

Dundee City Council
Dundee Local Development Plan 2
Draft Schedule 4 Forms - Collated for Committee Approval
January 2018



Committee Draft January 2018

Issue 1	CITY OF DESIGN	
Development plan reference:	Chapter 4: Paragraph 4.9 Policy 2: Public Art Contribution Appendix 1: High Quality Design and Placemaking	Reporter:
Body or person(s) submitting a representation raising the issue (including reference number):		
Homes for Scotland (08) Broughty Ferry Community Council (20) David Hewick (22) Stewart Milne Homes (39) Forth Ports (40) Barratt North Scotland (66)		
Provision of the development plan to which the issue relates:	City of Design – High Quality Design and Public Art Contributions	
Planning authority’s summary of the representation(s):		
<p>Chapter 4: City of Design - Paragraph 4.9</p> <p><u>Forth Ports (40)</u></p> <p>The blanket requirement at paragraph 4.9 for design statements to accompany planning applications for all National and Major Developments is not required as the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013 make appropriate provision for the circumstances where Design Statements will be required or sought (Regulations 13 and 24).</p> <p>Policy 2: Public Art Contribution</p> <p><u>Homes for Scotland (08)</u></p> <p>Considers Policy 2 to be disproportionate in terms of its value to the city and it creates an unnecessary hurdle to the delivery of brownfield projects.</p> <p><u>Stewart Milne Homes (39)</u></p> <p>Considered to be a prescriptive policy which is not relevant or appropriate. Public art should be agreed through the design process to ensure it is relevant and has a proper planning purpose. Considered to impact on the affordability of homes.</p> <p><u>Forth Ports (40)</u></p> <p>The provision of public art is desirable but not essential infrastructure which would enable development. Development will not necessarily take place in locations accessible or visible to the public. Development on brownfield land will often</p>		

require costly land remediation works in advance of construction. It is not clear how such costs will be considered under the umbrella term of 'construction costs.'

Barratt North Scotland (66)

It is unnecessary to continue to push developers to include 1% of the construction cost for inclusion of art projects within the development for which there may be insufficient space anyway.

Appendix 1: High Quality Design and Placemaking

Broughty Ferry Community Council (20)

The Community Council consider that the wording should reflect the same wording as Policy 49: Listed Buildings and the Council's worthy approach to identifying the boundaries for its designated Conservation Areas. The amendment put forward is to emphasise the continuity of the Council's intent that a valued townscape, albeit of less merit than a Conservation Area, should not suffer unduly from insensitive development in its vicinity.

David Hewick (22)

Generally considers that the expanded requirements in this Appendix are a positive inclusion. Suggest expanding "townscape" to "townscape/environment" to emphasise that greenfield features (such as the extensive traditional boundary stone wall on site H46 that could be demolished) are also to be included. The word 'townscape' provides a definition that is too narrow. Greenfield/open-countryside areas may also have features that are desirable to retain.

Modifications sought by those submitting representations:

Chapter 4: City of Design - Paragraph 4.9

Forth Ports (40)

Modify paragraph 4.9 to read "*Design Statements will be required to accompany planning applications for National and Major development where appropriate...*"

Policy 2: Public Art Contribution

Homes for Scotland (08)

An exemption for brownfield housing developments should be included as part of Policy 2.

Corresponding adjustments will also then be required to the Supplementary Guidance on Developer Contributions.

Stewart Milne Homes (39)

Amend the policy to be more flexible and remove the requirement for 1% of

construction costs to be spent on art projects for all developments.

Forth Ports (40)

Modify Policy 2 to read: “*Where development is located in locations accessible to the public, and where net building costs exceed £1 million, a proportion of the net building costs (ideally 1%) should be set aside for inclusion of art projects in a publicly accessible/visible place or places within the development. Account will also be taken of the cost of developing sites, including essential infrastructure which is to be provided by a developer*”.

Barratt North Scotland (66)

Modify Policy 2 to replace the minimum 1% of construction costs with a price cap for larger sites.

Amend policy to allow for discussion regarding the requirement for public art contribution on greenfield sites. Brownfield sites especially those difficult to develop due to contamination and other constraints should be exempt.

Appendix 1: High Quality Design and Placemaking

Broughty Ferry Community Council (20)

At point 2 on page 90, the Community Council propose that the phrase ‘local townscape’ could be expanded to read ‘local townscape and its setting’.

Hewick (22)

Suggest expanding "townscape" to "townscape/environment" to emphasise that greenfield features (such as the extensive traditional boundary stone wall on site H46 that could be demolished) are also to be included

Summary of responses (including reasons) by planning authority:

Chapter 4: City of Design - Paragraph 4.9

Forth Ports (40)

The proposed amendment to paragraph 4.9 to insert “*where appropriate*” after “*National and Major development*” would be unacceptable as it does not meet the requirements of Regulation 13 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008 (CD), which states that “*national developments or major developments must be accompanied by a design and access statement*”. Paragraph 4.9 is therefore not a “*blanket*” requirement but an accurate reflection and reinforcement of the regulations. The paragraph is also designed to positively encourage agents and applicants, and to inform the public and communities of the planning process.

No modification is proposed to the Plan.

Policy 2: Public Art Contribution

Homes for Scotland (08); Stewart Milne Homes (39); Forth Ports (40); and Barratt North Scotland (66):

The modifications sought by the representations are intended to increase flexibility through alterations to the scope of policy 2, particularly where the policy is seen to be prohibitive or inappropriate. These alterations include exemptions for brownfield and greenfield developments; price caps for larger sites; the removal of the need for all developments to comply; and calculating the contributions against net building costs.

In response, it is worth highlighting that the public art policy is a longstanding and well established policy, first introduced in 1998. Throughout this period the policy has made a positive contribution to placemaking across the city on both greenfield and brownfield sites and many examples have gained significant public recognition.

Flexibility already exists through the application of the policy to ensure that the policy does not frustrate development or act as a hurdle to project delivery. Sufficient consultation always takes place to ensure that the cost and expectations are suitably weighted to the nature of the development and calculation of the contribution is based on construction costs, which do not include land purchasing, site remediation or infrastructure outlays. The consultation also ensures that the siting of the artwork is always visible from the public domain.

When applicants and agents fully embrace the public art policy it can significantly enhanced the overall quality and marketability of the development. The emerging high-quality public art for the Dykes of Gray housing development exemplifies this positive approach to public art. It also demonstrates that when applicants/agents engage with the policy from the outset then the artwork is developed and integrated during the design process.

No modification is proposed to the Plan.

Appendix 1: High Quality Design and Placemaking

Broughty Ferry Community Council (20) and Hewick (22):

The proposed amendments to point 2 on page 90 to expand “*townscape*” to “*townscape and its setting*”, “*townscape/environment*” are put forward to expand the scope of the terminology to protect the contextual setting of the townscape and in addition the wider Greenfield/open-countryside areas. In response, point 2 must be considered within the context of the Plan; the overarching wording of Policy 1 High Quality Design and Placemaking; and the “*comprehensive, but not exhaustive*” list of considerations under the Distinctive quality heading. It is considered that this list of considerations already reflects the valued aspects raised by the representees. These considerations include “*positive local features*”, “*landscapes*”, “*landmarks*”, “*local character*”, “*settlement patterns*”, “*green and blue infrastructure*”, “*structures, landscaping and natural features*”. The overall ethos of Policy 1 and Appendix 1 strives to create high quality placemaking, stating that “*Development should contribute positively to the quality*

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of the surrounding built and natural environment...". Furthermore, the policies within chapter 8 Sustainable Natural and Built Environment provide further protection to the City's green networks and open countryside areas.

No modification is proposed to the Plan.

Reporter's conclusions:

Reporter's recommendations:

Issue 2	SUSTAINABLE ECONOMIC GROWTH	
Development plan reference:	<p>Chapter 5: Sustainable Economic Growth Policy 3: Principal Economic Development Areas Policy 4: Specialist Economic Development Areas Policy 5: General Economic Development Areas Proposal 1: Blackness Regeneration</p>	Reporter:
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>CWP Dundee Ltd (15) I&H Brown (24) Moark Ltd (28) JD Management (38) Total Business Furniture (51) Bruce R Linton & Persimmon Homes Ltd (58) National Grid Property (62) Flint Group (64) James Keiller Estates (68) James Keiller Investments (69) Ardmuir Ltd (70) Aldi (71) D McLaren (76) Visit Scotland (79)</p>		
Provision of the development plan to which the issue relates:	Sustainable Economic Growth – Business Land Supply and Economic Development Areas	
Planning authority’s summary of the representation(s):		
<p>Chapter 5: Sustainable Economic Growth</p> <p><u>James Keiller Investments (69)</u></p> <p>The plan should consider adopting a transition areas policy to rationalise the large supply of business and industrial land. Swan House and the Madison Building could form initial elements of this transition area policy approach.</p>		

Policy 3, Policy 4 and Policy 5: Business Land Supply

CWP Dundee Ltd (15), National Grid Property (62), Flint Group (64), James Keiller Estates (68) and James Keiller Investments (69)

Policy 3 of TAYplan SDP requires local development plans to identify and safeguard at least 5 years supply of employment land. The supporting text to TAYplan SDP Policy 1 also requires LDPs to ensure that land allocations are effective within the Plan period, whilst prioritising brownfield sites.

The Business Land Audit 2017 (CD) data on available land and recent uptake means that there is between 25 and 28.9 years of marketable business land in Dundee. This is a significant supply which clearly exceeds the SPP 5 year marketable land requirement. TAYplan SDP also includes longer term proposals to allocate a further 50ha of land at the Western Gateway and 40ha of land at Linlathen for employment uses. The effect of this business land supply position is to dilute demand and to lessen the attractiveness of existing commercial locations or premises.

Some of the respondents also made specific additional comments in relation to the Dundee Technology Park. Some of the original businesses which occupied the Dundee Technology Park could not really be described as 'technology' type operations. The park, despite its excellent setting within structured landscaping is looking tired and does not present an exciting investment prospect. The future of the park is likely to be founded on a wide range of employment generating uses.

Single user occupation of premises within the Dundee Technology Park has diminished and a number of vacancies have recently emerged including the premises at Swan House. Policy 4 does not explicitly support alternative forms of development. Market opportunities for large single user occupiers are extremely limited.

Policy 3: Principal Economic Development Areas – Removal of sites

CWP Dundee Ltd (15)

Continuing to allocate the vacant CWP Dundee Ltd site at Myrekirk Road as forming part of the Principle Economic Development Area is not appropriate or justified. The Proposed LDP should acknowledge nearby retail developments and apply appropriate policies accordingly. To maintain a position that the land is reserved for economic development is not logical or practical. It is clear the site will physically relate to the retail development that will surround the site as opposed to the wider industrial area.

The Development Site Assessments 2017 (pages 141-142) (CD) concludes that the site forms an important part of the Principle Economic Development allocation. CWP Ltd dispute this statement on the basic land use and physical planning characteristics of the site. The site does not form part of the economic area and is segregated making physical and operational linkage impossible.

The site is not required to maintain the 5 year marketable supply of business land

and its reallocation to another use would not have a significant detrimental impact on the 5 year supply.

National Grid Property (62)

The National Grid Property (NGP) site at East Dock Street is not required to support the National Planning Framework 3 or National Renewables Infrastructure Plan aspirations for Dundee Port. To be in conformity with TAYplan SDP, the Proposed LDP must ensure that land allocations are effective within the Plan period, whilst prioritising brownfield sites. An obligation is placed on the planning authority to ensure that, in re-allocating sites, constraints to their development are thoroughly assessed and appropriate action taken, including addressing the mix of uses proposed at the site. The NGP site is underused, unviable for solely employment use, with no likelihood of market demand given the incentives available in immediately adjacent sites. DCC is content to allow a plainly ineffective employment site to continue to be allocated for employment purposes for the foreseeable future with no prospect of contributing to the marketable land supply. The Examination must not allow this continuously negative position to endure for this important site.

Alternative use of the site for mixed use development restricted to Classes 3 (food and drink), 4 (business), 7 (hotel), 10 (non-residential institution) and 11 (leisure) uses would enable the site to be effectively remediated and developed in a manner which would be complementary to the industrial uses to the east and south, and commercial/city centre uses to the west, representing a key transitional site within the wider Waterfront.

Aldi (71)

The Myrekirk Road site is currently allocated as an employment site, covered under Policy 3: Principal Economic Development Area. In light of the recent approvals of planning applications for retail development on this site, consider that the current designation is inappropriate and should be updated to reflect these approvals. As a minimum the site should be allocated as white land. This would reflect other operational foodstores within Dundee, most notably the Asda store which lies adjacent to the site.

Policy 4 Specialist Economic Development Areas – Removal of sites

Moark Ltd (28)

There is no real prospect of any specialist use coming forward for the Moark-owned land at 5 Annfield Road. There is real evidence of business expansion in the adjacent Annfield area. There is high customer footfall within proximity to the university campus and the Technopole and the General Economic Development Area businesses themselves. There is excellent accessibility and connectivity between Perth Road and Blackness Road districts for residents and businesses.

JD Management (38)

The Specialist Economic Development Area boundary around the Dundee Technology Park is ambiguous and unclear. There are residential uses to the

east and west. The existing overspill car park serving the Prospect III building is underused, difficult to access and local residents have concerns over night-time anti-social behaviour.

Policy 5: General Economic Development Areas – Removal of sites

I&H Brown (24)

Policy 5 does not allow for the commercial and retail uses which have been approved by the Council under the terms of planning permission ref: 17/00144/PPPM. This policy allocation should represent the site's future use over the lifetime of the Proposed LDP and accordingly, provide the scope to accommodate the Council's desire to see it developed for a mix of industrial, commercial and retail uses.

Bruce R Linton & Persimmon Homes Ltd (58)

The Stewart's Cream of the Barley site should be reallocated to residential. The site is not needed for employment purpose and is no longer considered suitable or viable for business use. Acknowledges that the site offers good connections but indicates that the land owner has not been approached by the Port and indicates that the Port has not indicated a requirement for additional land.

Considers residential use would enhance the street scene along the Kingsway trunk road. Would consider the active re-use for employment at the site would not be welcomed by adjoining residents who currently benefit due to underutilisation and the dormant nature of the site.

Flint Group (64)

Designation of the site at 15A Old Glamis Road as a general economic development area will prohibit development on this land as the site is constrained by the contamination which has resulted from previous industrial uses. It can no longer be considered marketable industrial land as substantial investment is required to remediate the site and buildings for single or multiple uses. Against a backdrop of significant new and modern premises within the Dundee area there is no evidence of demand or need or likely return on any investment.

Proposal: 1 Blackness Regeneration

Policy 5: Blackness General Economic Development Area – Removal of site

Total Business Furniture (51) and Ardmuir Ltd (70)

Supportive of Proposal 1 and the increase in the variety of commercial and complementary uses. The Blackness GEDA is a location undergoing dynamic change and is no longer a traditional employment location. It is now predominantly occupied by a variety of commercial and complementary uses.

For Proposal 1 to realise the outcomes of the proposal in the period of the Proposed LDP it should be revised to widen the scope of permissible uses; include a definition of live-work units; and also allocate sites on the periphery of

the economic regeneration area including, 63 Brown Street, that are suitable for uses that complement the existing uses within the Blackness General Economic Development Area.

D McLaren (76)

The Main Issues Report proposed a masterplan for the Blackness area. The Proposed Plan proposes a design framework. Question why the name of this has changed.

Modifications sought by those submitting representations:

Chapter 5: Sustainable Economic Growth

James Keiller Investments (69)

Modify the Proposals Map and add a new 'transitions area' policy that will allow for managed change to take place within the older business parks such as Dundee Technology Park and Claverhouse Industrial Estate. Swan House and the Madison Building should be recognised as initial elements within these 'transition areas'.

Policy 4 – Business Land Supply

James Keiller Estates (68)

Modify the text at paragraph 5.24 on page 23 to include an additional final paragraph under the Dundee Technology Park heading: *“However, it is recognised that economic trends and the requirements of business are changing. The future economic health of the Park needs to be secured via a flexible development framework or masterplan led approach to uses and facilities which may assist in securing the economic contribution which the Park makes to the city. This need not be restricted to Class 4 uses but could include other supporting uses if it is judged that these uses would stimulate both business retention and business investment in the Park. An example could include a hotel (subject to normal development management assessment). Other complementary uses may be appropriate (again, subject to normal development management assessment).”*

Modify Policy 4 to include an additional final sentence: *“Consideration will also be given to other uses which would assist in delivering the principal aim of this policy.”*

Policy 3: Principal Economic Development Areas – Removal of sites

CWP Dundee Ltd (15)

Modify the Proposals Map to remove the Myrekirk Road site from the Principal Economic Development Area and reallocate for retail/commercial leisure uses.

National Grid Property (62)

Modify the Proposals Map to remove the East Dock Street site from the Principal Economic Development Area and reallocate for mixed use development which would accommodate a range of uses, including business, commercial and leisure. The mix of uses should be restricted to classes 3 (food and drink), 4 (business), 7 (hotel), 10 (non-residential institution) and 11 (leisure) of the Town and Country Planning (Use Classes) (Scotland) Order 1997 (as amended).

Aldi (71)

Modify the Proposals Map to remove the Myrekirk Road site from the Principal Economic Development Area.

Policy 4: Specialist Economic Development Areas – Removal of sites

Moark Ltd (28)

Modify the Proposals Map to remove the 5 Annfield Road site from the Specialist Economic Development Area and either reallocate as a General Economic Development Area or remove the site from any specific land use zoning.

JD Management (38)

Modify the Proposals Map to remove the car park serving Prospect III from the Specialist Economic Development Area and either reallocate as a housing site or remove the site from any specific land use zoning.

Policy 5: General Economic Development Areas – Removal of sites

I&H Brown (24)

Modify the Proposals Map to remove the Former ABB Nitran Factory site, Kingsway East from the General Economic Development Area and reallocate under a new mixed use policy designation.

Bruce R Linton & Persimmon Homes Ltd (58)

Modify the Proposals Map to remove the Stewart's Cream of Barley site, Mid Craigie Road from the General Economic Development Area and reallocate as a housing site.

The last sentence of Policy 5 stating "*Other uses within these areas will not be supported*" should be replaced with "*Other uses may be permitted, where justified, and where the change of use does not undermine the 5 year business land supply*".

Flint Group (64)

Modify the Proposals Map to remove the site at 15A Old Glamis Road from the General Economic Development Area and reallocate to allow a mix of uses

including small scale business, residential and supporting retail.

Alternatively the presumption against the development of other uses in General Economic Development areas should be removed from Policy 3 to allow a more flexible approach to bringing forward development within vacant, redundant and contaminated General Economic Development areas. Policy 3 should be amended to remove reference to 'other uses within these areas will not be supported'.

Proposal: 1 Blackness Regeneration

Policy 5: Blackness General Economic Development Area – Removal of site

Total Business Furniture (51) & Ardmuir Ltd (70)

Modify Proposal 1 to include: a list of the complementary uses, and for these to include residential where appropriate; food retail and Class 3 Food & Drink; and a definition of live-work units.

Allocate sites on the periphery of the economic regeneration area (including the property at 63 Brown Street) that are suitable for uses that complement the existing range of commercial and industrial properties within Blackness General Economic Development Area.

Modify the Proposals Map by removing the site at 63 Brown Street from the General Economic Development Area and reallocate for purpose built student residential use.

D McLaren (76)

The plan should reaffirm the intention to produce a masterplan for the Blackness area. Blackness regeneration needs a thorough examination involving all stakeholders.

Summary of responses (including reasons) by planning authority:

Chapter 5: Sustainable Economic Growth

James Keiller Investments (69)

National Planning Framework 3 (NPF3) (CD) asks for Planning to address the development requirements of businesses and enable key opportunities for investment to be realised. NPF3 also identifies Dundee as an established and growing centre for several of Scotland's key sectors including: creative industries; universities, life sciences and high tech manufacturing.

Scottish Planning Policy (SPP) (CD) at paragraph 94 states that plans should align with relevant local economic strategies. At paragraph 103 SPP states that '*Where existing business sites are underused, for example where there has been an increase in vacancy rates, reallocation to enable a wider range of viable business or alternative uses should be considered, taking careful account of the potential impacts on existing businesses on the site.*'.

SPP also requires local development plans to be consistent with the Strategic Development Plan (CD). In line with SPP, TAYplan SDP Policy 3 requires LDPs to identify and safeguard at least 5 years supply of employment land to support the growth of the economy and a diverse range of industrial requirements.

The Dundee Economic Strategy (CD) promotes business growth with a focus on marine renewables, creative industries and tourism; and also seeks to ensure that the city has an adequate provision of land and property to meet the requirements of business. The strategy sets out how it supports the delivery of outcomes contained within the Dundee Strategic Outcome Agreement. Of particular relevance to the supply of business land are intermediate outcomes 1A and 1D which state:

Outcome 1A: Dundee's economy grows through a focus on key sectors, growth companies, business start-ups and inward investment.

Outcome 1D: Our physical infrastructure supports and enables sustainable economic growth.

The Dundee Economic Strategy objectives include supporting the growth of key sectors; ensuring that Dundee has an adequate provision of land and property to meet the requirements of business; and maximising the benefits of planned capital investment.

The Business Land Audit 2017 (CD) notes that the majority of Economic Development Areas (EDAs) in Dundee do contain vacant land. Aside from the particular characteristics of the Blackness General Economic Development Area, the level of vacant land or buildings within the EDAs has not reached a point where the planning authority has considered it necessary to reallocate to enable a wider range of viable business or alternative uses.

Proposed Plan Strategy

The tight physical boundaries of Dundee are such that in the long term there is a finite supply of land suitable for business use. The future allocation and development of greenfield land for business use has to be carefully balanced with the competing needs of other land uses.

Paragraph 5.15 of the Proposed Plan acknowledges that the exact needs of businesses within a broader energy sector are varied and the technology and processes are constantly evolving. The same is true of other new and indigenous business sectors and this is why the planning policy approach in the Dundee Local Development 2014 and that within the Proposed Plan does not solely allocate land to provide a 5 year supply of business land, it also follows the qualitative approach required by SPP and TAYplan SDP by safeguarding and allocating a range of brownfield and greenfield areas in a variety of locations, sizes, qualities and levels of accessibility in order to meet a diverse range of industrial requirements.

These safeguarded areas are designated as Economic Development Areas and they fall into one of three categories:

Principal Economic Development Areas: these provide quality business

environments in locations that are proven to be highly suitable to both the transport network and their workforce accessibility. They tend to contain larger single user business properties. The areas at Port of Dundee and Claverhouse East are key to supporting the anticipated growth in the wider energy sector in Dundee.

Specialist Economic Development Areas: these provide prestigious and unique locations varying from high quality landscaped settings, to those adjacent to complementary centres such as Ninewells Hospital or the City's universities. They look to support the growth of Scotland's key sectors including: creative industries; universities, life sciences and high tech manufacturing.

General Economic Development Areas: these contain a broad range of businesses and provide a variety of sites and premises in terms of size and cost.

There is no priority given to these designations and none is implied. Together they ensure that the city has a range of effective sites for business taking account of current market demand; location, size, quality and infrastructure requirements; accessibility and access to transport networks.

Land within the Economic Development Areas is serviced or in the case of land within Wester Gourdie, Claverhouse East and Linlathen, the land is capable of being fully serviceable within five years.

The land that has been safeguarded is generally in locations which are accessible to the local and strategic transport networks. The A90 and A92 trunk roads run through Dundee linking the city with the Angus Council area and Aberdeen to the north, the Fife Council area to the south and Perth and Kinross, the central belt and the highlands to the west. The east coast mainline railway also runs through the city and the Port of Dundee provides 24 hour access to a deep water harbour.

Designating and safeguarding areas for business use avoids situations where well-defined and homogenous business areas are fragmented, where members of the public could be drawn onto industrial roads, or where noise or other amenity conflicts could arise between businesses and other uses such as residential use.

Through this established policy approach the city maintains a range of sites for business to support the growth of the economy and a diverse range of industrial requirements. The policy approach of safeguarding brownfield land within established industrial areas and releasing some larger greenfield sites will ensure that the city can maintain a balanced long term supply of land for business, housing and other uses. Several of the post 1980s EDAs are going through a period of change as original and long term occupiers have vacated land and premises. Given the global and local economic difficulties in recent years it can take several years for what are often large buildings to attract new occupier/s following refurbishment or sub division.

The Dundee Technology Park is one such EDA which is going through a period of change. New headquarter office buildings have been constructed within the last ten years, and although some of the larger original office buildings have lain vacant for several years these are now beginning to be refurbished or subdivided

and modified to accommodate new occupiers. Swan House which is highlighted by the contributor is one such original building. Located in the western corner of the Park the former call centre is, in keeping with the campus style environment of the Park, set within well maintained landscaped grounds and with a large staff car park. The original use ceased in 2008 and in recent years the building has been temporarily repurposed with charitable groups using the subdivided building as office and meeting space. Whilst these 'meanwhile' uses do not fit with the original vision of the Technology Park, they do fit with the relatively quiet campus nature, and do not preclude more technological uses from reoccupying the building in the future.

Survey work undertaken by the planning authority (CD) as part of the Proposed Plan preparation indicated that vacant floorspace within the Technology Park was in the region of 21%. This was a snapshot survey undertaken in April 2016. Since then the buildings on Luna Place have either been refurbished or reoccupied, or are in the process of refurbishment which will significantly reduce the level of vacant floorspace.

The contributor also highlights the Madison Building, a vacant warehouse and office building that they own within the Claverhouse Industrial Estate. This estate has also seen a long period of change as businesses have moved on and new occupiers have entered the estate. Buildings have also been refurbished or modified to accommodate new occupiers. At circa 1.9 hectares it is a large business site comprising a 4,900 square metre building containing a warehouse, and offices with outdoor yard/car park space and vacant land. The site is considered capable of making a significant contribution to the business land supply within the Plan period and beyond, particularly for businesses within the wider energy sector who are likely to require warehousing/manufacturing space and good access to the trunk road network.

In both cases the vacancies within the relative EDA are low and many property owners are actively investing in their property to bring it back into productive use. Dundee City Council owns land and property within the Claverhouse West Industrial Estate and property officers advise that they have several active enquiries seeking to develop land within the Estate that could see all the vacant land taken up over the plan period.

All business parks go through a state of change as businesses evolve, leases expire and buildings change hands. Dundee's property market is less active than those in the central belt or Aberdeen, and although it may take some time for vacant land or property to be brought back into productive use, allowing other uses into these areas is in the long term likely to be counter-productive and would fail to deliver the Local Development Plan strategy.

The introduction of non-business uses would have potentially negative impacts on existing businesses or discourage the business use of any remaining vacant land or property. It is likely that non-business uses would also fail to satisfy Proposed Plan Policy 21: Town Centre First Principle which directs significant footfall generating uses to the city and district centres.

The benefits of a transition area policy are understood. Such a policy approach is

used by Renfrewshire Council to address what that planning authority considered to be a very large supply of business and industrial land within its boundary, mainly consisting of large vacant former manufacturing and shipbuilding sites. Renfrewshire has a wide physical boundary within which the planning authority will in future be able to identify greenfield locations for new business land should the remaining safeguarded areas be taken up. In contrast the tight physical boundary around Dundee significantly reduces the long term scope to identify greenfield locations to accommodate new business land should a reduced supply of land be fully taken up.

The Proposed Plan Proposal 1 Blackness Regeneration is effectively a transition area policy. It follows paragraph 103 of Scottish Planning Policy and responds to the underuse of a significant number of business properties within Blackness, by proposing a design framework that may support their reallocation to enable a wider range of viable business or alternative uses, taking careful account of the potential impacts on existing businesses on the site. This approach responds to the particular nature of the Blackness area – high number of vacant and underused properties, built heritage, highly accessible location - and it is not considered necessary for this approach to be used elsewhere in Dundee. Neither the Technology Park nor the Claverhouse Industrial Estate would be locations where the Council consider it necessary to adopt such an approach in order to reduce vacancies.

Using a transitions area policy approach elsewhere in Dundee would reduce the size and diversity of the business land supply. It would not help to deliver the aims of the Dundee Economic Strategy and could mean that Dundee cannot respond quickly to meet the needs of inward investors or expanding indigenous businesses.

The proposed modifications appear to be driven by the contributor's ownership of two properties and their desire to either redevelop or refurbish for a more financially favourable use.

No modification is proposed to the Plan.

Policy 3, Policy 4 and Policy 5: Business Land Supply

CWP Ltd (15), JD Management (38), National Grid Property (62), Flint Group (64), James Keiller Estates (68) and James Keiller Investments (69)

As discussed in the planning authorities response to the above section on Chapter 5: Sustainable Economic Growth, National Planning Framework 3, Scottish Planning Policy and the Dundee Economic Strategy all set a clear requirement for the local development plan to plan for growth across key sectors.

Further to that discussion, Scottish Planning Policy (SPP) (CD) also states at paragraph 93 that the planning system should allocate sites that meet the diverse needs of the different sectors and sizes of business which are important to the plan area in a way which is flexible enough to accommodate changing circumstances and allow the realisation of new opportunities. Paragraph 94 states that plans should align with relevant local economic strategies. Paragraph

101 requires local development plans to allocate a range of sites for business, taking account of current market demand; location, size, quality and infrastructure requirements; whether sites are serviced or serviceable within five years; the potential for a mix of uses; and their accessibility. Where existing business sites are underused, reallocation to enable a wider range of viable business or alternative uses is to be considered. Paragraph 104 requires local development plans to locate development which generates significant freight movements on sites accessible to suitable railheads, or harbours or the strategic road network. Proposed Plan strategy is also set out and discussed in the planning authority's response to the above section on Chapter 5: Sustainable Economic Growth. This strategy carries forward the policy approach from the Dundee Local Development Plan 2014 and it is helpful to understand if that policy approach has been working in practice.

The Business Land Audit 2017 (CD) is the most recent of the annual audits of the supply and take up of business within the Dundee City Council area and is the main tool for monitoring the city's supply of business land.

The 2017 audit shows that there has been a significant increase in the take up of business land in Dundee over the previous 12 months. Although this has removed 12% of the total supply the level has not been diminished in such a way that would require identification of new sites.

The nature of the take up is positive for Dundee, the Dundee Economic Strategy and the policy approach in the Dundee Local Development Plan 2014 and Proposed Plan. Two of the larger take ups were due to expansion of the city's largest private sector employers and the largest single take up related to the expansion of the decommissioning and offshore renewables work within the Port of Dundee. This mirrors key strands of the city's strategies for economic growth.

In a wider context there has been continued investment in existing and new business premises which both secures existing jobs and creates jobs directly and indirectly through construction and the supply chain. This investment has been made by large and small businesses, on sites across the city and across a variety of sectors including engineering, manufacturing, oil and gas decommissioning and servicing activities.

This take up and the business activity highlights the wide range of businesses in Dundee and the need for the city to maintain a generous supply of business land of varying sizes and in varying locations to ensure that the City can readily respond to the needs of inward investors and those indigenous businesses already located within the City of Dundee.

Response to Issues

The main issue raised by contributors is that the city has a very large supply of business land, well in excess of the 5 years effective supply required by the SPP and TAYplan SDP.

The Audit notes that the average take-up over the previous five years was 5.4 hectares per annum. If no other land is added to the 136.8 hectares of land in the

marketable supply in the 2017 Audit then this equates to a 25 year supply. It is acknowledged that in purely quantitative terms this is a generous supply, however this does not take into account the qualitative approach required by SPP and TAYplan that ensures that this generous supply supports a diverse range of industrial requirements.

Page 5 of the Business Land Audit 2017 (CD) shows that there are few large available plots and a high number of smaller available plots. The larger plots are located within Claverhouse East and Linlathen. At Claverhouse East the two main plots are 18 and 24 hectares in size. Both are serviced greenfield land with excellent access to the trunk road network and enhanced access to the Port for larger or long loads. At Linlathen the single large plot is 40 hectares of unserviced greenfield land, although the road connections to the trunk road are in place and with the City Council as the landowner the site could be quickly brought into use. It is expected that these larger sites will accommodate long term expansion.

The smaller available plots are predominantly brownfield sites distributed across the city's historic industrial estates. These sites meet the short term demand for land for inward investment and expansion of indigenous firms.

Whilst almost all of the city's Economic Development Areas do contain vacant land and buildings there is a general turnover of stock as land is developed and buildings are refurbished, reoccupied or redeveloped. This turnover is seen across the city as businesses choose to locate or grow within Dundee.

Removing small areas of land from the EDAs would fragment well-defined and homogenous business areas, draw members of the public onto industrial roads, or create noise or other amenity conflicts arise between businesses and other uses, most likely curtailing business activity.

National Grid Properties note that TAYplan SDP Policy 1B requires allocated land to be capable of being effective or expected to become effective in the plan period. Only two sites are identified in the Business Land Audit as having major constraints – the remaining contamination at the Gas Holder, Dock Street site is identified as a constraint to the development of that site; and Claverhouse East requires a modification to the A90 trunk road roundabout to enable access by oversize vehicles. It is understood that National Grid Property is continuing to decontaminate the Dock Street site and that this could be completed within the Plan period. Dundee City Council has undertaken works on other trunk road junctions to enable oversize vehicles to access the Port of Dundee, and would undertake the works at Claverhouse when a user committed to locating within the Claverhouse East energy park.

Reallocating land and/or relaxing the policy approach also risks potentially negative impacts on existing businesses and risks restricting the development potential of any remaining vacant business land.

Reducing the business land supply by deallocating sites and/or relaxing the policy approach would reduce the quality and diversity of business land in Dundee. This will not help to deliver the aims of the Dundee Economic Strategy and could mean

that Dundee cannot respond quickly to meet the needs of inward investors or expanding indigenous businesses. This would result in the Local Development Plan failing to comply with the Strategic Development Plan (CD) and Scottish Planning Policy (CD).

No modification is proposed to the Plan.

Specialist Economic Development Areas

Some of the representations seeking a relaxation to the Economic Development Areas approach were specific to the long standing policy approach to safeguard land in Specialist Economic Development areas or clusters across the City each serving a different market sector and with differing land ownership.

These areas are:

Dundee Technology Park – High Technology – the small area of available development land in the north of the area is largely owned by Scottish Enterprise. The majority of buildings are privately owned.

Ninewells Medi-Park – Life Sciences – buildings and development land largely owned by Scottish Enterprise.

Hawkhill Technopole – Life Sciences – development land owned by Dundee City Council.

The Creative Media District (Seabraes) – Creative Digital Media – development land owned by Scottish Enterprise. Buildings in mixed private and Scottish Enterprise ownership.

These specialist sectors are all within Scotland's key growth sectors. They all benefit from being co-located with similar and complementary developments where there is increased opportunity to accelerate growth through knowledge exchange, collaboration and research and development.

The Proposed Plan Policy 4 approach is to encourage the establishment and retention of uses within Class 4 (business) within the Specialist Economic Development Areas, particularly where a use is in accordance with the distinctive nature of each area.

This approach aligns with the objectives of the Dundee Economic Strategy as it supports the growth of key sectors and seeks to ensure that Dundee has an adequate provision of land and property to meet the requirements of business.

Whilst development within these locations has been limited in recent years the nature of these specialist sectors is such that their development needs are longer term and can range from small scale expansion of existing premises to the development of large scale facilities. Dundee must be ready to accommodate growth in these sectors as and when it arises, and it must ensure that not only is land available, but that the right land and property is available in the right place.

The representations focused on buildings within the Dundee Technology Park. Whilst there is some vacant land and property within the Park it is not significant. Survey work undertaken by the planning authority (CD) as part of the Proposed Plan preparation indicated that vacant floorspace within the Technology Park was

in the region of 21%. These vacancies are largely within the 3 buildings on Luna Place. This was a snapshot survey undertaken in April 2016. Since then the majority of the vacant buildings on Luna Place have either been refurbished or reoccupied, or are in the process of refurbishment which will significantly reduce the level of vacant floorspace. This gives confidence that as with many business parks the Technology Park is going through a process of change and turnover as landowners improve their property in order to attract new occupiers.

Reducing the supply of business land for specialist sectors by deallocating sites and/or relaxing the policy approach would reduce the quality and diversity of business land in Dundee. This will not help to deliver the aims of the Dundee Economic Strategy and could mean that Dundee cannot respond quickly to meet the needs of inward investors or expanding indigenous businesses within these specialist sectors. This would result in the Proposed Local Development Plan failing to comply with TAYplan Strategic Development Plan (CD) and Scottish Planning Policy (CD). It is recommended that no change is made to the Proposed Plan's economic development strategy or the proposed business land allocations.

No modification is proposed to the Plan.

Policy 3: Principal Economic Development Areas – Removal of sites

CWP Dundee Ltd (15)

The wider issue relating to the deallocation of land within all Economic Development Areas is discussed in response to the issue of business land supply earlier in this Schedule 4.

In the context of a discussion of Policy 3 and the removal of sites from Principal Economic Development Areas Scottish Planning Policy paragraph 104 is particularly relevant as it requires local development plans to locate development which generates significant freight movements on sites accessible to suitable railheads or harbours or the strategic road network.

Also of particular relevance is Proposed Plan Paragraph 5.22 which notes that the Principal Economic Development Areas provide quality environments in locations that are proven to be highly suitable to both the transport network and workforce accessibility, and that it is particularly important to safeguard sites with good accessibility to and visibility from the trunk road network.

CWP Dundee Ltd's Myrekirk Road site is located within a Principal Economic Development Area. Vacancies in this EDA are relatively low with few vacant plots and buildings.

The Myrekirk Road site has both good accessibility to and visibility from the trunk road network. At circa 0.8 hectares it is the largest unconstrained development site within this Principal Economic Development Area and is considered capable of making a contribution to the business land supply within the Plan period and beyond.

The site to the south has the benefit of planning permission reference

16/00749/FULL for the development of a retail foodstore. This was granted by Committee on 9 December 2016 and is a duplicate of permission reference 15/00404/FULL issued on 21 August 2015. Development has not yet commenced under either consent and no details have been submitted in relation to the pre-commencement conditions.

If the planning permission for the retail foodstore on the site to the south is implemented the CWP Dundee Ltd site can still be accessed from the rear and will still retain good accessibility to, and visibility from the A90 trunk road.

Allowing retail development on this site would also be contrary to the Proposed Plan's town centres and retailing strategy. This particular issue is discussed in the Town Centres First Schedule 4 form.

Removing the Myrekirk Road site from the Principal Economic Development Area would reduce the quality and diversity of business land in Dundee. This would not help to deliver the aims of the Dundee Economic Strategy and could mean that Dundee cannot respond quickly to meet the needs of inward investors or expanding indigenous businesses. This would result in the Proposed Local Development Plan failing to comply with TAYplan Strategic Development Plan (CD) and Scottish Planning Policy (CD). It is recommended that this site continues to be allocated for employment purposes (Classes 4, 5 and 6 of the Town and Country Planning (Use Classes) (Scotland) Order 1997).

No modification is proposed to the Plan.

National Grid Property (62)

The wider issue relating to the deallocation of land within all Economic Development Areas is discussed in response to the issue of business land supply earlier in this Schedule 4. In the context of a discussion of Policy 3 and the removal of sites from Principal Economic Development Areas Scottish Planning Policy paragraph 104 is of particular relevance as it requires local development plans to locate development which generates significant freight movements on sites accessible to suitable railheads or harbours or the strategic road network.

Also of particular relevance is Proposed Plan Paragraph 5.22 which notes that the Principal Economic Development Areas provide quality environments in locations that are proven to be highly suitable to both the transport network and workforce accessibility, and that it is particularly important to safeguard sites with good accessibility to and visibility from the trunk road network.

The Gas Holder site is located on East Dock Street, an area designated as a Principal Economic Development Area in the Proposed Plan. It is one of a number of sites throughout the City, where given its nature and location close to Dundee Port it could have the potential to accommodate port related business activities particularly the demand from the growth in the wider energy sector i.e. offshore renewables, oil and gas servicing, decommissioning and associated activities.

The first point raised in the representation is that the site is not required to support

the National Planning Framework 3 or NRIP aspirations for Dundee Port. Since the National Planning Framework and NRIP were published in 2014 and 2010 the national and local focus has widened from renewables to include the growth in the oil and gas sector. Chapter 5 of the Proposed Plan discusses the opportunity for Dundee to experience economic growth in the broader energy sector and explains the need for the city to be ready to support this growth by having a range of business sites in a variety of locations.

