



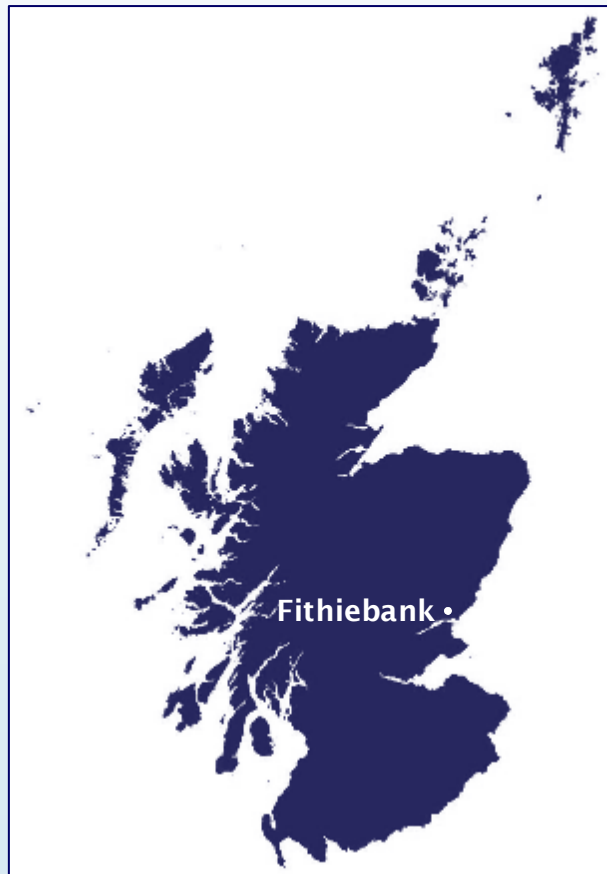
**Local Government Boundary Commission for Scotland**

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# **Administrative Boundary Review**

## **Angus Council Area and Dundee City Council Area at Fithiebank**



**Report to Scottish Ministers**



## **Local Government Boundary Commission for Scotland**

ADMINISTRATIVE BOUNDARY REVIEW:  
ANGUS COUNCIL AREA/DUNDEE CITY COUNCIL AREA AT FITHIEBANK

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### **Membership of the Commission:**

<b>Chairman:</b>	<b>Peter Mackay CB</b>
<b>Deputy Chairman:</b>	<b>William Magee OBE</b>
<b>Commissioners:</b>	<b>Brian D Clark MBE</b>
	<b>Kenneth McDonald</b>
	<b>Paula Sharp</b>



The Scottish Ministers

On behalf of the Local Government Boundary Commission for Scotland, we present the Commission's report on a review of the administrative area boundary between Angus Council area and Dundee City Council area at Fithiebank, which has been undertaken in compliance with the Ministerial Direction of 5 March 2008 made under section 15(3) of the Local Government (Scotland) Act 1973.

In accordance with the provisions of section 18(3) of the Local Government (Scotland) Act 1973, copies of the report, together with illustrative maps, are being sent to Angus Council and Dundee City Council with a request that the report and maps should be made available for public inspection at their offices. The same set of information is being sent to locations such as libraries in the area to be made available for public inspection. Copies of the report are being sent to those to whom we sent our provisional proposals, and notification of our recommendations is being sent to those who made representations in respect of our provisional proposals. The report and maps can also be found on the Commission's website: [www.lgbc-scotland.gov.uk](http://www.lgbc-scotland.gov.uk).

Notice is also being given in newspapers circulating in the affected area of the fact that the report has been made so that interested persons may inspect the report and maps at the Councils' offices.

Peter Mackay  
Chairman

Hugh Buchanan  
Secretary

For the Local Government Boundary Commission for Scotland

Local Government Boundary Commission for Scotland  
3 Drumsheugh Gardens  
EDINBURGH  
EH3 7QJ

22 October 2009





**Local Government Boundary Commission for Scotland**

ADMINISTRATIVE BOUNDARY REVIEW:  
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## Introduction

1. This is the report on a review conducted by the Local Government Boundary Commission for Scotland into the local authority boundary between Angus Council area and Dundee City Council area at Fithiebank.
2. The Local Government Boundary Commission for Scotland was established under the Local Government (Scotland) Act 1973, and is responsible for making recommendations to Scottish Ministers for changes to local authority areas or their electoral arrangements in the interests of effective and convenient local government.

