

REPORT TO: CITY DEVELOPMENT COMMITTEE – 21 APRIL 2014

REPORT ON: DUNDEE LOCAL DEVELOPMENT PLAN SUPPLEMENTARY GUIDANCE: DEVELOPER CONTRIBUTIONS (CONSULTATION DRAFT) AND AIR QUALITY AND LAND USE PLANNING (CONSULTATION DRAFT)

REPORT BY: DIRECTOR OF CITY DEVELOPMENT

REPORT NO: 184-2014

1 PURPOSE OF REPORT

- 1.1 The purpose of the Report is to seek approval of the Draft Supplementary Guidance documents “Developer Contributions” and “Air Quality and Land Use Planning” for consultation with interested parties.

2 RECOMMENDATION

- 2.1 It is recommended that the Committee:
- a approves the attached draft Supplementary Guidance on Developer Contributions for a 6 week period of consultation;
 - b approves the attached draft Supplementary Guidance on Air Quality and Land Use Planning for a 6 week period of consultation;
 - c remits the Director of City Development to consult with interested parties on the draft Supplementary Guidance; and
 - d remits the Director of City Development to report back on the results of the consultation.

3 FINANCIAL IMPLICATIONS

- 3.1 There are no financial implications arising as a result of this report.

4 BACKGROUND

- 4.1 The role of Supplementary Guidance is to provide support to the Dundee Local Development Plan by providing additional detail on specialist subject areas. In doing so it forms part of the Dundee Local Development Plan 2014.
- 4.2 The Dundee Local Development Plan 2014 includes the provision to prepare supplementary guidance in relation to the policy areas of Air Quality and Developer Contributions. In preparing supplementary guidance there is the requirement for public consultation and referral of proposed guidance to Scottish Ministers. This report is seeking to bring forward the supplementary guidance for Developer Contributions and Air Quality for public consultation. A timescale showing the procedures required for adoption of supplementary guidance is attached as Appendix C.
- 4.3 The proposed guidance has to be screened to establish whether a Strategic Environmental Assessment or Habitats Regulation Appraisal is required. Screening has been carried out and it was concluded that such assessments were not required as the Supplementary Guidance is unlikely to have significant environmental effects.

4.4 Developer Contributions

- a The purpose of the Supplementary Guidance is to set out guidance for potential developers on when and how to engage with the Council with regard to Developer Contributions and describes the most common requirements.
- b Developer Contributions are an accepted method of addressing the planning impacts of developments and typically take the form of a financial payment made to the Council.
- c Developer Contributions will only be necessary where clearly required to enable development to be delivered and will be proportionate to the scale and nature of development proposed. They are not a method for addressing existing deficiencies in an area, nor a method for developers to "buy" planning permission. They are commonly used for:
 - creating additional school capacity to accommodate the additional demand created from new residential developments;
 - the provision of new transport infrastructure, including junctions and road crossing facilities to serve a new development; and
 - the inclusion of public art on large scale developments.
- d The guidance cannot indicate exact amounts of financial contributions that will be expected in every case as this can vary depending on each individual sites characteristics.
- e The Supplementary Guidance on Developer Contributions has been written in support of Policy 19 (Funding of On and Off Site Infrastructure) of the Local Development Plan.
- f The Draft Supplementary Guidance for Developer Contributions is attached as Appendix A to this report.

4.5 Air Quality and Land Use Planning

- a Local Development Plan Policy 44, "Air Quality," sets the context for considering planning applications that may have an effect on air quality. The policy background draws attention to the local authority's statutory duties, pollutants of concern in Dundee and the Council's Air Quality Action Plan. The preamble to Policy 44 and Measure 10 of the Action Plan refer to the integration of Air Quality into the Local Development Plan and production of Supplementary Guidance. This report will meet the requirements of the Local Development Plan and Air Quality Action Plan.
- b Dundee City Council's Air Quality Action Plan (AQAP) was approved by the Housing, Dundee Contract Services & Environment Services Committee on 10 January 2011 and published in January 2011 (Report No 16-2011). The draft Supplementary Guidance is designed to help resolve any issues that might arise between the Local Development Plan's objectives for the promotion of sustainable economic growth and its contribution to improved air quality.
- c The Draft Supplementary Guidance for Air Quality and Land Use Planning is attached as Appendix B to this report.

5 POLICY IMPLICATIONS

- 5.1 This Report has been screened for any policy implications in respect of Sustainability, Strategic Environmental Assessment, Anti-Poverty, Equality Impact Assessment and Risk Management. There are no major issues.

6 CONSULTATIONS

- 6.1 The Chief Executive, the Director of Corporate Services, Head of Democratic and Legal Services and Director of Environment have been consulted and are in agreement with the contents of this report.

7 BACKGROUND PAPERS

- 7.1 Air Quality Action Plan for Nitrogen Dioxide (NO₂) and Particulates (PM₁₀).

