

**KEY INFORMATION**

Ward East End

**Proposal**

Application for planning permission in principle (PPP) for development of site for mixed manufacturing (Renewable Energy) and other uses, primarily Classes 4, 5 and 6 and port activities, associated car parking, access and ancillary works and uses

**Address**

Land South of Stannergate Road, Dundee

**Applicant**

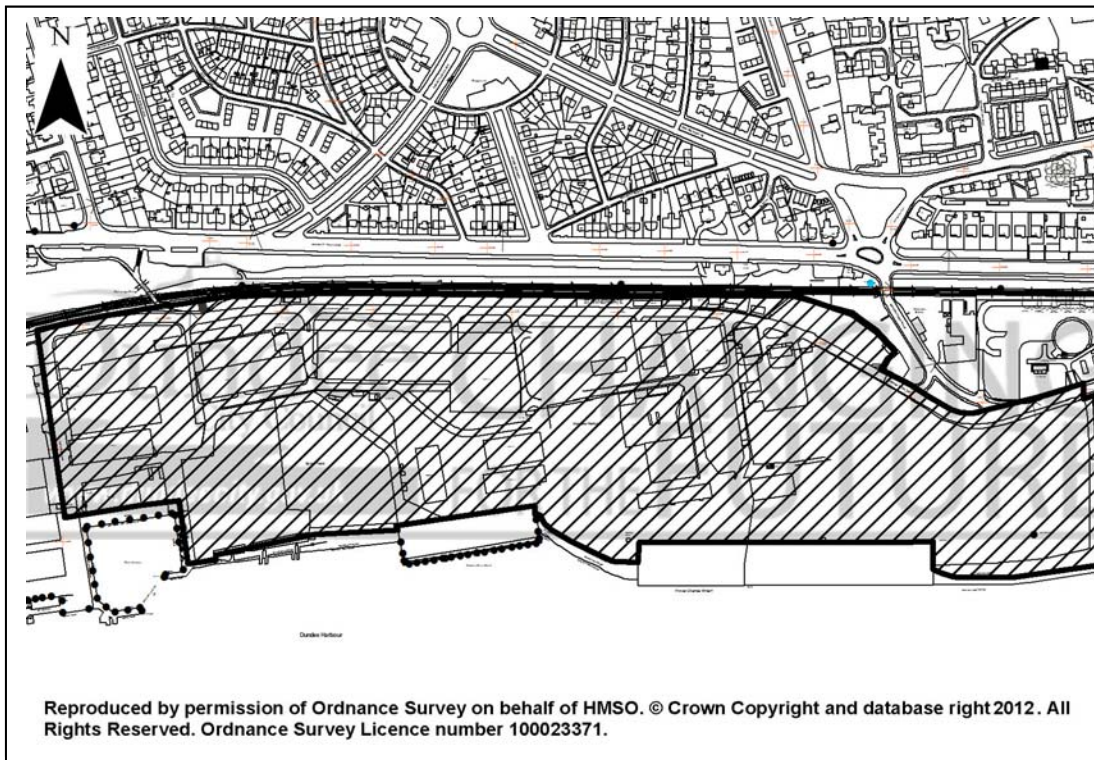
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Registered 17 Sep 2012

Case Officer Paul Macari



# Manufacturing Facility For Offshore Renewables at Dundee Port

The Application for Planning Permission in Principle (PPP) for development of the site for mixed manufacturing (Renewable Energy) and other uses, primarily Classes 4, 5 and 6 and port activities, associated car parking, access and ancillary works and uses is **RECOMMENDED FOR APPROVAL subject to conditions**. Report by Director of City Development.

**RECOMMENDATION**

The proposals satisfy the requirements of the Development Plan and there are no material considerations that would justify refusal of planning permission. The HRA Appropriate Assessment material demonstrates that with the imposition of the conditions proposed by SNH there could be no development likely to adversely affect on the integrity of any European Designated sites. Therefore, the application is recommended for **APPROVAL** in principle subject to these and other conditions.

**SUMMARY OF REPORT**

- This application seeks planning permission in principle for a mixed manufacturing and assembly (Renewable Energy) facility at Port of Dundee, Land to South of Stannergate Road, Docks, Dundee.
- The proposals have been assessed against Policy 3 (Managing TAYplan's Assets) and Policy 4 (Strategic Development Areas) of the Strategic Development Plan and Policies 26, 55, 57, 73, 75, 76, 79, 80A, 81, 82 and 83 of the Dundee Local Plan Review 2005. The proposals satisfy the requirements of the Development Plan.
- Officers of the Council in consultation with SNH identified that the project would be likely to have a significant effect on European designated sites and therefore required that a Habitats Regulation Appraisal (HRA) be undertaken as part of the planning process. It is recommended that the Council, in making an appropriate assessment of the implications of the proposal on European designated sites under the Habitats Regulations, decides that with the imposition of the appropriate conditions no development could be carried out under the permission likely to adversely affect the integrity of a European site.
- The Council has followed the statutory neighbour notification procedures stipulated by Regulation 18 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008. The application was also advertised in the local press under the terms of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008. One letter of representation has been received from Dundee Civic Trust concerned about the visual impact of the proposed development on neighbouring properties.