## Origin and Commencement of the Review

3. The existing boundary between Angus Council and Dundee City Council was established by the Local Government etc (Scotland) Act 1994 which created the current unitary local authorities.
4. In 2000, Dundee City Council requested a review of areas along its administrative area boundary at Baldovan and Ballumbie, which included the area at Fithiebank. The Commission concluded that these would be best considered in a single review, and that the total electorate in the areas in the request was 53. At that time, a ministerial direction was in force that restricted reviews to those that potentially directly affected no more than 50 electors, and therefore the Commission was unable to carry out a review of the requested areas. That Direction and an identical successor continued in force until March 2008. A new Ministerial direction was issued to the Commission with effect from April 2008. This enabled the Local Government Boundary Commission for Scotland to conduct reviews of local authority areas that potentially directly affect no more than 300 electors.
5. In 2006, Dundee City Council notified the Commission of a planning application for the Fithiebank site, and the Commission explained its policy of awaiting the completion of development before reviewing a boundary since until that point the physical layout could be subject to change. The development at Fithiebank was completed in 2008.
6. The Commission concluded at its meeting on 16 December 2008 that a review should be undertaken, since the buildings and roads in this area of development were by then sufficiently complete to give the Commission certainty about the layout, and because the current boundary:
  - runs through 4 houses, and the gardens of a further 5 houses;
  - results in an area of housing in one local authority area only having vehicular access through another local authority area; and
  - does not follow any distinctive ground features.



## **Commission's Initial Proposals**

7. In November 2008, the Secretariat held informal discussions with officials from Angus Council and Dundee City Council in order to understand their views of the current situation.
8. At its meeting on 16 December 2008, the Commission agreed its initial proposals for the area, which proposed realigning the section of the boundary that passed through housing so that the whole of the area of housing would lie in Dundee City Council area.
9. The electoral roll of December 2007 for the area only contained a small number of entries, in part since the development was not yet fully occupied. Therefore, the Commission estimated that the resident electorate for the completed development would be 2 electors per household, and that therefore the proposal would move 14 electors from Angus Council area to Dundee City Council area.
10. In accordance with the requirement of Section 18(2) of the Local Government (Scotland) Act 1973, the Commission wrote to Angus Council and Dundee City Council in January 2009 and asked for their views on its Initial Proposals for the area. Angus Council replied in February 2009 and Dundee City Council replied in early March 2009.
11. Angus Council objected to the Initial Proposal and suggested that the transfer of the area to Angus Council would equally fulfil the Commission's principles of having a development wholly contained within the Council area from which the most convenient access is gained. It suggested an alternative boundary that would follow the course of the Fithie Burn to the south of the development, resulting in the transfer of Fithiebank to Angus Council area.
12. Dundee City Council was content with the Commission's initial proposals, subject to amendment of the written description of the proposed boundary.
13. Upon consideration of the Councils' submissions at its meeting on 15 April 2009, the Commission concluded that the Initial Proposals should be published as its Provisional Proposals for change in the area.

## **Publication of Commission's Provisional Proposals**

14. Public notice of the Commission's Provisional Proposals was given on 14 May 2009 in the following newspapers, as agreed with the local authorities concerned: the Evening Telegraph and Post, The Courier and the Arbroath Herald.
15. Angus Council and Dundee City Council were asked to make copies of the Provisional Proposals and illustrative maps available for inspection at agreed locations. Additionally, copies of the proposals were sent to the Electoral Registration Officer of Dundee City, the Assessor of the Tayside Valuation Joint Board, MPs and MSPs for the affected area, Scottish





headquarters of political parties, representatives of local community councils, Tayside Police, Tayside Fire and Rescue Services, Tayside Health Board, Scottish Natural Heritage, Scottish Environmental Protection Agency and Councillors of the affected area. The Commission asked that any comments be made to it by 6 August 2009.

16. A news release was issued via the Scottish Government's press office, and the Provisional Proposals and supporting information were made available through the Commission's website.
17. The Commission wrote to the chief executives of both affected councils to request that local schools and associated Parent Councils and Parent Teacher Associations were made aware of the consultation. Both councils were asked to publish notice of the consultation on their websites.
18. The Commission wrote directly to all registered electors within the Fithiebank development to raise awareness of the consultation.
19. The electoral roll of December 2008 was used to ascertain that 11 electors would be potentially affected by the Provisional Proposals.

