Path Diversion (West Grange, Monifieth) Order 2001 as the same is now rendered unnecessary by the scheme;
- d remit the Director of Support Services in consultation with the Director of Planning and Transportation to implement the necessary statutory procedures relating to recommendations (i) to (iv) and to report back on the outcome thereof; and
- e request that the Director of Support Services send a copy of this Report to Angus Council for its information.

3 FINANCIAL IMPLICATIONS

3.1 The cost of promoting these supplementary NID’s and orders will be met by Angus Council as lead authority for the Project and in terms of the formal enduring Agreement now in place between the authorities.

- 3.2 The cost consequences of the changes to the scheme as a result of implementing the “mandatory variant” scheme are fully borne by Angus Council in terms of the said Agreement. The “Mandatory Variant” scheme formed the basis in cost terms upon which the enduring Agreement was reached.

4 LOCAL AGENDA 21 IMPLICATIONS

- 4.1 The proposed amendments to the previously approved scheme will result in a reduced environmental impact due to the replacement of a proposed grade separated junction with an at-grade roundabout.

5 EQUAL OPPORTUNITIES IMPLICATIONS

- 5.1 The upgrading of this important route will create a safer environment for all sections of Dundee’s population.

6 BACKGROUND

- 6.1 Members will recall that the necessary statutory orders and Notice of Intention to Develop (NID) planning permission has already been granted for the “specimen design” of the Project. The following Reports particularly refer:

- No 146-1999 approved by this Committee at its meeting on 7 June 1999 (initial promotion of the necessary orders, etc)
- No 232-2001 approved by this Committee at its meeting on 16 April 2001 (approval of modifications to the orders etc); and
- No 82-2002 approved by this Committee at its meeting on 28 January 2002 (confirmation of the orders by the Scottish Ministers, etc).

- 6.2 Accordingly, the following raft of statutory orders is now in place for the dualling scheme (including orders promoted by Angus Council):

- Notice of Intention to Develop (Dundee and Angus) 1999;
- Supplementary Notices of Intention to Develop (Dundee and Angus) 2000;
- Angus Council (A92 Dundee-Arbroath Dualling) Compulsory Purchase Order 1999;
- Dundee City Council (A92 Dundee-Arbroath Dualling) Compulsory Purchase Order 1999;
- Angus Council (A92 Dundee-Arbroath Dualling) (New Side Roads, Side Roads Improvements, Stopping Up of Side Roads and Private Accesses and Provision of New Means of Private Access) Order 2003;
- Angus Council (A92 Dundee-Arbroath Dualling) Redetermination of Public Rights of Passage) Order 2002;

- Angus Council (A92 Dundee-Arbroath Dualling) (Redetermination of Public Rights of Passage) (No 2) Order 2002;
- Dundee City Council (A92 Dundee-Arbroath Dualling) (New Side Roads, Side Roads Improvements, Stopping Up of Side Roads and Private Accesses and Provision of New Means of Private Access) Order 2002; and
- Dundee City Council (A92 Dundee-Arbroath Dualling) (New Side Roads, Side Roads Improvements, Stopping Up of Side Roads and Private Accesses and Provision of New Means of Private Access) (Amendment) Order 2002.

Together these orders provide full statutory authority for construction of the road in terms of the specimen design upon which the "Compliant Scheme" was based.

- 6.3 The Mandatory Variant Scheme as forming the basis of the preferred bid accepted by Angus Council differs in a number of respects. The majority of these differences are deletions from the Compliant Scheme so do not require any further statutory orders. The Mandatory Variant design does, however, depart from the approved/consented alignment at West Grange Road/Ethiebeaton where two roundabouts are provided in place of the formerly proposed grade-separated junctions there. At this location, therefore, further NID and statutory orders are required.
- 6.4 In addition, at this location, an extinguishment order can now be made for an existing public path which is no longer necessary due to promotion of the dualling scheme with incorporated cycletrack/footway along its length. This path is the path which was established under a Public Path Creation Agreement between the City of Dundee District Council and the then landowners in 1990 as diverted under the Angus Council Public Path Diversion (West Grange, Monifieth) Order 2001. Although in the Angus area, Dundee City Council has an interest in this diversion due to the function of the path as part of the Dundee Green Circular route. It is considered that extinguishment is acceptable on the basis that the function of the diverted public path to the west and north of the Wimpey's development at West Grange, Monifieth will be met by the new cycletrack/footway forming part of the A92 scheme.
- 6.5 The proposals do not require Environmental Impact Assessment due to their relatively small scale and their neutral impact compared to the existing scheme proposals. Indeed, the environmental impact of the roundabout proposal at West Grange/Ethiebeaton is considerably reduced compared to the impact of the "specimen design" grade-separated junction.
- 6.6 Plans are available in the members' lounge showing the alignment now proposed in terms of the preferred bid at West Grange/Ethiebeaton and also the effect of the proposed extinguishment at West Grange.

7 INDICATIVE TIMESCALES

- 7.1 The following are indicative "best case" timescales for the promotion of these orders, etc
- Orders etc published/promoted mid-June 2003
 - Orders etc confirmed/deemed granted (assuming

no significant objections)

August 2003

8 CONCLUSION

- 8.1 The preferred bid design has been assessed as suitable and selected by Angus Council for development. The A92 dualling project remains of benefit to Dundee and this Council has agreed to support the project on the basis previously reported and now enshrined in the formal Agreement between the authorities. The proposed supplementary NID's and orders referred to in this Report are necessary to implement that design and therefore should be promoted.

9 CONSULTATIONS

- 9.1 The Chief Executive, Director of Finance, Director of Support Services, Director of Corporate Planning, and Director of Economic Development have been consulted and are in agreement with the contents of this report.

10 BACKGROUND PAPERS

- 10.1 Report No 146-1999 approved by this Committee at its meeting on 7 June 1999 (initial promotion of the necessary orders, etc);

Report No 232-2001 approved by this Committee at its meeting on 16 April 2001 (approval of modifications to the orders etc); and

Report No 82-2002 approved by this Committee at its meeting on 28 January 2002 (confirmation of the orders by the Scottish Ministers, etc).

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IFS/EES

10 June 2003

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