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Director of City Development

Gregor Hamilton
Head of Planning

GH/GSR/KM

8 April 2014

Dundee City Council
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Dundee

APPENDIX A

CONSULTATION DRAFT

DEVELOPER CONTRIBUTIONS SUPPLEMENTARY GUIDANCE

CONTENTS

- 1 Introduction
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- 3 Qualifying Developments

Appendix : Subject Areas:

- Education Provision
- Roads and Transportation
- Green Network
- Public Art

1 INTRODUCTION

- 1.1 Dundee City Council has set out its vision for development through the Dundee Local Development Plan 2014. This Supplementary Guidance will form part of the adopted Local Development Plan and has been prepared in support of Policy 19, which states:

The City Council, where necessary and appropriate, will seek to secure developer contributions towards the cost of infrastructure provision both on and off site.

The principles that guide the preparation of the Developer Contributions Supplementary Guidance are:

- a fair and proportionate developer contributions for all developments on sites allocated in either the Dundee Local Development Plan or in terms of windfall development;
- b developer contributions will be sought where a need for new or improved services, facilities or infrastructure has been identified that relates directly to the proposed development;
- c flexibility in approach to ensure that development can be brought forward in difficult economic circumstances while ensuring that the development has no net detriment;
- d facilitate informed decision making by those involved in the development process, allowing potential financial implications to be factored into development appraisals prior to commercial decisions and actions being undertaken.

- 1.2 The Supplementary Guidance offers guidance to land owners and developers about the likely level and nature of developer contributions that may be required.
- 1.3 The Council wishes to encourage appropriate development in accordance with the Local Development Plan. Accordingly, developer contributions will only be necessary where clearly required to enable development to be acceptable in planning terms and will be proportionate to the scale and nature of development proposed. Developer contributions will not be sought to address existing deficiencies in an area, nor are they a method for developers to “buy” planning permission through financial or other contributions.
- 1.4 In addition to Policy 19, the following policies in the Dundee Local Development Plan may require a developer to contribute to new or improved services, facilities or infrastructure:
 - a Policy 7 – High Quality Design: refers to creating and improving links within the site and into the surrounding area beyond the site;
 - b Policy 36 – Open Space: refers to providing compensatory open space and/or playing fields; and
 - c Policy 54 – Accessibility of New Developments: refers to off-site facilities for walking, cycling etc.
- 1.5 Policy 19 and this Supplementary Guidance reflect the requirements and tests set out in The Planning etc (Scotland) Act 2006 and the supporting Planning Circular 3/2012 (Planning Obligations and Good Neighbour Agreements).

The Planning etc (Scotland) Act 2006:

<http://www.legislation.gov.uk/asp/2006/17/contents>

Town and Country Planning (Scotland) Act 1997:

<http://www.legislation.gov.uk/ukpga/1997/8/contents>

Planning Circular 3/2012 (Planning Obligations and Good Neighbour Agreements):

<http://www.scotland.gov.uk/Publications/2012/12/1885>

2 ADMINISTRATIVE PROCEDURES

2.1 Pre-Application Discussions and Early Engagement

- a Where practical, the requirement for most new or improved services, facilities or infrastructure in relation to developments will have been identified in the preparation of the Local Development Plan. However, the Local Development Plan cannot anticipate every situation where the need for a contribution will arise and therefore each application will require to be considered on a case by case basis.

- b Dundee City Council welcomes pre-application discussions as a method for identifying all relevant planning implications of a development. Meetings can be arranged by contacting the Development Management Team: (development.management@dundeecity.gov.uk).
- c It is likely that most developments, particularly those on brownfield sites will require little or no contributions from developers
- d The Council is committed to ensuring that negotiations to agree developer contributions do not delay the development project or the development management process. Where appropriate, the Council will use model obligations to speed up the process.

2.2 Delivery Mechanisms

- a Developer contributions will be administered through either Section 75 obligations, Section 69 agreements or by planning conditions. The appropriate mechanism will be considered during pre-application discussions.
- b Where financial values and payments are agreed these shall be set at the date from which planning permission is granted. Where development is delayed or where phased payments are involved, financial values may be revised to take account of inflation.
- c The timing of contributions will be determined having regard to the planning impact of the development. Where appropriate, contributions will be phased to assist with the viability of development. In Dundee Western Gateway, the Council has funded certain works in advance of development to assist with the delivery of this Strategic Development Area. Contributions from developers will be required to reimburse the Council. These contributions will be payable in phases and will reflect the progress made with development. The Council may take a similar approach with other key items of infrastructure that are required to enable development to progress in this area.