## Consideration of Representations

20. 1 representation was received prior to the launch of the public consultation, and 6 representations were received in response to the public consultation on the Commission's Provisional Proposals.
21. Dundee City Council supported the Commission's provisional proposals for the area.
22. Angus Council unanimously opposed the proposals, and stated that the whole Fithiebank development could be located entirely within Angus Council area. It urged the Commission to consider the electoral needs of residents affected by the change.
23. A representation was received from John Whyte, Angus Councillor for Ward 4 (Monifieth and Sidlaw), made on behalf of constituents and the Murroes/Wellbank Community Council. He considered that all the properties within Fithiebank should be located within Angus Council area.
24. Representations objecting to the proposals were received from 1 Fithie Bank household in Angus Council area, and 1 Fithie Bank resident whose property is currently in Dundee City Council area. The reasons given included:
  - property was purchased on the understanding that it was within Angus Council area;
  - service levels of Angus Council are considered to be superior to those of Dundee City Council (although another respondent considered service levels to be comparable);



- Angus schooling is preferred to that of Dundee;
  - the expected downward pressure on house prices within the development due to the change in school catchment areas; and
  - views of residents should be central to the decision.
25. 1 representation was received from a member of the public that expressed support for the Commission's proposals, on the grounds that:
- they would make the planning and provision of essential services easier, leading to more effective local government;
  - the majority of the development already lies in Dundee City Council area, and access to the development can only be obtained from the Dundee City side of the boundary;
  - all children in the development would attend the same schools, and
  - residents in the area have historical and cultural ties to Dundee.
26. The public consultation did not raise any novel or unforeseen issues. This, in addition to the low number of representations received, led the Commission to decide that a Local Inquiry was unnecessary in this case.

## **Conclusions**

27. The Commission has carefully considered all of the representations received and has concluded that it should adopt its Provisional Proposals as its Final Recommendations for revision of the boundary between Angus Council and Dundee City Council areas at Fithiebank.
28. In this report, the Commission has used the electoral roll of December 2008, which shows that the recommendations would move 11 electors from Angus Council area to Dundee City Council area.
29. The Commission makes its recommendations on the grounds that the proposed revision to the boundary will rectify the anomalous situation whereby properties straddle the existing boundary between Angus Council and Dundee City Council areas, by locating all of the Fithiebank development within Dundee City Council area. There is a clear advantage for the effective planning and delivery of local services in putting the complete area in a single local authority. Current road access argues in favour of the area being placed in Dundee City Council area, as does the fact that the majority of the development already lies within Dundee City Council area. The Commission further considers that its recommendations produce a better defined and sustainable boundary, and enable more effective and convenient local government of the area.
30. The number of electors recommended for transfer is small in relation to the total number of electors in the two affected wards. Therefore, the Commission has concluded that, beyond consequential amendments to ward boundaries to follow the amended administrative boundary, no further changes to these wards are necessary.