The second and fourth points raised relate to conformity with TAYplan SDP and the effectiveness of the site as business land. As discussed earlier in this Schedule 4 TAYplan SDP Policy 3 requires local development plans to identify and safeguard at least 5 years supply of employment land to support the growth of the economy and a diverse range of industrial requirements. The same policy also requires local development plans to identify and safeguard sites/locations for distribution and warehousing or industries within significant cargo movements adjacent/close to rail-heads and ports where appropriate. Further to the earlier discussion of the Proposed Plan's strategy for maintaining a supply of business land this site is considered to be well located

Although this particular site is not within the Port of Dundee, or the Enterprise Area it is well located with good accessibility to and visibility from the A92 trunk road which connects Dundee to Fife; and through the link to the A90 trunk road, the central belt and the Highlands and Aberdeen / North East Scotland. At circa 5 hectares it is one of the largest business sites in the city and is one of only two unconstrained sites within a mile of the Port of Dundee. The site largely comprises of vacant land with a small element of gas transmission plant and machinery. Located adjacent to an established industrial area and opposite the Port of Dundee the site is considered capable of making a significant contribution to the business land supply within the Plan period and beyond, particularly for businesses within the wider energy sector who are likely to require warehousing/manufacturing space and good access to the trunk road network and the port.

As there is limited land available within the Port of Dundee for significant growth of these uses this site could make a valuable contribution to the supply of land in support of Port related uses. Given its proximity to the Port and its relatively flat topography there are many uses related to the growing decommissioning and energy sector that it could support. The exact nature of these is varied as it could range from manufacturing, warehousing to open storage of pipes, turbines or decommissioned plant and machinery.

Furthermore the momentum that is building within the renewables and wider energy sector in Dundee as evidenced by the investment in the Port of Dundee (Business Land Audit page 9 (CD)) to increase the decommissioning capabilities, the approval of the consents for the major offshore windfarms and promotion of the wider opportunities for decommissioning work in the city ((through the Dundecom (www.dundecom.co.uk) public/private body)) is such that if anything the case for the site being well located to support growth in the wider energy sector is even stronger than during the examination of the 2014 Plan.

The Proposed Plan aims to create a supportive business environment and as

such the strategy encourages the retention and redevelopment of well-located industrial and business sites to ensure a range of sites are available at all times. Consequently, it is considered necessary to safeguard this site from other development pressures to assist economic development in the City.

The third point raised in the representation focusses on the viability of the site to accommodate business use. The landowner has highlighted the high cost of remediating the site and suggested that it is entirely unviable to remediate the site for employment use, and that alternative uses, as advocated in SPP para 103, should be considered to enable the necessary remediation to proceed, and the regeneration of the site to be progressed.

The landowner raised similar issues during the Examination of the Dundee Local Development Plan 2014. In the Report of Examination (CD) the Reporter noted at point 9 on page 110 the high cost of contamination and that Paragraph 30 of PAN 33 allows that the benefits of remediation could be sufficient for them to take priority over other policy objectives where a high value end use is essential to make remediation viable. The views of the planning authority that the site could have potential to accommodate demand from the renewable energy industry were then noted, and the Reporter concluded and accepted that in terms of preparing a local development plan, sites should be kept available to support business and the economic development of the city. There are no changes in circumstances that warrant a different assessment of the site.

Allowing mixed use development on this site would also be contrary to the Proposed Plan's town centres and retailing strategy. The related issue of the suitability of the site for class 3 (food & drink), class 7 (hotel), 10 (non-residential institution) and 11 (leisure) development is discussed separately in the Town Centres First Schedule 4 form.

Removing the Gas Holder site from the Principal Economic Development Area would reduce the quality and diversity of business land in Dundee and would remove a site that through its proximity to the A92 trunk road and the Port of Dundee could make a significant contribution to the anticipated growth in the wider energy sector. Removing the site would not help to deliver the aims of the Dundee Economic Strategy and could mean that Dundee cannot respond quickly to meet the needs of inward investors or expanding indigenous businesses. This would result in the Local Development Plan failing to comply with the Strategic Development Plan (CD) and Scottish Planning Policy (CD). It is recommended that this site continues to be allocated for employment purposes (Classes 4, 5 and 6 of the Town and Country Planning (Use Classes) (Scotland) Order 1997).

No modification is proposed to the Plan.

Aldi (71)

The wider issue relating to the deallocation of land within all Economic Development Areas is discussed in response to the issue of business land supply earlier in this Schedule 4. In the context of a discussion of Policy 3 and the removal of sites from Principal Economic Development Areas Scottish Planning Policy paragraph 104 is of particular relevance as it requires local development

plans to locate development which generates significant freight movements on sites accessible to suitable railheads or harbours or the strategic road network.

Also of particular relevance is Proposed Plan Paragraph 5.22 which notes that the Principal Economic Development Areas provide quality environments in locations that are proven to be highly suitable to both the transport network and workforce accessibility, and that it is particularly important to safeguard sites with good accessibility to and visibility from the trunk road network.

Planning permission reference 16/00749/FULL was granted by Committee on 9 December 2016 for the development of a retail foodstore at the site on Myrekirk Road. This was a duplicate of permission reference 15/00404/FULL issued on 21 August 2015. The proposed development in both applications is contrary to the development plan and the applications were recommended for refusal as the development would result in the loss of business land. However, the Development Management Committee approved the applications as departures to the development plan as the proposed development was considered to result in economic benefits in the form of additional employment for the City, and would bring a longstanding vacant site back into use. The material considerations were considered to be of a sufficient weight to set aside the relevant provisions of the development plan.

Development has not yet commenced under either consent and no details have been submitted in relation to the pre-commencement conditions.

The Myrekirk Road site is located within the Wester Gourdie Principal Economic Development Area. It has both good accessibility to and visibility from the A90 trunk road. At circa 0.8 hectares it is the largest development site within this Principal Economic Development Area and is considered capable of making a contribution to the business land supply within the Plan period and beyond.

The extant planning permissions will enable the redevelopment of the site and the economic benefits that the foodstore development could bring. It is the intention of the Proposed Plan to secure the delivery of these economic benefits, or the equal or greater economic benefits from an alternative redevelopment should this scheme not come forward.

Until development commences there is still potential for the site to be developed with a Class 4, 5 or 6 use in accordance with the requirements of Proposed Plan Policy 3. Should the retail development not commence before the planning permission lapses then the preference would be for the site to be developed with a Class 4, 5 or 6 use. In both cases this could result in potentially greater economic benefits in the form of additional employment for the City and bring a longstanding vacant site back in to use.

Removing the Myrekirk Road site from the Principal Economic Development Area would remove any potential for the site to accommodate new business uses with equal or greater economic benefits than that which could be generated by the development of a retail foodstore for which the site has planning permission. This would not help to deliver the aims of the Dundee Economic Strategy. This would result in the Proposed Local Development Plan failing to comply with the TAYplan

Strategic Development Plan (CD) and Scottish Planning Policy (CD). It is recommended that this site continues to be allocated for employment purposes (Classes 4, 5 and 6 of the Town and Country Planning (Use Classes) (Scotland) Order 1997).

No modification is proposed to the Plan.

Policy 4: Specialist Economic Development Areas – Removal of site

Moark Ltd (28)

The wider issues of designating land as Specialist Economic Development Areas is discussed earlier in this Schedule 4 form.

The designation of land at the Technopole as a Specialist Economic Development Area is a long established policy approach intended to ensure the city has a supply of business land and property available to quickly respond to the particular needs of technology research and development companies and those that may spin off from research and development within the city's universities. The distinctive character of the area is discussed on Page 23 of the Proposed Plan.

Located adjacent to the University of Dundee campus and the Wellcome Trust Biocentre the Technopole is well positioned to provide opportunities for existing occupiers to expand or for new premises. Aside from the car wash and vacant Moark Ltd building in the south west corner the current occupiers fall within the biotechnology sector. The Technopole contains around 1.3 hectares of serviced development land all within the ownership of Dundee City Council.

The Moark Ltd site comprises a circa 500 sqm steel portal building located in the south west corner of the Technopole Specialist Economic Development Area designation and within 200 metres of the University of Dundee campus.

With some modification the building would lend itself to use as an office or lab accommodation and it could also be subdivided to form smaller incubator units.

Planning permission reference 15/00763/FULL was granted on 22 December 2015 for the change of use of the car repair garage (a sui generis use) to a children's nursery (Class 10). Although the principle of the children's nursery use was contrary to the provisions of the development plan, planning permission was granted as it was considered that the development would result in the reuse of a brownfield site for a use that would complement the existing and future employment uses in the research and development industry in the surrounding area; given that the existing use was a car repair garage it would not result in the loss of any Specialist Economic Development Area land or buildings; and would visually improve the area.

The planning permission has not been implemented.

The intention of Policy 4 is to encourage the establishment and retention of uses within Class 4 (Business). The proposed nursery was seen as complementary to the existing and future employment uses in the research and development

industry in the surrounding area, and a use that would not preclude the future use of the building for a Specialist use.

It is acknowledged that there has been little interest in the use of this building for Specialist uses, however for the reasons discussed in relation to Proposed Plan Policy 4 there remains the potential for economic activities in the specialist biomedical and related sectors and the city must ensure it has a supply of land and property in the right location to support growth in these economic activities. Whilst the building may lawfully be used as a car repair garage or a children's nursery, neither of which are uses within Class 4 (business) or the biomedical or related sector, it remains vacant. A specialist use could come forward before or even after the planning consent has been implemented.

Removing the Moark Ltd site from the Specialist Economic Development Area would reduce the potential for the site to accommodate new business uses within the Class 4 business use, particularly those uses which are in accordance with the distinctive nature of the Technopole area i.e. biomedical research and development laboratories and offices. This would not help to deliver the aims of the Dundee Economic Strategy. This would result in the Proposed Local Development Plan failing to comply with the TAYplan Strategic Development Plan (CD) and Scottish Planning Policy (CD). It is recommended that this site continues to be allocated for employment purposes (Classes 4 of the Town and Country Planning (Use Classes) (Scotland) Order 1997).

No modification is proposed to the Plan.

JD Management (38)

The wider issue of designating land as Specialist Economic Development Areas is discussed earlier in this Schedule 4 form.

The car park is located in the south eastern corner of the Dundee Technology Park. As discussed on page 23 of the Proposed Plan the distinctive nature of the Technology Park is that of a substantive campus style environment with high quality landscaping. This campus style comprises individually designed podium office buildings with private car parking areas serving each building. These buildings and car parks are set within areas of well-maintained and high quality landscaping.

Whilst there is some vacant land and property within the Park it is not significant. Survey work undertaken by the planning authority (CD) as part of the Proposed Plan preparation indicated that vacant floorspace within the Technology Park was in the region of 21%. This was a snapshot survey undertaken in April 2016. Since then the buildings on Luna Place have either been refurbished or reoccupied, or are in the process of refurbishment which will significantly reduce the level of vacant floorspace.

The car park itself covers around 200 square metres of the JD Management site with the majority of the 1,690 square metre site containing well established landscaping comprising trees, shrubs and maintained grass. Although only a small part of the Technology Park the loss of this area of landscaping would erode

the distinctive nature of the business park.

The car park serves the Prospect III building and it appears that the car park has been extended at some point perhaps to accommodate an increase in staff within the Prospect III building or one of the neighbouring buildings. Whilst the current owners and occupiers of the building may not need this level of car parking there is a likelihood that the occupancy could increase, or that the building itself could be extended and the additional car parking area could be required again. It would therefore seem appropriate to retain the car park and mature landscape setting.

The proposal to allocate the site for residential development would not accord with the policy approach for housing development set out in the Proposed Plan. The development of a house in this location would bring residential occupiers closer to the business buildings. Although the park is largely occupied by technological, research and service sector users, noise and disturbance conflicts could arise, potentially limiting the opportunity for the business uses to expand.

Removing the car park site from the Specialist Economic Development Area designation could limit the potential to establish and retain uses within the Dundee Technology Park and through the removal of an area of landscaping erode the distinctive nature of the business park. This would not help to deliver the aims of the Dundee Economic Strategy. This would result in the Proposed Local Development Plan failing to comply with the TAYplan Strategic Development Plan (CD) and Scottish Planning Policy (CD). It is recommended that this site continues to be allocated for employment purposes (Classes 4 of the Town and Country Planning (Use Classes) (Scotland) Order 1997).

No modification is proposed to the Plan.

Policy 5: General Economic Development Areas

I&H Brown (24)

The wider issue relating to the deallocation of land within all Economic Development Areas is discussed in response to the issue of business land supply earlier in this Schedule 4.

In the context of a discussion of Policy 5 and the removal of sites from General Economic Development Areas Scottish Planning Policy paragraph 104 is of particular relevance as it requires local development plans to locate development which generates significant freight movements on sites accessible to suitable railheads or harbours or the strategic road network.

Also of particular relevance is Proposed Plan Paragraph 5.26 which notes that General Economic Development Areas fulfil an important role in providing for the expansion and growth of existing firms, as well as an attractive location for new enterprises. They tend to be in long established industrial locations with good local accessibility for the transport of goods, employees and customers.

This vacant factory site is located within the Mid Craigie General Economic Development Area. The large DC Thomson printing works lie to the west and a

variety of small to medium sized business units and yards lie opposite the southern and eastern boundaries. The A92 Kingsway East trunk road runs along the northern boundary. The site has good access to and visibility from the trunk road giving it excellent accessibility to the Port of Dundee just a mile to the south and to the wider strategic road network.

The site is one of only three vacant Economic Development Area sites within one mile of the Port of Dundee. It has been vacant for several years and has been cleared and decontaminated by the current owners.

Planning Permission in Principle 17/00144/PPPM (CD) was granted by Committee on 21 June 2017 for "Mixed use development comprising industrial units (Class 4 & 5) (11,960 sqft across 10 units), car showroom (sui generis)(12,500 sqft), family restaurant (with ancillary public house) and coffee shop (Class 3) and food retail (Class 1)(24,000 sqft GFA), with car parking, access and associated works." The development of the foodstore was being used to deliver the conforming business uses. Although this development is contrary to the development plan as it would result in the partial loss of business land, the economic benefits, regeneration of the site and provision of local facilities justified a departure from the Proposed Local Development Plan.

To prevent a situation where the less commercially attractive elements of the scheme such as the industrial units were not delivered, and to ensure that the economic benefits of the scheme were secured, Committee members attached a planning condition (no. 23) requiring the further approval of a detailed phasing plan for the entire development. This condition also requires the approved Class 4 and Class 5 industrial units to be completed prior to any part of the Class 1 retail or Class 3 restaurant commencing trading.

If the planning permission is implemented then it would result in around three quarters of the site being used for employment and ancillary uses in compliance with the local development plan policies, and the remainder being taken up with the non-complying food store development.

No application has been submitted for Matters Specified in Condition and none of the planning conditions have been cleared.

This planning permission will enable the potential redevelopment of the full site and the economic benefits that this particular mix of uses could bring. It is the intention of the Proposed Plan to secure the delivery of these economic benefits, or the equal or greater economic benefits from an alternative redevelopment should this scheme not come forward.

Removing the site from the General Economic Development Area and not allocating for any use could mean that the economic benefits are not secured in full.

Removing the site from the General Economic Development Area and allocating as a separate mixed use development site could replicate the mix of uses in the Planning Permission in Principle, but it would very likely risk developers seeking to only deliver the more commercially attractive elements (i.e. retail,

pub/restaurant and coffee shop elements) of the indicative masterplan meaning that the full economic benefits of the development would not be realised.

Fully retaining the site within the GEDA would retain control over future development plans and ensure that as a minimum the economic benefits of the consented scheme are delivered. This approach would ensure that any future planning applications would need to satisfy Policy 5 or justify a departure from it. The extant mixed use planning permission is a material consideration, which would ensure that equal or greater economic benefits can be secured from any alternative redevelopment schemes.

Removing the site from the General Economic Development Area would reduce the quality and diversity of business land in Dundee and would remove a site that through its proximity to the A92 trunk road and the Port of Dundee could, in the event that the consented mixed use scheme is not implemented, make a significant contribution to the anticipated growth in the broader energy sector or to accommodate growth in other Class 4, 5 and 6 uses. Removing the site would not help to deliver the aims of the Dundee Economic Strategy and could mean that Dundee cannot respond quickly to meet the needs of inward investors or expanding indigenous businesses. This would result in the Proposed Local Development Plan failing to comply with the TAYplan Strategic Development Plan (CD) and Scottish Planning Policy (CD). It is recommended that this site continues to be allocated for employment purposes (Classes 4, 5 and 6 of the Town and Country Planning (Use Classes) (Scotland) Order 1997).

No modification is proposed to the Plan.

Bruce R Linton & Persimmon Homes Ltd (58)

The wider issue relating to the deallocation of land within all Economic Development Areas is discussed in response to the issue of business land supply earlier in this Schedule 4.

In the context of a discussion of Policy 5 and the removal of sites from General Economic Development Areas, Scottish Planning Policy paragraph 104 is of particular relevance as it requires local development plans to locate development which generates significant freight movements on sites accessible to suitable railheads or harbours or the strategic road network.

Proposed Plan Paragraph 5.26 notes that General Economic Development Areas fulfil an important role in providing for the expansion and growth of existing firms, as well as an attractive location for new enterprises. They tend to be in long established industrial locations with good local accessibility for the transport of goods, employees and customers.

This site is located within the Mid Craigie General Economic Development Area. Adjacent uses include residential to the south, a cemetery to the west, a mix of business uses, residential and a large vacant development site to the north. The A92 Kingsway East trunk road runs along the northern boundary. The site has good access to and visibility from the trunk road giving it excellent accessibility to the Port of Dundee just a mile to the south and to the wider strategic road

network.

Given the proximity of the site to the Port of Dundee the site is considered capable of making a significant contribution to the business land supply within the Plan period and beyond, particularly for businesses within the broader energy sector who are likely to require land or buildings to provide warehousing / manufacturing space and good access to the trunk road network and the port.

As noted in Proposed Plan Paragraph 5.15 the exact needs of businesses within the broader energy sector are varied and the technology and processes are constantly evolving. Requirements are likely to be for a variety of uses from office to storage to heavy engineering. It is not clear what land requirements will be needed in terms of size, location, quality and accessibility. Furthermore Dundee will need to respond quickly to meet the requirements of this evolving sector as it competes with other locations to accommodate these new opportunities. To do this the City will need a generous and varied supply of land in locations across the City where existing businesses can expand and new businesses can locate.

The contributor states that the site is redundant of employment use and that it is no longer viable in terms of delivering the existing GEDA allocation. The supporting information has highlighted that the building which was latterly in use as warehousing and office accommodation now requires significant investment to bring it into a good state of repair, and that the only viable use of the site is to develop it for housing.

The list of necessary repairs indicates that the building has lacked investment for many years and has been left to deteriorate. Whilst the building may be beyond economic repair the site itself presents the opportunity to accommodate new business uses through the development of new business accommodation such as warehousing, workshop space or open storage.

The representation includes a letter from Rydens Chartered Surveyors discussing the viability of refurbishing the warehousing and office accommodation or replacing it with industrial units. This report quotes a high cost to remediate the site to accommodate 80,000 sqft of industrial space divided into smaller units. This appraisal only considers one redevelopment option and does not explore the viability of redeveloping a smaller area of industrial space, or to develop for warehousing or open storage uses both of which would have a lower build cost. On this basis it is therefore likely that there is a viable business use of the site. Paragraph 6.3 of the representation notes that the Chief Executive of Dundecom (a public private body promoting the growth of the decommissioning sector within Dundee) has confirmed that they do not require additional land outwith the port for their operations. The city is still in the early stages of establishing itself as a location for decommissioning. Initially it is expected that the activity will be focused within the Port of Dundee, but that in future years as the city's capability grows that the business activities will expand and that additional land will be required in locations that have good access to the Port of Dundee and the trunk road network.

This additional land is likely to be required to accommodate the development of downstream businesses such as engineering, supply chain, consumables

suppliers who are needed to support the upstream energy sector businesses within the Port of Dundee. These downstream businesses are likely to require locations in close proximity to and with good access to the Port of Dundee.

The grant of planning permission in principle on the neighbouring I&H Brown site reference 17/00144/PPPM as discussed earlier in this Schedule 4 form does not alter the view that this site should remain part of the General Economic Development Area. If developed out the I&H Brown consent would not significantly alter the character of the area and would not prejudice the continuing use of the Stewarts Cream of Barley site for business uses.

Reference is also made at paragraph 6.19 and 6.20 of the representation report, to planning permission 15/00908/FUL granted within Dunsinane Industrial Estate. To clarify, although the proposal was contrary to the terms of Policy 1 of the Dundee Local Development Plan the economic benefit to a site which has remained undeveloped for 20 years justified a departure from the Adopted Development Plan.

The proposed removal of the site from the Economic Development Area appears to be driven by the site owners desire to see the site developed for housing. As discussed in the Housing Chapter of the Proposed Plan and in the separate Schedule 4 forms on housing land there is no need to create new brownfield housing sites to meet the housing land requirement.

Removing the Stewarts Cream of Barley site from the General Economic Development Area would reduce the quality and diversity of business land in Dundee and would remove a site that through its proximity to the A92 trunk road and the Port of Dundee could make a significant contribution to the anticipated growth in the wider energy sector and the local economy. Removing the site would not help to deliver the aims of the Dundee Economic Strategy and could mean that Dundee cannot respond quickly to meet the needs of inward investors or expanding indigenous businesses. The proposal to allocate the site for residential development would not accord with the policy approach for housing development set out in the Proposed Plan. These modifications would result in the Local Development Plan failing to comply with the Strategic Development Plan (CD) and Scottish Planning Policy (CD). It is recommended that this site continues to be allocated for employment purposes (Classes 4, 5 and 6 of the Town and Country Planning (Use Classes) (Scotland) Order 1997).

Flint Group (64)

The wider issue relating to the deallocation of land within all Economic Development Areas is discussed in response to the issue of business land supply earlier in this Schedule 4.

In the context of a discussion of Policy 5 and the removal of sites from General Economic Development Areas, Scottish Planning Policy paragraph 104 is of particular relevance as it requires local development plans to locate development which generates significant freight movements on sites accessible to suitable railheads or harbours or the strategic road network.

This decommissioned factory is located within the Fairfield Road General

Economic Development Area. Proposed Plan Paragraph 5.26 notes that General Economic Development Areas fulfil an important role in providing for the expansion and growth of existing firms, as well as an attractive location for new enterprises. They tend to be in long established industrial locations with good local accessibility for the transport of goods, employees and customers.

This GEDA has good local accessibility and the Old Glamis Road site in particular has excellent access to the A90 Kingsway Trunk Road. At circa 2.7 hectares and with circa 20,000 square metres of warehousing and ancillary offices it could be adapted or redeveloped to provide accommodation for a broad range of business uses.

The contributor raises the issue of the viability of the site and the cost of decontamination. Similar issues were raised in relation to the Gas Holder Site on Dock Street as discussed earlier in this Schedule 4 form. The response is similar in that whilst the benefits of remediation could be sufficient for them to take priority over other policy objectives where a high value end use is essential to make remediation viable, the view of the planning authority is that the site could have the potential to accommodate demand for new businesses looking to locate to Dundee or for indigenous firms to expand. Therefore the site should be kept available to support business and the economic development of the city.

It is acknowledged that the site does require decontamination but as with other vacant sites in Dundee this is a cost that must be borne by the site and reflected in the financial value of the site. It is not the role of the planning system to maintain a landowners expectations of land value by reallocating land to enable profitable development.

Allowing residential and supporting retail development on this site would also be contrary to the Proposed Plan's housing and town centres and retailing strategy. As discussed in the Housing Chapter of the Proposed Plan and in the separate Schedule 4 forms on housing land there is no need to create new brownfield housing sites to meet the housing land requirement. Furthermore the development of retail in this location would be contrary to the town centres first approach promoted in Policy 21 of the Proposed Plan.

Removing the Old Glamis Road site from the General Economic Development Area would not help to deliver the aims of the Dundee Economic Strategy. This would result in the Proposed Local Development Plan failing to comply with the TAYplan Strategic Development Plan (CD) and Scottish Planning Policy (CD). It is recommended that this site continues to be allocated for employment purposes (Classes 4, 5 and 6 of the Town and Country Planning (Use Classes) (Scotland) Order 1997).

No modification is proposed to the Plan.

Policy 5: Blackness General Economic Development Area

Total Business Furniture (51) & Ardmuir Ltd (70)

The support for Proposal 1 is noted. Proposal 1 requires a design framework to

be prepared and for this to identify and support the development of complementary uses within the Blackness area. It would be not be appropriate for Proposal 1 to allocate specific uses or sites ahead of the design framework being prepared. The list of complementary uses in the policy is not exhaustive. The preparation of the design framework may identify other uses that can help bring about the positive change sought by this Proposal. It is intended that the design framework process will involve input from landowners and occupiers from within Blackness.

No modification is proposed to the Plan.

D McLaren (76)

The table after paragraph 57 of Scottish Planning Policy contains a description of where and when design frameworks should be used. A design framework is considered to be the most appropriate design tool for the task outlined in Proposal 1.

No modification is proposed to the Plan.

Reporter's conclusions:

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Reporter's recommendations:

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Issue 3	HOUSING STRATEGY	
Development plan reference:	Chapter 6: Quality Housing and Sustainable Communities paragraphs 6.4-6.8	Reporter:
Body or person(s) submitting a representation raising the issue (including reference number):		
Scottish Government (06) Homes for Scotland (08) Balmoossie Developments (19) Broughty Ferry Community Council (20) James Thompson (23) Kirkwood Homes Ltd and Linlathen Developments Ltd (33)	Scottish Enterprise (as Landowner) (35) Bruce R Linton & Persimmon Homes Ltd (58) Barratt North Scotland (66) H & H Properties (55)	
Provision of the development plan to which the issue relates:	Housing Strategy	
Planning authority's summary of the representation(s):		
<p>Chapter 6: Quality Housing & Sustainable Communities</p> <p>Housing Strategy</p> <p><u>Homes for Scotland (08)</u></p> <p>Considers the review of the Proposed Plan as an opportunity to embrace change and not roll forward the current plan's vision and spatial strategy.</p> <p>Considers the Plan to present the same strategy as before and does not address marketability limitations. Land should be released in locations where people want to live in order to help meet need and demand.</p> <p>Considers the land supply to be vastly understated. Considers the reality has been an average of 286 completions each year since 2010 rather than the predicted average of 602 completions each year as indicated in the 2016 Housing Land Audit. Cites the Housing Background Paper (CD) which notes an even lower average of 234 per annum. Consider it critical for the emerging Local Development Plan to instil confidence, that it is a reality check of established land supply and that the new sites proposed for allocation are a more realistic view on what can be delivered. The emerging Proposed Plan must support the delivery of sufficient new homes on sites that can meet all housing needs.</p> <p><u>Balmoossie Developments (19)</u></p>		

In order to meet the strategic objectives a flexible and ambitious approach to land use allocations is required in the Proposed Plan.

Broughty Ferry Community Council (20)

Allowing incremental, piecemeal development in this vicinity would be bad planning. The City Council should indicate within this Proposed Plan that it will start thinking about a strategic approach which will guide development north of the A92 for many years into the future.

Propose amendments to paragraph 6.7 with regards to development in the east of the City in particular development to the north of the A92.

Kirkwood Homes Ltd and Linlathen Developments Ltd (33)

Makes reference to paragraph 119 of Scottish Planning Policy (CD) in relation to required provision for minimum 5 year effective land supply in the Local Development Plan. Does not consider the Proposed Plan meets this requirement.

Raises issues with the Housing Land Audit (CD) which it does not consider constitutes a generous supply of effective housing sites. Should provide more flexibility and choice in line with Policy 5 TAYplan SDP (CD) and presents an argument that there is an undersupply of effective housing sites.

H & H Properties (55)

Land allocations should take into consideration current build rates, the attractiveness and credibility of the allocated sites and their contribution of supply. To achieve this it is considered that allocation must reflect a slower build and occupation rate. Wish to promote a more balanced approach with a wider range and choice of sites allocated across a longer timescale which would therefore provide a more realistic rate of development and occupation.

Bruce R Linton & Persimmon Homes Ltd (58)

Raises concerns with regards to the effectiveness of sites and capability to delivering housing land within the required 5 years period. Makes reference to the Housing Land Audit in terms of its robustness for an effective and generous supply of land with reference to paragraph 119 of Scottish Planning Policy. Indicates that supply should be sufficiently generous to provide for flexibility and choice whilst also ensuring that the mix of housing type, size and tenure is provided.

Barratt North Scotland (66)

Agree with Homes for Scotland's position in terms of Housing Land Allocations. Raising concerns with regards to brownfield sites which have been allocated for a number of years and identified in the Housing Land Audit. Considers these sites to challenging from a viability and marketing perspective and requests that these sites be constrained including Council-owned sites. Request details of marketing of Council-owned and a prospect of them coming forward.

Housing Strategy – Brownfield and Greenfield land

Homes for Scotland (08)

Raised issues with Housing Land Audit (CD) and identification of brownfield sites rolled over from previous years and considers there to be constraints on the new greenfield allocations.

Balmossie Developments (19)

There is a continued over reliance on brownfield land within the Proposed Plan. Could reinforce the existing settlement pattern in a sustainable way through further appropriate greenfield release.

James Thompson (23)

Scottish Planning Policy places an emphasis on delivery and advocates the provision of a range of sites which are effective or expected to become effective in the plan period in order that the housing supply target can be met. Concerns that this raises questions of the balance between brownfield and greenfield sites in Dundee. Considers that there are a number of brownfield sites which are not effective in terms of supply. Would support the de-allocation of long standing, brownfield sites which are constrained and the identification of new effective sites across the City.

Is in agreement with Homes for Scotland's (08) submission in terms of increasing housing allocations and widening the range and choice of new housing sites within Dundee and to protect against the risks of delays in the delivery of 'brownfield' / regeneration and strategic sites.

Considers that there is a strong case for the release of sustainable greenfield sites to address potential housing land shortfalls created by non-effective brownfield land. Requests increased monitoring so that all sites in the Housing Land Audit can be monitored and those which are not effective are de-allocated.

Kirkwood Homes Ltd and Linlathen Developments Ltd (33)

Considers there to be a disproportionate supply of brownfield sites compared to greenfield sites (12.5% greenfield to 87.5% brownfield). Raises concerns with regards to brownfield land identification and themes that are emerging through the Housing Land Audit in terms of start dates, Council owned sites, planning consents and completions.

Indicates that the Proposed Plan should identify immediate and longer term housing and mixed-use development such as Linlathen.

Scottish Enterprise (as Landowner) (35)

Housing allocations within the Proposed Plan include sites which have remained allocated yet undeveloped for a number of years due to physical constraints and

deliverability issues which brings into question their effectiveness and viability. The long-standing, constrained brownfield sites should be de-allocated and new effective sites should be identified on both brownfield and greenfield land across the City.

H & H Properties (55)

Supports the housing strategy within the Proposed Plan to underpin brownfield sites with a number of greenfield sites, however considers that further greenfield land releases are necessary in the immediate term and not just in the second 5-year land supply period with reference to site at North Grange.

Reference to the Housing Land Audit 2016 and 2017 (CD) (CD) and considers there to be under supply of greenfield sites and that the Council needs to be flexible in responding to this under supply through safe guarding of land or additional allocations.

Notes the brownfield land contribution and delivery shown through the Housing Land Audit but does not consider that this would be achieved.

Barratt North Scotland (66)

Agree with Homes for Scotland's position in terms of Housing Land Allocations. Raises concerns with regards to brownfield sites which have been allocated for a number of years and identified in the Housing Land Audit. Considers these sites to challenging from a viability and marketing perspective and requests that these sites be constrained including Council-owned sites. Request details of marketing of Council-owned and a prospect of them coming forward.

Affordable Housing

Scottish Government (06)

The Housing Supply Target is not split into market and affordable as required by Scottish Planning Policy paragraph 115. There is no specific reference to affordable housing, numbers or type with reference to Scottish Planning Policy paragraph 128.

New Policy - Build to rent

Homes for Scotland (08)

Recognises that Dundee City Council are generally supportive of the concept of Build to Rent.

Would support a Proposed Plan which is more explicit in its support of build to rent including identifying suitable sites as would consider this as an appropriate way to unlock sites.

Modifications sought by those submitting representations:

Chapter 6: Quality Housing & Sustainable Communities

Housing Strategy

Homes for Scotland (08)

Modify the Draft Proposals Map and Appendix 3 with further housing allocations needed to meet demand.

Balmossie Developments (19)

Modify the Draft Proposals Map and Appendix 3 with further greenfield release.

Broughty Ferry Community Council (20)

Modify the text at paragraph 6.7 Page 32 with additional text to follow the third sentence with the following or similar wording:

“The release of land at Linlathen may lead to further land allocations for housing in response to revised Housing Land Requirements set by the TAYplan Strategic Development Plan or other relevant factor. Piecemeal land releases will be unacceptable because they run contrary to the Council’s commitment to a design-led approach to sustainable high quality place making. With all this in mind, within the overall planning vision for the next 20 years to which TAYplan is committed, and compatible with its requirement to provide a generous supply of housing land within the period of that vision, appropriate consideration will be given to a strategic approach towards land release north of the A92 within the city boundary”

Kirkwood Homes Ltd and Linlathen Developments Ltd (33)

Modify the Draft Proposals Map and Appendix 3 with further housing allocations needed to address undersupply.

H & H Properties (55)

Modify the Draft Proposals Map and Appendix 3 with further greenfield release.

Bruce R Linton & Persimmon Homes Ltd (58)

Modify the Draft Proposals Map and Appendix 3 with further housing allocations needed to provide generous supply of effective housing land.

Barratt North Scotland (66)

Modify the Draft Proposals Map and Appendix 3 with further housing allocations needed to meet demand.

Housing Strategy - Brownfield and Greenfield land

Homes for Scotland (08)

Modify the Draft Proposals Map and Appendix 3 with the inclusion of further housing allocations needed to meet demand.

Balmossie Developments (19)

Modify the Draft Proposals Map and Appendix 3 with further greenfield release.

Broughty Ferry Community Council (20)

Modify the text at paragraph 6.8 Page 32 with “*and greenfield land*” to be inserted after “brownfield land”.

James Thompson (23)

Modify the Draft Proposals Map and Appendix 3 to allocate land at North Grange Farm as a greenfield housing site.

Kirkwood Homes Ltd and Linlathen Developments Ltd (33)

Modify the Draft Proposals Map and Appendix 3 with further greenfield release.

Scottish Enterprise (as Landowner) (35)

Modify the Draft Proposals Map and Appendix 3 to de-allocate constrained brownfield sites and allocate new effective sites on both brownfield and greenfield sites across the City.

H & H Properties (55)

Modify the Draft Proposals Map and Appendix 3 with further greenfield land release in the immediate term rather than second half of the plan and allocate land at North Grange.

Barratt North Scotland (66)

Modify the Draft Proposals Map and Appendix 3 to de-allocate housing sites which have been rolled forward from previous Local Development Plan cycles and allocate replacement sites.

Affordable Housing

Scottish Government (06)

Modify Chapter 6 to identify the appropriate split between private and affordable housing relevant to Dundee.

Modify Chapter 6 to provide clarity on the affordable housing requirements for Dundee and the Proposed Plan’s role in delivering these.

New Policy - Build to rent

Homes for Scotland (08)

Modify Chapter 6 to include a specific policy that supports the delivery of Build to Rent developments.

Summary of responses (including reasons) by planning authority:

Housing Strategy

Homes for Scotland (08) Balmossie Developments (19) Kirkwood Homes Ltd and Linlathen Developments Ltd (33) H&H Properties (55) Bruce R Linton & Persimmon Homes Ltd (58) Barratt North Scotland (66)

National Planning Framework 3 (CD) paragraph 1.2 sets out the vision to provide successful, sustainable places. As part of this national strategy, National Planning Framework 3 promotes the delivery of high quality, vibrant and sustainable places with enough good quality homes.

Scottish Planning Policy (CD) sets out the Scottish Government's policies and vision for delivering new housing in Scotland and encourages Local Development Plans to take a positive approach to development and promote a sustainable pattern of growth, primarily through the efficient use of land, buildings, infrastructure and previously developed land. Paragraph 110 of Scottish Planning Policy requires Local Development Plans to ensure they have a 'generous' supply of appropriate and effective land for the provision of a range of attractive, well-designed, energy efficient, good quality housing which contributes to the creation of successful and sustainable places.

The housing strategy of the Proposed Plan carries forward the vision and strategy of the Dundee Local Development Plan 2014 (CD) and seeks to build upon this vision for the City in order to create sustainable and successful places and improve the quality of life through high quality residential environments where people will choose to live.

This vision and strategy has been further strengthened through the recent adoption of Dundee's City Plan (Local Outcome Improvement Plan) (CD) which seeks to improve housing quality, choice and affordability within the City. The Proposed Plan seeks to encourage a design-led approach to sustainable, high quality placemaking and seeks to achieve a high quality residential environment through the delivery of new housing.

The delivery of housing within the City since the previous Plan has been affected by the slow economic recovery, both globally and locally, with a slow return to confidence in house building throughout Scotland. Dundee still continues to be an affordable City for renting or buying a home. Historically it has not had the same level of investor confidence as the Central Belt and Aberdeen therefore it has always experienced a more cautious approach to delivery. The economic downturn further dampened investor confidence and the continuing effects of this can be seen through the low numbers of completions over the period of the

Dundee LDP 2014 with an average rate of 234 completions per annum (CD). This is despite planning permission being approved for over 2,500 homes since the adoption of the Dundee LDP 2014. Table 3 on page 7 of the Housing Background Paper (CD) does however reflect that housing completions have increased year on year. Growing confidence in house building in the City is exemplified through the commencement of major private housebuilding at Western Gateway and also the continuing redevelopment of the Whitfield regeneration area with private local housebuilders reporting success with demand outstripping supply.

As with many towns and cities across Scotland a legacy of council house demolition, a school replacement programme and urban renewal has created brownfield housing sites across the city. These have no major constraints; are close to local services, amenities and employment; and provide an opportunity to deliver sustainable places in line with National Planning Framework 3, Scottish Planning Policy and TAYplan SDP (CD). The development of brownfield land continues to see progress and success throughout the City including the Central Waterfront, Whitfield, Mill o'Mains as well as on the former school sites.

The relatively tight physical boundary around Dundee leaves a relatively small area of greenfield land in the City, therefore the strategy taken through the Proposed Plan, which is in line with paragraph 40 of Scottish Planning Policy (CD), is to maximise the brownfield opportunities now, with greenfield land largely retained for future growth. The Proposed Plan carries forward some of the undeveloped greenfield housing sites from the Dundee LDP 2014 and has identified new greenfield sites in order to continue to provide choice for housebuilders and house buyers.

Paragraph 110 of Scottish Planning Policy and Policy 4 of TAYplan SDP require the Local Development Plan to provide a generous supply and give each local authority the ability to determine its generosity level. The Proposed Plan has sought to provide a choice of sites throughout the City and promotes a very generous supply of housing land allocations.

As set out in Appendix 2 of the Proposed Plan, TAYplan SDP sets a Housing Land requirement of 5,280 units for Dundee City. With the city having a large Identified Housing Land Supply, the Additional Housing Land required for the period 2019-2029 is 334 units. Appendix 3 of the Proposed Plan allocates sites which will provide for an additional 930 units. This is a total of 596 units over and above the Additional Housing Land required units. The Proposed Plan is in accordance with TAYplan SDP Policy 4E which states that for Dundee City only, the Local Development Plan has the flexibility to plan for housing numbers in excess of the housing land requirement set out in Map 4.

This level of supply is considered to be extremely generous over the life of the plan and provides a range of brownfield and greenfield sites in a variety of sizes and locations that are effective or expected to become effective in the plan period.

Homes for Scotland (08), Balmossie Developments (19), Kirkwood Homes Ltd and Linlathen Developments Ltd (33), H&H Properties (55) Bruce R Linton & Persimmon Homes Ltd (58) and Barratt North Scotland (66) all wish to see

additional land release for housing within the Proposed Plan. In particular the release of more greenfield land which they consider would provide more flexibility and choice. As indicated above the supply of land for housing is considered extremely generous with the Proposed Plan providing for 5,876 units to meet the Housing Land Requirement of 5,280 which will in turn deliver the Housing Supply Target of 4,800 units over the life of the plan.