2.3 Monitoring Developer Contributions

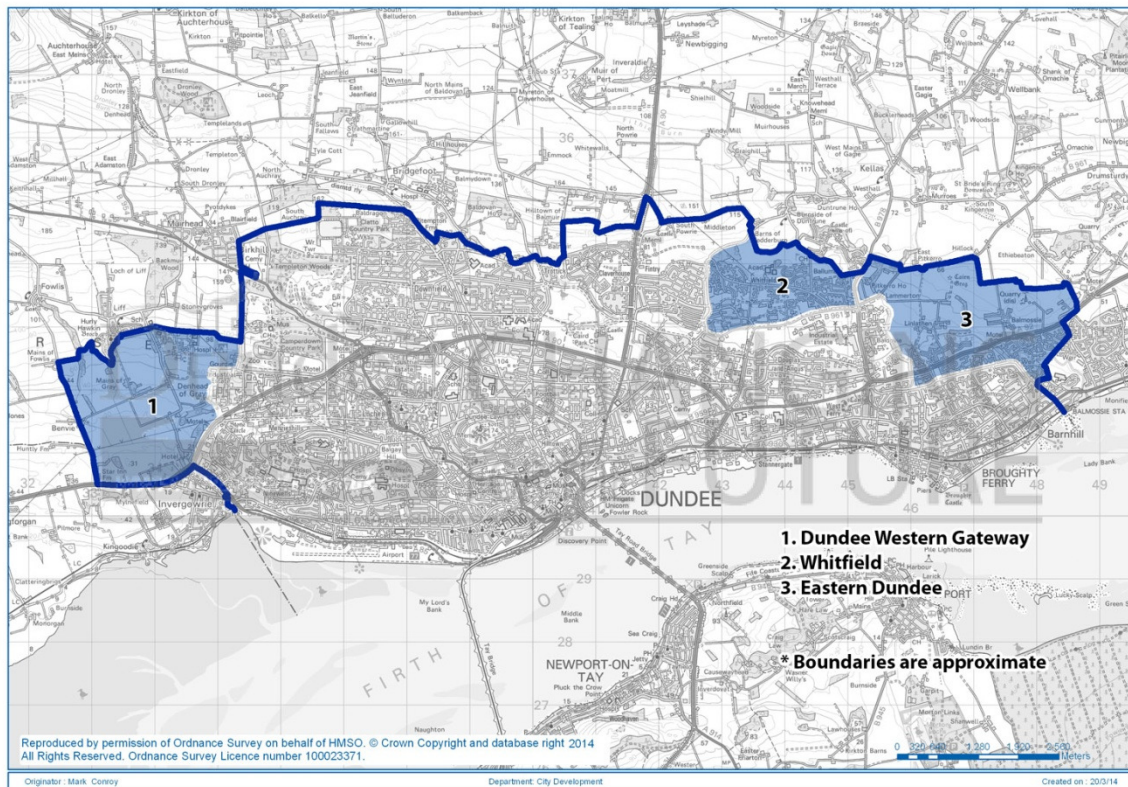
- a Dundee City Council will regularly monitor the receipt of financial payments agreed through obligations, agreements or conditions to ensure they are meeting the requirements identified as part of the development. This monitoring also ensures that contributions are spent in a timely manner to support the development

3 **QUALIFYING DEVELOPMENTS**

- 3.1 Developer contributions are most likely to be sought for: education provision; road junction improvements and other off-site road works; public transport provision; waste facilities; open space improvements, green infrastructure and public art.
- 3.2 Following an assessment of housing need, demand and affordability, Dundee City Council does not require contributions from developers towards the provision of affordable housing. Residential developments comprising wholly social rented properties are exempt from most developer contributions in order to support their viability.

- 3.3 Research undertaken during the preparation of the Dundee Local Development Plan has identified areas where additional infrastructure capacity is required to enable development. The following list is indicative of the range of items for which contributions will normally be sought. The list is not exhaustive and as such Dundee City Council encourages pre-application discussions to allowing the scope of contributions to be considered on a site by site basis. Sites which are brought forward by developers, but not allocated in the Local Development Plan (windfall sites) will not have been previously assessed for their impact on infrastructure capacity. Windfall sites may potentially be subject to additional or higher rates of developer contributions to take account of the challenges such sites present to the proper planning of the area. The development of a windfall site should not utilise infrastructure capacity required to enable an allocated Local Development Plan Site.
- 3.4 The following list is indicative of what contributions would be required if development were to be approved in that location.

Area	Contributions Required
1 Dundee Western Gateway	All greenfield residential developments in this area will be required to contribute towards provision of: drainage facilities; the future construction of junction improvements at Swallow Junction; the improvement works undertaken at Dykes of Gray Road and Green Infrastructure/Open Space Provision. A contribution towards enhancing primary school provision, the nature of which is currently being considered.
2 Whitfield	Residential developments built for private sector sale shall be required to contribute towards primary education facilities and include connections to and enhancement of green networks as specified in Site Planning Briefs.
3 Eastern Dundee	All allocated greenfield housing sites will be required to make a financial contribution towards enhancing primary school provision. Any greenfield housing land release in this area over that allocated will require the provision of a new primary school north of the A92 Arbroath Road. Developer contributions in the form of both land and finance will be required for this new school. In addition, connections for cycling and walking routes to the wider Dundee core path network and green infrastructure will be required.
Citywide	All developments over £1m in construction value will be required to allocate at least 1% of construction costs for the inclusion of public art projects in a publicly accessible/visible place or places within the development. All development should seek to encourage and promote active travel methods. The achievement of which may be by contributions towards associated infrastructure where a development has significant impact beyond its site boundaries.



