

V

PLANNING APPEAL DECISION

APPLICATION 24/00485/MDPO: LAND TO SOUTH OF LINLATHEN GROVE, ARBROATH ROAD, BROUGHTY FERRY

There was submitted Agenda Note AN8-2025 advising that Planning application 18/00115/FULM for the erection of 150 houses was approved at appeal in June 2019, subject to a Section 75 Legal Agreement. The Legal Agreement required Kirkwood Homes to provide financial contributions towards education provision and road upgrades.

The residential development was within the catchment area of Forthill Primary School, which was at 91% capacity when planning application 18/00115/FULM was submitted. The education contributions were to be used by Dundee City Council to support the provision of primary education within the community, including potential expansion of Forthill Primary School.

Application 24/00485/MDPO which sought to remove the requirement for primary education contributions from the Legal Agreement was received in July 2024. The applicant submitted evidence which demonstrated the school roll at Forthill Primary School had reduced, with capacity presently at 71%. The applicant considered there to be sufficient capacity within existing primary education facilities to serve the approved residential development, and therefore the requirement to provide education contributions was no longer reasonable.

The application was under consideration, however, prior to the application being considered by Planning Committee the applicant submitted an appeal to DPEA. The applicant made the appeal on the basis of non-determination by the Planning Authority.

Planning appeal reference POA-180-2006 was submitted to DPEA on 23rd September, 2024. Following review, the Reporter appointed by Scottish Ministers has issued a notice of intention allowing the appeal, subject to the amendment of the Legal Agreement to remove reference to education contributions.

The full appeal decision can be accessed via:

[24/00485/MDPO | Modification of Section 75 Agreement to remove all references to primary education contribution \(18/00115/FULM\) | Linlathen Road Broughty Ferry Dundee](#)