The allocation of additional greenfield and brownfield land over and above that in the Proposed Plan will not necessarily accommodate higher levels of delivery with land use only being one influencing driver with other issues such as the economy, the market, behaviour and societal factors influencing the build out of sites. Land use is not considered to be a constraint in the delivery of the allocated sites within the Proposed Plan as the sites proposed are free from major constraints such as infrastructure and should be able to be delivered within the lifetime of the plan. Since the adoption of the Dundee LDP 2014 until the end of December 2017 the Council have approved planning permission for 2,697 homes (CD).

There is a risk that this approach could result in house building becoming entirely market driven rather than plan led with housebuilders choosing to develop the larger and more lucrative greenfield sites rather than the potentially less attractive urban brownfield sites. This would undermine the brownfield first approach of the Proposed Plan's housing strategy and Scottish Planning Policy's presumption in favour of development that contributes to sustainable development.

Modifying the Proposed Plan to add additional sites in order to accommodate a higher number of housing units will not result in higher levels of delivery and will undermine the housing strategy of the Local Development Plan. This would result in the Proposed Plan failing to comply with the TAYplan SDP (CD) and Scottish Planning Policy (CD).

No modification is proposed to the Plan.

Broughty Ferry Community Council (20)

Broughty Ferry Community Council (20) are seeking amendments to the wording of paragraph 6.7 in relation to the release of further land allocation for housing in particular in relation to the land at Linlathen, North of Arbroath Road and seek to ensure a strategic long term approach. The Council's response providing a justification for the housing allocation at Linlathen is provided in Schedule 4: Allocated Housing Sites. In terms of the housing land supply programme within the Proposed Plan it has been structured to ensure that it meets the requirements of Policy 4 of TAYplan SDP providing a generous supply of land over the next 10 years. The capacity at Linlathen has been increased from the Dundee LDP 2014 to enable a more generous delivery of housing. In terms of a strategic approach as indicated in paragraph 4.10 page 17 of the Proposed Plan there would be an opportunity given the size of the site to use masterplanning to secure a coherent development strategy for the site. Other than the site to the East of Strathyre

Avenue (H47) no other housing development is proposed to the north of the A92 and with the land designated as Open Countryside, Policy 31 provides an additional policy control to avoid the piecemeal development of land to the east of the City.

Broughty Ferry Community Council (20) also seek an amendment to paragraph 6.8 to include the phrase “*and greenfield land*” to be inserted after “*brownfield land*”. Paragraph 6.8 seeks to promote the Council’s strategy to promote brownfield land in the first instance in line with Scottish Planning Policy and to ensure their delivery. Greenfield land is unlikely to have the same level of issues and constraints that are faced by developers developing brownfield land. The addition of the proposed phrase is unlikely to make a considerable change to the emphasis of the housing strategy and therefore not considered to be necessary. The development potential of the area to the north of Arbroath Road will be examined during the review of the Dundee Local Development Plan in 2024.

No modification is proposed to the Plan.

Housing Strategy – Brownfield and Greenfield land

Homes for Scotland (08) Balmossie Developments (19) James Thompson (23) Kirkwood Homes Ltd and Linlathen Developments Ltd (33) Scottish Enterprise (as Landowner) (35) Barratt North Scotland (66)

In line with Paragraph 40 of Scottish Planning Policy (CD) the Proposed Plan continues to focus on delivering housing land supply through prioritising brownfield sites throughout the City. This also supports the City Plan’s (CD) housing priorities as stated on page 16 of that document.

Homes for Scotland (08) Kirkwood Homes Ltd and Linlathen Developments Ltd (33), Scottish Enterprise (as Landowner) (35), Balmossie Developments (19), James Thompson (23), Barratt North Scotland (66) raise concerns with regards to the number of brownfield sites, the balance between brownfield sites and greenfield sites and the rolling forward of sites that have not yet been developed from the previous Dundee Local Development Plan 2014 (CD).

The housing strategy within the Proposed Plan for identifying land to meet the housing land requirement is to continue to prioritise the reuse of brownfield land within the existing urban area and to plan for a managed release of greenfield land across the City in both the first and second five year period of the Plan. All of the allocated housing sites within the Proposed Plan are either close to employment opportunities or have good access to them. Overall the housing strategy provides a generous supply of housing land that will provide further choice and opportunities within the City and deliver high quality homes and successful places where people want to live.

As indicated in the Housing Background Paper (CD) and the Housing Land

Monitoring map (CD), since the adoption of the Dundee LDP 2014 there has been significant progress on many of the allocated brownfield sites with planning permission approved for a range and choice of housing types and tenures. Since 2014 88% of housing completions within the City have been through the redevelopment of brownfield land which has delivered 982 new homes. The brownfield development sites allocated within the Proposed Plan will continue to provide development opportunities with no major constraints; are close to local services, amenities and employment; and provide an opportunity to deliver sustainable places in line with National Planning Framework 3 (CD), Scottish Planning Policy and TAYplan SDP (CD). The development of brownfield land continues to see progress and success throughout the City in regeneration areas including the Central Waterfront, Whitfield, Mill o'Mains as well as on former school sites.

In terms of greenfield land there has been considerable progress at the Western Gateway with all the allocated land now in the control of a willing developer and planning permission having been granted for the allocated sites and development having commenced. A second national housebuilder is now also involved in delivering the consented developments. As a result of this progress it is anticipated that the number and rate of completions at the Western Gateway will increase and will contribute significantly towards achieving the housing supply target. It is considered that the brownfield sites being brought forward can continue to deliver the housing requirements over the next 10 year plan period.

The current strategy has been successful in delivering houses and in bringing brownfield land back into use and supporting the regeneration of large parts of the city. Brownfield sites tend to be smaller in size and located in priority regeneration areas. As such they are largely developed out by smaller, local housebuilders or housing associations rather than the major housebuilding firms, and provide a much needed supply of affordable homes for people to buy or rent.

Modifying the plan to replace brownfield sites with greenfield sites will undermine the housing strategy of the Proposed Plan and will not help to deliver the priorities of the City Plan. This would result in the Proposed Plan failing to comply with the TAYplan SDP and Scottish Planning Policy.

No modification is proposed to the Plan.

Homes for Scotland (08) James Thompson (23) Kirkwood Homes Ltd and Linlathen Developments Ltd (33) Bruce R Linton & Persimmon Homes Ltd (58) and Barratt North Scotland (66) raise concerns with regards to the Housing Land Audit 2016 (CD), in particular sites being rolled forward from previous years, effectiveness of brownfield sites, undersupply of greenfield sites, amount of Council owned sites and marketing strategy.

The Housing Land Audit is prepared on an annual basis and considers the status of sites at the time of assessment (usually March/April of each year). It considers

whether a site is allocated within the Local Development Plan, whether there has been interest in the site and/or pre-application discussion on sites, planning permission in place, starts on site and development completions. Where there are issues of existing landuse or ownership issues these are constrained until such time as they can be realised. Given that the sites are monitored on an annual basis the status of sites is reviewed to reflect their current status and whether they are considered effective. The Dundee Housing Land Audit 2016 (CD) identifies the existing supply of land for housing across the City at the time of preparation of the Proposed Plan. This existing supply along with the additional sites identified in Appendix 3 and the Proposals Map will meet the generous housing land requirement.

In terms of Dundee Council owned sites, these form a key part of the regeneration programme for the City in areas such as Whitfield and the Central Waterfront as well as the wider housing strategy for the City to promote a brownfield first approach in line with Scottish Planning Policy. It is therefore wholly appropriate that Council sites have been included as part of the housing land supply. These are unconstrained sites and in order not to flood the market they are released gradually over the life of the plan in order to ensure managed delivery of sites. They are also used as part of the Council's approach to deliver affordable housing within the City which is discussed further below. The Housing Land Audit 2016 provides a robust and realistic forecast of the estimated house completions over a five year period. It provides a robust evidence base that has been regularly monitored in order to identify the existing supply of land within the City for the purposes of preparing the Proposed Plan.

No modification is proposed to the Plan.

Affordable Housing

Scottish Government (06)

Scottish Government (06) indicate that the Proposed Plan does not split the Housing Supply Target into market and affordable as required by Scottish Planning Policy paragraph 115 (CD) and that there is no specific reference to affordable housing, numbers or type. Scottish Planning Policy (para 128) requires Local Development Plans to clearly set out the scale and distribution of the affordable housing requirement for their area.

TAYplan SDP (CD) states for the whole of the TAYplan area the level of affordable housing will be an approximate ratio of 25% affordable to 75% market homes but that this may vary between housing market areas.

The Proposed Plan continues to support a partnership approach in the delivery of affordable housing by allocating a range of sites encouraging a variety of housing types, size and tenures during the Plan period. This is building on the delivery of an average 30% affordable housing throughout the City (see paragraph 5.7 of the Housing Background Paper (CD)).

As indicated in Section 5 of the Housing Background Paper (CD) the Dundee LDP 2014 as well as the previous Dundee Local Plan Review 2005 (CD) did not contain an affordable housing policy. Instead, the Council has worked in partnership with the Scottish Government, Registered Social Landlords (RSLs) and private housebuilders to deliver affordable housing across the city. This supply has been largely enabled by the sale of surplus Council land to RSLs and financial support from the Scottish Government, in particular through allocated financing from the Affordable Housing Supply Programme (CD). There are also examples in Dundee of private housebuilders using innovative funding and construction methods to deliver low cost housing without subsidy. It is considered that the Council is strategically aligned to continue to support the delivery of affordable housing within the City and as such there is no requirement for the introduction an affordable housing policy at this time.

With continuing partnership and joint working with RSLs and private housebuilders the Council are committed to the continued delivery of affordable housing over the lifetime of this Plan. It is anticipated that the Proposed Plan will continue to support the delivery of affordable housing at a rate of 25-30% during the Plan period.

Build to Rent

Homes for Scotland 908)

Homes for Scotland (08) have proposed that the Proposed Plan should include a new policy to support the delivery of Build to Rent (BTR) developments. The Scottish Government's Planning Delivery Advice on Build to Rent (CD) seeks to encourage a growing BTR sector to provide high quality, professionally-managed homes. It is recognised that Planning Authorities play a crucial role in providing a positive approach to BTR developments to expand housing delivery.

Dundee City Council supports BTR within the City and has been recognised nationally through the Scottish Cities Alliance (CD) particularly for leading on the regeneration of the Dundee Waterfront and attracting BTR in the City.

To date three sites have gained planning permission for this tenure, two at Dundee Central Waterfront and a key inner city site. These developments have come forward under the current policy framework of the Dundee LDP 2014. It is considered that the existing, as well as the proposed policy framework, provides the flexibility and opportunity for the delivery of high quality housing including BTR. A new policy would not be considered necessary to provide a catalyst for this type of development within Dundee.

No modification is proposed to the Plan.

Reporter's conclusions:

Reporter's recommendations:

Issue 4	SUPPLY OF LAND FOR HOUSING	
Development plan reference:	Appendix 2: Supply of Land for Housing	Reporter:
Body or person(s) submitting a representation raising the issue (including reference number):		
Homes for Scotland (08) Balmossie Developments (19)		
Provision of the development plan to which the issue relates:	Supply of Land for Housing	
Planning authority's summary of the representation(s):		
<p><u>Appendix 2: Supply of Land for Housing</u></p> <p><u>Homes for Scotland (08)</u></p> <p>Recognises obligations of Dundee as a City region but disagrees with the strategy approach with regards to supply of land for housing and in line with paragraph 119 of SPP suggests an alternative method.</p> <p><u>Balmossie Developments (19)</u></p> <p>The Proposed Plan has failed to provide a sufficient level of generosity to the Housing Supply Target for the City and this should be increased from the current 10% to 20%.</p> <p><u>Windfall</u></p> <p><u>Balmossie Developments (19)</u></p> <p>The expected level of contribution from windfall sites has been over-estimated and should be reduced from the current 15% to 10%.</p>		
Modifications sought by those submitting representations:		
<p><u>Appendix 2: Supply of Land for Housing</u></p> <p><u>Homes for Scotland (08)</u></p> <p>Modify the Plan to replace Appendix 2: Supply of Land for Housing with the following table:</p>		
a.	Strategic Housing Supply Target (2016-2029) based on an	6,240

Committee Draft January 2018

	average of 490 pa (TAYplan 2017)	
b.	Generosity Margin (10%) (TAYplan 2017)	624
c.	Housing Land Requirement (2016-2029) (a.+b.)	6,864
d.	Assumed Completions (2016/2017) (2016 Housing Land Audit)	303
d.	Assumed Completions from Effective Land Supply (2017-2019) (2016 Housing Land Audit)	1,356
d.	Assumed completions windfall sites (assume 72 pa) and small sites (assume 20 pa) (2017-2019)	184
e.	Equals Housing Land Requirement for LDP period (2019-2029) (c.-d.)	5,021
f.	Completions expected from Effective Land Supply over LDP period (2019-2022) (2016 Housing Land Audit)	2,081
g.	Completions expected from the remainder of Established Land Supply over LDP period (2022-29) including constrained sites (2016 Housing Land Audit)	1,086
h.	Completions that may arise from windfall sites (assume 72 pa) and small sites (assume 20 pa) over LDP period (2019-2029)	920
	Under supply against Housing Land Requirement (e.-f.-g.-h.)	934

Balmossie Developments (19)

Modify the Plan to replace Appendix 2: Supply of Land for Housing with the following table.

Supply of Land for Housing	TAYplan Housing Supply Target (10 years at 480 homes per annum)	4,800
	+20% generosity (to provide HLR figure below)	960
A	Housing Land Requirement	5,760
B	Established Land Supply (Housing Land Audit March 2016)	4,826
C	Take up 2016-2018 (2 years)	800
D	Potential Established Supply at 2018 (B-C=D)	4,026
E	Windfall Sites at 15 10% of 4,800 (HST)	480
F	Small sites contribution (10 years at average 20 per annum)	200
G	Identified Housing Land Supply (D+E+F=G)	4,706
H	Additional Housing Land required for 2019-2029 (A-G=H)	1,054

Windfall

Balmossie Developments (19)

Modify Appendix 2 to reduce the current windfall figure from 15% to 10%.

Summary of responses (including reasons) by planning authority:

Appendix 2: Supply of Land for Housing

Homes for Scotland (08) Balmossie Developments (19)

SPP paragraph 110 (CD) identifies the requirement to ensure there is a 'generous' supply of appropriate and effective land for the provision of a range of housing. In addition, Local Development Plans are required to allocate land for housing on a range of sites that are effective or capable of becoming effective to meet the housing land requirement up to year 10 from the predicted date of adoption, ensuring a minimum of 5 year supply of effective housing land at all times.

Policy 4 of TAYplan SDP (CD) sets the housing supply target and the housing land requirement for each local authority in the TAYplan area. The housing supply target is the total number of new homes that will be delivered over the plan period. The housing land requirement provides a baseline to guide the level of new land allocations required, ensuring that a generous supply of land for housing is provided which will allow further choice and flexibility in the housing market.

Appendix 2 has been prepared to demonstrate how the planning authority has calculated the additional housing land required for the period of the plan 2019-2029. The calculation and assumptions are also set out and discussed within the Housing Background Paper (CD). This is fundamentally the same approach that was taken within Appendix 1: Housing Land Allowances of the adopted Dundee LDP 2014 (CD) and was accepted by the DPEA Reporter within the Examination Report (CD).

The Housing Supply Target for Dundee has been set through Policy 4 of TAYplan SDP (CD) at 480 homes per year over 10 years giving 4,800. The housing supply targets have been informed by the TAYplan wide Joint Housing Need and Demand Assessment 2013 (HNDA) (CD) which was considered robust and credible by the Scottish Government. In line with paragraph 116 of SPP (CD) TAYplan SDP adds a 10% generosity margin to the housing supply target. These figures have been set out at the top of the Appendix 2 table for clarity with Part A showing that the resultant Housing Land Requirement for Dundee City Council is 5,280 units.

Part B of Appendix 2 identifies an established land supply of 4,826 units. This figure is taken from the Dundee Housing Land Audit (HLA) 2016 (CD) and includes the effective housing land supply, plus the remaining capacity of sites under construction, sites with planning permission as well as allocated sites from the Dundee LDP 2014.

Part C sets out the take up figure for 2016-2018. This is an estimate using information from site monitoring as well as build rates from the HLA 2016 (CD)

and is estimated that the average annual completions would provide a total take up of 800 homes over the two year period until the approval of the Proposed Plan. This take up figure is deducted from the established housing land supply in order to take account of the time period between the drafting of the Proposed Plan and its approval with the figure of 4206 shown in Part D. The latest house site monitoring information indicates that the actual number of completions in 2016/2017 was 416. This confirms that the estimate of 800 units over 2016-2018 was a reasonable assumption.

Windfall sites become available for development through the life of the plan and given the urban nature and ongoing regeneration within the City they make a sizeable contribution to the supply of land for new housing. As indicated in the Housing Background Paper (CD) since the adoption of the Dundee LDP 2014 42% of approvals were on windfall sites demonstrating the contribution they have made to the City. The Dundee Local Development Plan 2014 had a figure of 20% of completions through windfall however this has been reduced for the Proposed Plan in recognition that several major regeneration and renewal projects within the City have now progressed and as a result it is less likely that many significant windfall sites will be coming forward. It was therefore considered reasonable and appropriate to reduce the windfall figure to 15% in order to continue plan led growth in the City. Part E of Appendix 2 shows a proposed windfall figure of 720 units (15% of the Housing Supply Target).

Part F shows the contribution from small sites of 20 homes per year totalling 200 over the 10 years. The average build out rate from small sites has been taken from the HLA 2016 (CD).

Part G shows the identified housing land supply which is the total of potential established supply, windfall sites and the small sites and comes to 4946. The purpose of Appendix 2 is to show the additional housing land required to be allocated within the Proposed Plan. The additional housing land required for 2019-2029 is calculated from deducting the identified Housing Land supply from the Housing land Requirement and gives a figure of 334 units.

Through Appendix 2 the Proposed Plan allocates a generous land supply and seeks to set out simply and clearly how this will be delivered over the period of the Plan and is in accordance with the requirements of the approved TAYplan SDP.

Homes for Scotland (08) propose a replacement for the Appendix 2 table to provide revised figures for the housing land supply calculation. The proposed replacement table has been based on a timescale from 2016 whereas SPP paragraph 119 indicates that local development plans should allocate a range of sites to meet the housing land requirement up to year 10 from the expected year of adoption and this is reflected through Policy 4B of TAYplan SDP (CD). The housing supply target should be delivered over the period of the Plan in line with paragraph 115 of SPP (CD) which in this instance would be 2019-2029. This is fundamentally the same approach that was taken within Appendix 1: Housing Land Allowances of the adopted Dundee LDP 2014 (CD) and was accepted by the DPEA Reporter within the Examination Report (CD).

Homes for Scotland (08) have calculated that the Additional Housing Land

required over the plan period is 934 units. The Proposed Plan has sought to allocate a very generous supply of housing land to provide flexibility and choice of sites to Dundee's housing market for house builders and occupiers throughout the City. The approach will deliver housing to meet the demand for new housing in the east and west margins of the city without undermining the strategy of prioritising the development of brownfield land.

The Proposed Plan has allocated land for an additional 930 units, some 596 units over and above the additional 334 units required to meet the Housing Land Requirement prescribed by TAYplan SDP as set out in Appendix 2 of the Proposed Plan. This approach is in accordance with TAYplan SDP Policy 4E which states that for Dundee City only, the LDP has the flexibility to plan for housing numbers in excess of the housing land requirement set out in Map 4. Therefore, the suggested undersupply is in fact met through housing allocations within the Proposed Plan.

Balmossie Developments (19) propose a replacement for Appendix 2 using a 20% generosity margin for housing land supply. SPP paragraph 116 requires a margin of between 10-20% to ensure the provision of a generous supply of land for housing. As explained within the Housing Background Paper (CD) TAYplan SDP (CD) through Policy 4 has set a 10% generosity figure which provides a housing land requirement of 528 homes per annum. Appendix 2 within the Proposed Plan is considered to meet the requirements of paragraph 115 of SPP (CD) and Policy 4 of TAYplan SDP (CD) in terms of providing a 10% generosity margin for housing land supply. As has been stated above the Proposed Plan has allocated a very generous housing land supply through the allocation of housing land and this is in accordance with Policy 4E of TAYplan that allows to plan for in excess of the housing land requirement set out in Map 4.

It is considered that Appendix 2 within the Proposed Plan is appropriate and demonstrates clearly and succinctly the requirement for housing land in Dundee and that this meets the requirements of the TAYplan SDP (CD) and Scottish Planning Policy (CD).

No modification is proposed to the Plan.

Windfall Sites

Balmossie Developments (19)

Balmossie Developments (19) considered the expected level of contribution from windfall sites to be overestimated and should be reduced from the current 15% to 10%. Over recent years, the average number of completions on windfall sites as shown in Table 3 of the Housing Background Paper (CD) has often accounted for in excess of 50% of the total number of completions per annum. The Dundee LDP 2014 had a figure of 20% of completions through windfall sites, however this has been reduced for the Proposed Plan in recognition that several major regeneration and renewal projects within the City have now progressed and as a result it is less likely that many significant windfall sites will be coming forward. It was therefore considered reasonable and appropriate to reduce the windfall figure to 15% in order to continue with a plan led growth in the City.

It is considered that the approach to set 15% of completions through windfall allows for flexibility in the provision for new housing and the reality of planning within a dense urban environment which continues to go through a process of regeneration. Given the generous housing land requirement set by Policy 4 of TAYplan SDP (CD) it is also considered that care has to be taken not to over-allocate for housing land and as such the historic pattern of windfall sites needs to be taken into account. The approach taken has sought to strike a balance between identifying and allocating the sites to deliver the housing land requirement but to also recognise Dundee's position and the contribution windfall sites will make to the delivery of housing over the period of the Plan. It also reflects the Proposed Plan's strategy of prioritising the redevelopment of brownfield sites over the release of greenfield land.

No modification is proposed to the Plan.

Reporter's conclusions:

Reporter's recommendations:

Issue 5	DEVELOPMENT OF GARDEN GROUND FOR NEW HOUSING	
Development plan reference:	Policy 13: Development of Garden Ground for New Housing	Reporter:
Body or person(s) submitting a representation raising the issue (including reference number):		
Broughty Ferry Community Council (20) Mr & Mrs Begg (21) David Hewick (22)		
Provision of the development plan to which the issue relates:	Development of Garden Ground for New Housing	
Planning authority's summary of the representation(s):		
<p>Policy 13: Development of Garden Ground for New Housing</p> <p><u>Broughty Ferry Community Council (20), Mr & Mrs Begg (21)</u></p> <p>Support what the Council has in mind in paragraphs 6.17 and 6.18 but are concerned that the criterion does not make clear what is meant by "sufficient"; that the term "maintained/provided" seems clumsy; and there is merit in a policy which refers to "new housing" maintaining the term "housing" rather than replacing within the policy with "houses".</p> <p><u>David Hewick (22)</u></p> <p>It should be made clear that the off street parking for both the new and donor house must comply with Policy 56 and the relevant part of Appendix 4.</p>		
Modifications sought by those submitting representations:		
<p>Policy 13: Development of Garden Ground for New Housing</p> <p><u>Broughty Ferry Community Council (20), Mr & Mrs Begg (21)</u></p> <p>Modify the Proposed Plan by replacing criterion 5 of Policy 13 with the following suggested wording; <i>"That off street parking is provided at the new housing in accordance with the standards set by the Council and that these same off street parking standards are required at the existing housing in accordance with its size."</i></p> <p><u>David Hewick (22)</u></p> <p>It should be made clear that the off street parking for both the new and donor</p>		

house must comply with Policy 56 and the relevant part of Appendix 4.

Summary of responses (including reasons) by planning authority:

Policy 13: Development of Garden Ground for New Housing

Broughty Ferry Community Council (20), Mr & Mrs Begg (21), David Hewick (22)

The Council note support for the general principles of the Policy.

The wording of criterion 5 within Policy 13 is as per Policy 12: Development of Garden Ground for New Housing within the Dundee Local Development Plan 2014 (CD). The monitoring process of the Dundee Local Development Plan 2014 and associated planning applications demonstrated that the policy was operating as intended and resulting in a level of parking provision that would not have a detrimental impact on the amenity of the existing house, proposed house or neighbouring properties within the surrounding area.

Within Policy 13 of the Proposed Plan the requirements for parking for the proposed new house/s within garden ground is addressed through criterion 1 which requires the proposed new house/s to meet the minimum parking standards that are detailed within Appendix 4: Design of New Housing.

It would not be considered appropriate or necessary to amend the wording of the policy to require the existing house to adhere to the parking standards for new housing as contained within Policy 56 and Appendix 4.

The current wording of criterion 5 allows for the flexibility to assess each proposal on its own merits. The assessment of an application would involve the consideration of the existing on and off street car parking provision to determine if the proposed level of off street car parking provision is appropriate and in accordance with the size of the existing house. If it was considered that the development would result in on-street parking, arising from the new or existing property, and that this would either worsen an existing problem with on-street parking, or create one then it is likely that the development would fail to comply with criterion 5 of Policy 13.

The criterion as drafted is considered to achieve the outcome sought by the proposed modification.

No modification is proposed to the Plan.

Reporter's conclusions:

Reporter's recommendations:



Issue 6	POLICY 9: HOUSING LAND RELEASE AND APPENDIX 3: ALLOCATED HOUSING SITES	
Development plan reference:	Appendix 3: Allocated Housing Sites H11: Former Downfield PS, East School Road H13: Queen Victoria Works H14: Railyards H15: Maxwelltown Works H17: Central Waterfront H18: Princes Street H29: Summerfield Gardens H30: Haddington Avenue H32: Aberlady Crescent H33: Kellyfield, Drumgeith Road H37: Former Baldragon Academy, Burn Street H44: Baldragon Farm H45: Land to the East of Ballumbie Road H46: Linlathen, Arbroath Road H47: Land to East of Strathyre Avenue	Reporter:
Body or person(s) submitting a representation raising the issue (including reference number):		
Mr & Mrs Jefferson (09) Brian Clark (10) Mr & Mrs McKenna (12) Dundee Civic Trust (13) Adrienne Bertagnolli (14) Gurchathen Sanghera (16) Wesley Rennison (17) Broughty Ferry Community Council (20) David Hewick (22) Lucia Buschman (27) Paul Miller (30) Gemma Miller (31) Edith Bankier (32)	Kirkwood Homes Ltd and Linlathen Developments Ltd (33) Lilian Crombie (34) Guy & Catherine Abbey (42) Whitfield Development Group (57) Mr & Mrs Agnew (61) David Lord (63) Kirkton Community and Safety Partnership (65) I.P. Christie (67) Ballumbie Residents Petition (74) Mr R Hodgson (78)	
Provision of the development plan to which the issue relates:	Housing Land Release and Allocated Housing Sites	
Planning authority's summary of the representation(s):		
<p>H11: Former Downfield PS, East School Road</p> <p><u>Mr & Mrs McKenna (12)</u></p> <p>Concern regarding the flora and fauna of a small hill and wooded area adjoining</p>		

their property but within the proposed housing site.

H13: Queen Victoria Works

Brian Clark (10)

Concerned that a family of foxes which appear to be resident on the site would be disturbed by any proposed development.

H14: Railyards

Gurchathen Sanghera (16), Wesley Rennison (17), Guy & Catherine Abbey (42)

There should be no further development of the Seabraes housing site H14, until the current problems with drainage, ground levels, contamination and remediation are resolved, and the future development issues associated with public services, traffic, parking, privacy, window locations, storey heights and light admittance are addressed by the Dundee Local Development Plan.

H15: Maxwelltown Works

Mr & Mrs Agnew (61)

In favour of the proposed development of Site H15, but the indicative capacity is an overprovision of housing that would be in breach of the policies in Chapter 6, Quality Housing and Sustainable Communities, and Appendix 4 Design of New Housing. Site H16 is roughly the same size and is only allocated for 30 units of housing. This level of housing would presumably mean that a lot of the units would be flatted; the area already has an over capacity of flatted accommodation.

H17: Central Waterfront

Lucia Buschman (27)

Raises concerns that construction noise and any overshadowing as a result of new development would have a detrimental impact on existing residential amenity.

H18: Princes Street

I.P. Christie (67)

The development of site H18 for housing will restrict the view from the housing at Crescent Land, darken out houses and bring down the value of our properties. Question why housing should be built in the middle of two main roads and adjacent to an electricity sub-station.

H29: Summerfield Gardens

H30: Haddington Avenue

H32: Aberlady Crescent

Edith Bankier (32)

Looking at the whole of the planned changes to the area there has been very little recreation ground or grass areas left for children to play or for dogs to be exercised effectively. Those areas which the Proposed Plan proposes to leave are predominantly trees making them inadequate for either purpose.

H33: Kellyfield, Drumgeith Road

Adrienne Bertagnolli (14)

The building of homes in this area would be detrimental to local residents. The open space is valued for recreation. Development would cause financial difficulties to residents, fuel and light pollution, and an increase in crime.

Edith Bankier (32)

The nature corridor is located at the opposite side of the very busy Drumgeith Road. Concerns that once development is completed and homes are occupied the traffic flow and footfall will increase hugely and it will become dangerous to attempt to cross the road without traffic lights or a pedestrian crossing. Given the proposed increased number of homes in the H33 site and surrounding area recommends that the Council should consider a more balanced approach between the increase in housing development and the need for recreational space to accommodate this.

Allocated Housing Sites within Whitfield (H26, H27, H28, H29, H30, H31, H32, H33, H39 & H40)

Whitfield Development Group (57)

Concerned about the amount of proposed development in the area and its effect on parking, play space and play infrastructure as well as potential overlooking from the new developments.

H37: Former Baldragon Academy, Burn Street

Kirkton Community and Safety Partnership (65)

Site allocation has not been subject to effective consultation with the Neighbourhood Representative Structure which represents this area nor the community affected. Site was not in the Main Issues Report.

H44: Baldragon Farm

Mrs & Mr Jefferson (09)

Object to the proposed housing allocation due to the detrimental impact new housing will have on their home in terms of loss of views, impact on privacy as a result of overlooking and loss of sunlight.

H45: Land to East of Ballumbie Road

Paul Miller (30), Gemma Miller (31)

The site at Ballumbie is a greenfield piece of land enjoyed by golfers, walkers, dog walkers, local residents and local wildlife. Development will jeopardise the future of Ballumbie Golf Club and impact on the local economy.

Development of further housing in this area will be to the detriment of Dundee City as it will

- reduce the green areas of the city
- overdevelop the area
- overpopulate the area
- damage the economy in the area
- stress the infrastructure
- further increase the already overcrowded Braeview Academy; and
- deprive members Dundee residents of the health living benefits associated with greenfield spaces, including the golf course and associated amenities.

In addition, this site is identified in Appendix 3 as requiring a SEPA Flood Risk Assessment. There have been difficulties with potential flooding risks when developing areas around Ballumbie and certain areas within site H45 are prone to flooding.

Mr R Hodgson (78)

Any new housing built near the rear of Traquair Gardens will overlook my property due to the higher elevation of the proposed site at H45.

Ballumbie Residents Petition (74)

Petition signed 78 times objecting to H45: Land to East of Ballumbie Road for the following reasons.

- Land is currently an open space Golf Course
- Scottish Government are fostering preservation of green space
- Important habitats and species on site
- Impact on traffic and road infrastructure
- Impact on Ballumbie Golf Course

Kirkwood Homes Ltd and Linlathen Developments Ltd (33)

No objection to the principle of an allocation at H45: Land East of Ballumbie Road but this was not featured in the MIR options and given proximity to brownfield redevelopment at Whitfield would consider this to be in direct market competition with the local regeneration strategy.

H46: Linlathen, Arbroath Road

Dundee Civic Trust (13)

Site is remote from public transport, schools, shops, doctors surgeries and other facilities without any guarantee that further development would stimulate provision of these facilities. Concerns with regards to potential future expansion of the site, impact on the natural landscape form, creation of urban sprawl and impact on primary and secondary education in the East of the City. It represents unsustainable development. Demand for housing in this area is adequately catered for by developments north of Monifieth.

Broughty Ferry Community Council (20) and David Hewick (22)

The release of site H46 will lead to proposals for further developments north of the A92. To allow incremental development of this vicinity would be bad planning. The Proposed Plan should consider strategically guiding this development for many years into the future. Concerns regarding the likelihood of fragmented suburban housing schemes without a strategy in place. A suitable drafted commitment to a strategic process in the short-term may remove some of the concerns of local residents in this regard. The release of site H46 should not be brought forward at the time of adoption of the Dundee Local Development Plan which will allow further time for consolidation of development at the Western Gateway and to consider how a strategic approach to development north of the A92 might evolve.

H47: Land to East of Strathyre Avenue

Lilian Crombie (34) and David Lord (63)

There should be no development at housing site H47: Land to East of Strathyre Avenue for the following reasons.

- A previous planning application for the same site was rejected.
- There is already enough existing and proposed housing in the local area.
- Local schools and roads are at capacity.
- The increased traffic will compromise child safety.
- There is no means of accessing the site from the existing road access.
- There are no local public transport services or amenities.

Modifications sought by those submitting representations:

Appendix 3: Allocated Housing Sites

H11: Former Downfield PS, East School Road

Mr & Mrs McKenna (12)

Modify the Draft Proposals Map to protect the wooded area within the development site.

H13: Queen Victoria Works

Brian Clark (10)

No modification sought.

H14: Railyards

Gurchathen Sanghera (16), Wesley Rennison (17), Guy & Catherine Abbey (42)

Modify Appendix 3 and the Draft Proposals Map by removing the brownfield housing allocation H14.

H15: Maxwelltown Works

Mr & Mrs Agnew (61)

Modify Appendix 3 by reducing the indicative capacity of H15 from 50 units to 30 units.

H17: Central Waterfront

Lucia Buschman (27)

No modification sought.

H18: Princes Street

I.P. Christie (67)

Modify Appendix 3 and the Draft Proposals Map by removing the brownfield housing allocation H18.

H29: Summerfield Gardens

H30: Haddington Avenue

H32: Aberlady Crescent

Edith Bankier (32)

Modify the Draft Proposals Map to incorporate additional recreation ground and grassed areas within Whitfield.

H33: Kellyfield, Drumgeith Road

Adrienne Bertagnolli (14)

Modify Appendix 3 and the Draft Proposals Map to reflect the removal land at the area bounded by Drumgeith Road/Britannia Drive / Kellyfield Post Office / Ashkirk Place / Montpelier Gardens. Modify the Draft Proposals Map to protect the trees at that site.

Edith Bankier (32)

Modify Appendix 3 and the Draft Proposals Map to amend the housing allocation boundary of H33 to only include the land between Maybole Place and Drumgeith Road and remove the area of recreation ground from the housing allocation.

Allocated Housing Sites within Whitfield (H26, H27, H28, H29, H30, H31, H32, H33, H39 & H40)

Whitfield Development Group (57)

No modification sought.

H37: Former Baldragon Academy, Burn Street

Kirkton Community and Safety Partnership (65)

Modify Appendix 3 and the Draft Proposals Map by removing the brownfield housing allocation H37.

H44: Baldragon Farm

Mr & Mrs Jefferson (09)

Modify Appendix 3 and the Draft Proposals Map by removing the greenfield housing allocation H44.

H45: Land to East of Ballumbie Road

Paul Miller (30), Gemma Miller (31), Ballumbie Residents Petition (74)

Modify Appendix 3 and the Draft Proposals Map by removing the greenfield housing allocation H45.

Mr R Hodgson (78)

No modification sought.

Kirkwood Homes Ltd and Linlathen Developments Ltd (33)

No modification sought.

H46: Linlathen, Arbroath Road

Dundee Civic Trust (13)

Modify Appendix 3 and the Draft Proposals Map by removing the greenfield housing site H46.

Broughty Ferry Community Council (20) and David Hewick (22)

Modify text in the preamble to Policy 9 to insert the following additional text; *“The release of land at Linlathen (H46 at Appendix 3) may lead to further land allocations for housing in response to revised Housing Land Requirements set by the TAYplan Strategic Development Plan or other relevant factor. Piecemeal land releases will be unacceptable because they run contrary to the Council’s commitment to a “design-led approach to sustainable high quality place making”. With all this in mind, within the overall planning vision for the next 20 years to which TAYplan is committed, and compatible with its requirement to provide a generous supply of housing land within the period of that vision, appropriate consideration will be given to a strategic approach towards land release north of the A92 within the city boundary.”*

Modify paragraph 6.8 to insert the wording *“and greenfield land”* after brownfield land.

Modify Appendix 3 and the Draft Proposals Map to state that H46 Linlathen, Arbroath Road is for release in 2020.

H47: Land to East of Strathyre Avenue

Lilian Crombie (34) and David Lord (63)

Modify Appendix 3 and the Draft Proposals Map by removing the greenfield housing site H47.

Summary of responses (including reasons) by planning authority:

Appendix 3: Allocated Housing Sites

H11: Former Downfield PS, East School Road

Mr & Mrs McKenna (12)

The concerns raised regarding the flora and fauna and an area of woodland would be considered during the planning application process. The developer will be required to demonstrate that the proposal would meet the requirements of all the relevant policies including those covering the natural environment within Chapter 8 of the Proposed Plan.

No modification is proposed to the Plan.

H13: Queen Victoria Works

Brian Clark (10)

The concern regarding foxes that appear to be resident on the site is noted. However, the potential presence of foxes on the site would not be a material consideration in planning decisions as they are not listed as a European Protected Species within the Habitats Directive or as a protected species under

the Wildlife and Countryside Act 1981 (as amended).

No modification is proposed to the Plan.

H14: Railyards

Gurchathen Sanghera (16), Wesley Rennison (17), Guy & Catherine Abbey (42)

The Council consider H14 Railyards to be a key housing site within the wider regeneration of the Dundee Waterfront. Residential development at this location would be in accordance with the Proposed Plan strategy of supporting and promoting brownfield regeneration and the site is well located with existing services, the City Centre, Universities and large employers all easily accessible.

Drainage and contamination issues are being addressed by the landowner and the full remediation of the site is due to be completed in the short term, following which the landowner has stated they expect to market the site in mid-2018. The concerns raised as a result of future development would be dealt with through the assessment of any forthcoming planning application and the developer would be required to demonstrate that the relevant policies within the Proposed Plan are adhered to.

No modification is proposed to the Plan.

H15: Maxwelltown Works

Mr & Mrs Agnew (61)

Support for redevelopment of the site at Maxwelltown Works site is noted.

The representation states that sites H15 and H16 should have the same indicative capacity as they are roughly the same size. This is incorrect. The site information within the Development Sites Assessment 2017 (CD) shows that the site area of H15 at 1.25 hectares is around double that of H16 at 0.61 hectares.

The site at H15 benefits from an approved Site Planning Brief (CD). The Site Planning Brief acknowledges the former industrial nature of the site and states that a small number of flats may be accepted where there are appropriate urban design reasons or to address the ground condition issues.

The indicative capacity identified for H15 is therefore considered to be reasonable and comparable in density with the neighbouring allocated sites that are also within the inner city boundary.

It should also be noted that the Proposed Plan through Appendix 3 provides indicative capacities for each of the housing sites to ensure that sufficient land is allocated. Whilst the indicative capacities for each site are provided, it is still incumbent on any proposed development to demonstrate that the design and layout is in accordance with Policy 10 and Appendix 4: Design of New Housing.

No modification is proposed to the Plan.

H17: Central Waterfront

Lucia Buschman (27)

The concerns regarding noise and overshadowing as a result of the development of the site would be dealt with through the assessment of any forthcoming planning application and the developer would be required to demonstrate that the requirements of the relevant policies within the Proposed Plan are adhered to.

No modification is proposed to the Plan.