APPENDICES

Appendix: Subject Areas

The following subject areas are offered as guidance on the most common subjects for which contributions will be sought and should not be considered as an exclusive list. Meeting with the Council will allow for discussions on the full range of impacts resultant from a development.

- Education
- Roads and Transportation
- Green Network
- Public Art

EDUCATION PROVISION



Housing developments can introduce an additional burden on the primary and secondary education provision within the city. The requirement for developer contributions is based on the projected increase in the number of children within new developments and an assessment of the capacity of existing local schools to accommodate this growth.

Planning for educational services can involve the construction of new schools or works to increase the capacity of existing schools. Within Dundee there has been substantial investment in education facilities to improve the quality of school buildings and facilities they offer. In some cases the Council may over time choose to review school catchment areas within the city in order to rebalance the demand and availability of school places.

The Local Development Plan has been prepared in association with and in recognition of, the Council's investment programme for education provision within the city. This has helped ensure that:

- a Development sites are where possible, allocated where school capacity exists or expansion is planned, thereby reducing the overall financial and planning needs from new development.
- b Investment in education capacity can be undertaken in the most cost-efficient manner and at an appropriate pace by using forecasts of demand from future development.
- c Education capacity requirements can be accurately assessed for the plan period.

Scale of Education Contributions

Secondary School Provision

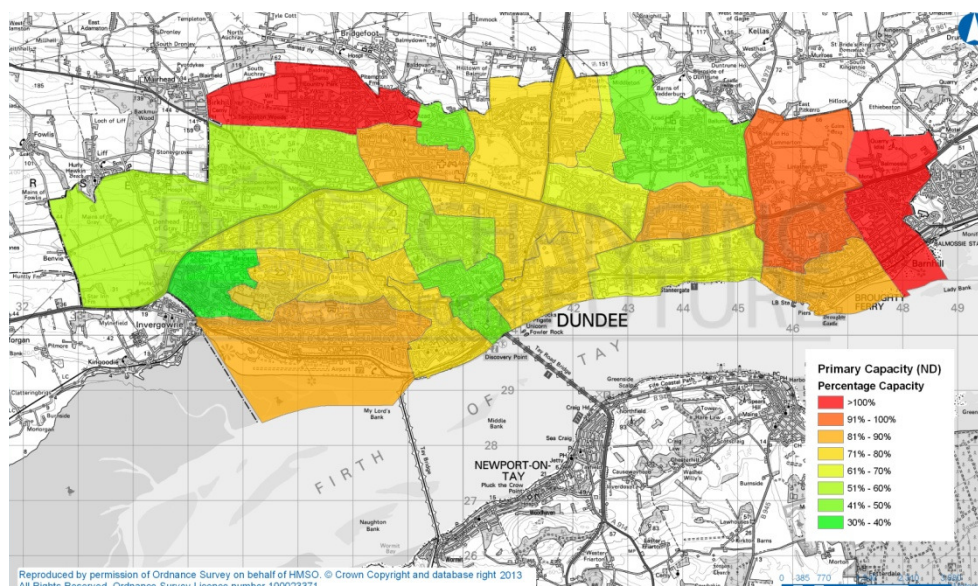
Dundee's priority for investment in Secondary provision has been directed towards improving the physical fabric of buildings and the renewals of outdated buildings. The priority has been to address improvements in the quality of provision with less emphasis required on school capacities. Accordingly for development sites that have been allocated in the Dundee Local Development Plan the Council does not intend pursuing developer contributions towards secondary school provision.

Primary School Provision

A number of Primary Schools within Dundee are currently operating at or near capacity. Those under most pressure to accommodate future development are located on the northern and eastern edges of the city. As a result any new significant land release beyond that allocated in the Local Development Plan in the east of the city (North of Arbroath Road) would require the provision of a new primary school. In the north of the City it may be necessary to review the School catchment areas to accommodate future development

Within the Western Gateway there is a requirement to enhance primary school provision and options for this are currently being considered.

Existing Primary School Occupancy (September 2013 census – non-denominational schools)



A survey of recently completed greenfield developments demonstrated that such developments typically increase demand on primary educational facilities at a rate of 0.37 pupil per house. It is therefore considered appropriate that where required in the Dundee Western Gateway and north of Arbroath Road, housing developments should provide primary education contributions at the following level:

Greenfield Housing	Primary Provision Costs
Contribution per house	£4,680 (index linked as at January 2014)

The above figures do not take account of the ongoing maintenance of school buildings, additional staffing requirements nor the cost of building or running of pre-school/nursery facilities. It is not intended that developments should contribute to such costs.

