

REPORT TO: CITY DEVELOPMENT COMMITTEE–25 MARCH 2013

REPORT ON: PROPOSED DUNDEE LOCAL DEVELOPMENT PLAN 2012

REPORT BY: DIRECTOR OF CITY DEVELOPMENT

REPORT NO: 99-2013

1 PURPOSE OF REPORT

- 1.1 This Report sets out the representations received to the publication of the Proposed Dundee Local Development Plan 2102 and the proposed responses to those which remain as unresolved representations. The report recommends that the Council proceeds to submit the Proposed Plan and the summary of issues (Schedule 4s) raised by the unresolved representations, without modification, to the Scottish Ministers.
- 1.2 The report also recommends approval of the revised environmental Report, Habitats Regulation Appraisal Record, Proposed Action Programme, Statement of Conformity with the Participation Statement and Minor Drafting Matters. All documents including the full representations have been circulated to Group Leaders, Baillies Scott and Borthwick and Councillor Macpherson.
- 1.3 The Schedule 4 documents set out the proposed summary of the issues raised in the unresolved representations and a statement of the reasons in response to these as to why the Council should not modify the Proposed Dundee Local Development Plan 2012.

2 RECOMMENDATION

- 2.1 It is recommended that the Committee, having taken account of the representations received in respect of the Proposed Dundee Local Development Plan, together with the matters arising out of statutory consultation and any minor drafting and technical matters:
 - approves the content of the Schedule 4 documents;
 - resolves not to modify the Proposed Dundee Local Development Plan;
 - approves the proposed minor drafting and technical matters to the Proposed Dundee Local Development Plan;
 - approves the Statement of Conformity with the Participation Statement for submission to Scottish Ministers;
 - approves the revised Habitats Regulations Appraisal Record for submission to Scottish Ministers;
 - approves the revised Action Programme for submission to Scottish Ministers;
 - Remits to the Director of City Development to submit the Proposed Local Development Plan to Scottish Ministers, together with the Statement of Conformity, Schedule 4 documents, Environmental Report, Habitats Regulations Appraisal Record, the Monitoring Report, Action Programme and other required documents;
 - Notes the position with regard to the Environmental Report and agrees to adopt the revised Environmental Report containing the updated version of Annex 7 for submission to Scottish Ministers; and,

- Remits the Director of City Development to publish the submission of the Proposed Local Development Plan to Scottish Ministers

3 FINANCIAL IMPLICATIONS

- 3.1 All costs associated with the submission of the Proposed Local Development Plan to the Scottish Ministers can be contained within the City Development Department budget.
- 3.2 The examination process conducted by the Department of Planning and Environmental Appeals (DPEA) will be charged in full to the Council. This level of expenditure will be met from within the City Development Department budget.

4 BACKGROUND

- 4.1 At the City Development Committee meeting of 29 October 2012 (Report No 370/2012 refers) the Council approved the Proposed Dundee Local Development Plan 2012 and agreed to its publication on 5 November 2012 for a 6 week period for representations. The Director of City Development was also remitted to report the outcome of the representations period on the Proposed Plan back to a future meeting of the City Development Committee.

Publicity and Representations

- 4.2 To publicise the Proposed Dundee Local Development Plan and the opportunity to make representations various methods of communication and engagement were employed. These included: statutory advert in the local press, information on the internet, letters and emails to all interested parties and formal notification (4,696 notification letters) to all owners and neighbours of the sites proposed for development. In addition, 4 public information events were held and a series of meetings with Community Councils and Local Community Planning Partnerships carried out.
- 4.3 Further details of the publicity and general public awareness measures are contained in the Statement of Conformity with the Participation Statement. The Council is required to demonstrate how it has carried out the publicity and participation, as set out in the Statement, and submit it to the Scottish Ministers along with the Proposed Plan.
- 4.4 A total of 169 individuals (including developers, land owners, interest groups, members of the public) made representations to the Proposed Dundee Local Development Plan 2012. This produced in excess of 370 comments to various parts of the Proposed Plan.

Response to Representations

- 4.5 Having received representations the Council has 2 alternatives to progress the Plan towards adoption. These are outlined below:
- 1 Where there are unresolved representations, but the Council decides to make no notifiable modifications, they are to publish the Local Development Plan and submit it to Scottish Ministers.

- 2 Where the authority decides to make notifiable modifications, they are to publish the modified Plan and specify a date (at least 6 weeks ahead) by which time further representations may be made. The authority may then further modify the plan or submit it to Ministers. (Notifiable modifications are modifications which (a) remove or significantly alter any policies or any proposals set out in the proposed local development plan; or (b) introduce new policies or proposals into the Proposed Local Development Plan)
- 4.6 Where the authority decides to make modifications that change the underlying aims or strategy of the proposed Plan, they are required to prepare and publish a new proposed LDP.
- 4.7 This report recommends that the Council proceeds with alternative 1 and does not seek to make any notifiable modifications to the Proposed Dundee Local Development Plan.