H18: Princes Street

I.P. Christie (67)

The allocation of the brownfield site is in line with Scottish Planning Policy (CD) as well as the housing strategy of the Proposed Plan which gives priority to the reuse of brownfield land within the existing urban area. The concerns regarding the potential detrimental impact from overshadowing that development could have on the neighbouring residential properties would be considered through the assessment of any forthcoming planning application for the site. The potential for development to restrict views or to devalue neighbouring properties is not a material planning consideration

No modification is proposed to the Plan.

Allocated Housing Sites within Whitfield (H26, H27, H28, H29, H30, H31, H32, H33, H39 & H40)

Edith Bankier (32), Adrienne Bertagnolli (14) & Whitfield Development Group (57)

The concerns regarding the loss of greenspace in Whitfield, as a result of new build housing is noted. The proposed new build sites are part of the regeneration of the Whitfield area. The Whitfield Planning Framework (CD) includes proposals for the provision of greenspace and how these form part of the overall development of the area to ensure satisfactory levels of open space are provided for both existing and future residents. In addition to the Framework there is specific Green Infrastructure Guidance for Whitfield (CD) which sets out expectations for new development in providing and enhancing the green infrastructure within the area as well as opportunities to connect to the wider City green network.

The layout of a proposed residential development at H33 would be subject to a planning application and the relevant policy framework in particular the design provisions of Policy 1 and Appendix 1, Policy 10 and Appendix 4 for new housing development in terms of layout, parking, pedestrian accessibility, overlooking, overshadowing and designing out potential crime.

The general concern with regards to overlooking between properties would be considered through a planning application to ensure that there would not be any detrimental impact on amenity through loss of privacy. In terms of overlooking of

open space, the Whitfield Planning Framework and the associated Green Infrastructure Guidance actively encourages overlooking of green space to ensure natural surveillance of these spaces to ensure a feeling of safety and encourage the use of these spaces by the surrounding community. This would be considered further through a planning application.

No modification is proposed to the Plan

H37: Former Baldragon Academy, Burn Street

Kirkton Community and Safety Partnership (65)

The site is a brownfield former school site within an existing residential location of the City and the redevelopment of the site for housing would be a sustainable reuse of land that would contribute to delivering the Housing Supply Target as established within TAYplan SDP (CD).

The representation states that effective consultation was not undertaken ahead of the site being allocated. The Participation Statement (CD) establishes the level of consultation that was undertaken during the production of the Proposed Plan. Main Issues Report are not draft Plans and housing sites are not allocated at that stage of the Development Plan process. The areas of key change and development strategy that occurred since the Dundee LDP 2014 were addressed within the Main Issues Report and the authority's ideas for future development were explained including the principle of continuing the strategy to allocate housing sites on brownfield land within the City.

The representation does not propose other uses for H37: Former Baldragon Academy or provide a valid planning reason as to why the proposed housing allocation would not be an appropriate reuse of the site.

No modification is proposed to the Plan.

H44: Baldragon Farm

Mrs & Mr Jefferson (09)

The site at Baldragon was a greenfield site that was allocated for the second period (2020-2024) of the Dundee Local Development Plan 2014 (CD). The allocation of the site within the Proposed Plan is consistent with the approved housing strategy established in the Dundee LDP 2014 and the development of residential housing within that location will continue to provide further choice of housing type and location to the housing market within the City.

The concerns regarding the potential detrimental impact on neighbouring properties as a result of overlooking would be considered through the assessment of any forthcoming planning application for the site. The potential for development to restrict views from other properties is not a material planning consideration.

No modification is proposed to the Plan.

H45: Land to East of Ballumbie Road

Paul Miller (30), Gemma Miller (31), Ballumbie Residents Petition (74),
Mr R Hodgson (78)

The site at Ballumbie is greenfield land located within the north east area of the City and is well situated adjacent to an existing residential area and close by to existing services and amenities including primary and secondary schools; GP surgery; dentist; library; children's nursery; and shops.

The representation from the developer and part land owner Stewart Milne Homes (CD) demonstrates that the land is in the control of a willing developer who is seeking to commence masterplanning the site in the near future and bring a planning application forward towards the end of 2018 in order that development can commence early in 2019.

Furthermore, TAYplan SDP requires Dundee City Council to identify land which is effective or expected to become effective to meet the identified housing land requirement up to year 10 from the predicted date of adoption. In so doing they will ensure a minimum of 5 years effective land supply at all times.

The site at Ballumbie is effective and will make a significant contribution to meeting the average Housing Supply Target set out in Map 4 of TAYplan SDP.

Through the preparation of the Proposed Plan and assessment of the allocation at Ballumbie indicated that whilst SEPA recommended a Flood Risk Assessment be undertaken during planning application stage there were no significant constraints that were highlighted during the engagement process.

Paragraph 4.10 of the Proposed Plan encourages the use of masterplans and design frameworks for large scale developments in order to secure coherent development strategies and to maximise site potential. In accordance with the requirements of the Proposed Plan the developer will be encouraged to develop a masterplan approach at this location and will be encouraged to utilise this approach in order to continue to create a successful and attractive neighbourhood within the City.

The site is not located within an area that has been identified as a local, national or international nature conservation designation. It would be during the planning application stage that the applicant would be required to adhere to the relevant local development plan policies. This would involve the submission of a habitats survey to demonstrate that there would be no significant effect on any protected species as well as the submission of a tree survey and accompanying tree planting and landscaping scheme with supporting justification for any proposed works.

Sportscotland were consulted on the proposed housing allocations and did not raise any objection to the loss of part of the existing golf course at this location.

Transport Scotland and Dundee City Council Transport Division did not raise any

concerns with the principle of the proposed level of residential development at this location. During the planning application stage the applicant would be expected to submit supporting information to demonstrate that there would be no significant impact on the existing transport infrastructure as a result of a proposed residential development.

It is considered that greenfield housing land release at this location would offer further choice and location to the housing market within the north east area of the City.

No modification is proposed to the Plan.

Kirkwood Homes Ltd and Linlathen Developments Ltd (33)

H45: Land to East of Ballumbie Road is a greenfield site with an indicative capacity of 150 homes. The site is located outwith the designated area that is covered within the Whitfield Planning Framework (CD). The characteristics of a greenfield housing allocation at this location are considered to be a different housing market to that which is available at the development sites within the Whitfield Regeneration Area.

The release of greenfield land within this north east location of the City would provide additional choice of housing type, size and tenure to this area. This would be a positive addition that would support and be complementary to the wider area including the regeneration objectives of the neighbouring brownfield led regeneration that is ongoing within Whitfield.

No modification is proposed to the Plan.

H46: Linlathen, Arbroath Road

Dundee Civic Trust (13), Broughty Ferry Community Council (20) and David Hewick (22)

The site at H46 Linlathen, Arbroath Road was previously allocated for housing in the adopted Dundee Local Development Plan 2014 (site H71(2)). The site was proposed for release in the second 5 year period of the plan with the housing strategy prioritising the release of greenfield sites within the Western Gateway and on brownfield sites. The allocation of the site for housing within the Proposed Plan builds on that strategy and with development at the Western Gateway progressing the release of some greenfield land at this location is considered appropriate to offer choice and location to the housing market within the City. The indicative capacity for the site within the Proposed Plan is 250 homes. The submission in support of the site from Kirkwood Homes and Linlathen Developments Ltd (CD) highlights the scope for development at the site and the indicative capacity of 250 homes would allow for a high quality layout in accordance with the requirements for a Suburban site within the of the Local Development Plan. It would be during the pre-application and masterplanning stage and ultimately determined through the assessment of a planning application that the actual capacity for the site would be determined. The increase in indicative capacity from the Dundee LDP 2014 to that allocated in the Proposed Plan would support the continued growth of Dundee City as a principal settlement

in accordance with TAYplan SDP at a proposed indicative density that would suitably reflect the suburban location of the site.

No modification is proposed to the Plan.

H47: Land to East of Strathyre Avenue

Lilian Crombie (34) and David Lord (63)

Within the Report of Examination of the Proposed Dundee Local Development Plan 2014 the DPEA Reporter stated that the site would relate well to the existing development at Strathyre Avenue as it would provide a firm edge to the development. The Reporter concluded that the allocation for 26 units would not be of a scale that would have a detrimental impact on the larger greenfield allocated sites. The housing site was allocated by the Reporter into the Dundee LDP 2014 as H72 with an indicative capacity of 26 units.

The proposed allocated site of H47: Land to East of Strathyre Avenue is a continued allocation from the Dundee LDP 2014. The Council consider that the site would offer a small scale greenfield land release that would logical extension to the existing residential area and as stated by the Reporter would round off the Strathyre Avenue development.

During the planning application stage for a proposed residential development at this site the applicant would be required to demonstrate through the submission of supporting information that there would not be a significant detrimental impact on the existing road infrastructure as well as child safety. The Council would seek developer contributions for education provision as well as for any other new or improved services, facilities or infrastructure in accordance with Policy 20: Funding of On and Off Site Infrastructure Provision and the corresponding Developer Contributions Supplementary Guidance.

No modification is proposed to the Plan.

Reporter's conclusions:

Reporter's recommendations:

Issue 7	WESTERN GATEWAY: ALLOCATED HOUSING SITES H41, H42 & H43	
Development plan reference:	H41: Dykes of Gray, North West H42: Western Gateway, Liff H43: Dykes of Gray, North East	Reporter:
Body or person(s) submitting a representation raising the issue (including reference number):		
Kirkwood Homes Ltd and Linlathen Developments Ltd (33) West Green Park Residents' and Proprietors' Association (41) Catherine Meakin (43) Leigh Brown (44) Catherine and Richard Stretton (45) Aileen Baird (46)	Douglas Cochrane (47) Geraldine Walters (48) Steve Walters (49) Gillian Smith (52) David Nicoll (53) Hugh Tunstall-Pedoe (73) William Nicoll (74) Stephen Dalgleish (77)	
Provision of the development plan to which the issue relates:	Housing land release at the Western Gateway	
Planning authority's summary of the representation(s):		
<p>H41: Dykes of Gray, North West H42: Western Gateway, Liff H43: Dykes of Gray, North East</p> <p><u>Kirkwood Homes Ltd and Linlathen Developments Ltd (33)</u></p> <p>Object to the proposed allocation of further housing land at the Western Gateway. Considers there to be an abundance of existing land supply remaining in that locale.</p> <p>Reference to Main Issue 3: Supply of Land for Housing from the Main Issues Report (MIR) (Core document), argues that the preferred and alternative options indicated release of Linlathen and Baldragon but did not include Western Gateway.</p> <p>Linlathen has not been identified for any Phase 2 housing land release as was identified as a preferred MIR option and that the Western Gateway has been identified for further Phase 1 allocations which was not considered to be the preferred or alternative options within the MIR.</p> <p>Reference is made to the programmed completion rate at the Western Gateway of 25 units per annum and does not see a justification for additional immediate allocation.</p>		

West Green Park Residents' and Proprietors' Association (41), Catherine Meakin (43), Leigh Brown (44), Catherine and Richard Stretton (45), Aileen Baird (46), Douglas Cochrane (47), Geraldine Walters (48), Steve Walters (49), Gillian Smith (52), David Nicoll (53), Hugh Tunstall-Pedoe (73), William Nicoll (74) Stephen Dalglish (77).

Object to the allocation of housing sites H41, H42 and H43 for the following reasons.

1. The allocations will create urban sprawl and do not correlate with the original vision of the Western Gateway as three separate villages.
2. Housing numbers will increase the amount set out in TAYplan SDP by almost double.
3. No masterplan has been produced.
4. No formal public consultation has been carried out.
5. No secure plan established to deliver the proposed primary school and no consideration given to a cross boundary school with Angus Council.
6. The plans would allow sites to be fully developed without the provision of any essential services and amenities.
7. There are no NHS medical or dental facilities proposed for future residents.
8. Development will increase traffic congestion and road safety issues at the Swallow roundabout and the proposed redesign of the road does not consider the proposed housing allocations.
9. Local wildlife and protected species such as (red squirrels) could be negatively impacted.
10. Flooding is already an issue at West Green Park and the Swallow roundabout and there is uncertainty around the handling of additional sewage.
11. The combined density of housing site H42 and that of the approved development at existing housing site is considerably higher than previously established by the land allocation H69: Western Gateway, Liff (Phase 2) in the Dundee Local Development Plan 2014. It would make the density of the development completely at odds with the established density at West Green Park estate.
12. The lack of amenity space will result in the new residents accessing West Green Park's amenity land, without any contributions to the necessary upkeep.

Modifications sought by those submitting representations:

H41, H42 and H43 – Western Gateway

Kirkwood Homes Ltd and Linlathen Developments Ltd (33)

Modify Appendix 3 and the Draft Proposals Map by removing the greenfield housing site allocations H41 and H43.

West Green Park Residents' and Proprietors' Association (41), Leigh Brown (44), Catherine and Richard Stretton (45), Aileen Baird (46), Douglas Cochrane (47), Geraldine Walters (48), Steve Walters (49), Gillian Smith (52), David Nicoll (53), Hugh Tunstall-Pedoe (73)

Modify Appendix 3 and the Draft Proposals Map by removing the greenfield housing site allocations H41, H42 and H43.

William Nicoll (74), Stephen Dalglish (77), Catherine Meakin (43)

Modify Appendix 3 and the Draft Proposals Map by removing the greenfield housing site H42.

Catherine Meakin (43)

No modification proposed. Housing sites H41 and H43 should only be allocated after serious consideration and installation of community provision, services and amenities.

Summary of responses (including reasons) by planning authority:

H41, H42 and H43 – Western Gateway

Kirkwood Homes Ltd and Linlathen Developments Ltd (33)

Dundee City Council have had a long standing strategic approach to offer further choice and location of housing through the allocation of land at the Western Gateway to rebalance the housing provision within the City.

In order to realise this strategic vision the Council front funded the construction of Dykes of Gray Road. This provided a key access route to serve the development sites and effectively enabled the delivery of housing through resolving the one significant constraint with the development sites.

Within the period of the Dundee Local Development Plan 2014 (CD) the Council held pre-application discussions with the developer at the Western Gateway and this culminated in a masterplan approach being progressed. This approach resulted in three major planning applications being granted for the development of circa 700 homes (CD) with the approval for the development of a village centre with services, nursery, village hall and amenity space as well as financial contributions being collected towards the provision of a new primary school. There has been progress with delivery of the development and around 100 homes have been completed since planning permission was granted in 2015.

TAYplan SDP (CD) through Policy 3 has allocated Dundee Western Gateway as a Strategic Development Area (including 750+ homes) with the intention that this will make a major contribution to the housing on offer within Dundee and will contribute to the economic success of the City and wider region.

In addition, TAYplan SDP requires Dundee City Council to identify land which is effective or expected to become effective to meet the identified housing land requirement up to year 10 from the predicted date of adoption. In so doing a minimum of 5 years effective land supply is to be ensured at all times.

The sites at the Western Gateway Strategic Development Area that have been allocated in the Proposed Plan are effective and will make a significant contribution to meeting the average Housing Supply Target set out in Map 4 of TAYplan SDP.

The Main Issues Report considered several options for housing land release. The preferred option did include the allocation of additional housing land in the west of the City. Following the representations to the MIR and analysis of these the Council considered it was appropriate to allocate a managed release of housing land at the Western Gateway in both the first and second period of the Proposed Local Development Plan.

All of the proposed housing sites have been assessed through the Development Sites Assessment process (CD). The physical, environmental and infrastructure constraints for the allocated sites at the Western Gateway were assessed and there were no significant constraints highlighted and it was considered that they are allocations capable of accommodating the level of housing proposed.

No modification is proposed to the Plan.

West Green Park Residents' and Proprietors' Association (41), Catherine Meakin (43), Leigh Brown (44), Catherine and Richard Stretton (45), Aileen Baird (46), Douglas Cochrane (47), Geraldine Walters (48), Steve Walters (49), Gillian Smith (52), David Nicoll (53), Hugh Tunstall-Pedoe (73), William Nicoll (74), Stephen Dalglish (77).

1.

The allocations will create urban sprawl and do not correlate with the original vision of the Western Gateway as three separate villages.

Within the Dundee Local Plan Review 2005 (CD) there were three separate housing allocations at the Western Gateway. Following updated SEPA flooding information the southernmost development site was no longer considered suitable for development and the approved planning permission for the sites at the Western Gateway were not progressed as three separate villages (CD). The concept was reworked with the developer to create one larger village focused around a village core, and a smaller development to reinforce the developments at the former Liff Hospital site. The sites that have been granted permission are now been shown as 'white land' on the Draft Proposals Map. The allocated housing sites relate as an extension to the approved housing developments and village core and will contribute land for the provision of a new school and allow additional housing capacity to support the growth of the Western Gateway as well as supporting the services in the village centre.

2.

Housing numbers will increase the amount set out in TAYplan SDP by almost double.

TAYplan SDP (CD) through Policy 3 has allocated Dundee Western Gateway as a Strategic Development Area. TAYplan SDP does not set an upper limit to the housing supply at the Western Gateway, as it states the indicative housing

capacity as 750+ homes, with the specific housing allocations to be determined by the Dundee Local Development Plan. The proposed housing allocations at the Western Gateway will make a major contribution to the housing on offer within Dundee and will contribute to the economic success of the City and wider region.

In addition, TAYplan SDP requires Dundee City Council to identify land which is effective or expected to become effective to meet the identified housing land requirement up to year 10 from the predicted date of adoption. In so doing a minimum of 5 years effective land supply is to be ensured at all times.

The sites at the Western Gateway Strategic Development Area that have been allocated in the Proposed Plan are in accordance with TAYplan SDP and will make a significant contribution to meeting the average Housing Supply Target set out in Map 4 of TAYplan SDP.

3.

No masterplan has been produced.

In order to secure coherent development strategies and to maximise site potential paragraph 4.10 of the Proposed Plan encourages the use of masterplans and design frameworks for large scale developments. Given the recent success of the delivery of housing through a masterplan approach at the Western Gateway any forthcoming housing developments will be encouraged to build on this approach to continue to create a successful and attractive neighbourhood and community within the City.

4.

No formal public consultation has been carried out.

The Council held formal public consultation events during the period of representation for the Main Issues Report and the Proposed Plan.

During the assessment of any forthcoming planning application at the site the Council would consult with statutory consultees as well as undertaking the neighbour notification process. In addition, the developer of the larger sites will be required to undertake statutory consultation ahead of submitting a major planning application.

5.

No secure plan established to deliver the proposed primary school and no consideration given to a cross boundary school with Angus Council.

Through planning obligations the Council have secured developer contributions towards education provision at the Western Gateway from the approved developments. The developer will pay an agreed financial amount towards education provision to the Council through a 'roof tax' mechanism. This is to allow for, when required, a new primary school to be provided to meet any future increase in demand from the development. This requirement for developer contributions towards education provision would also be applied to the proposed housing sites at the Western Gateway.

The housing allocation H43: Dykes of Gray, North East includes land for the provision for a new school. The Council are proactively considering options for education provision within this part of the City and actively work with the adjoining authorities in the provision of education services

Angus Council and Perth & Kinross Council have both been consulted on the Proposed Plan. The TAYplan SDP sets out the approach to housing across Council boundaries and the proposals in the Plan are in accordance with the approved strategy and policies.

6.

The plans would allow sites to be fully developed without the provision of any essential services and amenities, and

7.

There are no NHS medical or dental facilities proposed for future residents.

A programme for the delivery of the facilities at the village centre has been agreed between the developer and Dundee City Council as required by a planning condition for the approved residential development. The community hall is to be delivered within 24 months of the completion of the 75th residential unit. The commercial units will be provided should the NHS wish to provide for future medical or dental facilities in this area. Other commercial operators including the nursery are market driven and the developer will enter into discussions with prospective operators.

8.

Development will increase traffic congestion and road safety issues at the Swallow roundabout and the proposed redesign of the road does not consider the proposed housing allocations.

The remodelling of the Swallow Roundabout at the Kingsway (A90) to increase its capacity is required through a planning condition. The developer has agreed to undertake the improvement works to upgrade the Swallow Roundabout and have approved planning permission for this upgrade works (CD).

The developer has demonstrated through the submission of a supporting Transport Statement (CD) that the proposed remodelling of the roundabout can accommodate the proposed additional housing numbers at the Western Gateway and there would be no significant detrimental impact arising as a result.

Transport Scotland and Dundee City Council Transport Division did not raise any concerns with the principle of the proposed allocations at this location. During the planning application stage the applicant would be expected to submit further detailed supporting information to demonstrate that there would be no significant impact on the existing transport infrastructure as a result of a proposed residential development.

9.

Local wildlife and protected species such as (red squirrels) could be negatively impacted.

The sites at the Western Gateway are not located within an area that has been identified as a local, national or international nature conservation designation. SNH requested that any development at H41 should not have an adverse effect on the integrity of the Firth of Tay Natura site which is approximately 1.3 miles away. This requirement has been reflected within Appendix 3: Allocated Housing Sites as well as the Development Site Assessment for H41 (CD).

It would be during the planning application stage that the developer would be required to adhere to the relevant development plan policies. This would involve the submission of a habitats survey to demonstrate that there would be no significant detrimental effect on any protected species as well as the submission of a tree survey and accompanying tree planting and landscaping scheme as supporting justification for any proposed works.

10.

Flooding is already an issue at West Green Park and the Swallow roundabout and there is uncertainty around the handling of additional sewage.

Both SEPA and Scottish Water have been consulted on the proposed housing sites. SEPA requested that planning applications are supported by Flood Risk Assessments and this has been reflected within Appendix 3: Allocated Housing Sites of the Proposed Plan. Neither SEPA nor Scottish Water raised any particular concerns with the proposed allocation of housing sites at the Western Gateway. As statutory consultees the Council will consult with both SEPA and Scottish Water on any forthcoming development proposals with regards to flooding as well as water and wastewater services.

11.

The combined density of housing site H42 and that of the approved development at existing housing site is considerably higher than previously established by the land allocation H69 in Dundee Local Development Plan 2014. It would make the density of the development completely at odds with the established density at West Green Park estate.

The proposed allocation at H42 for 30 units is the remaining area of the allocated housing site H69 (100 units) in the Dundee Local Development Plan 2014 (CD). Planning permission for 100 units on the larger southern part has been approved and the proposal adhered to the Housing Standards in Appendix 3 of the Dundee Local Development Plan 2014 and this area of land has now been shown as 'white land' on the Draft Proposals Map. The remainder of the site was assessed and it was considered that the site still has potential to accommodate housing development. The proposed 30 units is an indicative capacity and ultimately a proposed site layout, landscaping and other factors that are considered at planning application stage will determine the number of homes that can be accommodated on the site.

12.

The lack of amenity space will result in the new residents accessing West Green Park's amenity land, without any contributions to the necessary upkeep.

The approved developments at the Western Gateway include landscaping and

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amenity areas including a central village green, local open spaces, landscaped footpath links to enable access to the playing fields and larger amenity spaces which include a 7 aside football pitch and children's play area within the main Dykes of Gray development to the south. All housing has private rear gardens. Appropriate levels of amenity space would be required to be provided within any proposed development within the sites that have been allocated at H41, H42 and H43.

No modification is proposed to the Plan.

Reporter's conclusions:

Reporter's recommendations:

Issue 8	ADDITIONAL HOUSING SITES	
Development plan reference:	Appendix 3: Allocated Housing Sites	Reporter:
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>Balmossie Developments (19) James Thompson (23) Kirkwood Homes Ltd and Linlathen Developments Ltd (33) Scottish Enterprise (As Landowner) (35) Punch Taverns Ltd (36) JD Management (38) H&H Properties (55) Bruce R Linton & Persimmon Homes Ltd (58) Ardmuir Ltd (70)</p>		
Provision of the development plan to which the issue relates:	Housing Sites	
Planning authority's summary of the representation(s):		
<p>Proposed Additional Housing Sites</p> <p>Land to West and South West of Balmossie</p> <p><u>Balmossie Developments (19)</u></p> <p>The east of the City is a popular location amongst house purchasers and the principle of development at Balmossie has been well established. There is an opportunity to plan for a further expansion of the Balmossie village with a more appropriate and robust landscape edge. The development of a high-quality extension to the village would significantly improve the range of housing available in the City and would meet housing objectives established within the TAYplan SDP (CD). The proposed development would be of a scale and character appropriate to its location and surrounding uses. It would be capable of creating a place which is cohesive in character, inclusive and provides opportunity for its residents and embraces and encourages diversity throughout the development. There are no significant constraints that would adversely affect the proposed development of the site at Balmossie. Additional greenfield housing land should be allocated at Land to West and South-West of Balmossie within Appendix 3 with a capacity of 120 homes.</p> <p>Land at Linlathen</p> <p><u>Kirkwood Homes Ltd and Linlathen Developments Ltd (33)</u></p> <p>Recommends that if there is a strategic requirement for additional housing then</p>		

priority should be given to land release of an additional 250 homes at Linlathen within the second 5 year period of the Plan rather than allocate the additional housing land at the Western Gateway.

Makes reference to the preferred and alternative options within the Main Issues Report and does not consider that the Western Gateway was identified at that stage.

Consider that the remainder of the Linlathen Masterplan area (CD) should be identified within the Proposed Plan for long term development for housing and mixed community and educational uses.

Land at Balgarthno

Scottish Enterprise (As Landowner) (35)

Consider that the Land at Balgarthno as outlined in Scottish Enterprise development framework is located within the Dundee Western Gateway Strategic Development Area and that the Council's discount of this site for residential development, based upon its perceived location out with the Dundee Western Gateway Strategic Development Area is inaccurate. The physical constraints of the site can be mitigated and any concerns regarding the impact upon residential uses from the future economic use of the upper plateau have been addressed through the development framework. The additional greenfield housing land allocation at Land at Balgarthno should be allocated with a capacity of 150-200 homes as it would be consistent with the spatial strategy for housing provision as it lies within the Dundee Western Gateway Strategic Development Area.

Upon review of the proposed allocated housing sites within the Western Gateway; sites H41 (Dykes of Gray, North West), H42 (Western Gateway, Liff) and H43 (Dykes of Gray, North East), we consider that the Balgarthno site offers a site which better aligns with the spatial strategy, in terms of employing a 'managed release' approach to greenfield allocations.

Although we recognise that the proposed allocations for residential development are extensions of existing housing development sites being brought forward by Springfield Properties, we consider that the location of the site at Balgarthno represents a better placed, sustainable and more logical infill and extension of the urban area of Dundee.

Site H41 has a known flood risk, lies within the vicinity of Firth of Tay SPA and Natura Site which could be negatively impacted upon, as well as a nearby A listed building. Site H42 lies within the vicinity of trees with TPOs and listed buildings, whilst site H43 has an equally sloping topography, open countryside designation with potential for habitat fragmentation, and potential contamination from its previous use.

The sites that have been allocated at the Western Gateway each have their own environmental challenges and overall, we consider that there are no compelling reasons for the preference of these proposed allocations above the Scottish Enterprise land at Balgarthno.

North Grange Farm

James Thompson (23)

Land on the eastern edge of Dundee at North Grange Farm should be allocated for residential use with a focus on widening housing tenure within Dundee to offer custom build opportunities. This approach is supported by Scottish Planning Policy in terms of enabling the provision of a range and choice of housing that can contribute towards the creation of successful and suitable places and is closely aligned with the recent Scottish Government programme to promote self build housing as part of the national agenda to meet Scotland's future housing requirements.

Considers that Land at North Grange can make a valuable contribution to housing supply as it is technically unconstrained and capable of accommodating new development and accessible to public and private modes of transport.

The allocation for residential use with a focus on custom build opportunities at Land at North Grange Farm would be consistent with the Dundee MIR which sought to provide a wider choice of housing sites, a managed approach to the release of greenfield sites, wider choice in terms of house type, location and certainty for future housing growth.

A Custom Build Framework was submitted (CD) to outline a land use structure for the site, consistent with their MIR submission regarding the role of design policies.

H&H Properties (55)

Propose an allocation for residential development at North Grange Farm as part of the short-medium term housing land supply with a capability of delivering 275 units within 2018-2028 (including at least 69 affordable homes). Consider the site would provide an attractive and effective site which would be phased to deliver a wide range of house types to meet demands of potential new residents.

Land at the Shand Public House, Dickson Avenue

Punch Taverns Ltd (36)

The local community have been extremely concerned about the condition of the existing site which has suffered from vandalism and trespass. A redevelopment of the site would clearly deal with these issues, provide additional residential accommodation and greatly improve the visual amenity of the site.

The Land at Shand Public House, Dickson Avenue is surrounded by residential development comprising a range of two storey semi, terraced and detached properties together with apartment block. The site is suitable for residential development and should be identified within Appendix 3.

Land at Prospect III

JD Management (38)

The existing overspill car park serving the Prospect III building is underused, difficult to access and local residents have concerns over night-time anti-social behaviour. The use of this site for residential development would complement the existing residential properties to the east and west.

Stewart's Cream of the Barley

Bruce R Linton & Persimmon Homes Ltd (58)

Request the re-designation of land at Stewart's Cream of the Barley from a 'General Economic Development Area' (GEDA) to 'Residential' for 90 houses in the first period of the Proposed Plan. There are a number of planning considerations that support the proposed development site including; brownfield site, vacant employment site, lack of market demand, units no longer meet modern employment requirements, accessibility of the site, improved streetscape, no known constraints, neighbouring residential development to north, east and south and approved planning permissions on adjacent sites (17/00144/PPPM & 16/00476/FULL) (CD) for non-employment uses.

Considers the approved planning permission have resulted in an isolated GEDA site and therefore would consider the site is more appropriate for 'mixed use'. Requests consideration for the site to be allocated for residential use.

63 Brown Street

Ardmuir Ltd (70)

Propose the re-allocation of 63 Brown Street for purpose built student residential development. In view of the clear current and future demand for development of this nature in Dundee, new sites should be allocated specifically for this use within the Proposed Plan. The site at 63 Brown Street is appropriately located within easy walking distance to the existing university campuses (Abertay and Dundee), public transport services and local amenities.

Ardmuir has previously prepared indicative proposals for this site which respect its specific characteristics, location and other uses within the vicinity. Those proposals demonstrated that the site at 63 Brown Street could accommodate a proposal of up to 6 storeys in height and a total of 75, 3 and 4 bed flats comprising 281 bed spaces.

Modifications sought by those submitting representations:

Proposed Additional Housing Sites

Land to West and South West of Balmossie

Balmossie Developments (19)

Modify Appendix 3 and the Draft Proposals Maps to allocate land to west and south-west of Balmossie as a greenfield housing site with an indicative capacity of

120 homes.

Land at Linlathen

Kirkwood Homes Ltd and Linlathen Developments Ltd (33)

Modify Appendix 3 and the Draft Proposals Map to allocate additional land at Linlathen for release in the second 5 year period of the plan (2025-2029) in accordance with the submitted long term Linlathen Masterplan.

Land at Balgarthno

Scottish Enterprise (as Landowner) (35)

Modify Appendix 3 and the Draft Proposals Map to allocate Land at Balgarthno as a greenfield housing site with an indicative capacity of 150-200 homes.

North Grange Farm

James Thompson (23)

Modify Appendix 3 and the Draft Proposals Maps to allocate Land at North Grange Farm as a greenfield housing site with a focus on offering the opportunity for custom build housing within the City.

H&H Properties (55)

Modify Appendix 3 and the Draft Proposals Map to allocate Land at North Grange Farm as a greenfield housing site with an indicative capacity of 275 homes.

Land at Shand Public House, Dickson Avenue

Punch Taverns Ltd (36)

Modify Appendix 3 and the Draft Proposals Map to allocate Land at Shand Public House, Dickson Avenue as a brownfield housing site.

Land at Prospect III

JD Management (38)

Modify Appendix 3 and the Draft Proposal Map to allocate Land at Prospect III as a brownfield housing site.

Stewart's Cream of the Barley

Bruce R Linton & Persimmon Homes Ltd (58)

Modify Appendix 3 and the Draft Proposals Map to allocate Land at Stewart's Cream of Barley as a brownfield housing site with an indicative capacity of 90

homes.

63 Brown Street

Ardmuir Ltd (70)

The site at 63 Brown Street should be allocated for (purpose built) student residential use.

Summary of responses (including reasons) by planning authority:

Proposed Additional Housing Sites

Land to West and South West of Balmossie

Balmossie Developments (19)

The housing strategy of the Proposed Plan is to prioritise the redevelopment of brownfield sites and for the allocated greenfield sites identified in Appendix 3 and the Draft proposals Map to be progressed at the Western Gateway, Baldragon, Ballumbie, Linlathen and Land East of Strathyre Avenue over the first five year period of the Plan. To provide certainty to the housing strategy and continuing commitment to proposed housing land release within the Strategic Development Area the Proposed Plan has identified further land release at the Western Gateway in the second five year period of the Plan.

There is a generous greenfield housing land release on a range of sites across the City including the nearby allocated greenfield sites at H46: Linlathen, Arbroath Road, H47: Land to East of Strathyre Avenue and H45: Land to East of Ballumbie Road. These allocated greenfield sites will offer the opportunity for new housing within the east of the City. The site at Land West and South West of Balmossie is not required to meet the housing land requirement and release of additional land at this location could have a detrimental impact on the delivery of the allocated sites and would therefore not be supported by the housing strategy within the Proposed Plan.

The proposal to allocate the site for residential development would not accord with the policy approach for housing development set out in the Proposed Plan. It is recommended that the Land at Balmossie continues to be allocated as Open Countryside.

No modification is proposed to the Plan.

Land at Linlathen

Kirkwood Homes Ltd and Linlathen Developments Ltd (33)

The housing strategy of the Proposed Plan is to prioritise the redevelopment of brownfield sites and for the allocated greenfield sites identified in Appendix 3 and

the Draft Proposals Map to be progressed at the Western Gateway, Baldragon, Ballumbie, Linlathen and Land East of Strathyre Avenue over the first five year period of the Plan. To provide certainty to the housing strategy and continuing commitment to proposed housing land release at the Western Gateway Strategic Development Area the Proposed Plan has identified further land release at that location in the second five year period of the Plan.

The Council consider that the proposed indicative capacity of 250 homes at H46: Linlathen, Arbroath Road is already a generous allocation of housing land release within the east of the City that will offer a choice of housing type within that location of the City.

The request to allocate additional housing land in the second period of the Proposed Plan at Linlathen instead of at the Western Gateway is not supported by the Council as it would be of a scale that would likely have a significant detrimental impact on the future expansion at the Western Gateway Strategic Development Area.

The site H41 Dykes of Gray, North West at the Western Gateway Strategic Development Area has been allocated for release in the second period of the Proposed Plan (2025-2029). The allocation of this site provides certainty that the Council are committed to continuing to encourage the development of new housing in the west of the City within the Strategic Development Area and that this allocation is effective and will make a significant contribution to meeting the average Housing Supply Target set out in Map 4 of TAYplan SDP.

The Main Issues Report considered several options for housing land release. The preferred option did include the allocation of additional housing land in the west of the City. Following the representations to the Main Issues Report and analysis of these the Council considered it was appropriate to allocate a managed release of housing land at the Western Gateway in both the first and second period of the Proposed Plan.

A large scale allocation of additional housing land in Linlathen would not be in accordance with Policy 3 of TAYplan SDP that states that Local Development Plans should continue to support the development of Strategic Development Areas.

No modification is proposed to the Plan.

Land at Balgarthno

Scottish Enterprise (as Landowner) (35)

The housing strategy of the Proposed Plan is to prioritise the redevelopment of brownfield sites and for the allocated greenfield sites identified in Appendix 3 and the Draft Proposals Map to be progressed at the Western Gateway, Baldragon, Ballumbie, Linlathen and Land East of Strathyre Avenue over the first five year period of the Plan. To provide certainty to the housing strategy and continuing commitment to proposed housing land release at the Western Gateway Strategic Development Area the Proposed Plan has identified further land release at that

location in the second five year period of the Plan.

Through the allocation of housing land identified in Appendix 3 the Council have provided a generous housing land requirement and the focus on the delivery of these sites will allow for the housing supply target to be met.

The masterplan approach that has been progressed at the Western Gateway has resulted in three major planning applications being granted for the development of circa 700 homes (CD). This includes the development of a core village centre with associated services such as a nursery, village hall and amenity provision as well as financial contributions being collected towards the provision of a new primary school. There has been progress with the delivery of development and around 100 homes have been built since planning permission was granted in 2015.

The proposed allocations at the Western Gateway are a natural extension and relate to the approved housing sites and core village centre. The proposed housing allocations will provide for a further generous release of new housing as well as the provision of land to accommodate a new primary school.

The housing strategy of the Proposed Plan seeks to build on the progress of establishing the village core at the Western Gateway and the allocation of Land at Balgarthno would not be in accordance with the strategy.

The site at Land at Balgarthno would not be considered to be a natural extension to residential areas within the City. The site was previously allocated within the Dundee Local Plan Review 2005 (CD) for economic use and the proximity of the A90 Kingsway Road would result in a housing development that would appear as separate and standalone from the established residential areas in Dundee.

To support the case for the allocation of the Balgarthno site, Scottish Enterprise (as Landowner) (35) has noted that the sites within Western Gateway have environmental constraints. As there are similar constraints at Balgarthno, they conclude that with these similarities there is no reason why the Proposed Plan should not also allocate the Balgarthno site for housing development.

The Schedule 4: Western Gateway Sites provides the Council's response to the representations that specifically sought a modification to the Proposed Plan through the removal of the allocated housing sites at the Western Gateway.

In response to the specific points raised by Scottish Enterprise (as Landowner) (35):

None of the sites at the Western Gateway are located within an area that has been identified as a local, national or international nature conservation designation.

The Proposed Plan states in Appendix 3 that any development at H41: Dykes of Gray, North West should not have an adverse effect on the integrity of any Natura site. In addition, within Appendix 3 the Proposed Plan states any forthcoming development at H41: Dykes of Gray, North West should be supported by a Flood Risk Assessment.

With regards to the other environmental constraints listed in the representation for H42: Western Gateway, Liff and H43: Dykes of Gray, North East, the Council consulted with the key agencies and incorporated their comments into the Proposed Plan as well inclusion of site specific comments into the relevant Development Site Assessments. This will assist a developer with the masterplanning of any forthcoming development proposals at this location.

All of the allocated housing sites in the Proposed Plan have been assessed through the Strategic Environmental Assessment (CD) and Habitats Regulations Appraisal process (CD). The physical, environmental and infrastructure constraints for the allocated sites at the Western Gateway were also assessed through the Development Sites Assessment (CD) process and there were no significant constraints highlighted and it was considered that the allocations are capable of accommodating the indicative level of housing proposed.

It is recommended that the Land at Balgarthno continues to be allocated as Open Countryside as further housing land release for 150-200 units would be of a considerable scale that would prejudice the delivery of the proposed allocated sites and fail to deliver the housing strategy of the Proposed Plan.

No modification is proposed to the Plan.

Land at North Grange Farm

James Thompson (23), H&H Properties (55)

The housing strategy of the Proposed Plan is to prioritise the redevelopment of brownfield sites and for the allocated greenfield sites identified in Appendix 3 and the Draft Proposals Map to be progressed at the Western Gateway, Baldragon, Ballumbie, Linlathen and Land East of Strathyre Avenue over the first five year period of the Plan. To provide certainty to the housing strategy and continuing commitment to proposed housing land release at the Western Gateway Strategic Development Area the Proposed Plan has identified further land release at that location in the second five year period of the Plan.

The Land at North Grange Farm is located on the eastern extremity of Dundee and is not related to any other development within the City. The site is two kilometres to the east of the proposed development site at H46 Linlathen, Arbroath Road. It is not considered that the site at Land at North Grange Farm would result in a logical pattern of residential development for the City and would not be in accordance with the housing strategy of the Proposed Plan. The proposed greenfield housing sites that have been allocated within the east of the City closely relate to the existing development within the City and will offer further choice of housing in that location.

The proposal to allocate the site for residential development does not accord with the policy approach for greenfield housing land release set out in the Proposed Plan. The sites that have been allocated within the Proposed Plan offer a generous choice and location for a range of house builders and occupiers. The Proposed Plan is supportive of custom build housing and the sites that have been

allocated within Appendix 3 offer a range of opportunities for this sector of the housing market.

It is recommended that the Land at North Grange Farm continues to be allocated as Open Countryside.

No modification is proposed to the Plan.