Brownfield developments can also impact upon demand for capacity at primary schools. However Brownfield developments tend to be located within denser urban areas where capacity exists or can be generated by catchment area revisions. Accordingly whilst Dundee City Council maintains an option to include Brownfield developments in primary education contributions, it is expected that such requirements will not generally be required. An exception to this is in Whitfield, where the recently developed Ballumbie Primary School was constructed with additional capacity to accommodate the pupils that will live in new housing planned in the area. Contributions from private housing developments in Whitfield will therefore be required at the following rate:

Whitfield Brownfield Housing	Primary Provision Costs
Contribution per house	£3,844 (index linked as at January 2014)

Windfall Developments

The requirement for contributions outlined above is for sites allocated for housing in the Dundee Local Development Plan 2014. Where a site comes forward for consideration that is not allocated in the Plan (i.e. windfall) then developer contributions for both primary and secondary school provision may be required. The levels of contributions sought will be the same as for allocated sites unless there is a justification to vary them due to specific circumstances. In addition, any windfall proposals will need to be fully assessed to ensure that by taking up existing education provision they do not impact on the delivery of sites already allocated in the Plan.

Exemptions from Education Contributions

It is acknowledged that some housing developments are unlikely to create an additional demand for education, or that the demand created is so small as to be negligible, accordingly the following items are exempt from education contributions. They may however be required to contribute to other items:

- sheltered housing and Care Homes; and
- purpose built student accommodation.

ROADS AND TRANSPORTATION



New developments will be expected to make appropriate provision for all modes of transport within the site. Such works are unlikely to be the subject of a separate developer contribution and are more appropriately dealt with by other measures including conditions attached to planning permission.

Some new developments will have an affect on the existing transportation infrastructure outwith the boundary of the site through travel generation and demand for transportation access. The Council may therefore seek developer contributions from developments for items such as:

- road junction improvements;
- pedestrian crossing facilities;
- cycle routes and cycle parking facilities;
- Carriageway improvements; and
- public transport facilities.

In addition to physical works, there may be occasions where payments are required to support the provision of public transport services. For example, where a development is delivered in phases over an extended period of time it may be necessary to financially support a bus service from the point in time when part of a development is first occupied. The intention would be that such funding would cease when the development has progressed to a scale that a commercially viable bus service is sustainable.

Dundee City Council is aware that the high initial capital costs of some items may present a barrier to new development. In such circumstances the Council is open to discussions with developers with a view to working with them to overcome such barriers. This applies particularly in relation to sites allocated for development within the Local Development Plan. An example of this approach has been through the upgrading works undertaken to the Dykes of Gray Road in the Western Gateway. Dundee City Council has front funded and undertaken the improvements to the road and will recover the costs of the works as development progresses.

GREEN NETWORK



Dundee is widely regarded as a visually green city, with a good provision of quality green spaces. The concept of a green network is to capitalise on this strength through linking together natural, semi-natural and man-made open spaces (which may include leisure and recreational facilities). In doing so Green Networks seek to achieve multifunctional spaces that enhance biodiversity, the quality of our living environment and provide improved opportunities for active travel.

The Local Development Plan supports a presumption that new development should contribute to the enhancement and connectivity of open space and habitats, where appropriate as part of the wider green network. Developments are encouraged to not only include appropriate open space and links within the site boundaries, but to consider how these will interact with surrounding areas. No development should be viewed in isolation and all will have a duty to contribute to the quality of their local environment by integrating into existing green networks in an appropriate and sensitive manner. As such it is possible that off-site provision will be necessary to ensure that new development sites connect into the existing green network.

Items for which developer contributions may be sought will include:

- improvements to core paths serving the development;
- new off-road cycle/walking routes to connect with existing core paths;
- cycle parking facilities;
- provision of open space or equivalent contributions to upgrading existing open space such as nearby community woodlands that serve the development area;
- route or interpretative signage; and
- off-site sustainable urban drainage schemes (all Greenfield sites are expected to include sufficient sustainable drainage facilities within the site, however it is acknowledged that this may not be practical on all brownfield sites).

Additional guidance on Green Networks is being prepared during 2014 and will provide further detail on this subject area.

PUBLIC ART



Public Art can make a significant contribution to enriching the quality of developments, open spaces and the cultural heritage value by adding visual interest and quality to the city's environment.

Public Art can draw upon the location's history, culture and social circumstances to reflect the development's part in the Dundee community. Artworks can be of various scales from small discreet items which are there to be discovered, to statement pieces which can act as a focal point enabling them to serve as a local meeting place or landmark. In doing so Public Art offers an opportunity to utilise artworks as a focus for promotional activities, both for the City as a whole and the developments responsible for their commission.

Examples of Public Art in Dundee can be viewed at:

<http://www.dundee.gov.uk/citydevelopment/publicart>

Policy 7 of the Local Development Plan advises that developments with construction costs of £1 million or over will be required to allocate at least 1% of construction costs for the inclusion of art projects in a publicly accessible/visible place or places within the development.

The inclusion of the Percent for Art policy within the Local Development Plan is viewed as a major contributor to the achievement of quality and interest in the cityscape of Dundee.