Submission to Scottish Ministers

- 4.8 The submission of the Proposed Plan under alternative 1 to Scottish Ministers will then be followed by the Proposed Plan being passed to the Directorate for Planning and Environmental Appeals (DPEA) to hold an Examination into the unresolved issues.
- 4.9 The Council is required to submit to the DPEA the following:
- The Proposed Local Development Plan together with the associated environmental reports
 - The unresolved representations submitted prior to the close of the period of representations.
 - The Council's response to unresolved issues (Schedule 4s)
 - The Council's Participation Statement and The Statement of Conformity
 - The Proposed Action Programme
 - Supporting evidence backing up either the representations or the Council's responses.
- 4.10 Following discussion with the DPEA, the unresolved issues arising from the representations have been grouped into 26 Schedule 4s. Each Schedule 4 provides:
- A list of those submitting representations
 - A summary of the relevant issues raised in representations
 - The modifications sought by representees to the Proposed Plan
 - The Council's response to the representations including the reasons for not modifying the Plan.

5 ENVIRONMENTAL ASSESSMENTS

Strategic Environmental Assessment

- 5.1 The Environmental Report was approved for a 6 week period of consultation along with the Proposed Dundee Local Development Plan 2012 by the City Development Committee. A total of 4 representations were received to the Environmental Report.

The representations did not raise any issues of concern as a result of which only a minor change was made to the Environmental Report.

Comments were also received from the SEA Gateway to the Environmental Report. These resulted in amendments but did not result in any changes to the Report's conclusions.

- 5.2 It should be noted that the version of the Environmental Report that was approved by the City Development Committee omitted 6 of the proposed sites to be allocated for housing from the list in the supporting document titled Annex 7. This was a formatting error to the table that these were contained within. All of these sites were considered in the Main Issues Report which was covered by the draft Environmental Report. The pre Committee version of Annex 7 which contained all six sites, had been fully assessed and consulted on with the Key Agencies and SEA Gateway as part of the Strategic Environmental Assessment process. No environmental concerns were raised for any of these particular sites through that assessment and they did not require any mitigation or adaption to make them acceptable. It is considered that the findings in relation to these sites do not have an impact on the SEA of the Local Development Plan. However, it should be stressed that all the sites were included in the Proposed Dundee Local Development Plan 2012 in Appendix 2 Housing Allocations and on the Proposals Map. All Neighbours and Owners were formally notified as part of the formal statutory notification process. They were also included and fully assessed in the approved Development Sites Assessment Document and the Habitats Regulations Appraisal Record.

Habitat Regulations Appraisal

- 5.3 The Proposed Dundee Local Development Plan was subject to an Appropriate Assessment. The City Development Committee approved the Draft Habitats Regulations Appraisal Record at its meeting on the 29 October 2012. This version was subsequently superseded following consultation with Scottish Natural Heritage in December 2012. Scottish Natural Heritage has confirmed that it agrees with the conclusions of the December 2012 version at this stage. No further amendments are required in relation to the Habitats Regulations Appraisal (HRA) prior to submission to Scottish Ministers with the Proposed Plan.

6 UNRESOLVED ISSUES AND RESPONSES

- 6.1 This report does not provide a separate summary of the issues raised in the representations and the Council's proposed response as these are covered in detail within the Schedule 4s.
- 6.2 It should be noted that, where representations indicated support, or made only a comment on an issue, then these are not defined as unresolved issues and are not referred to in a Schedule 4.

7 POLICY IMPLICATIONS

- 7.1 This Report has been screened for any policy implications in respect of Sustainability, Strategic Environmental Assessment, Anti-Poverty, Equality Impact Assessment and Risk Management. A "Rapid Equality Impact Assessment" was carried in relation to the Proposed Dundee Local Development Plan 2012 as part of the approval for the period for representations. With no notifiable modifications proposed, the Rapid

Equality Impact Assessment of the Proposed Plan to be submitted to Scottish Ministers remains relevant.

8 CONSULTATIONS

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

9 BACKGROUND PAPERS

9.1 The following documents have been produced and taken into account when preparing this Report.

- Development Sites Assessment Document.
- Transport Background Paper.
- Development Plan Scheme 2012.
- Report 370-2012 - Proposed Local Development Plan and Revised Environmental Report.
- The Proposed Dundee Local Development Plan 2012.

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GH/GSR/ES

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