Land at the Shand Public House, Dickson Avenue

Punch Taverns Ltd (36)

Within the Proposed Plan there is a generous supply of allocated brownfield housing sites that are located in priority locations and the Council consider these to meet the identified need and demand for new housing in the City.

The Appendix 2: Supply of Land for Housing calculation anticipates that a total contribution of 200 homes are expected to be delivered from small sites (5 or less residential units) over the ten year plan period of the Dundee Local Development Plan.

The approach to allocating land for housing within Appendix 3: Allocated Housing Sites has been to allocate land that has a reasonable scale of development potential and for this reason there are no sites that have an indicative capacity of less than 10 units.

The Land at Shand Public House has not been allocated for any particular use within the Proposed Plan and is shown as 'white land' on the Draft Proposals Map. It would be through pre application discussions and the submission of a planning application where the site could be brought forward for residential development and would be assessed against the relevant policies within the Local Development Plan.

The Land at the Shand Public House is considered to only have the potential for a small site level of development of houses and it is not necessary to allocate the site within the Proposed Plan.

No modification is proposed to the Plan.

Land at Prospect III

JD Management (38)

The housing strategy within the Proposed Plan is to prioritise the brownfield sites that have been allocated within Appendix 3 and for the managed release of greenfield sites across the City to offer further choice and location to the housing market. Within the Proposed Plan there is a generous allocation of brownfield land which has been allocated on a ranges of sites across the City. It is considered that these brownfield sites will meet the need and demand for new housing and are located in priority locations for new residential development.

The allocated housing sites within the Proposed Plan provide a generous supply of effective housing land that will contribute to meeting the identified housing supply target. The Council are focused on supporting the delivery of the allocated housing sites and the delivery of these should not be undermined by further land release.

No modification is proposed to the Plan.

Stewart's Cream of the Barley

Bruce R Linton & Persimmon Homes Ltd (58)

The housing strategy within the Proposed Plan is to prioritise the brownfield sites that have been allocated within Appendix 3 and for the managed release of greenfield sites across the City to offer further choice and location to the housing market. Within the Proposed Plan there is a generous allocation of brownfield land which has been allocated on a ranges of sites across the City. It is considered that these brownfield sites will meet the demand for new housing and are located in priority locations for new residential development.

Within the Proposed Dundee Local Development Plan 2014 Examination Report (CD) the DPEA Reporter responded to a representation that requested the site to be allocated for housing.

The Reporter stated that; *Any development for housing would be for a relatively high number of units, which could prejudice allocations elsewhere.*

The allocated housing sites within the Proposed Plan provide a generous supply of effective housing land that will contribute to meeting the identified housing supply target. The Council are focused on supporting the delivery of the allocated housing sites and the delivery of these should not be undermined by additional housing land release.

It is recommended that the Stewart's Cream of the Barley site continues to be allocated as a General Economic Development Area. This issue is discussed further in the Schedule 4 form relating to Sustainable Economic Growth.

No modification is proposed to the Plan.

63 Brown Street

Ardmuir Ltd (70)

The site at 63 Brown Street is allocated within the Blackness General Economic Development Area and the relevant Policy 5: General Economic Development Areas allocates the area for uses within Classes 4, 5 and 6 only. Proposal 1: Blackness Regeneration within the Proposed Plan is a specific proposal that highlights the potential for the reuse of vacant land and buildings within the Blackness General Economic Development Area and establishes that the City Council will set a framework for physical improvements through the preparation of a design framework. Within the Schedule 4: Sustainable Economic Growth the Council provide reasoning for retaining the Blackness General Economic

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Development Area boundary and that the context of Proposal 1: Blackness Regeneration allows for complementary uses to be considered through the preparation of the Blackness Regeneration design framework

The preamble to Policy 15: Student Accommodation sets out that within Dundee there has been significant development of new and replacement purpose built student accommodation over the past ten years and it is considered unlikely that there will be the need over the short to medium term for any significant additions to the supply of purpose built accommodation.

During the production of the Proposed Plan the universities were consulted and they did not approach the Council to state that there was demand for new purpose built student housing. This reinforces the discussions that the Council have held with the universities that the current level of student housing provision is appropriate and meeting the demand within the City.

The proposal to allocate the site at 63 Brown Street for purpose built student accommodation would not accord with the policy approach set out in the Proposed Plan. It is recommended that the site at 63 Brown Street is continued to be allocated as a General Economic Development Area and that the preparation of the design framework through Proposal 1: Blackness Regeneration will allow for complementary uses to be established for the area.

No modification is proposed to the Plan.

Reporter's conclusions:

Reporter's recommendations:

Issue 9	POLICY 10: DESIGN OF NEW HOUSING AND APPENDIX 4	
Development plan reference:	Policy 10: Design of New Housing and Appendix 4	Reporter:
Body or person(s) submitting a representation raising the issue (including reference number):		
TACTRAN (07) Homes for Scotland (08) Dundee Civic Trust (13) Broughty Ferry Community Council (20) David Hewick (22) Stewart Milne Homes (39)	Bruce R Linton & Persimmon Homes Ltd (58) Kirkton Community and Safety Partnership (65) Barratt North Scotland (66)	
Provision of the development plan to which the issue relates:	Design of New Housing and Appendix 4	
Planning authority's summary of the representation(s):		
<p>Policy 10: Design of New Housing</p> <p><u>Stewart Milne (39)</u></p> <p>Considers Appendix 4 to be outdated and its prescriptive nature contradicts good design guidance and placemaking requirements of the Scottish Government.</p> <p>Considers Policy 1: High Quality Design and Placemaking should take priority in the design making process.</p> <p>Proposed that masterplans should be prepared and adopted to implement good design rather than applying rigid and unnecessary criteria relating to garden sizes, size of property etc.</p> <p>Appendix 4: Design of New Housing - Standards</p> <p><u>TACTRAN (07)</u></p> <p>Provision needs to be made to encourage and accommodate more sustainable lifestyles and emerging technologies by making provision to energise the move to electric vehicles and to encourage greater personal mobility through initiatives such as car clubs and sustainable transport to promote lower car ownership and use.</p> <p><u>Homes for Scotland (08)</u></p> <p>Considers the provisions of Policy 10: Design of New Housing and Appendix 4 to be generally reasonable however concerned that the minimum standards will have consequential impacts on site viability and market interest in the delivery of these. Particular reference to the garden ground standards for terraced housing</p>		

resulting in an excessive size of garden and affects overall site viability.

Dundee Civic Trust (13)

Raises concern regarding car parking standards and issue of businesses operating from home and associated parking of commercial vehicles. Need to review car parking standards for new developments. Need to devise policies and proposal to help ameliorate the currently severe on-street parking problems in existing older residential areas.

Broughty Ferry Community Council (20)

The existing standard within the Dundee Local Development Plan 2014 (CD) for flats in a suburban location was for 100 sqm gross minimal internal floor area and the Community Council consider that has worked well in the Dundee context. There is no requirement to alter this and concerned that this will allow a creep towards 'town cramming' contrary to good planning practice in a City committed to high quality place making.

David Hewick (22)

It is noted that the 'generous' space standards for flats have been reduced from 100 to 80 sqm. The previous 'generous' standards should be retained. Considers that there is no evidence that they have inhibited good development. Concerns regarding the lack of statutory definition of a bedroom size.

Stewart Milne (39)

Consider Appendix 4 to be outdated and should be redrafted to succeed in design. Considers that the removal of prescriptive and onerous requirements would enable sites to be developed in relation to the design considerations which are best assessed on a site specific basis rather than a prescriptive criteria. Masterplans should be prepared and adopted to implement good design.

Considers minimum garden sizes, minimum property sizes and in-curtilage parking would stymy good design and designing streets layouts.

Considers it unnecessary to prevent the development of 1 bedroomed and smaller 2-bedroomed properties when there is a market need for them.

Bruce R Linton & Persimmon Homes Ltd (58)

Proposes changing Policy 10 to allow flexibility to deviate from rigid requirements in Appendix 4 which may not be appropriate on all sites and can impede delivery particular on smaller sites.

Consider Appendix 4 to be unduly restrictive in particular amenity/garden ground.

The Appendix 4 standards should not be applied on brownfield sites and flexibility should be supported to aid deliverability.

Kirkton Community and Safety Partnership (65)

Cycle parking must be secure and covered. The more bedrooms the more people/cycle spaces required.

Barratt North Scotland (66)

Site development standards especially garden ground requirements constrain numbers and impact on delivery of sites. Terraced properties are narrow and standards lead to excessively long gardens.

Modifications sought by those submitting representations:

Policy 10: Design of New Housing

Stewart Milne (39)

Modify Policy 10 of the Proposed Plan to confirm Policy 1 has supremacy over Appendix 4.

Appendix 4: Design of New Housing - Standards

TACTRAN (07)

Modify Policies 10, 11, 12, 13, 16 and 20 of the Proposed Plan to include provision for electric vehicles charging and car clubs at some residential developments.

Homes for Scotland (08)

Modify Policy 10 of the Proposed Plan to allow for new development to meet the standards set out within Appendix 4 in a flexible manner.

Modify the text of Policy 10 of the Proposed Plan to read:

Policy 10 and Appendix 4 must not be applied where there are reasonable arguments not to, including impacts on site viability and marketability. The objectives and intent of Policy 1 will nevertheless continue to be required to be met in all proposals.

Dundee Civic Trust (13)

Modify Policy 10 of the Proposed Plan to review car parking standards for new developments.

Modify the Proposed Plan policies and proposal to help ameliorate the severe on-street parking problems in existing older residential areas.

Broughty Ferry Community Council (20) and David Hewick (22)

Modify Appendix 4 of the Proposed Plan to retain minimum gross internal floor

area at 100sqm as specified in the current Dundee Local Development Plan 2014 rather than be reduced to 80sqm.

David Hewick (22)

Modify Appendix 4 of the Proposed Plan to include a minimum bedroom size.

Stewart Milne (39)

Modify Policy 10 of the Proposed Plan to confirm Policy 1 has supremacy over Appendix 4. Remove prescriptive and onerous requirements of Appendix 4 and encourage preparation of masterplans.

Bruce R Linton & Persimmon Homes Ltd (58)

Modify the text in Proposed Plan Policy 10 from "*All new housing developments will be required to conform to the guidance on the Design of New Housing set out in Appendix 4.*" To "*All new housing developments should seek to conform to the guidance on the Design of New Housing set out in Appendix 4 unless this would compromise achieving the objective of meeting the six qualities of a successful place*".

Modify Appendix 4 of the Proposed Plan with the deletion of amenity/garden ground standards.

Kirkton Community and Safety Partnership (65)

Modify Policy 10 and Appendix 4 of the Proposed Plan to insert "*Provision of secure and covered cycle parking with at least equal accessibility to the road as for any car parking provided within the curtilage of the premises. Number of cycle parking spaces to be equal to the number of bedrooms*". As a requirement for houses both above and below 5 units whether in the Inner City, Central Broughty Ferry or Suburban.

Barratt North Scotland (66)

Modify Appendix 4 of the Proposed Plan to make the size requirements for garden grounds more flexible.

Summary of responses (including reasons) by planning authority:

Policy 10: Design of New Housing

Stewart Milne (39)

The Local Development Plan policies are to be read as a whole with no policy taking supremacy over another but all issues to be considered and weighed against a development in order to consider its acceptability. Policy 1 and Appendix 1 are the design policy approach for the Proposed Plan and will be considered for all development proposals. New housing developments will be considered against all the appropriate policies within the plan including Policy 1

and Appendix 1. It would be considered inappropriate to rewrite Policy 10 to state that Policy 1 would have supremacy over Appendix 4 standards. Appendix 4 sets out specific guidance for housing developments and complements Policy 1.

Paragraph 4.10 page 17 of the Proposed Plan encourages the use of masterplans for large scale development. The successful preparation and implementation of masterplanning can be seen throughout the City in areas such as Whitfield, Mill O' Mains, Central Waterfront and Western Gateway. Where phasing is proposed as part of medium to large development proposals developers are encouraged to provide a development masterplan to show how the various phases will be carried out as well as how they relate to one another in order to create a high quality design and successful place. With masterplanning and the application of the Appendix 4 standards already being successfully implemented throughout the City it is not considered that any amendment is required.

No modifications are proposed to the Plan.

Appendix 4: Design of New Housing - Standards

TACTRAN (07) Homes for Scotland (08) Dundee Civic Trust (13) Broughty Ferry Community Council (20) David Hewick (22) Stewart Milne (39) Bruce R Linton & Persimmon Homes Ltd (58) Kirkton Community and Safety partnership (65) Barratt North Scotland (66)

In terms of the reference to site viability and marketability it is considered that these are site specific issues which may change over time. Whilst they are considered important in the delivery of development they are not a criteria in assessing the design of new housing and creating new quality places and therefore should not be used as a justification for not applying the standards. Policy 10 and Appendix 4 seeks to promote the development of well designed, energy/resource efficient, good quality housing in sustainable locations as a key objective of the local development plan in line with the aims of Scottish Planning Policy. The standards themselves have flexibility built into them for house types and garden sizes as well as recognising that flats may require different treatment. The standards are also varied and are categorised into three distinct areas of the City (City Centre, Inner City and Central Broughty Ferry and Suburban) and seek to reflect the character of the urban environment of each of these areas. In addition, the standards are further separated into houses and flats and also into sites of more or less than 5 units. The standards within Proposed Plan build on those within the adopted Dundee Local Development Plan 2014 which have been successfully implemented over the period of this Plan (2014 to present).

It is considered that the approach proposed provides flexibility and can deliver good quality housing developments. In addition, Policy 1 and Appendix 1 are the overarching design policy framework for the whole of Local Development Plan and therefore the six qualities of successful place will be applied and considered in future applications for housing development to ensure high quality design and good placemaking.

There is no evidence to suggest that the standards set out in Appendix 4 would

compromise the ability of a development to meet the six qualities of successful place. Policy 1 and the six qualities of successful place and Policy 10 and Appendix 4 seek to promote good quality design and placemaking. Appendix 4 sets the minimum standards for residential development throughout the city. It provides opportunities for flexibility where site specific circumstances require it and should not be used as a justification for poor design or over development of a site. It is considered that Policy 10 and Appendix 4 complement the policy framework of Policy 1 and the six qualities of successful place set out in Appendix 1 and therefore no modification is proposed.

It is considered that the standards set out in Appendix 4 provide a minimum requirement and seek to create high quality places regardless of whether the site is greenfield or brownfield land. The standards allow flexibility and where there are material considerations in terms of the site specific circumstances this would be considered on a case by case basis through the planning application stage. It would not be appropriate to propose a blanket exclusion from the standards for brownfield development. Each development will be considered on its merits with the standards providing high quality homes to meet the varying needs and providing choice throughout the City.

No modifications proposed to the Plan.

The following paragraphs address individual points raised in relation to the content of the Appendix 4 standards:

Garden Ground

Homes for Scotland (08), Stewart Milne (39), Bruce R Linton & Persimmon Homes Ltd (58) and Barratt North Scotland (66)

Garden ground sizes have been varied across the three identified zones across the city and give flexibility to provide for a range within developments to take account of site layout constraints or opportunities. Flexibility is also provided for sites of 5 or less and for flats with balconies as an alternative option. In addition, recognition is given to brownfield sites being potentially more restricted with a lower garden ground requirement than for greenfield sites. In terms of terraced housing Appendix 4 indicates a relaxation for this type of housing in recognition of the size implications. The minimum figure is given to ensure that quality is maintained across all new developments and would not be considered a standard that would impact on the ability to promote good design and layout within new residential development.

No modifications proposed to the Plan.

House size

Broughty Ferry Community Council (20)

Appendix 4 sets out that in the Suburban context houses are the preferred house type and flats are only considered acceptable through conversions of buildings of merit where conversion to houses is not suitable or achievable or where it is

identified within a site planning brief. Where flats are deemed acceptable the standards seek to achieve a high quality living environment. The wording within the Proposed Plan provides clarity that within a Suburban location generous flat sizes are required and is no longer open to the misinterpretation of the equivalent standard in the Dundee Local Development Plan 2014 which may have allowed for smaller two bedroom flats.

David Hewick (22)

Appendix 4 already sets out gross minimum internal floor area to allow flexibility in size and layout of residential accommodation. A minimum bedroom size would be considered too onerous in the context of the standards set out in Appendix 4 and are separately considered through the relevant Building Standard regulations.

Stewart Milne (39)

The minimum standards for property sizes as set out through Appendix 4 seeks to provide for varying needs and to provide a choice of house types throughout the City. In terms of property size, whilst Appendix 4 seeks a minimum of 2 bedrooms in residential development throughout the City, where the site circumstances allow flats to be developed the standards for flats allow flexibility through setting a minimum gross internal floor area which would allow the development of generous 1 bedroom properties flats throughout the City.

No modifications proposed to the Plan.

Car Parking

Dundee Civic Trust (13)

Parking standards are set though the National Roads Development Guide (CD) and reflected at the Dundee City Council level through the roads standards document 'Streets Ahead' (CD). The standards set out in Appendix 4 reflect these car parking requirements. In terms of businesses working at home and associated parking, this would be considered on a case by case basis in terms of type and size and whether there would be a requirement for planning permission. The car parking provision would again require to meet with the roads standards.

Dundee Civic Trust (13)

The policy framework within the Proposed Plan seeks to ensure there is adequate off street parking in new development through the requirement to provide in-curtilage parking as set out within Appendix 4. The wording within Appendix 4 takes into consideration where there are existing on-street parking and congestion issues with the intention of not increasing on street parking problems. Any parking provision that would arise as a result of commercial uses within residential areas would be considered in terms of Policy 17 which allows for the assessment of parking and traffic movement on the area.

No modifications are proposed to the Plan.

Stewart Milne (39)

Car parking provisions as set out in Appendix 4 reflect the parking requirements from the National Roads Development Guide (CD) and corresponding Dundee City Council roads standards document 'Streets Ahead' (CD). Appendix 4 sets the minimum standards for residential development throughout the city, it provides opportunities for flexibility where site specific circumstances require it and are not considered a tool to stymie good design or place making in new developments.

No modifications proposed to the Plan.

Cycle Parking

Kirkton Community and Safety Partnership (65)

Within the City Centre the Appendix 4 standards require secure indoor cycle storage for both houses and flats. Within the Inner City, Central Broughty Ferry and Suburban context the standards are more generous and require larger house types as well as garden ground and it is considered that this allows sufficient provision for cycle storage within the property and/or within the curtilage of the property. The Appendix 4 standards do require that flats within the Inner City, Central Broughty Ferry and Suburban areas provide secure indoor storage for bikes. Appendix 4 indicates that there is a requirement for the scope of secure indoor cycle storage to be in accordance with the number of flats provided. No evidence has been provided to suggest that there is insufficient cycle storage relative to the number of bedrooms and therefore it is not considered necessary to provide this additional requirement.

No modifications proposed to the Plan.

Electric Charging Points

TACTRAN (07)

Policy 10 and Appendix 4 is the policy framework for the Design of New Housing and is required to be met through the policy criteria of Policies 12 and 13. Appendix 4 requires parking areas, generally related to flatted developments, to include provision for electric car charging points and therefore meet the requested modification. Policy 11 is in relation to householder development and it is not considered appropriate to add this requirement to this type of development as it would not create new housing units. In terms of Policy 20 this is in relation to developer contributions to infrastructure provision and given that electric charging points are a requirement of Appendix 4 there would be no requirement for a developer contribution for their delivery in residential development. With regards to car clubs, there is a scheme being run privately within the City. The Council seeks to enable solutions to parking issues, congestion and air quality throughout the City with the policy provisions in Chapter 9 promoting sustainable transport within Dundee.

No modifications proposed to the Plan.

Reporter's conclusions:

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Reporter's recommendations:

Issue 10	NON-MAINSTREAM RESIDENTIAL USES	
Development plan reference:	Policy 14: Residential accommodation for particular needs Policy 15: Student Accommodation Policy 16: Houses in Multiple Occupation	Reporter:
Body or person(s) submitting a representation raising the issue (including reference number):		
Scottish Government (06)		
Provision of the development plan to which the issue relates:	Non-mainstream residential uses	
Planning authority's summary of the representation(s):		
<p>Policy 14: Residential accommodation for particular needs</p> <p><u>Scottish Government (06)</u></p> <p>The need for specialist housing is covered only at a very high level in the Proposed Plan, but does not include the needs of Gypsy/Travellers or Travelling Showpeople.</p> <p>Policy 15: Student Accommodation</p> <p><u>Scottish Government (06)</u></p> <p>Policy 15 requires that a Section 75 obligation or planning condition be used to restrict occupancy to students. Circular 3/2012, paragraph 50 is clear that imposing restrictions on use is rarely appropriate and so should generally be avoided.</p> <p>Policy 16: Houses in Multiple Occupation</p> <p><u>Scottish Government (06)</u></p> <p>Policy 16 requires that a Section 75 obligation or planning condition be used to restrict occupancy of new mainstream residential developments and conversions. Circular 3/2012, paragraph 50 is clear that imposing restrictions on use is rarely appropriate and so should generally be avoided.</p>		
Modifications sought by those submitting representations:		

Policy 14: Residential accommodation for particular needs

Scottish Government (06)

Modify the Proposed Plan to clearly set out the position on provisions for Gypsy/Travellers and other specialist forms of housing required in the area. If there is no need to address this, the Proposed Plan should clarify this.

Policy 15: Student Accommodation

Scottish Government (06)

Modify the Proposed Plan by deleting the last paragraph from Policy 15 which requires the use of planning obligations or conditions to control occupancy.

Policy 16: Houses in Multiple Occupation

Scottish Government (06)

Modify the Proposed Plan by deleting the last paragraph from Policy 16 which requires the use of planning obligations or conditions to control occupancy.

Summary of responses (including reasons) by planning authority:

Policy 14: Residential accommodation for particular needs

Scottish Government (06)

The Housing Background Paper (CD) describes the provision for Gypsy/Travellers within Dundee. Dundee City Council provides a purpose built Gypsy/Travellers caravan park located in a rural setting at Balmuir Wood, Tealing about 6 miles from Dundee that currently meets the identified need. The TAYplan-wide Housing Needs and Demands Assessment (CD) stated that there will be a need for continued maintenance of the existing sites but did not identify a specific additional housing need for Gypsy/Travellers within the Dundee area. In addition there were no specific additional needs identified for Travelling Showpeople as the needs were being suitably accommodated for through the existing arrangements for temporary encampments and fairs.

No modification is proposed to the Plan.

Policy 15: Student Accommodation

The policy approach is being continued from Policy 14: Student Accommodation within the Dundee Local Development Plan 2014 (CD). The policy has been proportionately and successfully applied to developments over that timescale. The Council recognises that the use of restrictions should be avoided unless necessary but in this circumstance the policy approach is considered justified in order to develop and maintain a balanced community. The policy approach does

not unfairly restrict the use of the development and allows for the owner/developer to request the Council review the conditions if circumstances change over time and therefore allows the Council to reconsider the appropriateness of maintaining the controls.

Within Dundee there has been development of new and replacement purpose built student accommodation over the past ten years and it is considered unlikely that there will be the need over the short to medium term for any significant additions to the supply of purpose built accommodation.

The Council recognise that the characteristics of purpose built student accommodation are different to mainstream housing and that they are generally occupied in a more transient and communal nature often with less need for internal living space, car parking, and amenity space. In recognition of this Policy 15: Student Accommodation does not require a minimum size of flats/house, amenity space or parking requirement.

Development proposals for new student housing would not be assessed as mainstream housing and would not require to adhere to Policy 10: Design of New Housing and the standards within Appendix 4. The minimum standards within Appendix 4 are there to ensure that new mainstream residential developments provide a high quality residential environment for mainstream living.

The Council consider that there are robust planning considerations in which the requirement for a restriction of occupancy to students only through either a Section 75 planning obligation or through a planning condition is a proportionate and reasonable requirement. The use of Section 75 or a planning condition to restrict occupancy in this circumstance does fairly and reasonably relate to purpose built student development.

If the occupancy of student housing was not controlled through either Section 75 planning obligations or planning conditions there would be a concern that the development would be let or sold and occupied as substandard mainstream housing. This would not only be to the detriment of residents and the surrounding neighbouring area but would also undermine the policy approach established through Policy 10 and Appendix 4 that seeks to deliver high quality mainstream residential development using a minimum standards based approach to ensure a suitable level of amenity. Furthermore, the City has a lot of existing small one and two bedroom flats (CD) and there is no identified need for additional small flatted accommodation.

The approach within Policy 15 does not seek to apply the requirements of mainstream housing against proposals for student housing as the Council recognises that the needs of the occupiers are different. The control of occupancy through Section 75 or planning conditions is therefore required; alternatively the Council would seek to ensure that applications for 'student housing' were assessed against the minimum requirements of mainstream housing through Policy 10 and Appendix 4. This would be in order to avoid any significant detrimental impact on the amenity of the surrounding area from student housing being occupied as mainstream housing.

No modification is proposed to the Plan.

Policy 16: Houses in Multiple Occupation

Scottish Government (06)

Policy 15: Student Accommodation and Policy 16: Houses in Multiple Occupation address specific issues within certain areas of the City. These policies have both been carried forward from the Dundee Local Development Plan 2014 (CD) and are a complementary policy approach that has helped to develop and maintain balanced communities within the City.

The Proposed Plan continues the strategy of prioritising the reuse of brownfield land within the existing urban area with the aim to increase the opportunities for people to live within accessible locations of the City and to take advantage of the benefits that this offers.

There have been circumstances within the City where residential developments have been purchased or let for multiple occupancy i.e. to be occupied by 3 or more unrelated people. This has been a particular issue in relation to students particularly within the proximity of higher education institutions (including Ninewells Hospital). Whilst such properties require to be licensed as a House in Multiple Occupation (HMO), they do not fall within the scope where planning permission for multiple occupation would be required (5 or more unrelated people in a house and 4 or more unrelated people in a flat).

The occupation of new residential developments as HMOs result in these locations being unavailable to other housing market sectors such as family housing - when the city has an identified need for family housing. This is an issue that the Council seek to control within areas where demand for HMOs are high such as within the Central Waterfront and within the proximity of higher education institutions. In addition, such occupation can increase the pressure on existing facilities such as parking provision to the detriment of the surrounding area.

It is appropriate that the occupation of housing by 3 or more unrelated people is controlled within the Central Waterfront and within the proximity of higher education institutions. This is in order to achieve the housing strategy of the Proposed Plan to allow access to quality housing and to create successful places with a balance and choice of housing type within the City.

The Council will secure this objective through the use of Section 75 planning obligations. The City is well served, particularly within the City Centre, by existing Houses in Multiple Occupation as well as purpose built student housing and the Council therefore do not consider that restricting the occupancy in these particular locations would result in a detrimental impact to that particular sector of the housing market.

The benefit to the policy approach is that it allows for increased opportunities for families to access the housing market and deliver family housing in which there is an identified need for within the City (CD). The proposed occupancy control within Policy 16 would not apply to purpose built student accommodation, other

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non-mainstream housing or social rented housing and therefore fairly relates to mainstream residential development proposals only.

Through Policy 16 the Council have taken a proportionate approach to the use of planning obligations that would be in accordance with the policy tests and paragraph 50 within Circular 3/2012 (CD). As outlined above the approach serves a specific planning purpose, is in accordance with the housing strategy of the Proposed Plan and directly relates to the proposed developments. Whilst there would not be the need in these locations for additional residential developments serving the HMO market there is an identified need for additional family housing across the City and the use of a planning obligations to allow the opportunity for this need to be realised is therefore appropriate and reasonable.

No modification is proposed to the Plan.

Reporter's conclusions:

Reporter's recommendations:

Issue 11	TOWN CENTRES FIRST AND RETAILING	
Development plan reference:	Chapter 7: Town Centres First and Policy 21 Town Centre First Principle. Policy 22: City Centre Retail Frontages. Network of Centres: Paragraphs 7.37 – 7.40; Policy 25: Gallagher Retail Park Extension; Figure 6 and Proposals Map. Network of Centres; Policy 24: Goods Range and Unit Size Restrictions (Commercial Centres); and associated Appendix 6: Goods Range and Unit Size Restrictions. New Sites for Retail and Mixed Use Development.	Reporter:
Body or person(s) submitting a representation raising the issue (including reference number):		
Dundee Civic Trust (13) CWP Dundee Ltd (15) Asda Stores (25) Ares (54) TJ Morris (56) L&G (59) Mitchell (60) National Grid Property (62) Aldi Stores (71) Crucible Developments Scotland Ltd (75)		
Provision of the development plan to which the issue relates:	Town centres and retailing	
Planning authority's summary of the representation(s):		
<p>Chapter 7: Town Centres First and Policy 21: Town Centre First Principle</p> <p><u>Aldi Stores (71)</u></p> <p>Recognise the value in the sequential test but note that town and district centres do not always have opportunities to accommodate stores and associated parking and servicing requirements of the scale they require.</p> <p>Consider that there may be some value in amending the wording of policy 21 where it states that proposals will only be acceptable where “3) the proposal would address a deficiency in provision which cannot be met within or on the edge of these centres.” Consider that the current wording does not reflect Scottish Planning Policy (CD) in this respect, requiring judgement by the planning authority as to whether the deficiencies identified could be met in the city centre or district centre.</p>		

This repeats the requirements of criteria 1) of the policy as it stands to reason that if the sequential test is satisfied under 1) a further test under 3) of whether the deficiencies could be met elsewhere is unreasonable and inconsistent with national policy. Therefore request that this be amended to reflect Scottish Planning Policy.

Feel that this section of the Proposed Plan should more expressly reference the findings of the Dundee Retail Study, issued in 2015, which investigated both existing and forecasted future shopping requirements across the city, in particular in relation to forecasts for capacity that could support additional “small/medium and small stores as described in paragraph 8.3.1”. The Proposed Plan should reflect this position within the general text of the chapter to ensure this deficiency is adequately addressed.

Policy 22: City Centre Retail Frontages

Dundee Civic Trust (13)

Suggest that the best that can be achieved is the consolidation and protection of the existing major retailing frontages and that extensions to or upgrading of the Overgate and Wellgate are most unlikely to be supportable by the catchment population.

Recent planning approvals for out of centre retailing go against this policy.

Focus should be given to the support of the existing centres and the city centre in particular. The Trust consider that there needs to be a cohesive strategy for the city centre which addresses the high level of retail vacancies particularly at the east end of the city centre, the future use of the Wellgate, the general shopping environment, and the issue of upper floor vacancies. The policy statement should be reconsidered accordingly.

The Trust is of the view that the Gallagher Retail Park extension should be removed.

L&G (59)

Welcome the majority of the policies within the Proposed Plan which seek to protect the city centre as the primary retail location in the region, and are of the view that the majority of the policies provide weight to that view.

The policy on retail frontages causes concern in relation to restricting beneficial activity within the Overgate shopping centre. The policy (22) imposes a restriction on class 1 frontages to allow only a change to class 3, and this affects both floors of the Overgate shopping centre as identified in paragraph 7.29. Foresee that the majority of the units in the shopping centre will continue as class 1 use, or class 3 but there is the potential for the occasional proposal for a class 2 use to be considered. Note that there is one class 2 use existing within the centre.

In this regard it is considered that a number of class 2 uses will often comprise

part of the operations which is widely in keeping with retail areas and does not pose a risk to the retail operations of those areas. Seek a degree of flexibility on this restrictive policy to allow the opportunity to provide a small degree of class 2 uses, providing they do not have a detrimental impact on the retail approach. This may be that each proposal has to be considered on its individual merit, or that there is a limit in the number of units proposed within the shopping centre/core retail frontages area. Appreciate why the council have sought to impose this restriction. However, in order to ensure the most optimum position for the city centre, they look to investigate the possibility of flexibility in this regard.

Network of Centres: Paragraphs 7.37 – 7.40; Policy 25: Gallagher Retail Park Extension; Figure 6 and Proposals Map

Dundee Civic Trust (13)

The Trust is of the view that the extension of the Gallagher Retail Park should be abandoned, especially as it is not within the city centre.

CWP Dundee Ltd (15)

Seek that the remaining Myrekirk Road site should be allocated for a land use that relates to the characteristics of the site and surrounding uses. In this regard it is suggested that the site should be identified as an appropriate site for retail/commercial leisure development and that the wider site, including the Asda food store and consented Aldi food store, should be allocated as a commercial centre.

Such an allocation would be in line with the Dundee Retail Study 2015 (CD) which identifies a range of convenience and comparison retail capacity within the City catchment. The Retail Study states that there are significant levels of potential retail floorspace and whilst existing floorspace, including the City Centre may be able to absorb some of this future capacity, the Proposed Plan has not sought to identify land to accommodate this additional demand, other than at Gallagher Retail Park.

Asda Stores (25)

They consider that the area containing the Asda store at Gilburn Road, Kirkton alongside the community centre and library be designated as a District Centre in the Proposed Plan's retail hierarchy.

Ares (54)

Generally welcomes the approach to retail and the network of centres within the Proposed Plan. Consider that the Proposed Plan should seek to manage and control the potential for convenience planning permission to be re-configured to provide comparison retailing.

In this regard, they are of the view that the Council should recognise the network of convenience stores within the Proposed Plan and highlight that these stores will remain for convenience goods, with any proposals for a change from

convenience, or supermarket being subject to the same tests of any new retail proposals.

Network of Centres; Policy 24: Goods Range and Unit Size Restrictions (Commercial Centres); and associated Appendix 6: Goods Range and Unit Size Restrictions

TJ Morris (56)

The Lochee District Centre boundary should be extended to include The Stack. During the Examination of the adopted Local Development Plan (CD), the Reporter identified that extending this boundary at the time was premature due to the scale and nature of uses at the Stack. The inclusion of The Stack within the Lochee District Centre boundary should no longer be considered as premature in the preparation of the emerging Proposed Plan.

A masterplan for the site was prepared in 2013 and a number of the existing operators at the Stack would breach the restrictions the council are proposing to impose on Commercial Centres within the emerging Proposed Plan. Furthermore, planning permission has been granted for a gym and further retail. These existing and proposed uses are appropriate town centre uses.

The proposed restrictions under Policy 24 are considered to be inappropriate given the existing and proposed uses at the Park already breach these restrictions and these are complementary to Lochee District Centre.

Therefore the proposed restrictions would adversely affect the continued operation of The Stack and ultimately the vitality and viability, and regeneration, of Lochee District Centre.

New Sites for Retail and Mixed Use Development

Mitchell (60)

The site is an area of rough ground located to the south of the B&Q store on Kings Cross Road. It is close to the Kingsway West Retail Park (providing a varied retail offer) and an allocated Economic Development Area to the west (providing predominately DIY retailing e.g. Toolstation and Johnstone's Decorating Centre), together with an easily accessible location, provides the same retail warehouse offer as the Commercial Centre and the Economic Development Area. The site is considered to form a natural extension to the existing retail warehousing at this part of the City and the allocation of this site for bulky retail development would complement the surrounding land uses and encourage linked trips to the existing shops at this location.

Would be willing to accept a restriction under the terms of Proposed Policy 24: Goods Range and Unit Size Restrictions and the associated Appendix 6.

National Grid Property (62)

Seeks the reallocation of its site at East Dock Street for mixed use development

which would accommodate a range of uses, including business, commercial and leisure. NGP considers that a mix of uses which would be restricted to classes 3 (food and drink), 4 (business), 7 (hotel), 10 (non-residential institution) and 11 (leisure) of the Town and Country Planning (Use Classes) (Scotland) Order 1997 (as amended) would be appropriate. This would enable the site to be effectively remediated and developed in a manner which would be complementary to the industrial uses to the east and south, and commercial/city centre uses to the west, representing a key transitional site within the wider Waterfront.

Crucible Developments Scotland Ltd (75)

Designate additional development site for appropriate uses such as residential, hotel, leisure (i.e. cinema and restaurants) and some complementary retail uses at an important city centre location.

Modifications sought by those submitting representations:

Chapter 7: Town Centres First and Policy 21: Town Centre First Principle

Aldi Stores (71)

Modify the Proposed Plan by modifying Policy 21, bullet point 3 to read: "*the proposal would address a deficiency in provision which cannot be met within or on the edge of these centres.*"

Policy 22: City Centre Retail Frontages

Dundee Civic Trust (13)

Modify the Proposed Plan by modifying Policy 22 and preamble to provide a strategy for the city centre to tackle issues of retail vacancies, use of the Wellgate and upper floor vacancy rates.

L&G (59)

Modify the Proposed Plan by modifying Policy 22 to allow a degree of flexibility in relation to the potential for the introduction of class 2 uses within the city centre retail frontage area.

Propose the following preferred text as a replacement:

'Within the City Centre Retail Frontages Area uses within class 1 (shops) use will be encouraged. Proposals which would result in the loss of ground floor retail uses to uses other than class 3 (food and drink) uses will only be permitted if it can be demonstrated that they will not impact negatively upon the retail function of this area, to the satisfaction of the Council. Conditions will be applied to prevent the permitted change from class 3 to class 2.'

Alternatively, the policy could state:

'Within the City Centre Retail Frontages Area uses within class 1 (shops) use will be encouraged. Proposals which would result in the loss of ground floor retail uses to uses other than class 3 (food and drink) uses and a small percentage of

class 2 uses (15%) will not be permitted. Conditions will be applied to prevent the permitted change from class 3 to class 2 in keeping with the above'

Network of Centres: Paragraphs 7.37 – 7.40; Policy 25: Gallagher Retail Park Extension; Figure 6 and Proposals Map

Dundee Civic Trust (13)

Modify the Proposed Plan by removing the Gallagher Retail Park extension

CWP Dundee Ltd (15)

Modify the Proposed Plan by allocating the Myrekirk Road site for retail development and designate the wider site as a Commercial Centre.

Asda Stores (25)

Modify the Proposed Plan by allocating the Asda store, community centre and library as a District Centre for the north of the City.

Ares (54)

Modify the Proposed Plan by modifying Paragraph 7.9 to read: *“There are a series of convenience (supermarket) stores and planning permissions for new stores across the City which are located outwith the agreed network of centres identified in figure 5. These stores provide an important convenience requirement and will continue to do so. Any proposals to change from this type of retail will be subject to the same requirements of proposals for new retail development. Further to this network of convenience stores, top up shopping needs are met by a network of local shops and shopping parades, which will continue to provide this service.”*

TJ Morris (56)

Modify the Proposed Plan by extending the Lochee District Centre boundary to include The Stack site.

Policy 24: Goods Range and Unit Size Restrictions (Commercial Centres); and associated Appendix 6: Goods Range and Unit Size Restrictions

TJ Morris (56)

Modify the Proposed Plan by modifying Policy 24 and Appendix 6 to remove the goods range and unit size restrictions.

New Sites for Retail and Mixed Use Development

Mitchell (60)

Modify the Proposed Plan by allocating the land to the rear of the B&Q at King's Cross Road, specifically for retail warehousing.

National Grid Property (62)

Modify the Proposed Plan by allocating the Dock Street site for a range of uses, including business, commercial and leisure. NGP considers that a mix of uses which would be restricted to classes 3 (food and drink), 4 (business), 7 (hotel), 10 (non-residential institution) and 11 (leisure).

Crucible Developments Scotland Ltd (75)

Modify the Proposed Plan by adding a new policy/proposal after paragraph 7.24:

Proposal 2 : Greenmarket Development Site

“To highlight the potential to reuse vacant land on important City Centre sites, the Council identify and support the development of appropriate site uses such as residential, hotel, leisure (i.e. cinema and restaurants) and some complementary retail uses. Should the viability of any forthcoming planning application be challenged, alternative uses will be considered by the Council.

The Proposals Map should include a specific Greenmarket site designation. The Proposals Map should also extend the current Policy 22: Central Waterfront boundary to include the Greenmarket site, given its close proximity and to ensure the site is developed in line with the aims and objectives of the Central Waterfront”.

Summary of responses (including reasons) by planning authority:

Chapter 7: Town Centres First and Policy 21 Town Centre First Principle

Aldi Stores (71)

Scottish Planning Policy (CD) paragraph 68 advises that development plans should adopt a sequential town centre first approach when planning for uses which generate significant footfall, including retail and commercial leisure uses, offices, community and cultural facilities and, where appropriate, other public buildings such as libraries, and education and healthcare facilities. This requires that locations are considered in the following order of preference:

- town centres (including city centres and local centres);
- edge of town centre;
- other commercial centres identified in the development plan; and
- out-of-centre locations that are, or can be, made easily accessible by a choice of transport modes.