APPENDIX B**AIR QUALITY AND LAND USE PLANNING SUPPLEMENTARY GUIDANCE****APRIL 2014****Table of Contents**

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2	Policy Context
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5	Land Use Proposals With Potential Air Quality Issues
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8	Determining and Assessing the Significance of the Predicted Impact on Air Quality
9	Mitigation Measures that may be Required to Reduce the Air Quality Impact
10	Appendix: Information Required From Developer to Help Determine if there is a Need for an Air Quality Assessment
11	Useful Contacts

Notes**Additional Information****Figure 1: Planning Application Process**

1 INTRODUCTION

- 1.1 Dundee City Council and applicants seeking planning permission have a joint responsibility to ensure that appropriate standards of air quality are maintained or improved as the city is developed and regenerated. The Dundee Local Development Plan and the process of determining planning applications are important tools for maintaining and improving upon air quality standards.
- 1.2 This document provides Supplementary Guidance (SG) related to air quality and land use planning and sets out the circumstances when an assessment of the potential impact of particular types of development on existing and future air quality may be required.
- 1.3 This Supplementary Guidance outlines the main air quality issues facing Dundee and offer guidance to developers and applicants on when and where air quality issues may arise and what this entails for them. These provide information on:
 - pollutants of concern and where there could be an issue;
 - assessing the need for an Air Quality Impact Assessment;
 - the various steps associated with securing planning permission; and
 - where to get further advice.
- 1.4 A Technical Guide (TG) has been developed to advise developers on the process that should be followed should an air quality assessment be deemed necessary. It should be noted that the TA is a supporting document that is subject to change as and when alteration of the technical requirements prove necessary.



2 POLICY CONTEXT

- 2.1 Policy 44: “Air Quality” of the Dundee Local Development Plan sets the context for considering planning applications which may have an effect on air quality. The policy background draws attention to the local authority’s statutory duties, pollutants of concern in Dundee and the Council’s Air Quality Action Plan.

Policy 44: Air Quality

There is a general presumption against development proposals that could significantly increase air pollution or introduce people into areas of elevated pollution concentrations unless mitigation measures are adopted to reduce the impact to levels acceptable to the Council.

- 2.2 The overall strategy of the Dundee Local Development Plan promotes the sustainable development of Dundee, not only in terms of the environment, but also the social and economic sustainability of the city. Proposals for new development are expected to minimise any negative effects on the environment and to uphold policies in the Local Development Plan which offer positive environmental benefits particularly with regard to air quality. These might include promotion of cycling, walking, public transport and streetscape enhancements.
- 2.3 The Local Development Plan recognises that:
- a there will be long term consequences if we fail to realise the importance of the environment; and
 - b equally poor consequences would result from a strategy that affords complete priority to the protection of the environment at the expense of all else, especially where development proposals might bring direct economic or social gain.
- 2.4 All material considerations, environmental, social and economic will therefore continue to be taken into account according to their individual merits and on the basis of all available information, in order to arrive at a balanced view of the effects of proposed development.

3 AIR QUALITY IN DUNDEE

- 3.1 An Air Quality Management Area (AQMA) covering the whole area of Dundee City Council (DCC) has been declared for Nitrogen Dioxide (NO₂) and fine particulate matter (PM₁₀). NO₂ is generally emitted from combustion processes such as domestic and commercial heating, power generation and vehicle exhausts. Fine particulates are emitted from natural background sources and human activities such as road transport, combustion, quarrying, construction and waste processing.
- 3.2 Most of the City is unaffected by air quality issues. There are some areas however where pollutant concentrations of Nitrogen Dioxide (NO₂) and fine particulate matter (PM₁₀) are known to be in excess of, or approaching, the national air quality objectives. These locations have been identified by the review and assessment of air quality conducted by the Council under its statutory requirements for Local Air Quality Management (LAQM).

3.3 Dundee's Air Quality Action Plan (Note (i)):

<https://www.dundee.gov.uk/air-quality/air-quality-dundee-air-quality-action-plan>

sets out measures to address air quality issues in the City and may itself be taken as a material consideration in assessing proposals for planning permission.

4 MAIN SOURCES OF POLLUTION IN DUNDEE

4.1 Road traffic at busy roads and junctions has been identified as the main man-made source of both NO₂ and PM₁₀ within Dundee. Ambient pollutant concentrations are likely to be higher in locations where there are high volumes of road traffic and dispersion is limited by building-structures such as narrow congested streets.

4.2 Areas where air quality is a concern have been identified principally in the city centre and alongside trunk roads and main arterial routes into the city; some of these areas are listed below. It should be noted that this list will be subject to change and Dundee City Council should be contacted for confirmation. Localised areas where air quality is a particular concern which require specific measures are mainly located within the vicinity of:

- Dock Street, Seagate, Commercial Street and Nethergate/Marketgait;
- Broughty Ferry Road (Stannergate);
- Victoria Road/Hilltown;
- Logie Street/Loons Road area, Lochee Road/Rankine Street;
- Lochee Road/Dudhope Terrace;
- Union Street;
- Whitehall Street;
- Meadowside;
- The Inner Ring Road;
- Kingsway/Forfar Road;
- Kingsway/Myrekirk Road;
- Kingsway/Strathmartine Road;
- Scott Fyffe Roundabout;
- Albert Street/Dura Street;
- Albert Street/Arbroath Road; and
- Denbank, South Road.

