

REPORT TO: **PLANNING AND TRANSPORTATION COMMITTEE,
21 MARCH 2005**

REPORT ON: **REPORT OF PUBLIC LOCAL INQUIRY INTO THE FINALISED
DUNDEE LOCAL PLAN REVIEW AND PROPOSED
MODIFICATIONS**

REPORT BY: **DIRECTOR OF PLANNING & TRANSPORTATION**

REPORT NO: **150-2005**

1 PURPOSE OF REPORT

- 1.1 This Report informs the Committee of the recommendations contained in the Report of the Public Local Inquiry to examine objections to the Finalised Dundee Local Plan Review (PLI Report). The Committee is asked to approve Appendix 1 as the Council's response to the Report of the Public Local Inquiry, including proposed modifications to the Finalised Local Plan as appropriate. The Committee is also asked to approve Appendix 2 that contains further proposed modifications to the Plan as a result of updating or changes in circumstances.

2 RECOMMENDATION

- 2.1 It is recommended that the Committee

- a notes the contents of this report;
- b approves Appendix 1 to this Report, a copy of which has been placed in the Members' Lounge, as the Council's response to the recommendations contained in the Report of the Public Local Inquiry into Objections to the Finalised Dundee Local Plan Review (PLI Report), including proposed modifications to the Local Plan as appropriate;
- c approves Appendix 2 to this Report, a copy of which has been placed in the Members' Lounge, that contains proposed modifications to the Finalised Local Plan Review to update the Plan or reflect changes in circumstances that have occurred since the Plan was produced;
- d authorises the Director of Planning and Transportation in consultation with the convener to undertake, if necessary, minor editing of the proposed modifications prior to their advertisement;
- e remits the Director of Planning and Transportation to undertake the necessary statutory procedures to advertise the proposed modifications inviting formal objections;
- f remits the Director of Planning and Transportation to report back to Committee with details of any formal objections submitted and to recommend how the Council should respond to these;
- g notes that objections submitted to modifications and not withdrawn may require to be considered at a second Public Local Inquiry convened by the City Council;

- h agrees that the modifications to the Finalised Local Plan be referred to the Development Quality Committee for information as material considerations in making planning decisions, including the determination of planning applications; and
- i approves the proposal to make a charge of £50.00 for copies of the Report of the Public Local Inquiry and £50.00 for the Council's Response to the Report of the Public Local Inquiry into Objections to the Finalised Dundee Local Plan Review whilst noting that both documents will be made available for inspection free of charge at Tayside House and on the Council's website.

3 FINANCIAL IMPLICATIONS

- 3.1 Provision is made in the Planning and Transportation Department's 2005/2006 Revenue Budget under the Development Plan heading for the financial implications associated with any Public Local Inquiry into objections to proposed modifications to the Finalised Dundee Local Plan Review.

4 LOCAL AGENDA 21 IMPLICATIONS

- 4.1 The Dundee Local Plan Review is a vitally important document for the identification and progression of the City Council's aims and objectives on a wide range of economic, social and environmental issues. The advancement of the Dundee Local Plan Review will positively influence, to a greater or lesser degree, the achievement of virtually all of the key themes identified in Dundee 21.

5 EQUAL OPPORTUNITIES IMPLICATIONS

- 5.1 The Dundee Local Plan Review represents a major land use planning document through which the City Council can advance many of its corporate strategies. In taking forward the Local Plan Review, regard has been had to the need to promote equality of opportunity.
- 5.2 In addition, in making arrangements for involving stakeholders in the Local Plan preparation process, positive efforts have been made to encourage the participation of groups and individuals that represent minority interests.

6 BACKGROUND

- 6.1 Reference is made to Article XVII of the meeting of the Planning and Transportation Committee in June 2004 advising the Committee that the Public Local Inquiry into objections to the Finalised Dundee Local Plan Review had been completed. This Inquiry, which lasted for 6 weeks and was conducted by 2 Scottish Executive Reporters working in tandem, considered 170 objections to the Finalised Local Plan covering 35 topics.
- 6.2 The Report of this Public Local Inquiry submitted to Dundee City Council on 20 December 2004. The Report makes recommendations to the City Council in respect of each objection that was considered at the Inquiry. Under the terms of the Town and Country Planning (Structure and Local Plans) (Scotland) Regulations 1983 the Council is required to consider the PLI Report and decide whether or not to modify the Local Plan in the light of its recommendations and to prepare a statement of their decisions. Appendix 1, a copy of which has been placed in the Members' Lounge, to this report fulfils this requirement. It sets out in full the recommendations

contained in the PLI Report together with the proposed response of Dundee City Council. Where appropriate, details of proposed modifications to the Finalised Local Plan are set out. The Committee asked to approve Appendix 1

- 6.3 Members will recall that extracts from the PLI Report relating to major foodstore issues were considered at a special meeting of the Planning and Transportation Committee on 27 January 2005 (Report 60-2005 refers). The Council's initial response to selected recommendations was approved as part of this report. These recommendations are covered again in Appendix 1 to this report with the addition of modifications to the Finalised Local Plan that result from the recommendations where appropriate.

7 NEXT STEPS

- 7.1 The Council is obliged to make the Report of the Public Local Inquiry available for public inspection. In this regard it is proposed that the Report, together with the Council's response that forms Appendix 1 to this Report, is placed on the Council's website and at Tayside House. In addition, it is proposed that objectors to the Finalised Local Plan will be sent an extract from the Appendix regarding their objection that details the Council's response to the recommendation in the Inquiry Report. Full copies of the Report of the Public Local Inquiry and the Council's response will also be available to purchase at a proposed cost of £50.00 each.
- 7.2 Modifications to the Finalised Local Plan Review are proposed as a result of the consideration of the Report of the Public Local Inquiry. These modifications will be advertised and formal objections invited.
- 7.3 In addition to proposed modifications resulting from the Public Local Inquiry, there are a small number of issues where some updating of the Finalised Local Plan is appropriate to reflect changes in circumstances since the Planning and Transportation Committee approved the Plan in January 2003. These proposed modifications are contained in Appendix 2 to this Report which has also been placed in the Members' Lounge. These proposed modifications also require to be advertised and formal objections invited.
- 7.4 If objections to proposed modifications are submitted and not withdrawn then it may be necessary for the Council to arrange a second Public Local Inquiry. This will not be required if the objections relate to a matter that was considered at the recent Public Local Inquiry.
- 7.5 If there are no objections to the proposed modifications a further report will be submitted to the Planning and Transportation Committee regarding the adoption of the Dundee Local Plan Review.
- 7.6 In the meantime, it is recommended that the proposed modifications to the Finalised Local Plan Review together with the Report of the Public Local Inquiry be referred to the Development Quality Committee as material considerations in the determination of planning applications.

8 CONCLUSION

- 8.1 The receipt of the Report of the Public Local Plan Inquiry into Objections to the Finalised Dundee Local Plan Review represents an important stage towards finalising the Local Plan preparation process.

9 CONSULTATIONS

- 9.1 The Chief Executive, Depute Chief Executive (Support Services), Depute Chief Executive (Finance) and Assistant Chief Executive (Community Planning) have been consulted and are in agreement with the contents of this report.

10 BACKGROUND PAPERS

- 10.1 Report of Public Local Inquiry into Objections to the Finalised Dundee Local Plan Review.

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11 March 2005

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