The Proposed Plan responds to this requirement by ensuring that the City Centre and District Centres contain a mix of footfall generating uses and that they are attractive and vibrant places for people to work, shop and spend leisure time as this is key to reducing the leakage to other retail destinations, including the internet.

The 'Town Centre First' principle embedded in Chapter 7 of the Proposed Plan and in particular in relation to Policy 21 emphasises the need for significant footfall generating uses to consider locating within the City Centre or other identified centres in accordance with the above Scottish Planning Policy requirements.

The City Centre displays a high level of retail vacancies which furthers its priority for development. The Dundee Retail Study 2015 (CD) provides evidence of this to advise that the vacancy rate in the City Centre is 17%, which is higher than the Scottish average of 10.6% for town centres. Vacant floorspace in the City Centre has increased in recent years. Similarly, there is the need to prioritise the integration of the Waterfront Development into the existing shopping area.

In order to ensure that there is a robust strategy in place to tackle the issues of vacancy, a further two criteria are included within Policy 21 which relate to the individual or cumulative impact upon Centres and that the proposals should be addressing a deficiency in provision which cannot be met within or on the edge of the Centres. These are based upon decision making criteria provided in paragraph 73 of Scottish Planning Policy and would inform the decision making approach in any case.

In seeking to align the Proposed Plan with the Town Centre First principles the Proposed Plan carries forward the sequential approach from the adopted Local Development Plan (CD) Policy 24. This allows for a full assessment of the impact of out of centre retail proposals on the wider network of centres. This approach was considered to be appropriate when the 2014 Local Development Plan was adopted and aside from greater promotion of the town centre first principle there has been no change in guidance that would warrant a different approach.

The points made by Aldi (71) that this repeats the requirements of criteria 1) of the policy are considered to be unfounded.

The issue of site selection in terms of criteria one relates to the application of the sequential test in its purest form. Case law (Dundee v Tesco) sets out what is meant by a 'suitable' site in this regard. In summary one of the key findings that this established was that if a site is not suitable for the commercial requirements of the developer in question then it is not a suitable size for the purposes of the sequential approach. Although this may have certain overlaps with criteria 2 of Policy 21 in terms of the commercial aspects of this, in particular for the discount food shops such as Aldi (71), this does not specifically allow for the examination of whether the proposal individually or cumulatively would be addressing a deficiency in provision which cannot be met within or on the edge of the identified centres. Therefore, the two separate criteria are included to allow examination of two separate considerations. Admittedly, there may be linkages in the arguments put forward by the applicants for each of these, but this will be dependent upon their detailed arguments and formats.

Dundee City Council are willing to work with Aldi Stores (71) to develop new stores in appropriate locations where it can be demonstrated that there is a need in terms of deficiency and in terms of distribution. Each planning application is judged on its individual merits in line with the sequential test.

It is considered that the policy approach currently proposed in the Plan allows the development of small/medium stores through the sequential approach and also where it can be demonstrated that there is a need in terms of deficiency and in terms of distribution. This approach ensures that new retail development is directed to where it is needed and that there is consideration of the impact of new retail development on the vibrancy, vitality and viability of the city and district centres.

With regard to the comments in relation to the Dundee Retail Study 2015, whilst it is accepted that the Retail Study forecasts spare convenience and comparison expenditure, it emphasises the importance of supporting identified commitments and the existing network of centres in line with Scottish Planning Policy and the sequential approach contained within Policy 21 of the Proposed Plan. The reasoning behind this is to ensure the vitality and viability of the established centres and strengthen the application of the sequential test.

The Proposed Plan Policy 21 does allow for deviation from the town centre first approach where the three tests can be satisfied. As part of this, the Policy allows for a deficiency argument to be established to support investment outwith the City Centres subject to not undermining the established centres in line with Scottish Planning Policy.

The Retail Study provides support to the current Policy approach and advises that the potential to support additional comparison and convenience floorspace requires to be directed to opportunities within the network of centres and the associated policy restrictions on out of centre developments and ranges of goods that can be sold in retail parks. Failure to achieve this risks weakening the established centres which would be counterproductive. This would not meet the requirements of the TAYplan SDP (CD) or Scottish Planning Policy and would not help to deliver the aims of the Proposed Plan.

No modifications are proposed to the plan.

Policy 22: City Centre Retail Frontages

Dundee Civic Trust (13)

Scottish Planning Policy (CD) paragraph 60 states that planning for town centres should be flexible and proactive, enabling a wide range of uses which bring people into town centres and that the planning system should apply a town centre first principle when planning for uses which attract significant numbers of people. Paragraph 68 then states that development plans should adopt a sequential town centre first approach when planning for the uses which generate significant footfall.

In this regard, the Proposed Plan at paragraph 7.14 highlights that the future prosperity of Dundee depends upon the City Centre supporting a mix of uses that encourage its vitality and diversity of economic and social activity, both during the day and in the evening.

The Proposed Plan policy approach ensures that the City Centre and District Centres contain a mix of footfall generating uses and that they are attractive and vibrant places for people to work, shop and spend leisure time as this is key to reducing the leakage to other retail destinations, including the internet.

Proposed Plan Policies 21 and 22 relate to the location of retailing across the city, and adopt a sequential approach as set out in Scottish Planning Policy. The City Centre is the region's main shopping destination, an important role that is recognised in TAYplan SDP (CD). The Proposed Plan reflects this and the complementary role of the District Centres and Commercial Centres as part of the network of centres within the City as shown on the Proposals Map.

Scottish Planning Policy's 'Town Centre First' principle is embedded in Chapter 7 of the Proposed Plan and in particular in relation to Policy 21, which emphasises the need for significant footfall generating uses to consider locating within the City Centre or other identified centres in accordance with the above Scottish Planning Policy requirements.

It is considered that there is therefore a robust planning policy approach in place to tackle the issues of vacancy within the City Centre. There are also Council led initiatives underway such as the preparation of a City Centre strategy, the Local Community Plan and strategic plans including the City Plan and the Dundee Economic Strategy that also look to support, enable and encourage improvements to the city centre.

The comments regarding previous planning decisions for out of centre food stores are noted. The current planning policy approach, which is carried forward into the Proposed Plan as Policy 24, is to restrict the range of goods that can be sold within the Commercial Centres as well as food stores and other standalone retail units. This long standing policy approach helps to protect the District Centres.

Planning permission reference 16/00749/FULL (CD) was granted by Committee on 9 December 2016 for the development of an Aldi retail foodstore at the site on Myrekirk Road. This was a duplicate of permission reference 15/00404/FULL (CD) issued on 21 August 2015. Although the proposed development in both applications is contrary to the adopted Local Development Plan (CD), as it would result in the loss of business land, the proposed development was considered to result in economic benefits in the form of additional employment for the City, and would bring a longstanding vacant site back into use. The material considerations were considered to be of a sufficient weight to set aside the relevant provisions of the adopted Local Development Plan.

Planning Permission in Principle 17/00144/PPPM (CD) was granted by Committee on 21 June 2017 for "Mixed use development comprising industrial units (Class 4 & 5) (11,960 sqft across 10 units), car showroom (sui generis)(12,500 sqft), family restaurant (with ancillary public house) and coffee shop (Class 3) and food retail (Class 1)(24,000 sqft GFA), with car parking, access and associated works." on a site at Kingsway East. Although this development is contrary to the adopted Local Development Plan as it would result in the partial loss of business land, the economic benefits, regeneration of the site and provision of local facilities justified the departure.

Development has not yet commenced under any of these consents and no details have been submitted in relation to the pre-commencement conditions.

It is important to note that these applications were approved contrary to the recommendations of the Planning Officers and were related to convenience retailing only. Although they were departures from the adopted Local Development Plan they were justified on the basis of the material considerations put forward in each case which relied heavily on the associated economic benefits in the form of additional employment for the City, and the re-use of vacant sites. Policy 21: Town Centre First Principle and the sequential test remain as key components of the retailing strategy for the Proposed Plan and are not undermined by the above decisions.

In relation to comparison retail, the Dundee Retail Study 2015 (CDxx) concludes that the range of forecast spare expenditure over the period 2015-2026 would support the proposed Overgate expansion, but not fully within the first five years. The proposed expansion is likely to have a long lead-in time as market demand lags behind the expenditure potential, so weight should not be given to initial limits on forecast capacity. Competition within identified centres will be market driven but it is considered that the scale of the city centre as defined in the Proposed Plan is sufficient to allow for the spare expenditure that might become available over the course of the Plan as evidenced by the Retail Study.

In addition, the potential for further out of centre retail provision (as suggested by the Retail Study) is identified as an extension to Gallagher Retail Park. The proposed extension to the Gallagher Retail Park is to accommodate part of the City's future household goods retail floorspace requirements. To avoid undermining the retail strategy, the site will be subject to goods range restrictions to ensure it operates as a focus for retail warehousing trading primarily in bulky household goods. It will therefore be complementary to the proposed expansion of the Overgate rather than competing with it.

No modifications are proposed to the Plan.

L&G (59)

Dundee City Centre is recognised as the Regional Centre within TAYPlan SDP as being an area for significant footfall attracting uses. Within this, the Overgate Centre is the prime focus for retailing. It is considered to be important to protect that role to avoid a potentially damaging dilution of retail offer. As owners of the Overgate Centre L&G are seeking a flexible policy approach that would enable flexibility in relation to the potential for the introduction of class 2 uses within the city centre retail frontage area.

Policy 22 and Appendix 5 set out a policy approach that seeks to retain retail uses within the retail frontage, specifically Class 1 (shops) and also Class 3 (Food & Drink). This policy approach applies to all floors within the Overgate Centre.

The policy position in relation to Policy 22 restricts the formation of class 2 uses within the core retail frontage areas (including the Overgate Centre) to retain the

focus on providing a high quality retail offer.

Within this, it is recognised that there will be the requirement for a flexible approach where there is a particular use that fits within the retail feel and focus of the Overgate Centre but may not strictly fall within Class 1 of the Town and Country Planning (Use Classes) (Scotland) Order 1997 (as amended). This policy approach is carried forward from the adopted Local Development Plan where it has already been applied flexibly to allow the insertion of appropriate uses within the Overgate Centre (including a small bureau de change) where material considerations exist and this would be the intention in the future.

There is still significant scope within the remaining areas of the city centre to accommodate Class 2 uses and this accords with Scottish Planning Policy in terms of attracting footfall generating uses to locate within the network of centres.

Allowing Class 2 uses into the retail frontage areas could erode the vitality and viability of the City Centre. This would not meet the requirements of the TAYplan SDP or Scottish Planning Policy and would not help to deliver the aims of the Proposed Plan.

No modifications are proposed to the Plan.

Network of Centres: Paragraphs 7.37 – 7.40; Policy 25: Gallagher Retail Park Extension; Figure 6 and Proposals Map

Dundee Civic Trust (13)

Paragraphs 7.46 and 7.47 continue the policy approach from the adopted Local Development Plan (CD) and discuss the rationale behind allocating an area of land to accommodate an extension to the Gallagher Retail Park. As there is limited space within the city centre boundary to accommodate the anticipated future household goods retail floorspace requirements, this site has long been identified as an appropriate location for the development of new floorspace, subject to the restrictions that currently apply to the Gallagher Retail Park.

The Dundee Retail Study 2015 (CD) at section 11.8 reviews the adopted Local Development Plan Policy 25 and concludes that there is no need for change emerging from the research.

No modifications are proposed to the Plan.

CWP Dundee Ltd (15)

Scottish Planning Policy (CD) paragraph 60 states that planning for town centres should be flexible and proactive, enabling a wide range of uses which bring people into town centres and that the planning system should apply a town centre first principle when planning for uses which attract significant numbers of people. Paragraph 68 then states that development plans should adopt a sequential town centre first approach when planning for the same.

Scottish Planning Policy paragraph 63 sets out the circumstances where Plans

should identify commercial centres. This includes, those centres which have a more specific focus on retailing and/or leisure uses, such as shopping centres, commercial leisure developments, mixed retail and leisure developments, retail parks and factory outlet centres.

TAYplan SDP (CD) Policy 5 requires local development plans to identify specific boundaries for each commercial centre in the network identified in TAYplan SDP and to identify any other commercial centres as appropriate. Paragraph 7 on page 30 of TAYplan SDP also describes commercial centres as specialising in bulky goods such as DIY and furniture, commercial leisure and that they are often co-located with supermarkets. It also notes that some commercial centres also serve as local centres for their immediate surroundings as well as being hubs for food shoppers from other areas.

Proposed Plan Policies 21 and 22 relate to the location of retailing across the city, and adopt a sequential approach as set out in Scottish Planning Policy.

The City Centre is the region's main shopping destination, an important role that is recognised in TAYplan SDP. The Proposed Plan reflects this and the complementary role of the District Centres and Commercial Centres as part of the network of centres within the City as shown on the Proposals Map. The Proposed Plan contains the three commercial centres identified in TAYplan SDP and also identifies the Stack Leisure & Retail Park as a fourth and new edge of centre commercial centre.

The representation requests that the Proposed Plan is modified to designate the area at Myrekirk Road as a Commercial Centre. The area is occupied by a single retailing use at the present time – an Asda food store. Planning permission has been granted to Aldi for a second food store on a site to the east of the area – planning permission reference 16/00749/FULL (CD) was granted by Committee on 9 December 2016 for the development of an Aldi retail food store at the site on Myrekirk Road. This was a duplicate of permission reference 15/00404/FULL (CD) issued on 21 August 2015. The planning permission has not yet been implemented and there have been no requests to clear the pre-commencement planning conditions. If this second food store is constructed the area would contain two food stores. When assessed against the criteria contained within Scottish Planning Policy paragraph 63 and in TAYplan SDP paragraph 7, page 30 it is not considered that the area would have the characteristics of a commercial centre.

Such a designation would likely result in the development of further retail and leisure units which would draw trade and footfall away from the existing network of centres.

The representation also separately requests that the Myrekirk Road site is allocated for retail / leisure use and refers to the Dundee Retail Study 2015 as evidence that there is significant retail capacity in the city.

Whilst it is accepted that the Retail Study forecasts spare convenience and comparison expenditure, it emphasises the importance of supporting identified commitments and the existing network of centres in line with Scottish Planning

Policy and the sequential approach contained within Policy 21 of the Proposed Plan. The reasoning behind this is to ensure the vitality and viability of the established centres and to strengthen the application of the sequential test. As part of this, it is noted that there are additional permissions now in place that will take up part of the potential available expenditure that were not consented at the time of the Retail Study preparation. These include the Aldi planning permission at Myrekirk Road for a 20,000 sqft food store as referenced above; a planning permission in principle for a mixed use development including a 24,000 sqft GFA food store at Kingsway East (reference 17/00144/PPPM (CD)); and the development of a 15,000 sq ft Smyths toystore within the Stack Retail & Leisure Park (reference 17/00079/FULL) (CD).

In addition it is important to recognise that the City Centre and District Centres have a high level of retail vacancies and this furthers their priority for new retail occupiers and the need to protect them from competition from out-of-centre retail development. Paragraph 7 of the Retail Study notes that at 17% the vacancy rate in the City Centre is higher than the Scottish average of 10.6% for town centres and that vacancies have increased in recent years. Section 4.18 of the Retail Study expands on this and also discusses the vacancy rates within the District Centres. As the vacancy rate in the City Centre and the Lochee and Hilltown District Centres is above the Scottish average the need to focus new business into these areas is critical.

The Retail Study is also very clear to advise that when assessing spare capacity, much greater weight should be given to the forecast expenditure compared to the equivalent floorspace. The latter is merely indicative, as retail formats and turnover ratios vary considerably. In this regard, the retail sector is evolving at a fast pace as consumers are now choosing to shop progressively more online, increasingly via smartphones, and food stores are now increasing multi-channel operations (click-and-collect in particular). Paragraph 7.2.2 of the Dundee Retail Study notes that the proportion of special forms of trading (SFT) is projected to increase up to 2024. It should be noted that the proportions of SFT shown in Table 7.1 of the Retail Study do not include internet home delivery coming from existing supermarket shelves.

Therefore, the impact upon the demands for floor space are likely to continue to evolve over the period of the Proposed Plan and whilst the evidence base provided by the Retail Study is helpful, the impact of SFT must be recognised.

The Retail Study provides support to the current Policy approach and advises that the potential to support additional comparison and convenience floorspace requires to be directed to opportunities within the existing network of centres and the associated policy restrictions on out of centre developments and ranges of goods that can be sold in retail parks. Failure to achieve this risks weakening the established centres which would be counterproductive. The requested modification would undermine this by diverting the focus to an additional site that is not required.

Neither the designation of the Myrekirk Road area as a Commercial Centre nor the designation of the CWP Dundee Ltd site at Myrekirk Road for retail / leisure development would meet the requirements of the TAYplan SDP and Scottish

Planning Policy and would not help to deliver the aims of the Proposed Plan. It is recommended that the area is not designated as a commercial centre and that the site is not allocated for retail or leisure use.

There are no modifications proposed to the Plan.

Asda Stores (25)

Scottish Planning Policy paragraph 61 requires plans to identify a network of centres and explain how they complement each other. Paragraph's 62 and 63 set out the criteria that should be used when identifying areas as town centres or commercial centres respectively.

TAYplan SDP Policy 5 requires local development plans to identify specific boundaries for each commercial centre in the network identified in TAYplan SDP and to identify any other commercial centres as appropriate. The table in Policy 5 also sets out the functions of centres.

The Proposed Plan contains a network of centres, which accords with the sequential town centre first principle set out in Scottish Planning Policy and also reflects Policy 5 in TAYplan SDP.

The City Centre, five district centres, and four commercial centres are the centres identified within Dundee's network. These three types of centre are all complementary to each other in terms of their role and function.

Paragraph 62 of Scottish Planning Policy advises that in designating town centres (known as District Centres in the Proposed Plan) there are a number of features which they should display. This should include, a diverse mix of uses, including shopping; a high level of accessibility; qualities of character and identity which create a sense of place and further the well-being of communities; wider economic and social activity during the day and in the evening; and integration with residential areas.

The preamble to Policy 23 (District Centres Retail Frontage) (paragraph 7.32) explains the nature of the District Centres within the city in that they are part of a historic legacy of shopping and service centres which have traditionally served as the focus for distinct communities within the City. They continue to provide a range of shops, services and leisure facilities in locations which are accessible by public transport.

When considered against the criteria contained within Scottish Planning Policy Paragraph 62 the proposed town or district centre fails to satisfy the criteria. The proposal relates to a single retail premises – the Asda foodstore - and one nearby building that is occupied by a community centre and library. The physical scale of the proposed area and the range of uses is limited. As a result, the uses primarily meet the needs of the local area and are not considered to function as a 'town centre' or district centre where there would be a high number of users making linked trips to a diverse mix of uses. In addition, the layout and position of the foodstore also means that there are limited physical linkages between it and the adjacent library/community centre such as to mean there is no particular sense of

place which is a key component of the existing District Centres.

As part of the network of centres, a district centre designation would allow town centre uses to locate here. This is likely to draw trade and footfall away from the existing district centres, undermining their health and the long established policy approach to Dundee's network of centres.

Allocating the area around the Asda store, Kirkton Library and Community Centre as a District Centre would not help to deliver the aims of the Proposed Plan. This would result in the Proposed Plan failing to comply with the TAYplan SDP and Scottish Planning Policy. It is recommended that this area is not designated as a District Centre.

No modifications are proposed to the Plan.

Ares (54)

The potential impact arising from convenience retailing being re-configured to comparison retailing is recognised. Through Policy 21 the Proposed Plan responds by adopting a town centre first policy approach as required by Scottish Planning Policy paragraphs 60 and 68. Accordingly the Proposed Plan identifies a network of centres comprising the City Centre, five district centres, and four commercial centres.

Where the City Centre cannot accommodate development, proposals would be assessed sequentially under Policy 21 to ensure development takes place in appropriate locations. Retail development is to take place within identified centres wherever possible in order to protect and enhance the vitality and viability of those centres. The policy does allow for deviation from the town centre first approach in particular circumstances where the applicant can meet the policy criteria.

Paragraph 7.41 of the Proposed Plan clearly explains that in order to ensure the Commercial Centres do not jeopardise the vitality and viability of the City Centres and District Centres, each of the Commercial Centres are subject to goods range restrictions and controls to limit the amount of floorspace that can be given over to non-food goods and the size of the units either by legal agreements or planning conditions. Similar controls are applied to food stores and other standalone retail units.

The preamble to Policy 24 (Goods Range and Unit Size Restrictions) at paragraph 7.45 advises that there are still concerns regarding the scale of comparison goods being sold within food stores and the potential impact of this on the City Centre and District Centres. Policy 24 together with Appendix 6 then restricts the floorspace within food stores that can be used for the display and sale of comparison goods. In practice these controls would be applied through the use of planning conditions or a legal agreement. It should be noted that most of the convenience stores referred to by Ares have restrictions on them already in line with the long standing policy approach.

Policy 24 would be applied to applications seeking to develop new food stores, extend existing food stores or for applications seeking to increase the floor area

that can be used for the display and sale of comparison goods.

It is the case that Section 42 planning applications or applications for the Modification and Discharge of a Planning Obligation would be required to be made to change these stores from convenience to comparison formats of retailing. These would allow for full consideration of the impacts that a change in the type of retailing being offered from particular sites might make upon the other recognised Centres. As a result, there is limited scope for the change from convenience retailing to comparison retailing affecting existing larger sized units without the need for appropriate permissions as above.

It is considered that Policy 21 and the goods range restrictions within Policy 24 and Appendix 6 Proposed Plan adequately deal with the potential growth change in comparison floor area outwith the network of centres.

No modifications are proposed to the Plan.

TJ Morris (56)

Scottish Planning Policy paragraph 61 requires plans to identify a network of centres and explain how they complement each other. Paragraph's 62 and 63 set out the criteria that should be used when identifying areas as town centres or commercial centres respectively.

TAYplan SDP Policy 5 requires local development plans to identify specific boundaries for each commercial centre in the network identified in TAYplan SDP and to identify any other commercial centres as appropriate. The table in Policy 5 also sets out the functions of centres.

The Proposed Plan contains a network of centres, which accords with the sequential town centre first principle set out in Scottish Planning Policy and also reflects Policy 5 in TAYplan SDP.

The City Centre, five district centres, and four commercial centres are the centres identified within Dundee's network. Each of the three designations is complementary to the others in the network in terms of role and function.

Paragraph 62 of Scottish Planning Policy advises that in designating town centres (known as District Centres in the Proposed Plan) there are a number of features which they should display. This should include, a diverse mix of uses, including shopping; a high level of accessibility; qualities of character and identity which create a sense of place and further the well-being of communities; wider economic and social activity during the day and in the evening; and integration with residential areas.

The preamble to Policy 23 (District Centres Retail Frontage) (paragraph 7.32) explains the nature of the District Centres within the city in that they are part of a historic legacy of shopping and service centres which have traditionally served as the focus for distinct communities within the City. They continue to provide a range of shops, services and leisure facilities in locations which are accessible by public transport. The District Centres and their relative health is discussed in the

Dundee Retail Study 2015 (CDxx) from section 6.4 onwards. Lochee District Centre is discussed in section 6.8. Whilst there has been some turnover of units in Lochee High Street since the Retail Study was undertaken the vacancy rate remains about the same.

The established network of centres have been supported and developed over the years by previous planning strategy and policies which have sought to reinforce their role within a recognised hierarchy. The range of uses and physical structures within Commercial Centres makes them different in character and sense of place than the City/District Centres.

The Stack has a lengthy planning history. Originally developed as a leisure park in the 1980s containing restaurants, bingo hall, cinema and discotheque, it fell into decline in the late 1990s leaving only a bingo hall and a Tesco store containing the post office counter in operation in the early 2000s. The Tesco store closed in 2009 with the post office relocating to Lochee High Street. With only the bingo hall operating the park was then purchased by TJ Morris in 2013. The Tesco unit was refurbished and let to household goods retailer The Range. An Aldi food store and a Home Bargains household goods store then opened in a refurbished leisure unit. In 2017 planning permission was granted to refurbish a vacant restaurant unit to accommodate a 15,000 sqft Smyths toy store and a gym.

To avoid undermining the retail strategy, the planning permissions for these new uses are subject to goods range restrictions and controls on unit size to ensure that the park is a focus for leisure uses alongside retail warehousing selling food and certain household goods. This approach will ensure that the park continues to have a complementary role to Lochee District centre and within the wider network of centres.

It is important to note that the Tesco store and post office had a main entrance directly into the Stack and a secondary entrance leading onto Methven Street. This and the uses within the building generated significant footfall to and from Lochee High Street. When The Range opened this secondary entrance was closed off.

The Lochee District Centre boundary within the Dundee Local Development Plan 2014 included the former Tesco unit.

In preparing the Proposed Plan the form and function of The Stack was considered carefully. It was considered that with the closure of the food store anchor of Tesco and the post office and its relationship with the Lochee District Centre together with the opening of The Range and the closure of the side access, has meant that the form and function of the park is now materially different. The evolution of the Stack to include large format retailing has continued over the Plan period such that it no longer functions the same way either in terms of use or physical connectivity.

As discussed in Proposed Plan paragraph 7.40 The Stack now has a complementary role to the District Centre having evolved from a leisure park to a mixed use location providing leisure uses alongside retail warehousing selling food and a restricted range of homeware goods.

For these reasons the decision was taken through the Proposed Plan to remove The Range (the former Tesco unit) from the Lochee District Centre boundary and to also designate The Stack as a Commercial Centre.

In the report submitted to support their representation TJ Morris (56) advise that “Lochee High Street offers a more traditional shopping and service-based environment for the area, whilst The Stack offers larger format spaces for retail, leisure and other uses which support the high street offer and promotes linked trips particularly given the car parking available at the site.”

From this, it is clear that TJ Morris (56) also recognise the differing type of use, physical requirements and format which sets the Stack apart from the traditional form of shopping found within the High Street. This supports the designation of the Stack as a Commercial Centre rather than supporting inclusion within the Lochee District Centre.

TJ Morris (56) go on to point out that during examination of the adopted Local Development Plan, the Reporter in his Report of Examination (CDxx) noted at paragraph 5 on page 109 that it would be “premature to re-designate the entire Stack site when large parts may not be part of the offer appropriate to a District Centre”. It remains the case that the main elements of the Stack relate to large scale retail formats, with one existing and one approved leisure use and an approved scheme in place for a toy shop which operates in a warehousing type format.

It is clear from the above that the physical characteristics, function and layout of the Stack differ from the District Centre nearby. Whilst it is accepted that there will be linked trips between the two, the designation of the Stack as a Commercial Centre is considered to recognise the separate but important complementary relationship the park has with Lochee District Centre and the wider network of centres across the City.

Identifying the Stack park as being part of the District Centre could result in the growth of smaller units and forms of retail and leisure uses that would compete with Lochee High Street rather than complement the district centre. This would undermine the retail strategy, in particular the Town Centre First policy approach as set out in Chapter 7 of the Proposed Plan and would not meet the requirements of the TAYplan SDP or Scottish Planning Policy.

No modification is proposed to the Plan.

Policy 24: Goods Range and Unit Size Restrictions (Commercial Centres); and associated Appendix 6: Goods Range and Unit Size Restrictions

TJ Morris (56)

Range of Goods and Unit Sizes

The above discussion confirms that the Stack should be allocated as a Commercial Centre as per the Proposed Plan and not as part of the Lochee

District Centre. To avoid undermining the retail strategy, the planning permissions for development within Commercial Centres are subject to goods range restrictions and controls on unit size to ensure that they remain focused on their particular function as discussed in paragraphs 7.37 – 7.44 of the Proposed Plan. Continuing this approach will ensure that the Commercial Centres continues to have a complementary role within the wider network of centres.

With particular regard to the Stack site, the range of goods restrictions and size of units permitted within the park avoids taking trade and footfall from Lochee District Centre and safeguards the long term future of Lochee District Centre which has had a considerable amount of investment during the last Plan period, as set out in the Lochee Physical Regeneration Framework document (CDxx).

The Council has applied the goods range restrictions in a flexible way, and has been prepared to support minor adjustments where that could benefit consumers without undermining the retail strategy. To date, this approach has operated satisfactorily and it has provided a degree of stability that otherwise would not have existed for prospective developers and established retailers alike. The restrictions have also given City and District Centres retailers a degree of confidence and reassurance that their primary locations will not be harmed by fundamental changes in the role and function of the Commercial Centres.

The policy approach which is proposed to be continued under Proposed Plan Policy 24 is to restrict the out of centre Commercial Centres such as Kingsway West to the sale of bulky goods and to restrict the edge of centre Commercial Centre at Gallagher Retail Park to the sale of non-bulky items to ensure that it plays a complementary role to the city centre. As this policy approach has been successful in protecting the role and function of the network of centres it is intended to apply the same approach to the Stack and its new designation as a Commercial Centre. This will ensure that in an edge of centre location it can also play a complementary role to the Lochee District Centre in a similar way to the relationship between the Gallagher Retail Park and the City Centre.

The policy approach was confirmed by a review carried out in the Dundee Retail Study 2015 (CDxx) in which it was concluded that the restrictions across the commercial centres should be maintained as any dilution is likely to result in competition with the City Centre and the District Centres and risks deflection of footfall, trade and private investment away from the established network of town centres, weakening the City's role as a regional centre for retailing.

Modifying the range of goods and unit size restrictions at The Stack would not meet the requirements of the TAYplan SDP (CD) or Scottish Planning Policy (CD) and would not help to deliver the aims of the Proposed Plan. There is therefore a strong case for continuing to control the range of goods and unit sizes within the Commercial Centres as set out in Policy 24 and Appendix 6.

No modifications are proposed to the plan.

New Sites for Retail and Mixed Use Development

Mitchell (60)

Scottish Planning Policy (CD) paragraph 68 advises that development plans should adopt a sequential town centre first approach when planning for uses which generate significant footfall, including retail and commercial leisure uses, offices, community and cultural facilities and, where appropriate, other public buildings such as libraries, and education and healthcare facilities. This requires that locations are considered in the following order of preference:

- town centres (including city centres and local centres);
- edge of town centre;
- other commercial centres identified in the development plan; and
- out-of-centre locations that are, or can be, made easily accessible by a choice of transport modes.

The Proposed Plan responds to this requirement by using Policy 21 to ensure that the City Centre and District Centres contain a mix of footfall generating uses and that they are attractive and vibrant places for people to work, shop and spend leisure time as this is key to reducing the leakage to other retail destinations, including the internet.

Paragraph 7.23 notes that proposals for tourist attractions, major leisure uses and visitor accommodation will in the first instance be determined against Policy 7: Tourism and Leisure Developments.

Both Policy 7 and Policy 21 seek to direct footfall generating uses to the network of identified centres; the City Centre, District Centres and Commercial Centres.

The floor area of the existing B&Q unit is large (restricted by planning condition to be no less than 9000m²) and was the biggest retail store for the City when approved in 1998. The reasoning behind its siting in this location related to the specific size, which couldn't be accommodated in the existing retail parks, nature and operational requirements of the business operators and was justified on that basis. Over the years, the nearby area has grown to incorporate a variety of uses which includes a dentist, car showroom, trade and wholesaling, car garage, welding and fabrication uses. There is no specific retail focus nor does the area function as a single site as the variety of uses and buildings are accessed from a number of different streets and areas, across busy arterial routes. When assessed against the criteria in Scottish Planning Policy paragraph 63 there are no locational or functional reasons that would justify the allocation of a site for retail warehousing in this location.

In addition, the Dundee Retail Study 2015 (CDxx) has not identified the need to allocate additional land for bulky goods retail warehousing other than the existing proposed extension at Gallagher Retail Park. Therefore, there is no evidence to support the need for the inclusion of an additional allocation as promoted by Mitchell (60).

Allocating the area at Kings Cross Road / Clepington Road for retail warehousing would not meet the requirements of the TAYplan SDP (CD) or Scottish Planning Policy and would not help to deliver the aims of the Proposed Plan.

No modifications are proposed to the Plan.

National Grid Property (62)

Scottish Planning Policy paragraph 68 advises that development plans should adopt a sequential town centre first approach when planning for uses which generate significant footfall, including retail and commercial leisure uses, offices, community and cultural facilities and, where appropriate, other public buildings such as libraries, and education and healthcare facilities. This requires that locations are considered in the following order of preference:

- town centres (including city centres and local centres);
- edge of town centre;
- other commercial centres identified in the development plan; and
- out-of-centre locations that are, or can be, made easily accessible by a choice of transport modes.

The Proposed Plan responds to this requirement by using Policy 21 to ensure that the City Centre and District Centres contain a mix of footfall generating uses and that they are attractive and vibrant places for people to work, shop and spend leisure time as this is key to reducing the leakage to other retail destinations, including the internet.

Paragraph 7.23 notes that proposals for tourist attractions, major leisure uses and visitor accommodation will in the first instance be determined against Policy 7: Tourism and Leisure Developments.

Both Policy 7 and Policy 21 seek to direct footfall generating uses to the network of identified centres; the City Centre, District Centres and Commercial Centres. The National Grid Property site is located on Dock Street, in an out of centre location.

Enabling a mixed use development of this site would result in the creation of a new commercial centre that would draw footfall and trade away from the established network of centres. Furthermore the City Council is currently leading a regeneration project – Dundee Waterfront – which will see the expansion of the city centre to accommodate new retail, hotel, leisure, office, cultural and residential uses. Allocating a site for additional mixed use floorspace on Dock Street could draw investment, trade and footfall away from this important public sector led regeneration project and National Development, contrary to the aims of National Planning Framework 3, Scottish Planning Policy and the Dundee Economic Strategy.

No modifications are proposed to the plan.

Crucible Developments Scotland Ltd (75)

Scottish Planning Policy paragraph 68 advises that development plans should adopt a sequential town centre first approach when planning for uses which generate significant footfall, including retail and commercial leisure uses, offices, community and cultural facilities and, where appropriate, other public buildings

such as libraries, and education and healthcare facilities. This requires that locations are considered in the following order of preference:

- town centres (including city centres and local centres);
- edge of town centre;
- other commercial centres identified in the development plan; and
- out-of-centre locations that are, or can be, made easily accessible by a choice of transport modes.

The Proposed Plan responds to this requirement by using Policy 21 to ensure that the City Centre and District Centres contain a mix of footfall generating uses and that they are attractive and vibrant places for people to work, shop and spend leisure time as this is key to reducing the leakage to other retail destinations, including the internet.

Paragraph 7.23 notes that proposals for tourist attractions, major leisure uses and visitor accommodation will in the first instance be determined against Policy 7: Tourism and Leisure Developments.

Both Policy 7 and Policy 21 seek to direct footfall generating uses to the network of identified centres; the City Centre, District Centres and Commercial Centres. The Greenmarket site is located within the designated City Centre, there is therefore no need for an additional proposal within the Proposed Plan to specifically allow for such uses within the City Centre. Any planning application would thereafter be determined on its own merit taking into account other material considerations.

There is no functional requirement to add in the additional 'Proposal', nor for the consequential update to the Proposals Map to take account of this as the principle for the siting of such uses within the City Centre is already established.

No modifications are proposed to the plan.

Reporter's conclusions:

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Reporter's recommendations:

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<p>Issue 12</p>	<p>SUSTAINABLE NATURAL AND BUILT ENVIRONMENT</p>	
<p>Development plan reference:</p>	<p>Biodiversity Introduction to Chapter 8. Para 8.4 Chapter 8 paragraph 8.47 Policy 28 Protecting and enhancing the Dundee Green Network, supporting text and Proposed Plan Proposals Map Policy 32 National and International Nature Conservation Designations Policy 35: Trees and Urban Woodland Policy 36: Flood Risk Management. Policy 37: Sustainable Drainage Systems Policy 38: Protecting and Improving the Water Environment and Paragraph 8.29 Policy 40: Air Quality Policy 42: Development of or next to Major Hazard Sites Policy 43: Waste Management Installations Policy 45: Energy Generating Facilities Policy 47: Wind Turbines Policy 46: Delivery of Heat Networks Policy 48: Low and Zero Carbon Technology in New Development Policy 52: Scheduled Monuments and Archaeological Sites</p>	<p>Reporter:</p>
<p>Body or person(s) submitting a representation raising the issue (including reference number):</p>		
<p>Scottish Environmental Protection Agency (SEPA) (01) Scottish Natural Heritage (SNH) (02) Historic Environment Scotland (HES) (03) Sportscotland (05) Scottish Government (06) Homes for Scotland (08) Stewart Milne Homes (39) Forth Ports (40) Kirkton Community and Safety Partnership (65) Broughty Ferry Community Council (20) David Hewick (22)</p>		
<p>Provision of the development plan to which the issue relates:</p>	<p>The sustainable and natural built environment.</p>	
<p>Planning authority's summary of the representation(s):</p>		

Biodiversity

Kirkton Community and Safety Partnership (65)

The Plan should:

- 1 take Biodiversity seriously,
- 2 not confuse Biodiversity with open space policy.
- 3 Biodiversity information held by the Council should be updated,
- 4 Council should improve its knowledge of definition of biodiversity,
- 5 Council should employ a qualified biodiversity officer,
- 6 Council should fulfil its legal Biodiversity Duty,
- 7 Council should stop making claims there is 'nothing living there' based on 'cheapest most basic walkthrough.'

Comments 3 to 7 are not considered to be relevant to the preparation of a local development plan and are not taken forward.

Introduction to Chapter 8. Para 8.4

Scottish Natural Heritage (SNH) (02)

SNH welcome the link to Appendix 3 but recommend the following addition:

"Appendix 3 highlights which of the allocated housing sites require a FRA and/or Noise Impact Assessment, and requirements from the Habitats Regulations Appraisal."

Chapter 8

Kirkton Community and Safety Partnership (65)

The contributor has made several comments that do not relate to the preparation of a local development plan. Comments relevant to the local development plan are:

- 1 Provide 'a proper definition of open/green space and green network. What we have is woolly & vague and contains a mish-mash of synthetic playing fields, car parks and fenced-off areas.'
- 2 Clarify that open space and green networks featured are material planning considerations.

Other comments not relevant to the local development plan or which are more appropriate to an earlier stage are:

- 3 Ask the public to nominate areas for inclusion and compile local maps.
- 4 Take advice on how to create wildlife corridors.
- 5 Create a policy to control the use of herbicides.
- 6 Employ a Biodiversity Officer to write the policy.
- 7 Ask people where the best areas for green exercise are and produce local maps.
- 8 Stop dictating.
- 9 Communicate respectfully.

Comments 3 to 9 are not considered to be relevant to the purposes of this stage of the consultation and are not taken forward.

Chapter 8 paragraph 8.47

Scottish Government (06)

Questions the appropriateness of expecting all energy generating facilities to mitigate emissions by installation of appropriate abatement technology, when it is the case that some facilities, such as solar panels, don't have emissions.

Policy 28: Protecting and enhancing the Dundee Green Network, supporting text and Proposed Plan Proposals Map

Scottish Natural Heritage (02)

Dundee's Green Network guidance and spatial representations should be clearly linked with the Plan through reference in Policy 28, supporting text and shown on the Proposals Map.

Sportscotland (05)

Policy suggests change of use from an outdoor sports facility to another green infrastructure use could be permitted without assessment of sporting impact.

Kirkton Community and Safety Partnership (65)

If changes are to be made to Dundee's Green Network, those directly affected and those with competency to understand those changes must be involved in determining the changes.

Policy 32: National and International Nature Conservation Designations

Scottish Natural Heritage (02)

SNH supports the policy as worded.

Scottish Government (06)

The wording of the International Sites section of Policy 32 does not fully reflect the criteria set out in paragraph 208 of Scottish Planning Policy.

Policy 35: Trees and Urban Woodland

Scottish Natural Heritage (02)

Additional wording would align with the attributes set out in paragraph 8.21 of the Proposed Plan and with paragraphs 216 and 218 of Scottish Planning Policy.

Scottish Environmental Protection Agency (SEPA) (01)

Compensatory arrangements for woodland should take into consideration flood risk and other impacts on the environment.

