

ITEM No ...10.....

REPORT TO: CITY DEVELOPMENT COMMITTEE – 10 SEPTEMBER 2018
REPORT ON: FLOOD PROTECTION SCHEME – BROUGHTY FERRY
REPORT BY: EXECUTIVE DIRECTOR OF CITY DEVELOPMENT
REPORT NO: 270-2018

1 PURPOSE OF REPORT

1.1 To advise Committee of progress of the Broughty Ferry Flood Protection Scheme

2 RECOMMENDATION

2.1 It is recommended that the Committee:

- a Notes the progress being made to implement the Broughty Ferry Flood Protection Scheme.
- b Make a preliminary decision to confirm the Broughty Ferry Flood Protection Scheme without modification.
- c If having resolved to make a preliminary decision to confirm the Broughty Ferry Flood Protection Scheme without modification, to then make a final decision to confirm the scheme without modification.
- d Instructs the Executive Director of City Development to request that Scottish Ministers direct that planning permission for the Broughty Ferry Flood Protection Scheme shall be deemed to be granted, subject to such conditions as may be specified in that direction.

3 FINANCIAL IMPLICATIONS

3.1 Financial implications, at this time, are limited to staff costs which are allowed for in the Dundee City Council Capital Budget for 2018-23.

4 BACKGROUND

4.1 Reference is made to Article III of the meeting of the City Development Committee of 19 August 2013 when Committee considered Report 256-2013, noted the findings of the Dundee Coastal Study Stage 2 and authorised the progression of the prioritised measures identified within the Report.

4.2 Reference is also made to Article VI of the meeting of the City Development Committee of 28 March 2016 when Committee considered Report 117-2016, noted the progress being made towards the production of the Local Flood Risk Management Plan and approved the proposed actions to reduce flood risk including the flood protection scheme at Broughty Ferry.

5 CURRENT SITUATION

5.1 As part of the approvals process, statutory consultation has been carried out. Ten objections to the Broughty Ferry Flood Protection Scheme were received, one from a land owner, one from the Royal Tay Yacht Club and eight from members of the public.

5.2 Following discussion on the detail of the Scheme, the objections from the land owner, the Royal Tay Yacht Club and one member of the public were withdrawn.

5.3 The remaining objections from the seven members of the public are valid but not considered material. Copies of the Planning Assessment, objections and Dundee City Council's

response have been passed to the Lord Provost and Group Leaders. The issues raised in the seven remaining objections are not considered to be material to the proposed Scheme. Accordingly the proposed Scheme should not be modified in response to the objections.

- 5.4 The objectors who submitted the remaining seven objections are not persons to whom paragraph 5(6) of Schedule 2 of the Flood Risk Management (Scotland) Act 2009 applies. Therefore, the local authority is not required to give notice of its decision to the Scottish Ministers.
- 5.5 Once a flood protection scheme is confirmed under the Flood Risk Management (Scotland) Act 2009 in respect of any operation under the scheme which would constitute development in terms of the Town and Country Planning (Scotland) Act 1997, Dundee City Council must request that the Scottish Ministers direct that planning permission for that development shall be deemed to be granted, subject to such conditions (if any) as may be specified in that direction.

6 POLICY IMPLICATIONS

- 6.1 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.

7 CONSULTATIONS

- 7.1 All members of the Council Management Team have been consulted and are in agreement with the contents of this report.

8 BACKGROUND PAPERS

- 8.1 Broughty Ferry Flood Protection Scheme.

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FW/MS/MS

27 August 2018

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