

ITEM No ...2.....

REPORT TO: CITY DEVELOPMENT COMMITTEE – 22 JANUARY 2018

REPORT ON: PROPOSED DUNDEE LOCAL DEVELOPMENT PLAN 2

REPORT BY: EXECUTIVE DIRECTOR OF CITY DEVELOPMENT

REPORT NO: 7-2018

1 PURPOSE OF REPORT

- 1.1 The purpose of this report is to summarise the outcome of the representations period for the Proposed Dundee Local Development Plan 2 and recommend that the Council proceeds to submit the Proposed Plan and the summary of unresolved representations (Schedule 4 documents) 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 and Technical Matters. All Schedule 4 documents have been circulated to the Lord Provost and Group Leaders. All other documents can be viewed on the Council's website.
- www.dundee.gov.uk/localdevplan2
- 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 2.

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 2, together with the matters arising out of statutory consultation and any minor drafting and technical matters:
- a approves the content of the Schedule 4 documents;
 - b resolves not to modify the Proposed Dundee Local Development Plan 2;
 - c approves the Statement of Conformity with the Participation Statement for submission to Scottish Ministers;
 - d approves the revised Action Programme for submission to Scottish Ministers;
 - e approves the proposed minor drafting and technical matters to the Proposed Dundee Local Development Plan 2;
 - f approves the revised Habitats Regulations Appraisal Record for submission to Scottish Ministers;
 - g approves the revised Environmental Report for submission to Scottish Ministers;
 - h remits the Executive Director of City Development to submit the Proposed Dundee Local Development Plan 2 to Scottish Ministers, together with the Schedule 4 documents, Statement of Conformity, Environmental Report, Habitats Regulations Appraisal Record, the Monitoring Report, Action Programme and other required documents; and
 - i remit the Executive Director of City Development to publicise the submitted plan by publishing a notice in a local newspaper (the Evening Telegraph) and to make a copy of the Proposed Plan available in every Council library, on the Council website and at main Council offices.

3 FINANCIAL IMPLICATIONS

- 3.1 The examination process conducted by the Scottish Government's Directorate for Planning and Environmental Appeals will be charged in full to the Council. All costs associated with the submission of the Proposed Dundee Local Development Plan 2 to the Scottish Ministers and the examination can be contained within the City Development Department budget.

4 BACKGROUND

- 4.1 At the City Development Committee meeting of 21 August 2017 (Report No 215/2017 refers) the Council approved the Proposed Dundee Local Development Plan 2 and agreed to its publication for a 6 week period for representations. The Executive Director of City Development was remitted to report the outcome of the representations period on the Proposed Plan back to a future meeting of the City Development Committee.

4.2 Publicity and Representations

- a To publicise the Proposed Dundee Local Development Plan and the opportunity to make representations, various methods of communication and engagement were employed. The statutory requirements for notification include publishing an advert in the local press; sending letters to owners, lessees, occupiers and neighbours of proposed development sites; and notifying Community Councils, neighbouring local authorities, various government agencies and any person who commented on the Main Issues Report.
- b In addition to these statutory requirements, officers advertised the consultation through the Council website, twitter account and a press release. The Local Community Planning Partnerships, Neighbourhood Representative Structures and all persons on the Local Development Plan mailing list were notified. Static exhibitions were in place in Dundee House and Central Library and these were manned on several afternoons. Officers were invited to meet with Broughty Ferry Community Council and gave a presentation to their September meeting.
- c 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 Participation Statement, and submit it to the Scottish Ministers along with the Proposed Plan.
- d A total of 80 contributors including one petition submitted representations to the Proposed Plan, producing in excess of 185 comments. These contributors included developers, landowners, interest groups and members of the public.
- e This report does not include a separate summary of the issues raised in the representations. The Council's responses to the unresolved representations are contained within the Schedule 4 documents – Schedule 4 being the section of the development planning legislation that prescribes the format for collating unresolved representations to the Proposed Plan. 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 the Schedule 4 documents.

4.3 Response to Representations

- a Having received representations the Council has two options to progress the Plan towards adoption. These are outlined below:
- Where there are unresolved representations, and the Council decides to make no notifiable modifications (defined as those that add, remove or significantly alter any

policy or proposal in the plan), they are required to publish the plan and submit it to Scottish Ministers with a request to hold an examination.

- Where the Council 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. Following receipt of any representations the authority may then further modify the plan or submit it to Ministers.
- b Should the Council decide to make modifications that change the underlying aims or strategy of the Proposed Plan, it is required to prepare and publish a new Proposed Dundee Local Development Plan 2 and repeat the statutory publication and notification process.
- c Members are reminded that the Proposed Plan approved in August 2017 is the settled view of the Council. None of the representations raised issues that require a notifiable modification to the Proposed Plan. This report recommends that the Council proceeds with Option 1 and does not seek to make any notifiable modifications to the Proposed Dundee Local Development Plan.

4.4 Submission to Scottish Ministers

- a The submission of the Proposed Plan under Option 1 to Scottish Ministers will then be followed by the Proposed Plan being passed to the Directorate for Planning and Environmental Appeals (DPEA) of the Scottish Government together with a request to hold an Examination into the unresolved issues.
- b The Council is required to submit to the DPEA the following:
- the Proposed Dundee Local Development Plan 2 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 4 documents);
 - the Council's Participation Statement and The Statement of Conformity;
 - the Proposed Action Programme; and
 - Supporting evidence backing up either the representations or the Council's responses.
- c Following discussion with the DPEA, the unresolved issues arising from the representations have been grouped into 15 Schedule 4 documents. Each Schedule 4 document 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; and
 - the Council's response to the representations including the reasons for not modifying the Plan.

5 ENVIRONMENTAL ASSESSMENTS

5.1 Strategic Environmental Assessment

- a The Environmental Report was approved for a 6 week period of consultation along with the Proposed Dundee Local Development Plan 2 by the City Development Committee. A total of 3 representations were received to the Environmental Report.
- b 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 but did not result in any changes to the Report's conclusions.

5.2 Habitat Regulations Appraisal

The Proposed Dundee Local Development Plan was subject to an Appropriate Assessment. The City Development Committee approved the Draft Habitats Regulations Appraisal (HRA) Record at its meeting on the 21 August 2017. Scottish Natural Heritage has confirmed that it agrees with the conclusions of the Draft HRA at this stage. No further amendments are required in relation to the HRA prior to submission to Scottish Ministers with the Proposed Plan.

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.
- 6.2 A Full Equality Impact Assessment was carried out in relation to the Proposed Dundee Local Development Plan 2 as part of the approval for the period for representations. With no notifiable modifications proposed, the Full Equality Impact Assessment of the Proposed Plan to be submitted to Scottish Ministers remains relevant.

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 The following documents have been produced and taken into account when preparing this Report. All documents are available to view via the Proposed Dundee Local Development Plan 2 webpage www.dundee.gov.uk/localdevplan2.
- 8.2 Development Plan Scheme 2017.
- 8.3 Revised Environmental Report for Proposed Dundee Local Development Plan 2 (January 2018).
- 8.4 Proposed Dundee Local Development Plan 2.

Mike Galloway
Executive Director of City Development

Gregor Hamilton
Head of Planning and Economic Development

GH/AH/KM

10 January 2018

Dundee City Council
Dundee House
Dundee