4.3 Other areas of concern exist in the City which do not currently exceed standards but could in future if development introduces eg additional traffic to already busy areas or other new pollution sources. The Council will seek to ensure that the air quality impacts of new development in these parts of the City are minimised.

5 LAND USE PROPOSALS WITH POTENTIAL AIR QUALITY ISSUES

5.1 Air quality is a material consideration in determining applications for planning permission when development is of an appropriate scale or close to the locations listed above. For example:

- through direct impact on air quality eg resulting from the particular business or use of land proposed;
- cumulative impact ie as a result of a number of developments which when added together would have a significant effect on air quality;
- indirect impacts eg as a result of traffic generated by the proposed land use; and
- exposure eg through introducing new human exposure into areas of known poor quality without appropriate mitigation measures in place.

5.2 It is also a material consideration when a proposed development would:

- be affected by existing or potential sources of pollution;
- conflict with or render unworkable, any elements of the approved Air Quality Action Plan which have a land use aspect. For example measures contained within the Action Plan can be compromised when significant levels of traffic, parking provision or servicing are generated by proposals which affect a local area sensitive to air quality issues; or
- result in pollutant concentrations rising to a level where designation of a new Air Quality Management Area becomes necessary.

6 PRE-PLANNING AND PLANNING APPLICATION GUIDANCE

6.1 An air quality impact assessment may on some occasions be necessary in support of a planning application to inform decisions on the expected impact of any particular proposed development on local air quality.

6.2 Pre Application Stage

- a It is essential that developers consult with the Planning Division if they consider that a proposal may have an impact on air quality (see earlier examples). Where appropriate the Planning Division will consult with the Environment Department (Environmental Protection Division) and if necessary the Transport Division early in the application process. The type, size and location of the proposed development will be taken into consideration in identifying whether an air quality assessment is required and to what level of detail. A pro-forma to assist developers in providing enough relevant information early in the initial consultation stage has been prepared. The pro-forma (Form 1) is included in the Appendix at the end of this document.
- b The objective is to assist applicants at the earliest stage to find ways of minimising or mitigating any impact of their proposal on air quality. This can be facilitated by working together on the details which are expected to cause the impact, some of which may on occasion be overcome fairly easily, for example,

through changes to layout or other minor aspects of design. Following receipt of the pro-forma a decision will be taken on whether an air quality assessment is required. If so, the applicant must submit an assessment/modelling method statement for agreement with the Council before carrying out the assessment.

- c Information provided by a developer at the pre application stage will be assessed to establish whether an Air Quality Impact Assessment should be carried out by the applicant in support of the proposed development.

6.3 Application For Planning Permission

The planning application will then be processed accordingly, taking the statement and further information into consideration.

6.4 Recommendation And Decision






Where planning permission is granted, this may be subject to conditions mitigating air quality issues. Very occasionally planning obligations under Section 75 of the Town & Country Planning (Scotland) Act 1997 may be necessary in relation to air quality. The preferred approach is to address air quality issues as part of the design process.

6.5 Process

The process that will be followed when considering air quality in the development management system is presented below.

Figure 1: Planning Application Process.

	Applicant	City Development Department (Planning Division)	Environment Department (Environmental Protection Division)
Pre Application Stage.			
Pre-application discussions between applicant and Planning.	★ ←	→ ★	
Is air quality a potential issue?		★ ←	→ ★
- No	Applicant proceeds to application stage.		
- Yes	Applicant to submit Form 1 To City Development Department for early consideration.		
Is an air quality assessment required?		★ ←	→ ★
- No		Process planning application as normal.	

	Applicant	City Development Department (Planning Division)	Environment Department (Environmental Protection Division)
- Yes		Informs applicant that an assessment/modelling method statement is required.	
	Applicant to submit assessment/modelling method statement (see Technical Guide Appendix 1).		
Agree scope of assessment proposed			
	Applicant to conduct air quality assessment, identifying impacts and proposing mitigation to Planning.		
Is scope of assessment carried out sufficient?			
- No	Further assessment may be required.		
- Yes	No further action required.		Evaluate assessment and feedback to Planning Division.
Applicant applies for planning permission.			
		Results of air quality assessment taken as material consideration in assessing application for planning permission.	

7 ABOUT THE AIR QUALITY IMPACT ASSESSMENT

- 7.1 The type of assessment and level of detail required by the Council will be based on the nature, scale and location of the proposed development. This could take the form of a qualitative, screening or detailed dispersion modelling assessment. Following completion of the assessment the applicant must then form a view on the significance of any impact the development has on air quality. In most cases where an air quality assessment has been required for the application process, mitigation measures should also be specified by the applicant.