Policy 36: Flood Risk Management

Scottish Environmental Protection Agency (SEPA) (01)

Flood defences may be planned but never come forward to a construction phase and therefore put buildings and persons at flood risk contrary to SPP. The requested modification avoids potential development sites which are at risk of flooding from being granted planning permission prior to adequate flood risk protection being constructed.

Kirkton Community and Safety Partnership (65)

Information given is wrong, incomplete or misleading. Need to check for the presence of culverts on the council flood maps.

Relevant documentation from SEPA should be provided.

The Council are supposed to provide a SUDS map.

Policy 37: Sustainable Drainage Systems

Scottish Environmental Protection Agency (SEPA) (01)

SUDS within the built environment can contribute to the delivery of the Flood Risk Management (Scotland) Act 2009 if they are appropriately sized for the purpose of avoiding flood risk.

Policy 38: Protecting and Improving the Water Environment and Paragraph 8.29

Scottish Natural Heritage (02)

Ensure the important riparian zone along existing watercourses are protected and enhanced as consistent with Policy 38, and clarify that this buffer zone needs to be of a suitable size to adequately provide the necessary ecological, landscape and amenity functions.

Policy 40: Air Quality

Kirkton Community and Safety Partnership (65)

Developments which contribute to a decline in air quality in locations which exceed the Air Quality Standards will not be permitted.

Policy 42: Development of or next to Major Hazard Sites.

Scottish Environmental Protection Agency (SEPA) (01)

The term 'Major' is used in the title of the policy but not in its wording. Avoid unintended consequences or implied intentions that Policy 42 only relates to major development under the planning regime, rather than the significance of the hazard.

Policy 43: Waste Management Installations

Forth Ports (40)

Due to the fluid nature of port operations and the associated permitted development rights it is not appropriate to identify fixed locations for recycling facilities within the Port of Dundee. Furthermore, industrial operations which take place in the Port are related to the use of port specific operational infrastructure. Where waste operations have no requirement for such infrastructure, safeguarding of land for these operations prejudices the operation of the port.

Recycling and transfer of recycled material by vessel can appropriately take place within the port, and whilst Forth Ports do not consider it necessary for the local development plan to do so, it could recognise that waste recycling, aligned with port operations can take place within the Port.

Policy 45: Energy Generating Facilities

Scottish Government (06)

The policy wording potentially restricts on-site electricity only installations for which there is no justification in Scottish Planning Policy.

Scottish Environmental Protection Agency (SEPA) (01)

The Plan policy framework should include reference to anaerobic energy generation from non-waste materials.

Policy 46: Delivery of Heat Networks

Scottish Natural Heritage (02)

Co-locate heat networks with other networks to enable multi-functional green infrastructure and facilitate the deployment of low carbon energy.

Scottish Environmental Protection Agency (SEPA) (01)

The Plan must ensure that opportunities for heat networks are clearly identified spatially within the Proposed Plan in order to raise awareness for adjacent sites allocations or major developments that could connect to the heat network in the future.

Homes for Scotland (08)

Supports aspirations to cut CO2 emissions but considers the key in achieving this

should be done strategically and in partnership with all industry sector.

Indicates that there needs to be a reasonable balance of need to reduce CO2 emissions alongside increasing delivery of enough new homes and achieving sustainable economic growth.

Homes for Scotland urge caution in how district heat networks are sought. Unless development is close to an existing/proposed heat source or part of a large mixed-use development with potential to share/sell heat an Energy Use/Sustainability Assessment should be sufficient to justify why a heat network is not possible.

It is considered that a detailed feasibility study to confirm a heat network is not viable and will delay housing delivery.

Considers there to be a presumption that housing developers can deliver this form of infrastructure and would absorb the risks associated within it how this is considered misplaced and inappropriate.

Suggests that there needs to be a clear understanding of what Policy 46 means with regards to “A statement will be required to be submitted with an application for planning permission to demonstrate that consideration has been given to the viability of creating or linking into a heat network”. It is considered important that a proportionate approach is adopted.

Stewart Milne Homes (39)

Considers the policy to be premature as heat networks have not be tested sufficiently for mainstream residential use. Consider it to be more suitable for some commercial developments, high rise developments and some public buildings but not mainstream residential use.

Identifies two critical constraints; the cost of implementation; and the issue of ownership.

Issue raised with the requirement to put in pipe runs which is considered an unnecessary cost to development when are unlikely to be used.

Kirkton Community and Safety Partnership (65)

The wording ‘consideration to viability’ is vague and meaningless and sounds like a tick box.

Policy 47: Wind Turbines

Scottish Environmental Protection Agency (SEPA) (01)

Consideration should be given to potential negative effects in relation to effect on soils in the supporting text of Policy 47.

Policy 48: Low and Zero Carbon Technology in New Development

Scottish Government (06)

The 2007 standards on energy were revised in 2015 and reference should be made to the latest standards.

Homes for Scotland (08)

Seeks to ensure that the policy has “fabric first” approach which is being worked towards through Building Standards. These would be considered to be permanent improvements where adding new installations such as Low and Zero Carbon Technology (LZCT) has the potential to be relatively temporary. The policy response should therefore prioritise a “fabric first” approach with LZCT as a secondary requirement if considered necessary to meet current targets.

Considers Policy 48 as excessive and cuts across what has and can be achieved within an effective Building Warrant process. Makes reference to the consideration of this duplication through the Scottish Government’s Planning Review.

Indicates that development plans should promote the pursuit of more energy efficient buildings but a pragmatic and proportionate approach must be adopted.

Does not support a detailed quantification of the reduction of greenhouse gas emissions.

Considers an Energy Use/Sustainability Assessment which sets out site and building design approaches taken to reduce greenhouse gas emissions should be considered sufficient when identifying what, if any additional LZCT may be considered appropriate if necessary as part of the development.

Stewart Milne Homes (39)

Recognises the requirement for local development plans to contribute to the reduction of CO2 emissions through LZCT however the focus should be on reducing need for energy consumption. The policy should allow this to be taken into account when managing carbon emissions.

Consider LZCTs to be complex and beyond the scope of planning control and the local development plan process and it is considered essential that they are regulated through building standards rather than planning policy.

The focus of the policy should be on a passive or “fabric first” approach supported by renewable technologies where it is appropriate. It should advocate the use of simple solutions rather than the layering of complex technologies.

Policy 52: Scheduled Monuments and Archaeological Sites

Scottish Government (06)

Policy 52 refers to development ‘which would destroy or adversely affect

scheduled monuments...'. The local planning authority only have a remit over unscheduled archaeology and the setting of scheduled monuments as this is a material consideration in the assessment of planning applications.

Appendix 3 (Site H41)

Scottish Natural Heritage (02)

Allocation H41 should have consistent mitigation measures between the Development Site Assessment, Environmental Report Annex 7, Habitats Regulations Appraisal and Appendix 3. A site specific policy caveat required as there is insufficient detail on the precise location of development within the site boundary.

Modifications sought by those submitting representations:

Biodiversity

Kirkton Community and Safety Partnership (65)

The Proposed Plan should be modified to:

- 1 take Biodiversity seriously,
- 2 not confuse Biodiversity with open space policy.

Chapter 8

Kirkton Community and Safety Partnership (65)

The Proposed Plan should be modified to:

- 1 Provide 'a proper definition of open/green space and green network. What we have is woolly & vague and contains a mish-mash of synthetic playing fields, car parks and fenced-off areas.'
- 2 Clarify that open space and green networks featured are material planning considerations.

Introduction to Chapter 8. Para 8.4

Scottish Natural Heritage (SNH) (02)

Modify as follows:

"Appendix 3 highlights which of the allocated housing sites require a Flood Risk Assessment and/or Noise Impact Assessment, and requirements from the Habitats Regulations Appraisal."

Chapter 8 Paragraph 8.47

Scottish Government (06)

Modify paragraph 8.47 of the Proposed Plan to read 'All energy generating facilities which produce greenhouse gas emissions when used will be expected to

mitigate emissions by installation of appropriate abatement technology.'

Policy 28: Protecting and enhancing the Dundee Green Network, supporting text and Proposed Plan Proposals Map

Scottish Natural Heritage (02)

Modify the Proposed Plan to include a reference in Policy 28 to Dundee's Green Network Planning Advice.

Modify the Proposals Map to include the green network links shown in Figure 7 of the Proposed Plan.

Modify the Proposed Plan to include a link to the Green Network Planning Advice at the end of paragraph 8.6.

Sportscotland (05)

Modify the Proposed Plan to give outdoor sports facilities a separate paragraph in the policy noting that loss of such facilities will be assessed in line with SPP paragraph 226 irrespective of the proposed new use.

Kirkton Community and Safety Partnership (65)

Modify Policy 28 of the Proposed Plan by inserting "*...and the Community Councils or Neighbourhood Representative Structures and any recognised and established groups who manage that or adjacent green infrastructure and are qualified to comment on the existing uses of the infrastructure (this can include environmental groups, play experts, health professionals who prescribe green exercise),...*" in second paragraph, second line, after "*...determined by the Council...*".

Modify Policy 28 of the Proposed Plan by deleting the phrase "*...outdoor sports facilities or...*" from second paragraph, first line.

Modify Policy 28 of the Proposed Plan by inserting "*...Community Council or Neighbourhood Representative Structure (where these do not exist then the Council)...*" in the third paragraph fifth line after "*...infrastructure unless the...*".

Modify Policy 28 of the Proposed Plan by deleting the last paragraph and creating a new Policy that reads: "*Development proposals that would result in a change of the use of outdoor sports facilities are required to provide compensatory or improved outdoor sports facilities in a convenient location which improves the overall playing capacity for the area unless the proposals are consistent with the Dundee Physical Activity Strategy or Dundee Pitch Strategy*".

Modify Policy 28 of the Proposed Plan by inserting "*...type (ref. PAN 65 Table 1)...*" between 'equal' and 'benefit' in criterion 2.

Modify Policy 28 of the Proposed Plan by inserting "*...as determined by the Community Council or Neighbourhood Representative Structure...*" in criterion 3,

second line between 'amenity value' and 'on the remainder of.', and also adding an additional sentence at the end of criterion 3: "The Council will provide Dundee's Community Councils and Neighbourhood Representative Structures with access to suitably qualified bodies to provide advice on this issue."

Policy 32 National and International Nature Conservation Designations

Scottish Government (06)

Modify Policy 32 of the Proposed Plan by adding 'and suitable compensatory measures have been identified and agreed.' to the end of bullet point 2 of the International Sites section.

Policy 35: Trees and Urban Woodland

Scottish Natural Heritage (02)

Modify the Proposed Plan to include an additional sentence at the beginning of Policy 35: "Development will not be permitted where it could lead directly or indirectly to loss of, or damage to, woodland, groups of trees and hedges. The Council will support the establishment and enhancement..."

Scottish Environmental Protection Agency (SEPA) (01)

Modify Policy 35 of the Proposed Plan to ensure that mitigation measures related to Policy 35 should take into consideration flood risk and other impacts on the environment.

Policy 36: Flood Risk Management

Scottish Environmental Protection Agency (SEPA) (01)

Modify Policy 36 of the Proposed Plan by replacing bullet point 1 with: "a Flood Protection Scheme or flood defence is designed and constructed to a standard of 0.5% AP plus climate change allowance and there is certainty that the measure will be delivered prior to occupation of the development (i.e. the contract for the scheme has been awarded)."

Kirkton Community and Safety Partnership (65)

It is not clear what modifications are sought by this response. There is a suggestion that a list of culverts should be added to the Proposed Plan and that it should include a SUDS map.

Policy 37: Sustainable Drainage Systems

Scottish Environmental Protection Agency (SEPA) (01)

Modify Policy 37 of the Proposed Plan or its preamble to identify and strengthen the role Sustainable Drainage Systems (SuDS) can have in delivering Flood Risk Management Plans, Surface Water Management Plans and the Scottish

Government climate change targets and Adaptation Programmes if appropriately designed.

Policy 38: Protecting and Improving the Water Environment and Para 8.29

Scottish Natural Heritage (02)

Modify Policy 38 of the Proposed Plan by adding: “*Where development sites are in close proximity to watercourses, an appropriately sized buffer zone shall be provided between the development and the watercourse which should function ecologically as riparian habitat and be of landscape and amenity value.”*

Modify Paragraph 8.29 of the Proposed Plan by adding the following wording in the final sentence: “*...through works such as de-culverting, provision of adequate riparian buffer zones to watercourses, removal of historic weirs”*

Policy 40: Air Quality

Kirkton Community and Safety Partnership (65)

Modify Policy 40 of the Proposed Plan by replacing ‘reduce,’ with ‘negate’ and delete ‘to levels acceptable to the Council’.

Modify the Proposed Plan to include the name of the department responsible for judging this.

Policy 42: Development of or next to Major Hazard Sites.

Scottish Environmental Protection Agency (SEPA) (01)

Modify the title of Policy 42 of the Proposed Plan by removing the word ‘Major’.

Policy 43: Waste Management Installations

Forth Ports (40)

Modify Paragraph 8.43 of the Proposed Plan to read: “*The Local Development Plan also identifies and safeguards existing waste management installations and ensures that allocation of land on adjacent sites does not compromise waste handling operations. Where alternative development is proposed, (including port related development at the Port of Dundee) and where it can be demonstrated that development proposals have site specific requirements, the safeguard will be removed.*”

Modify Policy 43 of the Proposed Plan so that the first paragraph reads: “*Existing waste management installations are safeguarded unless evidence is presented to demonstrate that the facility is no longer required and that the capacity can be met through an alternative facility. Where alternative development is proposed (including operational port uses at the Port of Dundee) and where it can be demonstrated that development proposals have site specific requirements, the safeguard will be removed.*”

Policy 45: Energy Generating Facilities

Scottish Government (06)

Modify Policy 45 of the Proposed Plan so that the second paragraph reads: *'Proposals for small scale energy generating facilities outwith Principal or General Economic Development Areas, other than in connection with an existing land use or domestic appliances, will only be acceptable where their primary function is the production of heat or combined heat and power for residential and business consumption.'*

Scottish Environmental Protection Agency (SEPA) (01)

Modify the Proposed Plan to include a reference to anaerobic energy generation from non-waste materials.

Policy 46: Delivery of Heat Networks

Scottish Natural Heritage (02)

Modify the Proposed Plan's heat networks policy approach to co-locate heat networks with other networks such as green infrastructure where appropriate, and identify areas of opportunity in relation to the Green Network map (Figure 7).

Scottish Environmental Protection Agency (SEPA) (01)

Modify the Proposed Plan so that Figure 10: Heat Network Opportunity Map identifies the additional commitments to heat networks, as referenced in paragraphs 8.49 and 8.50 of the supporting statement of the policy .

Homes for Scotland (08)

Modify the preamble to Policy 46 of the Proposed Plan to include clarification text as to what the "statement" referred to in Policy 46 requires to consider.

Stewart Milne Homes (39)

Modify Policy 46 of the Proposed Plan by removing the requirement for major planning applications to demonstrate the feasibility for their ability to tie into heat networks.

Modify Policy 46 of the Proposed Plan by removing the requirement for developments to be capable of connecting to heat networks and the requirement to put pipe runs in for future connection.

Kirkton Community and Safety Partnership (65)

No modifications are sought.

Policy 47: Wind Turbines

Scottish Environmental Protection Agency (SEPA) (01)

Modify the Proposed Plan to identify carbon rich soils as a constraint for wind turbine development.

Policy 48: Low and Zero Carbon Technology in New Development

Scottish Government (06)

Modify Policy 48 of the Proposed Plan to refer to the 2015 Building Standards.

Homes for Scotland (08)

Modify Policy 48 of the Proposed Plan to refer to prioritising the ‘fabric first’ approach within new developments as a means to achieve long lasting energy efficiency and thereafter require the installation of low and zero carbon generating technologies only where further improvements in energy efficiency are necessary to meet current Building Standards.

Stewart Milne Homes (39)

Modify Policy 48 of the Proposed Plan by adding “*A comparative saving by passive means will also be acceptable*” or similar to the end of paragraph 1 of the policy

Policy 52: Scheduled Monuments and Archaeological Sites

Scottish Government (06)

Modify Policy 52 of the Proposed Plan by removing the reference to development ‘*which would destroy or adversely affect scheduled monuments...*’, and add an additional paragraph after paragraph 8.63 which makes it clear that “*Any works directly affecting a designated Scheduled Monument requires Scheduled Monument Consent (SMC) which is obtained from Historic Environment Scotland. Advice on the SMC process and requirements should be sought at an early stage from the Heritage Directorate, Historic Environment Scotland, Longmore House, Salisbury Place, Edinburgh, EH9 1SH. Telephone: 0131 668 8716. Email: hmenquiries@hes.scot*”.

Appendix 3 (Site H41)

Scottish Natural Heritage (02)

Modify Appendix 3 of the Proposed Plan to include the following wording against Site H41:

“*Detailed proposals must demonstrate that the development would not adversely affect greylag geese of the Firth of Tay SPA either alone or in combination with other plans or projects.*”

Summary of responses (including reasons) by planning authority:

Biodiversity

Kirkton Community and Safety Partnership (65)

Proposed Plan policies designed to protect and enhance Biodiversity are taken seriously and given equal weight to all other policies in the Proposed Plan. These cover a broad range and include specific policies related to the Green Network, National, International and Local Nature Conservation Designations, Protected Species, Trees and Woodland and The Water Environment. Other policies which offer particular protection and support for biodiversity include those related to Economic Development Areas, Tourism and Leisure development and Visitor Accommodation. The range of policies with a biodiversity element extend beyond those relating to open space. This clearly demonstrates that there is no confusion between the two.

No modification is proposed to the Plan.

Introduction to Chapter 8. Para 8.4

Scottish Natural Heritage (SNH) (02)

Although Appendix 3 already draws attention to the requirements of the Habitats Regulation Appraisal if the Reporter considers that such a modification would add clarity Dundee City Council would have no objection to the addition.

Chapter 8

Kirkton Community and Safety Partnership (65)

Open Space and the Green Network includes a large number of open space 'use types' including allotments, cemeteries, play areas, sports pitches, wildlife sites, streams, sustainable drainage schemes etc. These are protected by generic policies in order to promote flexibility in their use while giving basic protection as a form of open space.

Open space does not necessarily mean public open space eg a number of sites of importance for nature conservation range over private land. Other sites include physical infrastructure such as a car park or changing rooms to facilitate their use as open space or sports grounds. These are directly related to those uses and are located in areas considered to be of lesser importance to the integrity of the main designation. New facilities of this type are also required by policy to enhance the remainder of the site or provide additional ground elsewhere.

All policies in the Proposed Plan affecting open space and green networks will be statutory following adoption.

No modification is proposed to the Plan.

Chapter 8 paragraph 8.47

Scottish Government (06)

Paragraph 8.47 is intended to relate only to energy generating facilities which emit emissions and not those which don't. Where there are no emissions to be mitigated paragraph 8.47 will not be relevant. The proposed modification would not alter the outcomes of this policy.

No modification is proposed to the Plan.

Policy 28: Protecting and enhancing the Dundee Green Network, supporting text and Proposed Plan Proposals Map

Scottish Natural Heritage (02)

As the Green Network Planning Advice (CD) is not a statutory document and attention to the Advice is already drawn by the preamble there would be no additional benefit in including it in the wording of the policy.

An illustration of the Green Network contained in the Advice is repeated in Figure 7 of Local Development Plan 2. The Green Network links which are contained within it are conceptual rather than geographically precise unlike all other allocations and designations in the Proposals Map. Including undefined elements in the Proposals Map could lead to a lack of clarity.

No modification is proposed to the Plan.

Sportscotland (05)

Outdoor sports facilities have been given a separate paragraph at the foot of Policy 28.

The Policy 28 approach is in line with the Scottish Planning Policy (CD) approach. If the proposal would not provide an appropriate compensatory facility then the proposal must be consistent with the Dundee Physical Activity Strategy (CD) and Dundee Pitch Strategy (CD). This ensures that the sporting impact is assessed and there is no need to repeat the terms of Scottish Planning Policy.

No modification is proposed to the Plan.

Kirkton Community and Safety Partnership (65)

Planning applications, briefs and masterplans are processed and developed by Dundee City Council as the Planning Authority and the preparation of these documents include opportunities for local and other representative groups to fully engage and contribute to decisions affecting new development and its potential contribution to the Dundee Green Network. Providing groups with access to specialist advisors is not relevant to the planning policy provision within the local development plan.

Inclusion of "outdoor sports facilities or" in the third paragraph, line 1, reflects the dual nature of the facilities as both open space and sports facility. The last

paragraph is included in Policy 28 as outdoor sports facilities are a particular type of green infrastructure which requires the same basic protection as well as additional restrictions related solely to this open space use-type. There is no need to create an additional policy relating to outdoor sports facilities. Doing so would not alter the outcome of Policy 28 and the ability to protect outdoor sports facilities.

The proposed modification to criterion 2 of Policy 28 would be over-restrictive and hinder the ability to change from one open space use-type to another while remaining as open space. Outdoor sports facilities have been made an exception to the main part of Policy 28 in recognition of particular requirements for this type of infrastructure.

No modification is proposed to the Plan.

Policy 32: National and International Nature Conservation Designations

Scottish Natural Heritage (02) and Scottish Government (06)

This policy wording is carried forward from the Dundee Local Development Plan 2014. Given that the Habitats Regulations Appraisal includes an assessment of mitigation measures it was not considered necessary to repeat this in Policy 32 however if the Reporter considers that the policy would benefit from the suggested modification Dundee City Council would have no objection. It is also noted that SNH support the wording of Proposed Plan Policy 32 as drafted.

No modification is proposed to the Plan.

Policy 35: Trees and Urban Woodland

Scottish Natural Heritage (02)

Policy 35 carries forward the policy approach from the Dundee Local Development Plan 2014 and together with the Tree Preservation Orders in place across the city seeks to protect existing trees, woodland and groups of trees and promotes their establishment and enhancement. The policy as proposed will ensure that where appropriate, new development both expands tree planting and woodland development in Dundee, and also protects existing trees where appropriate. The proposed modification would not alter the outcome of the policy and is considered to be excessive and unnecessary.

No modification is proposed to the Plan.

Scottish Environmental Protection Agency (SEPA) (01)

The potential impact on flood risk and relevant Proposed Plan policies including Policies 36-38 will be taken into account as appropriate when assessing applications for planning approval.

No modification is proposed to the Plan.

Policy 36: Flood Risk Management.

Scottish Environmental Protection Agency (SEPA) (01)

Dundee City Council is a lead partner in the delivery and management of flood defences in Dundee. It is therefore in a position to know with a high degree of certainty when flood defences will be constructed and what level of protection they will provide. Therefore in practice planning permission would not be granted prior to adequate flood risk protection being constructed.

Planning conditions are used where necessary to set requirements for the delivery of development proposals including the provision of flood risk infrastructure in advance of construction of the development as part of the planning process. It is therefore considered that the modification is unnecessary.

No modification is proposed to the Plan.

Kirkton Community and Safety Partnership (65)

Dundee City Council is a lead partner in the delivery and management of flood defences in Dundee and has a monitoring role in terms of flood prevention. Dundee City Council City Engineer Division is consulted on planning applications with potential flood risks and in relation to SUDS. SEPA is also contacted where necessary for the latest flood risk and infrastructure information including the existence of any culverts. This ensures that the latest available information is taken into account and avoids the potential for outdated information appearing in a list or map.

No modification is proposed to the Plan.

Policy 37: Sustainable Drainage Systems

Scottish Environmental Protection Agency (SEPA) (01)

The preamble to Policy 37 already states what the principal benefits of sustainable drainage systems are and notes that they can take the form and be positive contributions to green infrastructure. Sustainable drainage systems are all designed to meet current design standards as set by Scottish Water and Dundee City Council. The proposed modification is discursive in nature and would not add to the developer requirements of Policy 37.

No modification is proposed to the Plan.

Policy 38: Protecting and Improving the Water Environment and Para 8.29

Scottish Natural Heritage (02)

Reference is made in Policy 37: Sustainable Drainage Systems to the promotion of an ecological approach in their provision. This is supported by Policy 28 which promotes green networks. It was considered that these make sufficient provision for the protection of the important riparian zone along existing watercourses and

for the design of a buffer zone of a suitable size to adequately provide the necessary ecological, landscape and amenity functions. Furthermore the Development Site Assessment document (CDxx) details the need for buffer zones to be provided within allocated and non-allocated housing sites and for the Economic Development Areas. The size of each buffer zone is also detailed within the Development Site Assessment. SEPA provided the buffer zone information as part of the plan preparation process in order to protect and improve the water environment. The Development Site Assessment is referred to at pre-application stage, ensuring that developers can design buffer zones into site layouts.

No modifications are proposed to the Plan however if the Reporter considers that the policy and supporting paragraph would benefit from the suggested modifications Dundee City Council would have no objections.

Policy 40: Air Quality

Kirkton Community and Safety Partnership (65)

Policy 40 carries forward the planning policy approach from the Dundee Local Development Plan 2014. The policy seeks to achieve target levels set by the Scottish Government. As discussed in the preamble to Policy 40, the policy approach is one of a number of measures set within the context of the Dundee Air Quality Action Plan which taken together are designed to tackle air pollution. The policy approach enable development to take place within nationally recognised air quality limits.

The planning authority would consult with officers in the Environmental Protection service for advice on air pollution levels and mitigation measures. There is no requirement to state this in the Local Development Plan.

No modification is proposed to the Plan.

Policy 42: Development of or next to Major Hazard Sites.

Scottish Environmental Protection Agency (SEPA) (01)

The policy relates to major hazard sites as defined by the Health and Safety Executive. It is considered that the wording as drafted would not cause confusion, However if the Reporter considers that greater clarity would be provided if the term 'major' is inserted into the first line between 'existing' and 'hazard' to achieve greater clarity Dundee City Council would have no objections.

No modification is proposed to the Plan.

Policy 43: Waste Management Installations

Forth Ports (40)

Policy 43 does not supersede the permitted development rights associated with Port related development. Operations related to the use of the port would in

either case be material considerations that could be sufficient to consider setting the terms of the Policy aside. The policy is thereby considered to be suitably flexible to accommodate the specific requirements of the Port of Dundee.

No modification is proposed to the Plan.

Policy 45: Energy Generating Facilities

Scottish Government (06)

It is not clear why the policy would restrict electricity only power generation therefore the need for change has not been demonstrated.

No modification is proposed to the Plan.

Scottish Environmental Protection Agency (SEPA) (01)

The wording of paragraph 8.46 covers anaerobic energy generation therefore there is no need to alter the policy.

No modification is proposed to the Plan.

Policy 46: Delivery of Heat Networks

Scottish Environmental Protection Agency (SEPA) (01) and Scottish Natural Heritage (02)

Although clusters of heat demand and supply are considered to be the principal means of identifying heat network opportunities the advantages of co-location with other networks will be considered as part of the implementation process. It is not however considered that the Green Network Map (Figure 7) is the appropriate vehicle to lead the identification of Heat Networks or connecting pipe runs.

The City Council is preparing a Sustainable Energy and Climate Action Plan and a corresponding District Heating Strategy. These are the more appropriate vehicle to lead the more detailed identification of Heat Networks. Their preparation is likely to draw on sources including the local development plan and the Green Network Planning Advice (CDxx) in order to determine the location, scale, form and phasing of heat networks in Dundee.

No modification is proposed to the Plan.

Homes for Scotland (08)

Stewart Milne Homes (39)

Kirkton Community and Safety Partnership (65)

Policy 46: Delivery of Heat Networks seeks to implement the Scottish Planning Policy requirement for a policy commitment in Local Development Plans. A proportionate policy approach is proposed targeting developments within the vicinity of planned heat networks or potential sources of heat supply. Although different approaches are emerging as to what a supporting statement should

contain, as a minimum it should positively assess whether a heat network is feasible rather than seek to prove why it is not possible by assessing potential sources of existing or proposed heat. This requirement is not considered to be unduly onerous or technical when considered alongside other statements such as Air Quality Assessments.

Dundee City Council is also working with partners in the Scottish Cities Alliance to agree a template for an energy statement that could be used by applicants to demonstrate that they have explored the potential for creating or connecting to a heat network. This may be used to support the use of Policy 46.

No modification is proposed to the Plan.

Policy 47: Wind Turbines

Scottish Environmental Protection Agency (SEPA) (01)

There are no carbon rich soils within the administrative boundary of Dundee.

No modification is proposed to the Plan.

Policy 48: Low and Zero Carbon Technology in New Development

Scottish Government (06)

While it is recognised that building standards are generally revised with every edition of new Building Standards Handbooks, the 2007 level is a baseline from which future percentage increases in the reduction of carbon emissions are required to rise. Adjusting the baseline to 2015 levels which already includes a 10% increase in the percentage reduction required up to that date would then no longer be expressed as part of future additional increases i.e. the 20% increase suggested by Proposed Policy 48 would instead be expressed as a further reduction of 10%. Although this gives the same outcome it would introduce a greater lack of clarity into the rationale of the policy giving the appearance that a much lower figure is required in the future and that carbon reduction through low and zero carbon technology is of lesser importance now than in the past.

Further clarification would be appreciated should the Reporter require this modification as expressed.

No modification is proposed to the Plan.

Homes for Scotland (08)

Stewart Milne Homes (39)

Ongoing discussions between the Scottish Government, Local Authorities house builders and other agencies have been considering this question for some time and currently the requirements of Section 3F of the Town and Country Planning (Scotland) Act 1997 as inserted through Section 72 of the Climate Change (Scotland) Act 2009 remain specific about what should appear in the Local Development Plan. Policy 48 complies with these pieces of legislation and there

is no justification to modify the policy.

No modification is proposed to the Plan

Policy 52: Scheduled Monuments and Archaeological Sites

Scottish Government (06)

Policy 52 seeks to protect Scheduled Monuments and their settings. The term 'destroy' relates in part to the setting of scheduled ancient monuments not just the monuments themselves however if the Reporter considers that greater clarity would be provided by the modification including the additional paragraph Dundee City Council would have no objections.

No modification is proposed to the Plan

Appendix 3 (Site H41)

Scottish Natural Heritage (02)

Proposed Plan Policy 32: National and International Conservation Designations states that development which is likely to have a significant effect on the qualifying interests of any Natura site will only be permitted where certain criteria have been satisfied.

Proposed Plan Policy 34: Protected Species does not support development proposals which are likely to have a significant effect on a European protected species.

Proposed Plan Appendix 3 notes against Site H41 Dykes of Gray, North West that this is a site where any development within the site should not have an adverse effect, either alone or in combination with other proposals or projects, on the integrity of any Natura site. This wording reflects the wording used in Proposed Plan Policies 3, 7 and 8. This particular wording is carried forward from the Dundee Local Development Plan 2014 (CDxx) and has proved to be effective in both highlighting and protecting the Firth of Tay SPA and Natura site.

It must also be noted that the third explanatory note in Appendix 3 omitted to direct readers of Appendix 3 to the Development Site Assessment. To correct this omission the Proposed Minor Drafting and Technical Matters paper proposes to add further text to this explanatory note. This text will read: "*Please refer to the Development Site Assessment document for further detail.*" This minor wording change to an Appendix of the Proposed Plan is considered to be a non-notifiable modification as it does not add, remove or significantly alter any policy or proposal in the Proposed Plan or change the underlying aims or strategy of the Proposed Plan.

The Development Site Assessment that was prepared to support the review of the local development also highlights under the Environmental Protection Status that the Habitats Regulation Appraisal identified a potential impact on the Firth of Tay SPA and Natura site, and then explains that this relates to the avoidance of

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disturbance of greylag geese. It is intended that the Development Site Assessment is used at pre-planning application stage by developers and council officers to identify site constraints and issues that need to be addressed through the planning application process.

It is considered that this combination of planning policy controls coupled with an Appendix note and the Development Site Assessment document will ensure that the potential wildlife issue will both be highlighted and that if required appropriate mitigation measures can be put in place.

Aside from correcting the omission to the explanatory text in Appendix 3 as requested through the Proposed Minor Drafting and Technical Matters paper no notifiable modification is proposed to the Plan.

Reporter's conclusions:
Reporter's recommendations:

Issue 13	SUSTAINABLE TRANSPORT & DIGITAL CONNECTIVITY	
Development plan reference:	Chapter 9 Policy 54: Safe and Sustainable Transport Policy 57: Transportation Interchanges Other Transport Matters	Reporter:
Body or person(s) submitting a representation raising the issue (including reference number):		
Scottish Natural Heritage (02) Scottish Government (06) Tayside and Central Scotland Transport Partnership: Tactran (07) Mr Hugh Levins (11) Dundee Civic Trust (13) Network Rail (37) Stewart Milne Homes (39) Forth Ports (40) Dundee Cycling Forum (50) Kirkton Community and Safety Partnership (65)		
Provision of the development plan to which the issue relates:	Sustainable Transport & Digital Connectivity	
Planning authority's summary of the representation(s):		
<p>Chapter 9</p> <p><u>Scottish Government (06)</u></p> <p>The Plan does not contain proposals for an exemplar walking and cycling friendly settlement to demonstrate how active travel networks can be significantly improved as required by National Planning Framework 3, paragraph 5.14.</p> <p><u>Tayside and Central Scotland Transport Partnership: Tactran (07)</u></p> <p>Chapter 9, Paragraph 9.2: the RTS Refresh strategic infrastructure projects most relevant to Dundee local development plan are: Aberdeen to Central Belt rail improvements; rail electrification; improvements to A90 through/around Dundee; improvement to rail and road links to Port of Dundee and support for improved facilities and route development at Dundee Airport. All of these projects are contained within Strategic transport Projects Review, TAYplan SDP (with A90 through/around Dundee also in NPF3) and are highly relevant to Dundee local development plan. Improving the A90 through or around Dundee and Rail Connectivity are also included within the Tay Cities Deal.</p> <p><u>Dundee Cycling Forum (50)</u></p> <p>Paragraph 9.7: Encourage the provision of physical cycling infrastructure through the addition of text.</p>		

Paragraph 9.11: Remove the 'get out' clause in the paragraph for actually doing something to improving active travel in the city.

Dundee Civic Trust (13)

Tay Bridge Rail Station (Dundee Rail Station). Concerned that parking provision on Riverside Drive at station is insufficient. It is unrealistic to expect travellers to use public transport to get there. Park & Ride would help and discounted parking for rail passengers should be considered.

Network Rail (37)

Notification Zone: Need to Safeguard future rail line improvements

Chapter 9 Paragraph 9.24

Forth Ports (40)

Does not support intermodal rail freight facilities being located within the Port of Dundee due to a lack of identified demand.

Policy 54: Safe and Sustainable Transport

Scottish Natural Heritage (2)

Clarify the strong hierarchy and promotion of active travel necessary to promote modal shift, and encourage new and connected walking and cycling infrastructure.

Tayside and Central Scotland Transport Partnership: Tactran (07)

Need to reinforce statement in paragraph 9.8 (page 82) that new developments should be located and designed to accommodate and encourage and prioritise active travel over motorised means. Paragraph 9.10 (page 82) states that developers may be required to prepare travel plans. However there is no reference to travel plans within Policy 54.

Although policy 54 (3) requires that all development proposals should incorporate measures to permit public transport access, there may need to be funding provided to ensure that public services do serve the new development, as noted in the Draft Supplementary Guidance on Developer Contributions.

Network Rail (37)

The approach to funding the effects of development on transport corridors is welcomed however the Proposed Plan should include the requirement that development must be accountable for resultant requirements to railway infrastructure and facilities.

Stewart Milne Homes (39)

Accept that sometimes there is a need for on and off site transportation

improvements however these should be fully justified through an agreed Transport Assessment in line with Circular 2/2012.

Seeks flexibility with regards to the completion of walking and cycling routes prior to first occupation citing issues with regards to ongoing construction and health safety reasons why this may not always be possible.

Dundee Cycling Forum (50)

The policy lacks ambition in promoting active travel. The policy encourages 'predict and provide' of capacity for motorised traffic. The roads need to be safe for motorised traffic, but if the development is going to cause motor traffic capacity issues, then measures taken should be to reduce the demand for motor traffic such that it is no longer a capacity issue.

Policy 57: Transportation Interchanges

Mr Hugh Levins (11)

Plans should be reconsidered due to changed circumstances since 2009/2010 and the possible impacts of future driverless technology. Better access to Dundee's main assets can be achieved by road improvements and road junction improvements

Dundee Civic Trust (13)

Sceptical that the relocation of Invergowrie station is justifiable. An alternative bus service would be sufficient and improved train services are expected from next year.

Policy 58: Digital Connectivity

Kirkton Community and Safety Partnership (65)

There is a need to promote digital connectivity more.

Other Transport Matters

Dundee Civic Trust (13)

Suggest that the proposals for the redevelopment of the Tay Bridge Rail Station (Dundee Railway Station) should include reduced cost parking for rail travellers, a Park & Ride on approaches to city, provide for better drop off and pick up of passengers.

Network Rail (37)

The Proposed Plan should include a designated notification zone around all operational railway infrastructure within which any development application proposals would be notified to Network Rail and that this would also safeguard the future rail line improvements proposed.

Modifications sought by those submitting representations:

Chapter 9

Scottish Government (06)

Modify the Proposed Plan to include a proposal for an exemplar walking and cycling friendly settlement.

Tayside and Central Scotland Transport Partnership: Tactran (07)

Modify the Proposed Plan by adding a reference in Chapter 9, Paragraph 9.2 to “*strategic infrastructure projects regarding A90 through or around Dundee and Rail Connectivity*”.

Dundee Cycling Forum (50)

Modify the Proposed Plan by adding the following text to the end of Paragraph 9.7: “*Providing good quality physical cycling infrastructure will provide a safe environment to make active travel an attractive option.*”.

Modify the Proposed Plan by amending Paragraph 9.11 to read: “*The Council fully supports sustainable transport and active travel but ~~it is~~ acknowledges that ~~motorised vehicles remain~~ a culture change is required to reduce the dependency on motorised vehicles from being the principal mode of transporting goods and people in use today.*”

Chapter 9 paragraph 9.24

Forth Ports (40)

Modify the Proposed Plan by amending Paragraph 9.24 by inserting additional sentence at the end of the paragraph: “*Intermodal rail freight transfer facilities will be welcomed where they are supported by a clear business case.*”.

Policy 54: Safe and Sustainable Transport

Scottish Natural Heritage (02)

Modify the Proposed Plan by inserting additional wording into the second sentence “*...should be afforded priority over motorised transport...*”

Modify the Proposed Plan by adding an additional bullet point: “*7) make provision for walking and cycling access, and where possible link to and enhance existing active travel infrastructure, including rights of way and core paths.*”

Tayside and Central Scotland Transport Partnership: Tactran (07)

Modify the Proposed Plan by amending Policy 54 to include a requirement for the

preparation and implementation of travel plans for all significant developments.

Modify the Proposed Plan by amending Paragraph 9.10 to say that travel plans will be required for significant developments.

Modify the Proposed Plan by amending Policy 54, bullet point 3 to include:
“consideration should be given to requiring developer funding to divert an existing bus service or “kickstart” a new service or service extension.”.

Network Rail (37)

Modify the Proposed Plan by amending Policy 54, bullet point 2 to include the text
“upgraded railway infrastructure, upgraded facilities for stations”.

Stewart Milne Homes (39)

Modify the Proposed Plan by amending Policy 54, bullet point 2 by adding *“where a need is demonstrated”* or similar text at the end of the sentence in brackets.

Modify the Proposed Plan by amending Policy 54, final sentence to read:
“Walking and cycle routes should be useable as early as practically possible in a development taking account of health and safety issues through discussion with the Planning Authority.”

Dundee Cycling Forum (50)

Modify the Proposed Plan by amending Policy 54, bullet point 1 to read:
“1) minimise reduce the need to travel by private car. The layout will encourage walking and cycling, cater for the requirements of public transport if required and incorporate design features which will effectively restrict traffic speeds to a maximum of 20mph”.

Modify the Proposed Plan by amending Policy 54, bullet point 1 to read:
*“4a) have no detrimental effect on the capacity or safe functioning of the existing road or rail networks;
4b) have no detrimental effect on the safe functioning of the existing road networks;
4c) where the development has a detrimental effect on the capacity of the existing road network, these are addressed by reducing the demand for motorised traffic either within the development or the surrounding area, not by increasing the capacity of the road network for motorised traffic.”*

Policy 57: Transportation Interchanges

Mr Hugh Levins (11)

Modify the Proposed Plan by halting plans for the relocation of Invergowrie station and park and ride until the effect of driverless technology is known.