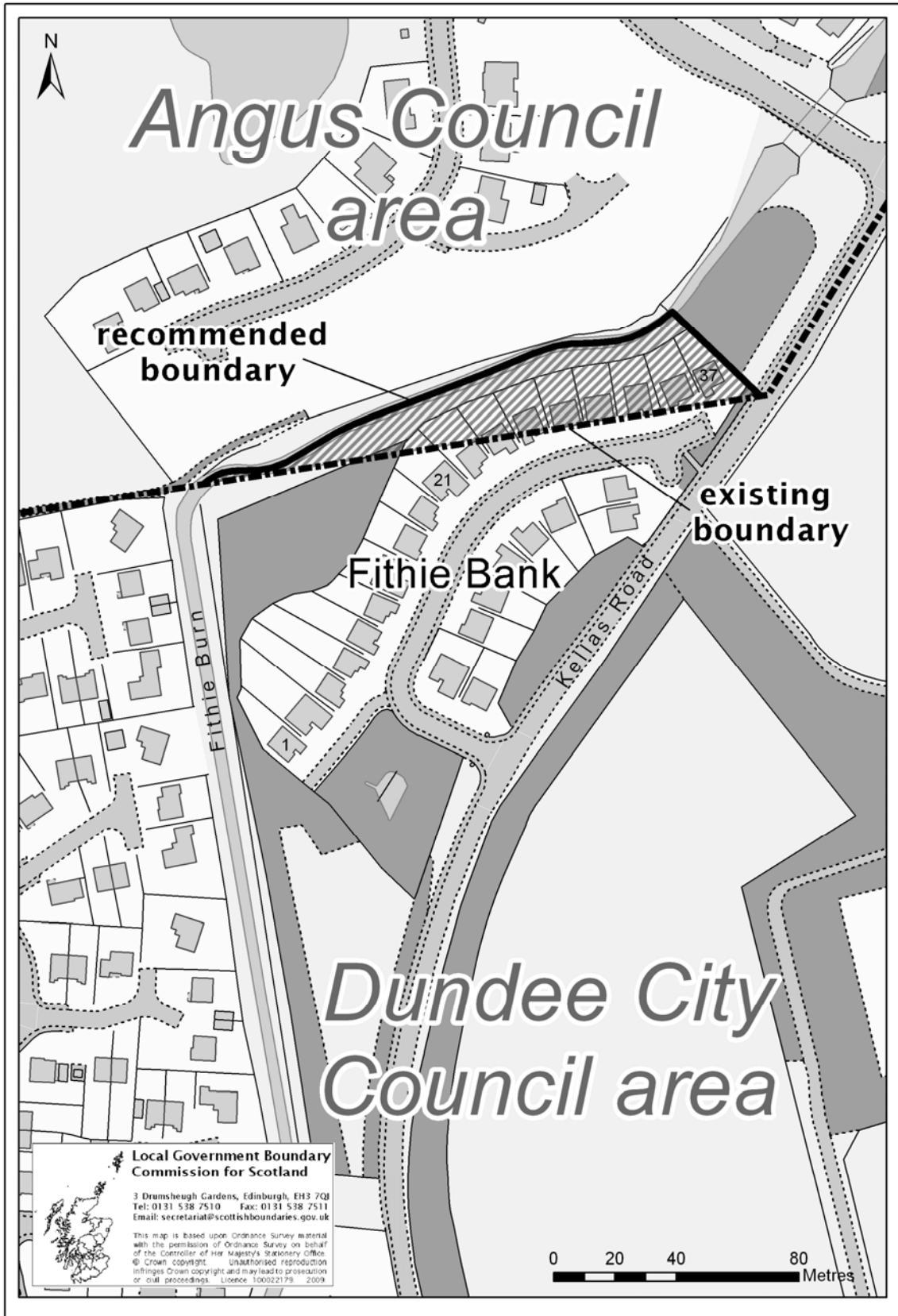


## Final Recommendations

31. The Commission recommends that the hatched area shown on the map at Appendix A, which is described at Appendix B, should be transferred from Angus Council area to Dundee City Council area. The Commission also recommends that, as a consequence of the transfer, alterations should be made to the electoral wards of Angus Council and Dundee City Council as specified in Appendix C.



## Appendix A: Map illustrating the area recommended for transfer





## Appendix B: Description of the area recommended for transfer

An area bounded by a line commencing just to the west of the Fithiebank estate at grid reference NO450338, where the existing boundary intersects the centre of the Fithie Burn, then following the centre of the burn in a northeasterly direction until it meets the edge of the estate at the rear curtilage of 37 Fithie Bank, and then following the northeast edge of the Fithiebank development in a southeasterly direction until it rejoins the existing boundary in the centre of Kellas Road at grid reference NO452338, and then following the existing boundary generally in a westerly direction to the point of commencement.

A digitized description of the boundary in the form of GIS shapefiles has been securely stored on magnetic media at the date of publication of our report.



## Appendix C: Consequential alterations to electoral wards

### Consequential alterations to Electoral Ward 4 (Monifieth and Sidlaw) of Angus Council and Electoral Ward 6 (North East) of Dundee City Council.

Council	Electoral ward	proposed alteration	electorate at December 2008		
			before	change	after
Angus	4 Monifieth and Sidlaw	The hatched area shown on the map at Appendix A to this report shall cease to be part of this ward.	12,854	-11	12,843
Dundee City	6 North East	The hatched area shown on the map at Appendix A to this report shall be added to this ward.	11,006	+11	11,017



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