8 DETERMINING AND ASSESSING THE SIGNIFICANCE OF THE PREDICTED IMPACT ON AIR QUALITY

- 8.1 Applicants should outline their estimation of significance in the submitted report. The methodology for determining significance of air quality impacts in Dundee is the

same as that outlined in the EPUK Development Control guidance and is described in detail in the Technical Guide. Information is also provided on considerations which should be taken into account when assessing the level of significance of the predicted impact on air quality that has been determined.

9 MITIGATION MEASURES THAT MAY BE REQUIRED TO REDUCE THE AIR QUALITY IMPACT

- 9.1 In most cases where an air quality assessment has been required for the application process, mitigation measures should also be specified by the applicant. This aims to ensure that the proposed development is sustainable and “air quality neutral” as far as is practicable. All mitigation measures sought will be related to the scale of the impact of the development.
- 9.2 There are various ways to mitigate air pollution emissions attributable to the construction and operational phases of a new development; and to reduce public exposure in areas where air quality is known to be poor.
- 9.3 Mitigation of air quality impacts should be considered during the design stage of a development and evidence of this should be included in the air quality assessment.
- 9.4 Mitigation measures can be broadly categorised as relating to:
- Demolition and Construction phase impact management;
 - operational phase impact management eg transport related, topographical and building design, energy/heating system design; and
 - planning agreements and conditions: where the Council seeks the provision of infrastructure, or air quality monitoring, or a financial contribution by a developer eg towards AQAP measures.

10 APPENDIX: INFORMATION REQUIRED FROM DEVELOPER TO HELP DETERMINE IF THERE IS A NEED FOR AN AIR QUALITY ASSESSMENT

Locality of Development	Where is the proposed development site (please provide a scale map showing boundary of site relative to nearby residential and commercial properties)? Is the site located near to (<250m) any of the known areas highlighted in Section 4 of the Dundee City Council air quality SPG document?
Nature of Development	What is the proposed use of the development and the number of units proposed or commercial floor space?
Construction	How long is the proposed construction period for the development?

Roads and Traffic	<p>Has a traffic impact assessment been conducted? Local Authority Traffic Planners/Engineers should advise, in consultation with Air Quality officers, what is required for the traffic impact assessment?</p> <p>Will there be any alteration to the access roads, or road layouts as result of the development?</p> <p>How many parking spaces are included within the proposal?</p>
Energy Usage	<p>What are the planned source(s) of energy and number/size (MW) of appliances; CHP, biomass, individual boilers etc?</p>

11 USEFUL CONTACTS

11.1 Dundee City Council Planning Division:

For general advice and information, telephone 01382 433105 or e-mail development.management@dundeecity.gov.uk.

Website: <http://www.dundeecity.gov.uk/citydevelopment/planningdivision/>

11.2 Notes

- a Responsibility for the assessment and improvement of air quality standards lies with Dundee City Council as a whole. This is co-ordinated on behalf of the Council by the Environment Department (Environmental Protection Division) with assistance from other departments. Dundee's Air Quality Action Plan has been developed to promote a wide range of actions which seek to impact on Dundee's air quality issues.

12 ADDITIONAL INFORMATION

12.1 Dundee Local Development Plan 2014 – 2019:

<http://www.dundeecity.gov.uk/localdevplan/>

TAYplan Strategic Development Plan 2012-2032: <http://www.tayplan-sdpa.gov.uk/FINAL%20Approved%20Plan%20June%202012%20low%20res.pdf>.

Dundee Urban Design Guide - City Development Department, Dundee City Council – 2002:

http://www.dundeecity.gov.uk/sites/default/files/publications/publication_540.pdfhttp://www.dundeecity.gov.uk/sites/default/files/publications/publication_540.pdf.

Dundee - Streets Ahead City Development Department, Dundee City Council – 2005:

<http://www.dundeecity.gov.uk/gsearch/Streets%2BAhead>

The Development Quality Service - General Advice and Information:

<http://www.dundeecity.gov.uk/citydevelopment/planninggeneraladvice>.

All also available to download:

Defra Smoke Control Areas website: <http://smokecontrol.defra.gov.uk/>

APPENDIX C**SUPPLEMENTARY GUIDANCE – ADOPTION PROCESS**

Phase	Activity	Estimated Timescale
Pre-preparation	Screening for Strategic Environmental Assessment and Habitats Regulation Appraisal Requirements.	January/February 2014
Preparation of Draft Guidance	Prepare Draft in consultation with DCC Departments.	January/February 2014
	Draft guidance reported to Committee.	April 2014
Consultation	Draft Guidance is opened to public consultation, including key stakeholders.	May – June 2014
Preparation of Finalised Guidance	Prepare finalised guidance, taking account of responses received to the public consultation.	July – August 2014
	Report outcome of public consultation and finalised document to Committee.	September 2014
Adoption	Dundee City Council submits the guidance to Scottish Ministers, together with a statement setting out the publicity measures undertaken; the comments received, and an explanation of how these comments were taken into account.	September 2014
	If no comments are received within 28 days of submission to Scottish Ministers. The guidance can be adopted as Supplementary Guidance and forms part of the Dundee Local Development Plan	4 weeks after submission