Dundee Civic Trust (13)

Modify the Proposed Plan by amending Paragraph 9.24 to remove the reference to relocating Invergowrie station.

Policy 58: Digital Connectivity

Kirkton Community and Safety Partnership (65)

Modify the Proposed Plan to include a requirement for all major developments to provide free public Wi-Fi.

Other Transport Matters

Dundee Civic Trust (13)

Modify the Proposed Plan by including proposals for Tay Bridge Rail Station (Dundee Railway Station) to implement reduced cost parking for rail travellers, implement Park & Ride on approaches to city, provide for better drop off and pick up of passengers.

Network Rail (37)

Modify the Proposed Plan by provide a designated notification zone around all operational railway infrastructure within which any development application proposals would be notified to Network Rail and that this would also safeguard the future rail line improvements proposed.

Summary of responses (including reasons) by planning authority:

Chapter 9

Scottish Government (06)

National Planning Framework 3 requires the Scottish Government to provide encouragement to local authorities to develop at least one walking and cycling exemplar. It does not require local authorities to include this in a Local Development Plan. As yet the Scottish Government have not provided any identifiable direct support for such an exemplar and as a result it would be inappropriate to divert already limited resources to one specific area of the city. Currently investment in cycle infrastructure is guided by a city-wide cycling strategy (CDxx) which was adopted in June 2016 following consultation with cycling groups and the general public. The cycling strategy is noted in Policy 29. The Council and its partners have also prepared a Physical Activity Strategy a key element of which is an active living theme. Both strategies are supported by physical and promotional activities which seek to increase levels of walking and cycling.

With a cycling strategy and a physical activity strategy in place and physical and promotional activities to achieve the strategy's aims there is no need to identify all or part of the city as a walking and cycling exemplar.

No modification is proposed to the Plan.

Tayside and Central Scotland Transport Partnership: Tactran (7)

Paragraph 9.2 highlights strategic infrastructure projects that are likely to be implemented within the lifetime of the Plan and makes reference to the content of the Regional Transport Strategy Refresh. It is accepted that the Local Development Plan must conform to the Strategic Development Plan and take direction from the Regional Transport Strategy. Whilst it may be useful to repeat elements of the Regional Transport Strategy in the local development plan there is no requirement to do so. The Proposed Plan instead signposts readers to the Regional Transport Strategy Refresh 2015-36. Furthermore, as no specific dates for implementation are known, nor design detail available it is considered inappropriate to include these regional projects within formal policies or proposals.

No modification is proposed to the Plan.

Dundee Cycling Forum (50)

Paragraph 9.7 is concerned with the activity of active travel whilst paragraph 9.8 deals with physical infrastructure. The wish to encourage the provision of physical cycling infrastructure is supported. However, it is necessary to acknowledge that a balanced strategy for promotion and management of all transportation facilities is required and this should not be limited to the promotion of a single means of transport (i.e. the bicycle).

Paragraph 9.8 requires all new development to be located and designed to accommodate and encourage and prioritise active travel over motorised means. This has the same outcome as the proposed modification to paragraph 9.7.

In response to the comments regarding Paragraph 9.11, Dundee City Council is committed to the provision of a balanced transport provision which promotes active travel, but it would be an error to not recognise motorised transport as an existing dominant transport mode and the principal mode of transporting goods and people. It is necessary to acknowledge this fact to help explain why the Proposed Plan is planning for this and other modes of transport.

The Proposed Plan acknowledges in Policy 54 the National Roads Development Guide which states (part 1.3): *“A locally appropriate balance should be struck between the needs of different user groups. Traffic capacity will not always be the primary consideration in designing individual roads and road layout. However, it is recognised many journeys will still require to be made via vehicular traffic (including buses). As the movement of goods and services is paramount to sustaining and growing a successful national economy”*

The reduction of reliance on private cars is also acknowledged and supported by Proposed Plan Policy 1 and Appendix 1 (Section: Easy To Move Around and Beyond).

No modification is proposed to the Plan.

Chapter 9 paragraph 9.24

Forth Ports (40)

The local development plan must conform to the strategic development plan. The strategic development plan identifies the Port of Dundee as the preferred location and was approved by Scottish ministers in October 2017. The Proposed Plan therefore conforms to the Strategic Development Plan by having included this statement.

No modification is proposed to the Plan.

Policy 54: Safe and Sustainable Transport

Scottish Natural Heritage (10) and Dundee Cycling Forum (50)

Paragraph 9.8 highlights the need to encourage and prioritise active travel over motorised means and this has been reflected quite clearly in the first paragraph of Policy 54. The policy also clearly states the need to minimise the need to travel by private car in item 1 and there is no need to repeat that requirement. The policy makes direct reference to the National Roads Development Guide (CD) as a method for design compliance: the Guide (part 1.3) makes it clear that a user hierarchy exists which places pedestrians first. Policy 1 of the Proposed Plan and its associated Appendix 1 also makes direct reference to Scottish Planning Policy's six qualities of successful place: the second quality (Safe & pleasant 1) highlights the need to cater for foot, bicycle and public transport. The third quality (Easy to move around and beyond) clearly states that development should consider place and the needs of people before the movement of motor vehicles.

Although the policy refers to "walking and cycling networks", and makes no direct reference to the term Core Paths, they are referred to in paragraph 9.9 and in Appendix 1. Within Dundee all rights of way are also designated as Core Paths. Modifying the policy to include the term Core Paths would not alter the outcome of the policy.

Policy 54 aims to accommodate a wide range of developments, both in terms of type and location and as such must be general in nature, allowing developments to be assessed appropriately and on their own merits when a planning application is submitted. Whilst it is a desirable design standard for many developments, it would be inappropriate to specify that all roads in the City should be designed to a 20mph standard. This policy will be used to consider developments on major distribution roads and trunk roads where such speed limits may not be appropriate. For this reason the policy requires compliance with the National Roads Development Guide and the Dundee City Council Roads Standards (CD). The National Roads Development Guide does not promote a blanket 20mph standard or standard road types but instead promotes that the design of roads should fit the context of the location, this policy therefore allows for the appropriate consideration to be given to proposed developments in terms of both traffic speed and design capacity.

No modification is proposed to the Plan.

Tayside and Central Scotland Transport Partnership: Tactran (07)

It is acknowledged that the use of Travel Plans is mentioned in Paragraph 9.10 but not subsequently stated in the policy. No definition of what constitutes a “significant” development is given and as such it is suggested that the decision of whether or not to require a Travel Plan is best left to be considered as part of the planning application process

Policy 54 primarily concentrates on physical infrastructure and design matters but includes reference to potential developer contributions for such items. The full scope of developer contributions is dealt with by Policy 20 and the associated supplementary guidance. No requirement to repeat this in terms of this Policy.

No modification is proposed to the Plan.

Network Rail (37)

Point 2 of Policy 54 includes reference to provision of facilities for public transport. Rail services are a method of public transport and as such there is no need to expand the terminology used.

No modification is proposed to the Plan.

Stewart Milne Homes (39)

The provision of facilities for the full range of transportation modes is considered justifiable given the predominantly urban nature of the entire Local Development Plan area. It is accepted that any requirement for developer contributions should meet the aims of circular 3/2012 and this is adequately dealt with in Policy 20: Funding Of On and Off Site Infrastructure Provision. Policy 54 highlights this method as a possible means of delivery but it would be for the detailed consideration of a development proposal the planning application process to decide if such an approach were appropriate.

It is acknowledged that some housing developments are constructed on a phased basis and Dundee City Council will take a practical approach where site specific constraints suggest it to be appropriate to delay provision of certain elements of infrastructure. However if a home is to be occupied then it is considered reasonable that an occupant would expect their new property to have the full range of services to enable it to function. This would include a safe means of access for all modes of transportation. This is a matter of detailed phasing that would be considered on a case by case basis and covered through and appropriate planning condition. It is not considered necessary to include it in the wording of the Policy.

No modification is proposed to the Plan.

Policy 57: Transportation Interchanges

Mr Hugh Levins (11) and Dundee Civic Trust (13)

The proposal for the relocation of the station is promoted by the TAYplan Strategic Development Plan which was approved by Scottish Ministers in 2017, the Regional Transport Strategy (Regional Transport Strategy Refresh 2015 – 36) and the current adopted Local Development Plan. This proposal follows studies which have evaluated the constraints and opportunities presented by Invergowrie Station. The Local Development Plan is required to comply with the Strategic Development Plan. The Local Development Plan supports investment in such rail facilities where a detailed appraisal and business case supports such interventions.

The existing station at Invergowrie is located outwith the Dundee City Council administrative area being located within Perth & Kinross Council administrative area. The provision of improved facilities, road access or bus services serving Invergowrie would be welcome but is outwith the remit of the Dundee Local Development Plan.

The impacts of driverless technologies are unknown at this stage but should this technology develop further then implementation and widespread take up will most likely occur at a time beyond the scope of this Local Development Plan. Whilst there is a need to be aware of technology advances it would be inappropriate for the Local Development Plan to base decisions on an as yet unproven technology which may or may not be adopted by society at some point in the future. Dundee City Council maintains that it is appropriate to support this transport intervention on the basis of business case being presented, and which takes account of future forecast demand.

No modification is proposed to the Plan.

Policy 58: Digital Connectivity

Kirkton Community and Safety Partnership (65)

Policy 58 refers to the physical infrastructure related to digital connectivity. The provision of a free digital wireless service would be welcome, but is ultimately a commercial decision for a developer or occupant of a building. It would be outwith the remit of the Local Development Plan to impose the provision of a free public service.

No modification is proposed to the Plan.

Other Transport Matters

Dundee Civic Trust (13)

Dundee Tay Bridge Station is currently undergoing redevelopment due for completion in early 2018. It is acknowledged that the current temporary arrangement with access via the layby on Riverside Drive. This is a temporary measure whilst construction takes place and not a matter for the Local Development Plan.

When complete the Rail Station will be equipped with a new additional surface

level car park adjacent to the Station with a capacity of 35 vehicles, including electric charging and disabled bays plus cycle parking. The existing lay-by will be retained and a further loading bay and separate drop-off/pick-up bays are to be included at Greenmarket East. This is in addition to the 665 existing car park spaces provided by the car parks at: Discovery Quay, Greenmarket (multi storey), Dundee Science Centre and Dundee Contemporary Arts

Given the proximity of the station to the urban centre of Dundee it is very realistic to assume that a significant number of passengers will use modes other than the private car to travel to/from the station. A multi-transport solution is therefore being implemented with good pedestrian access, new cycle parking facilities, a new bus stop at the main entrance and retention of the existing taxi bay in addition to increased private car parking and access. Such matters were considered following the submission of the planning application for the station and are not a matter for the Local Development Plan.

The cost of parking is not a matter for the Local Development Plan and Park & Ride (park & choose) facilities serving the city centre are supported in Policy 57. The delivery of Park & Choose facilities is being enabled through partnership working with Tactran as this will include delivery of facilities outwith the Dundee City Council administrative area.

No modification is proposed to the Plan.

Network Rail (37)

Dundee City Council already maintains a designated notification zone around all railway infrastructure (10 metre distance) for planning application notification purposes. There is no need to include this within a Local Development Plan as it is for notification purposes only. If it were to be included it could be misinterpreted to mean development proposals and cause public concern for expansion of services where none are planned. A similar notification arrangement exists for Trunk Roads, the airport area and sites notifiable to HSE.

Network Rail identifies that there is potential for an alteration/addition to the existing facilities in the Camperdown area but that this would be on existing operational land. As the date of this and commitment to it is unknown and unlikely to cause effects outwith the boundary of their existing land, it is not considered appropriate to add this to the Plan.

Dundee has only two level crossings, one of which is private. There are no development proposals in the Local Development Plan which would impact on the frequency of their use nor require additional crossings. Whilst the Council recognises the sensitivities associated with the use of level crossings it is noted that Network Rail's representation refers to improving the rail service within East Lothian where the situation may be substantially different, but is in any case outwith the remit of the Dundee Local Development Plan.

No modification is proposed to the Plan.

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Reporter's conclusions:

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Reporter's recommendations:

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Issue 14	DEVELOPER CONTRIBUTIONS	
Development plan reference:	Policy 20: Funding of On and Off Site Infrastructure Provision and Paragraph 6.38	Reporter:
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>Scottish Natural Heritage (02) Scottish Government (06) Tayside and Central Scotland Transport Partnership: Tactran (07) Homes for Scotland (08) Network Rail (37) Stewart Milne Homes (39) Forestry Commission Scotland (80)</p>		
Provision of the development plan to which the issue relates:	Provision of On and Off Site Infrastructure.	
Planning authority's summary of the representation(s):		
<p><u>Scottish Natural Heritage (02)</u></p> <p>SNH welcome the emphasis in Policy 20 on green infrastructure, and suggest ongoing monitoring of the types of infrastructure provided through this policy to ensure the provision of green and blue infrastructure.</p> <p><u>Scottish Government (06)</u></p> <p>There is a lack of detail in the Plan as to the locations of contributions and it appears that they are to be included in supplementary guidance. There is also no mention of the types of development that will be required to contribute.</p> <p><u>Tayside and Central Scotland Transport Partnership: Tactran (07)</u></p> <p>Developments have transport impacts beyond their immediate surrounds and contribute to the need for more strategic transport infrastructure that serve the city's transportation needs, regardless of whether the strategic infrastructure is located within the city boundaries.</p> <p><u>Homes for Scotland (08)</u></p> <p>Indicates that developers continue to face funding pressures that severely restrict their ability to deliver all the potential housing sites across the City without a flexible and pragmatic application of Policy 2 and Policy 20.</p> <p>Policy 20 should be refined to give further emphasis for the need to seek developer contributions only in circumstances where this will not undermine the</p>		

viability of the housing proposal.

Network Rail (37)

The approach to funding the effects of development on transport corridors is welcomed however the Proposed Plan should include the requirement that development must be accountable for resultant requirements to railway infrastructure and facilities.

Network Rail is funded by the taxpayer and should be clearly excluded from having to make developer contributions.

Stewart Milne Homes (39)

Makes reference to Circular 3/2012 (CD) and the relevant test for securing developer contributions and that the onus is on planning authorities to demonstrate necessity therefore propose amendments to fully justify Policy 20 in accordance with the circular.

Proposed changes to paragraph 6.38 from “recognised” to “demonstrated” or “justified”. Does not consider “opportunity” as appropriate unless it can be clarified that it is justified.

Indicates that paragraph 6.39 needs to recognise all forms of development could have an impact on infrastructure and that the current wording would suggest that housing development would be the sole contributor of development contributions.

Forestry Commission Scotland (80)

Fully support seeking developer contributions to support Green Space and suggest that when developers are required to plant trees within their development that they use fruit trees.

Modifications sought by those submitting representations:

Scottish Natural Heritage (02)

No modification proposed.

Scottish Government (06)

Modify the Proposed Plan by modifying Paragraph 6.39 to set out more clearly the areas where contributions will be sought, along with the types of development from which contributions will be sought.

Homes for Scotland (08)

Modify the Proposed Plan by revising the first paragraph of Policy 20 to include the following text: *“The seeking of any developer contributions (including those required under Policy 2) will only be progressed where the viability of the development proposed is not compromised. Any developer contributions that are*

deemed necessary will require to be fully justified in relation to the development proposed.”.

Corresponding adjustments will also then be required to the Supplementary Guidance on Developer Contributions.

Tayside and Central Scotland Transport Partnership: Tactran (07)

Modify the Proposed Plan to include a specific statement regarding Developer Contributions that contributions will be sought for strategic transport infrastructure, where necessary, with contributions towards major schemes in Dundee and, where relevant, support for cross-boundary schemes and infrastructure which generate benefits for the city, such as Park & Ride.

Modify the Proposed Plan by modifying Policy 20 to seek developer contributions to “kickstart” bus services where necessary.

Network Rail (37)

Modify the Proposed Plan to include further detail of developer contributions towards rail would be implemented and the scale would be welcomed.

Modify the Proposed Plan by excluding Network Rail from having to make developer contributions.

Stewart Milne Homes (39)

Modify the Proposed Plan by inserting new text into Paragraph 6.38: Change “recognised” to “demonstrated” or “justified”.

Modify the Proposed Plan by modifying the supporting text to Policy 20 in order to clarify that an “opportunity” to seek improvement to green infrastructure must be fully justified against the tests of Circular 3/2012 Developer Obligations.

Modify the Proposed Plan by modifying Paragraph 6.39 in order to clarify that all types of development which have an impact on infrastructure that is at capacity may have to contribute to improve that infrastructure

Modify the Proposed Plan by modifying Policy 20, bullet point 1 to read: *“fair and proportionate developer contributions for developments on sites allocated in either the Dundee Local Development Plan or in terms of windfall development where a shortfall arising from development can be demonstrated.”*

Modify the Proposed Plan by modifying Policy 20, bullet point 2 replace *“identified”* with *“justified”*.

Modify the Proposed Plan by modifying Policy 20, to include an additional bullet point: *“At all times, contributions being sought should not undermine the viability of a development”*

Forestry Commission Scotland (80)

Modify the Proposed Plan by modifying Policy 20, to include trees, specifically fruit trees as part of developer contributions.

Summary of responses (including reasons) by planning authority:

Scottish Natural Heritage (02)

Comment noted and the suggestion to monitor the provision of green and blue infrastructure will be considered as part of the ongoing plan monitoring.

Scottish Government (06)

The types of development required to contribute and what they are required to contribute towards is clearly identified in the table on page 7 of the draft Supplementary Guidance on Developer Contributions (CDxx) and its associated map on page 8. It is considered that this provides the necessary clarity for the development industry. The supplementary guidance is clearly referenced in policy 20.

Dundee City Council does not consider it necessary to repeat this detail within the proposed plan as it is in the proposed statutory supplementary guidance covering Developer Contributions. This is the approach carried forward from the Dundee Local Development Plan 2014 (CD) and is the appropriate use of Supplementary Guidance.

No modification is proposed to the Plan.

Homes for Scotland (08)

Policy 20 clearly states in point 3 that flexibility in approach can be adopted in varied economic circumstances. The imposition of a developer contribution is only sought where there is an impact as a consequence of development and it cannot be assumed that an exemption could always be justified. The policy therefore promotes a flexibility that permits Dundee City Council to consider alternative development delivery methods should issues arise in the development of land.

It is considered that the flexibility included within the policy offers an appropriate approach to consider developments on a case by case basis whilst offering the level of certainty expected of a Local Development Plan. Dundee City Council has previously demonstrated its willingness to intervene on infrastructure matters where access to funding was a concern. The delivery of the Dykes Of Gray Road upgrade in advance of construction at the Western Gateway was funded by the Council with costs recovered from the developments on a phased pay back.

No modification is proposed to the Plan.

Tayside and Central Scotland Transport Partnership: Tactran (07)

Policy 20 refers to “new or improved services, facilities or infrastructure” and does not restrict this by location or type. The only restriction is that such requirements

must be related directly to the requirements or impacts of a proposed development. That requirement is in compliance with The Planning etc. (Scotland) Act 2006 and its supporting Planning Circular 3/2012 (Planning Obligations and Good Neighbour Agreements). Subject to that requirement being met it is quite valid for developments to contribute towards infrastructure of a more strategic nature or for bus service provision.

The draft Developer Contributions Supplementary Guidance (CDxx) indicates at page 13 that financially supporting a bus service is a valid consideration for contributions.

No modification is proposed to the Plan.

Network Rail (37)

Policy 20 refers “new or improved services, facilities or infrastructure” which would include rail infrastructure if appropriate to the development. There are no impacts on rail infrastructure identified as a direct consequence of the policies or proposals in the Local Development Plan. This general statement is therefore considered sufficient to accommodate any as yet unforeseen requirements. Whilst the establishment of a replacement for Invergowrie station is mentioned in the Plan, no costings or designs are as yet available and a business case is yet to be considered. The development of a new Dundee West station has not been approved. It is therefore premature to seek developer contributions towards this facility.

Dundee City Council reserves the option not to pursue developer contributions in some instances, such as where there is an alternative or more appropriate means of funding available. It is appropriate that all developers be responsible for the impacts of their development activities and as such it would be inappropriate to introduce a general exclusion for a specific organisation from this requirement, regardless of how that organisation is funded. In the absence of developer contributions it would fall to the City Council to fund new or improved services, facilities or infrastructure to meet increased need and demand arising from new development.

No modification is proposed to the Plan.

Stewart Milne Homes (39)

Policy 20 of the Proposed Plan carries forward the planning policy approach from the Dundee Local Development Plan 2014. Policy 20 and the accompanying 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) (CD). It is not felt necessary to repeat the content of the Act nor Circular as those tests and criteria for requiring developer contributions are clearly defined therein. In particular part 2 of Policy 20 explicitly states that the need should relate directly to the requirements or impacts of a proposed development.

It is accepted that all forms of development could potentially incur a developer

contribution as a result of impacts on infrastructure. However the text in paragraph 6.39 recognises that it “most commonly arises from new residential development” – this does not state that new residential development is the sole contributor. The example given is for a large food store – the plan does not allocate land for such a use and therefore should such a proposal (or anything similar) be brought forward then it would be considered on its own merits – which would include consideration for any impacts that necessitated a developer contribution. Part 3 of the proposed supplementary guidance (CD) indicates that windfall developments will require careful consideration and investigation in that respect.

Circular 3/2012 states in paragraph 2 “that consideration should be given to the economic viability of proposals and alternative solutions should be considered alongside options of phasing or staging payments.” This is reflected in part 3 of Policy 20 which allows for a flexible approach to be taken whilst still ensuring the development does not have detrimental effects.

Whilst viability is an important consideration, Scottish Planning Policy (para. 28) does expect the planning system to balance the “costs and benefits of a proposal” and “not to allow development at any cost”- to offer a blanket priority to viability and developer profits over other considerations would not therefore be appropriate, instead Policy 20, part 3 has sought to achieve a reasonable balance whereby a developer can rightfully raise concerns and expect a flexible approach to be taken to enable development, whilst affording the impacts of the development the full consideration it deserves.

No modification is proposed to the Plan.

Forestry Commission Scotland (80)

Comment noted. This policy is a general statement which outlines the scope of developer contributions and is supported by supplementary guidance. The choice of a tree species is extending to a level of detail beyond the normal scope of a Local Development Plan. Whilst the additional benefits of fruit bearing trees are acknowledged, it would be for consideration during the submission of a planning application.

No modification is proposed to the Plan.

Reporter’s conclusions:

Reporter’s recommendations:

Issue 15	OTHER ISSUES	
Development plan reference:	Proposed Plan Introduction Vision and Strategy Community Planning and Consultation Community Facilities Housing Site Priority Supplementary Guidance Development Site Assessments	Reporter:
Body or person(s) submitting a representation raising the issue (including reference number):		
Scottish Environmental Protection Agency (SEPA) (01) Scottish Natural Heritage (SNH) (02) Historic Environment Scotland (03) Tayside and Central Scotland Transport Partnership: Tactran (07) Homes for Scotland (08) CWP Dundee Ltd (15) Broughty Ferry Community Council (20) David Hewick (22) Kirkton Community and Safety Partnership (65) Aldi Stores Ltd (71) McLaren (76)		
Provision of the development plan to which the issue relates:	Other Issues	
Planning authority's summary of the representation(s):		
<p>Proposed Plan Introduction</p> <p><u>Tayside and Central Scotland Transport Partnership: Tactran (7)</u></p> <p>It is important that the reader understands from the outset which statutory documents have been considered in developing the local development plan.</p> <p>Vision and Strategy</p> <p><u>Homes for Scotland (08)</u></p> <p>Considers there to be new opportunities through the Tay Cities Deal with significant investment in infrastructure. Would support the local development plan to adopt a positive and ambitious outlook that reflects these opportunities. Concerns that there is a significant industrial land legacy and social regeneration sites with relatively limited greenfield land that will flavour the potential response to these opportunities.</p> <p>Indicated a reduced confidence from private sector housing developers they</p>		

consider there to be limited opportunity to deliver a full range of housing products to meet market demand. Therefore consider it to be essential that the plan avoids a situation where housing need goes unmet.

Aldi (71)

Supports the current position set out under the Spatial Strategy on pages 10-13 but requests additional information is also included within the policy wording (reference to Policy 21 of the Proposed Plan).

Reference to the findings of the Council's Retail Study 2015 (CD) and considered that there would be value in referencing any deficiencies within this section, to give sufficient prominence.

Community Planning and Consultation

Broughty Ferry Community Council (20)

The Community Council are concerned that the links between the BF Community Planning Partnership Plan and the Local Development Plan are very limited.

Kirkton Community and Safety Partnership (65)

The contributor has made several comments across several consultation response forms that do not relate to the preparation of a Local Development Plan.

Of relevance is a suggestion that the proposed plan should include a policy setting out how to find the views of communities and that Community Officers supporting Community Councils & NRSs should be knowledgeable of the planning system as it affects the groups they work with. There is a concern they are being ignored by the council in planning matters. The contributor considers that the Local Community Planning Partnership is not effective and that Local Plans are not fit for purpose. Also concerned over low response to consultations and suggests that the plan should include reference to respecting the views of the community and taking their opinions into account through the planning process with details of how this will be done.

Mclaren (76)

The contributor regards the whole local development process as being far too complex and obtuse.

Community Facilities

Scottish Natural Heritage (SNH) (02)

Offsetting requirements for development of surplus land that is currently used and valued by communities should clearly set out how loss of open space, for example, should be informed by the Open Space Strategy and Green Network planning guidance.

Kirkton Community and Safety Partnership (65)

The contributor has made several comments relating to community facilities that do not relate to the preparation of a Local Development Plan. Of relevance to the Proposed Plan is a comment that community facilities should be classified by use, noting that if they are not used by the community they cannot be claimed to be community facilities.

Housing Site Priority

Kirkton Community and Safety Partnership (65)

Need to use the audited housing sites for development before windfall sites.

Supplementary Guidance

Broughty Ferry Community Council (20)

The existing Conservation Area appraisals are appreciated. It would be good practice to issue further guidance directly related to implementing Policy 51: Development in Conservation Areas. Drawing together valuable guidance which is currently dispersed in the various Conservation Appraisals city-wide would be helpful in bring to attention of developers, residents and other parties which is expected by the planning authority.

David Hewick (22)

Considers that to follow on from the excellent Householder Guidance and Breaches in Boundary Walls Guidance, the Replacement Windows and Doors Guide should be updated and expanded. Within these, it should no longer be acceptable to allow replacement plastic doors in conservation areas.

A guide on the preservation and installation of traditional shop frontages would also be welcome. Another option may be to combine the separate guidance on conservation areas into a fuller composite version that also gives additional information on how to retain original external features that contribute to the character and appearance of these areas.

Development Site Assessments

Scottish Environmental Protection Agency (SEPA) (01)

The existing paragraph 1.5 which discusses the Development Site Assessment document (CD) does not clearly identify the legal status of the document and the developer requirements contained within it which are highly influential on the proposed planning applications. The provision of additional wording in the paragraph is required by SEPA to provide further certainty to prospective applicants as to what is required as part of a planning application for the site and what the key issues are.

It is the Proposed Plan that should require a flood risk assessment and not SEPA

when a planning application is made.

The inclusion of additional developer requirements within the Proposed Plan would ensure that requirements are adopted formally as part of the plan and provides certainty for developers as to what is required as part of a planning application for the site and what the key issues are.

Identify the requirement of buffer strips and or SUDS for allocated sites within Appendix 3 table. This would also apply to the Employment sites table as request elsewhere.

Scottish Natural Heritage (02)

The DSA contains important information on the land use allocations in the Proposed Plan, but it is provided as a supporting document. While we support text in Section 1.5 stating that: *“Developers are asked to refer to the Development Site Assessments document at the pre-application stage,”* we request additional text is inserted in those policies applicable to development site allocations. This will provide a policy link and a more prominent steer for developers for site specific information and requirements, including those for the natural heritage.

More specific and consistent considerations, clear identification of developer requirements and need for development briefs/masterplans will help ensure elements such as green infrastructure are implemented, and provide more certainty to developers in advance of planning applications.

Historic Environment Scotland (HES) (03)

As a result of presenting the Development Site Assessment as a supporting document the individual site information in the Plan is reliant on baseline information and policy position as opposed to a robust consideration of the effects with tailored mitigation responding to the individual attributes of each allocation. Mitigation is not transferred into developer requirements.

CWP Dundee Ltd (15)

The Proposed Plan and the Development Site Assessments document do not include the submission previously put forward by CWP Dundee Ltd client. Acknowledge that this was a drafting error in the Proposed Plan and indeed note that this has since been amended on 18 September 2017, however this was not the plan presented to the committee when the document was approved for consultation, potentially leading to lack of clarity to what is being requested for the site.

Modifications sought by those submitting representations:

Proposed Plan Introduction

Tayside and Central Scotland Transport Partnership: Tactran (7)

Proposed Local Development Plan Introduction: Figure 1 Introduction (page 7),

setting out links between the Proposed Plan and other Plans should include reference to Tactran Regional Transport Strategy Refresh 2015 – 2036.

Vision and Strategy

Homes for Scotland (08)

Local Development Plan to set out how the private sector will be engaged as a key partner in the delivery of the plan.

Local Development Plan should highlight opportunities that will arise due to City Deal funding and the potential for leveraging in further private sector investment as a result of this.

Aldi (71)

No modifications proposed or requested but support for the strategy.

Community Planning and Consultation

Broughty Ferry Community Council (20)

Seek stronger relationship between the documents

Kirkton Community and Safety Partnership (65)

The contributor has made comments across several consultation response forms, but it is not clear what modifications are being sought. Of relevance to the preparation of a local development plan is a request for the Proposed Plan to be modified to include a reference to respecting the views of the community and taking their opinions into account throughout the planning process – including details of how that will be done. The plan should also include a policy setting out how to find the views of communities.

Community Facilities

Scottish Natural Heritage (SNH) (02)

Offsetting requirements for development of surplus land that is currently used and valued by communities should clearly set out how loss of open space, for example, should be informed by the Open Space Strategy and Green Network planning guidance.

Kirkton Community and Safety Partnership (65)

The contributor has made comments, but it is not clear what modifications are being sought. Of relevance to the preparation of a local development plan is a request that the Proposed Plan is modified to include details of community facilities classified by use.

Also requests that the Policy 18 of the Proposed Plan is modified to enable the

community to have their say in the future use of surplus facilities.

Supplementary Guidance

Broughty Ferry Community Council (20)

Suggest addition of the following text:

“Within the life of this Local Development Plan 2 it may be appropriate to provide further guidance on meeting planning policy requirements. That possibility will be kept under review. Thus, for instance, Supplementary Guidance in support of the application of Policy 51: Development in Conservation Areas may be brought forward to assist in ensuring that, within designated conservation areas, all proposals for development will preserve or enhance the character of the surrounding area.”

David Hewick (22)

Additional/updated supplementary guidance on matters relating to Householder Guidance, Breaches in Boundary Walls Guidance, the Replacement Windows and Doors Guide and possibly a guide on the preservation and installation of traditional shop frontages.

Another option may be to combine the separate guidance on conservation areas into a fuller composite version that also gives additional information on how to retain original external features that contribute to the character and appearance of these areas.

Development Site Assessments

Scottish Environmental Protection Agency (SEPA) (01)

We wish to see an expansion of the description status of the Development Site Assessments 2017 document in relation to the Proposed Plan and a clear statement which identifies that further detailed information related to the site requirements which are identified in the appendices to the Proposed Plan can be found in the DSA 2017 document.

Change 'Sites where SEPA has advised that a Flood Risk Assessment will be required' on page 94 to 'Sites where a Flood Risk Assessment is required'.

We require additional indicators of developer site requirements within the table provided for Allocation Housing Sites in Appendix 3 to demonstrate additional site requirements including buffer strips and SUDS. The indicators can be in a similar format as that provided for identifying which sites require an FRA.

Identify the requirement of buffer strips and or SUDS for allocated sites within Appendix 3 table. This would also apply to the Employment sites table as request elsewhere.

Scottish Natural Heritage (02)

Request a policy link between the Proposed Plan and Development Site Assessments identifying specific developer requirements. For example, where reference is made to development site allocations (such as Policy 9), and at the start of Appendix 3 (Allocated Housing Sites). Suggested wording is: *“Developers should refer to the accompanying Development Site Assessments 2017 at pre-application stage to identify the key environmental and infrastructure requirements and considerations for each allocation.”*

More specific requirements on a site by site basis should be provided in the Development Site Assessments rather than the generic catch-all statements e.g. Proposed allocation H08 could contribute to the Ardlar Link (Dundee Green Network link ‘1a’) by replacing the generic statement in the DSA with *“Protect and extend the existing trees by creating woodland edge in the south of the site to reinforce the green corridor from Birkdale Place and St Leonard Place as a part of the Ardlar Green network.”*

Historic Environment Scotland (HES) (03)

Improve links with the Environmental Assessment and integrate mitigation measures into development requirements.

CWP Dundee Ltd (15)

Amend site boundary and assessment of site.

Summary of responses (including reasons) by planning authority:

Proposed Plan Introduction

Tayside and Central Scotland Transport Partnership: Tactran (7)

Scottish Planning Policy does not require Local Development Plans to include a list of the statutory documents which have been used to prepare the plan. These are contained within the legislation and regulations governing the preparation of the local development plan.

No modification is proposed to the Plan.

Vision and Strategy

Homes for Scotland (08)

The Proposed Plan’s vision and strategy sets out a coherent strategy for the future development of Dundee. The preamble to each chapter and policy then further explains how the plan will help to deliver the vision and strategy.

The Action Programme sets out how the private sector will be engaged as a key partner in delivering the Plan, particularly housing delivery.

The City Deal has not been agreed and it would therefore be premature for the Local Development Plan to include details of the proposed City Deal projects.

No modification is proposed to the Plan.

Aldi (71)

The comments in the representation are noted. The Proposed Plan's vision and strategy sets out a coherent strategy for the future development of Dundee. The preamble to each chapter and policy then further explains how the plan will help to deliver the vision and strategy.

The findings of the Dundee Retail Study 2015 (CD) have been taken into consideration preparing the Proposed Plan and it is considered that the findings and conclusions of the Study have been adequately reflected in the Plan.

No modification is proposed to the Plan.

Community Planning and Consultation

Broughty Ferry Community Council (20)

The representation from Broughty Ferry Community Council is noted. Paragraphs 2.4 – 2.6 set out how the approach taken during the preparation of the Proposed Plan to better integrate the Local Community Plans and the Local Development Plan. The 360 degree approach adopted to support the preparation of the Proposed Plan as outlined in paragraphs 2.4 and 2.5 of the Proposed Plan was considered to be effective and it has meant that the recently produced City Plan – the Local Outcome Improvement Plan – for Dundee and the associated Local Community Plans better align with the Proposed Plan.

No modification is proposed to the Plan.

Kirkton Community and Safety Partnership (65)

The requirements for consulting with the community are set out in legislation and regulation of the development management system. There is no requirement to repeat this in a local development plan.

No modification is proposed to the Plan.

Mclaren (76)

The contributor's comments are noted. The process for the review of the local development plan is set out in statute. As stated in paragraphs 2.4 and 2.5 of the Proposed Plan the consultation process has at every stage sought to engage with the public and increase the level of response. The statement of conformity with the participation statement also discusses the form and level of consultation.

No modification is proposed to the Plan.

Community Facilities

Scottish Natural Heritage (SNH) (02)

Criteria governing the loss of designated land uses is spread throughout the Plan. Open Space and Green Networks are protected through dedicated policies.

No modifications are proposed to the Plan.

Kirkton Community and Safety Partnership (65)

The Proposed Plan Policy 18 supports the development new community facilities, and the appropriate redevelopment of community facilities that become surplus to current or future anticipated requirements.

Any new facilities would be subject to planning permission and there would be an opportunity for engagement as part of the development management application process.

The term community facilities is widely recognised to mean facilities used to deliver public sector services such as education, health, social services, leisure, libraries and other cultural experiences. It not considered necessary to list all of the community facilities in the Local Development Plan.

No modifications are proposed to the Plan.

Housing Site Priority

Kirkton Community and Safety Partnership (65)

The housing strategy is discussed in detail in the Schedule 4 covering Housing Strategy. Although this is a plan led system due to the urban nature of Dundee brownfield housing sites make an important contribution to the delivery of housing across the city. They make good sustainable use of existing infrastructure and services. Restricting development to only audited or allocated sites would not help to deliver the number of homes required to be built in Dundee over the plan period.

No modifications are proposed to the Plan.

Supplementary Guidance

Broughty Ferry Community Council (20) & David Hewick (22)

The comments from the two contributors are noted. Both suggest the preparation of additional planning guidance. Whilst the Proposed Plan does not contain any specific requirement for Supplementary Guidance to be prepared in relation to the implementation of Policy 51 and the protection of Conservation Areas, this does not prevent the Council from preparing non-statutory planning guidance.

No modification is proposed to the Plan.

Development Site Assessments

Scottish Environmental Protection Agency (SEPA) (01), Scottish Natural Heritage (02), Historic Environment Scotland (HES) (03)

To ensure that the development sites allocated within the local development plan are properly assessed and all constraints and opportunities are considered the approach taken to support the preparation of the Dundee Local Development Plan 2014 was to prepare a Development Site Assessment document (CD). All sites are also assessed under the Strategic Environmental Assessment and Habitats Regulation Appraisal processes.

As the allocated sites are already listed and mapped in the plan the Development Site Assessments document does not form part of the statutory plan, but is a supporting document to the plan at preparation stage and as it is updated regularly it continues to be a supporting document through the life of the plan.

The Development Site Assessments document is also used at a pre-application stage by applicants and officers to provide details of constraints, specific site developer requirements and any required mitigation that should be considered as part of the development of a site.

Given the current approach and the success of its use and delivery of sites it is proposed to continue this successful approach from the previous plan and for the Development Site Assessments document prepared for the Proposed Plan to be a supporting document to the Proposed Plan and the Adopted Plan.

Paragraph 1.5 of the Proposed Plan clearly indicates the purpose of the Development Site Assessments document and places an onus on developers to refer to it and use the information at a pre-application stage to consider constraints and requirements on sites throughout the City. Given that there is no requirement in Scottish Planning Policy (CD) to include site constraints within the Plan it is considered that this approach is appropriate.

If the concern from SEPA is that planning applications will be submitted and approved without proper consideration of environmental constraints by applicants or the planning authority then the agency should be satisfied that as with the current local development plan approach, the various policies within the Proposed Plan would allow the planning authority to either request further environmental information or request changes to a proposal; or otherwise refuse the planning application. Further integration of the Development Site Assessment document with the Proposed Plan is unlikely to prevent the small number of planning applications being submitted without the necessary consideration of environmental constraints. These tend to be applications that have not been subject to pre-application discussions, a stage that is positively encouraged and used by Dundee City Council to improve the quality of planning applications.

SEPA (01) have requested that the reference in Appendix 3 to that agency requiring a Flood Risk Assessment be removed is noted. The text in Appendix 3 is carried forward from the Dundee Local Development Plan 2014 Plan. It helps to highlight the basis on which a Flood Risk Assessment is required. There is no need to modify the plan to remove this reference.

Committee Draft January 2018

In terms of the SEPA (01) requirement for buffer strips, these have been incorporated into the relevant Development Site Assessments document on a site specific basis. This is considered adequate to address this requirement.

The Proposed Plan through Policy 37: Sustainable Drainage Systems sets out the policy requirement for SUDS and will be considered on a site by site basis as part of a planning application.

The inclusion of developer contributions within the Plan is covered through Policy 20: Funding of On and Off Site Infrastructure Provision and the corresponding draft Supplementary Guidance (CD) which sets out where and when developer requirements may be sought. This policy approach is carried forward from the Dundee Local Development Plan 2014 and is considered adequate and appropriate.

No modifications are proposed to the Plan.

CWP Dundee Ltd (15)

The site boundary error was noted and updated on site assessment. Site assessment reflects site proposed by contributor. This has had no effect on the consideration of the Proposed Plan by elected members.

No modifications are proposed to the Plan.

Reporter's conclusions:

Reporter's recommendations:

Contact Details

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email development.management@dundeecity.gov.uk

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

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