

REPORT TO: CITY DEVELOPMENT COMMITTEE – 28 SEPTEMBER 2015

REPORT ON: DRAFT NON STATUTORY PLANNING GUIDANCE: THE DUNDEE GREEN NETWORK

REPORT BY: EXECUTIVE DIRECTOR OF CITY DEVELOPMENT

REPORT NO: 314-2015

1 PURPOSE OF REPORT

- 1.1 The purpose of the Report is to seek approval of the draft Non-statutory Planning Guidance document “The Dundee Green Network” for consultation with interested parties. It also seeks approval of the screening determinations for the Strategic Environmental Assessment and the Habitats Regulation Appraisal.

2 RECOMMENDATION

- 2.1 It is recommended that the Committee:
- a approves the draft Non-statutory Planning Guidance for a 6 week period of consultation;
 - b approves the Strategic Environmental Assessment screening determination which considers the draft Non-statutory Planning Guidance document will have no significant environmental effect;
 - c approves the Habitats Regulation Appraisal screening determination which considers the draft Non-Statutory Planning Guidance document will have no significant effect on any European Site and that no further consideration is required;
 - d remits the Director of City Development to consult with interested parties on the Non-statutory Planning Guidance;
 - e remits the Director of City Development to report back to the Committee on the results of the consultation; and
 - f remits the Director of City Development to inform the public and SEA Consultation Authorities that an environmental assessment of the draft Non-statutory Planning Guidance will not be undertaken.

3 FINANCIAL IMPLICATIONS

- 3.1 There are no financial implications arising as a result of this report.

4 BACKGROUND

- 4.1 The provision of green infrastructure in and around towns and cities is now widely recognised as contributing towards creating places that function well economically and help people to live happy and healthy lives. Connecting green infrastructure components such as woodland, open space, watercourses, green space and active travel routes into a multi-functional green network helps to further improve the quality of life within an area and create sustainable communities.
- 4.2 Scottish Planning Policy and NPF3 aim to significantly enhance green infrastructure networks particularly in and around cities and towns. Green Networks is part of a holistic strategy to improve place quality, safeguard important assets and to improve health and quality of life in the Proposed TAYplan Strategic Development Plan 2016-2036.

- 4.3 The Council's City Development Department and Environment Department have been working jointly together on a project with Scottish Natural Heritage to identify the existing key networks of green infrastructure in the City and opportunities to enhance them. The outcome of this project is promoted in the draft Non-Statutory Planning Guidance on the Dundee Green Network.
- 4.4 New development can have significant benefits in facilitating the development of the green network in the city. It is important that developers consider green infrastructure elements as an integral part of the design process and ensure opportunities are explored to integrate with the wider green network. Draft Non-statutory Planning Guidance on the Dundee Green Network sets out key development principles to support the protection and enhancement of the green network and identifies community aspirations for green infrastructure which have been outlined in community plans.
- 4.5 The document is map based and has been designed to be interactive and can be found on the following weblink:
- http://www.dundee.gov.uk/sites/default/files/publications/Dundee_Green_Network_Planning_Guidance_2015.pdf
- 4.6 The role of non-statutory planning guidance is to provide detail on a range of subject areas to provide useful interim or long term guidance. One of the benefits of non-statutory guidance is that it can be updated quickly as required and can be prepared where an issue arises during the lifecycle of the Local Development Plan. The non-statutory planning guidance will not form part of the development plan however the Council's adoption of it will give it a degree of authorisation and it may be a material consideration in decision making.
- 4.7 In preparing non-statutory planning guidance there is the requirement for public consultation. This report is seeking to bring forward the draft Non-statutory Planning Guidance on the Dundee Green Network for public consultation. A timescale showing the procedures required for adoption of Non-statutory Planning Guidance is attached as Appendix A.

5 POLICY IMPLICATIONS

- 5.1 This Report has been screened for any policy implications in respect of Sustainability, Strategic Environmental Assessment, Anti-Poverty, Equality Impact Assessment and Risk Management. The major issues identified are:
- a the Strategic Environmental Assessment (SEA) is a legal requirement under the Environmental Assessment (Scotland) Act 2005 that applies to all qualifying plans, programmes and strategies, including policies;
 - b the matters presented in this report were considered under the Environmental Assessment (Scotland) Act 2005 and the required pre-determination screening has been undertaken under Section 9 of the Act. The screening identified that the Non-Statutory Planning Guidance will have no significant environmental effects and the SEA Gateway is in agreement;
 - c Article 6(3) of the EC Habitats Directive requires that any plan (or project), which is not directly connected with or necessary to the management of a European site, but would be likely to have a significant effect on such a site, either individually or in combination with other plans or projects, shall be subject to an "appropriate assessment" of its implications for the European site in view of the site's conservation objectives. This procedure is applied in Scotland through The Conservation (Natural Habitats, & c) Regulations 1994 (as amended), and is known as the "Habitats Regulations Appraisal" of plans; and

- d the screening stage of the Habitats Regulations Appraisal identified that the Non-statutory Planning Guidance is not likely to have a significant effect on a European site. Scottish Natural Heritage (SNH) is in agreement with this and SNH confirm that no further consideration is required.

6 CONSULTATIONS

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

7 BACKGROUND PAPERS

- 7.1 Strategic Environmental Assessment Screening Determination.
- 7.2 Screening Determination response from SEA Gateway.
- 7.3 Habitats Regulation Appraisal Screening Determination.
- 7.4 Habitats Regulation Appraisal Screening Determination response from Scottish Natural Heritage.

Mike Galloway
Executive Director of City Development

Gregor Hamilton
Head of Planning and Economic Development

GH/CM/KM

11 September 2015

Dundee City Council
Dundee House
Dundee

APPENDIX A**NON-STATUTORY PLANNING GUIDANCE – ADOPTION PROCESS**

Phase	Activity	Estimated Timescale
Preparation of Draft Guidance	Workshops held with SNH and DCC departments.	January - February 2014
	Draft Planning Guidance prepared in collaboration with Environment Department and SNH.	April 2014 - June 2015
	Strategic Environmental Assessment and Habitats Regulations Appraisal screening requirements undertaken.	July - August 2015
	Draft Planning Guidance reported to City Development Committee.	September 2015
Consultation	Commence period of public consultation on draft Planning Guidance, including key stakeholders.	October - November 2015
Preparation of finalised Guidance	Prepare finalised Planning Guidance, taking account of responses received to the public consultation.	November - December 2015
	Final Planning Guidance reported to City Development Committee together with a report on the outcome of public consultation.	January 2016