## **DESCRIPTION OF PROPOSAL**

Planning permission in principle is sought by Scottish Enterprise for a mixed manufacturing and assembly (Renewable Energy) facility at Port of Dundee, Land to South of Stannergate Road, Docks, Dundee.

As well as the erection of large manufacturing and assembly sheds the proposals also involve associated car parking, access and ancillary works and uses falling primarily within Classes 4, 5 and 6 of the Town and Country Planning (Use Classes)(Scotland) Order 1997.

At this stage in the planning process the detailed design aspects of the proposed development have not been fully established. However, the basic parameters include 2 large manufacturing and assembly sheds with maximum areas of 40,000m<sup>2</sup> and 35,000m<sup>2</sup>. Each shed would extend to a maximum of 35m in height. Detailed parameter plans have been submitted as part of this application to demonstrate the visual impact and scale of the proposed buildings in relation to the surrounding urban fabric of the city.

In addition to parameter plans an indicative site layout plan showing the position of the proposed buildings with a 15m flexible movement zone should the position of the buildings require to be changed.

As the site area exceeds 2Ha the proposals fall within the meaning of a Major Planning Application as defined by Regulation 2(1) of the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009. Accordingly the applicant was required to undertake statutory pre-application consultation with the local community. This is evidenced in the Pre-application Consultation Report submitted as part of this application. In addition the pre-application consultation report the proposals are accompanied by an air quality assessment, site investigation report and strategic transport assessment.

The proposal reinforces the core land use and environmental strategies of the Development Plan and the viability of Dundee as a regional centre. In this respect the application complies with the Development Plan and the procedures for applications considered

to be significantly contrary to the Development Plan do not apply.

In accordance with the Council's Scheme of Delegation, all Major Planning Applications must be reported to the Council's Development Management Committee.

## **SITE DESCRIPTION**

The site lies entirely within the Port of Dundee, to the south of the main east coast railway line (located to the south of Broughty Ferry Road and the north of the application site) and the western end of Dundee Road West. The application site comprises of an area of operational port land extending to 26Ha.

The eastern sector of the application site is largely vacant while the western sector contains a collection of industrial type buildings used for a wide range of port related activity such as handling of goods, operations and maintenance, storage of goods and mixed light industry.

The existing port operations located on the application site operates on a 24 hour basis, 7 days a week.

Access to the Port and application site is from Stannergate Road, Rooyards Bridge and the level crossing to the west of the application site. Goods are delivered and collected to and from the Port by both road and sea.

## **POLICY BACKGROUND**

### **TAYplan Strategic Development Plan 2012**

The following policies are of relevance:

Policy 3: Managing TAYplans Assets.

Policy 4: Strategic Development Areas.

### **Dundee Local Plan 2005**

The following policies are of relevance:

Policy 26: General Economic Development Areas.

Policy 55: Urban Design.

Policy 57: Visual Impact on all Major Routes.

Policy 73: Natural Heritage Designations of International and National Importance.

Policy 75: Sustainable Drainage Systems.

Policy 76: Flood Risk.

Policy 79: Contaminated Land.

Policy 80A: Development of or Next to Major Hazard Sites.

Policy 81: Pedestrians.

Policy 82: Cycling Facilities.

Policy 83: Bus Transport.

### **Proposed Dundee Local Development Plan 2012**

The following policies are of relevance:

Policy 1: Principal Economic Development Areas.

Policy 7: High Quality Design.

Policy 33: National and International Nature Conservation Designations.

Policy 35: Protected Species.

Policy 41: Flood Risk Management.

Policy 42: Sustainable Drainage Systems.

Policy 44: Air Quality.

Policy 45: Land Contamination.

Policy 46: Development of or next to Major Hazard Sites.

Policy 47: Environmental Protection.

Policy 54: Accessibility of New Developments.

### **Scottish Planning Policies, Planning Advice Notes and Circulars**

The following is of relevance:

Scottish Planning Policy 2010.

### **Non Statutory Statements of Council Policy**

There are no non statutory Council policies relevant to the determination of this application.

## **SUSTAINABILITY ISSUES**

There are no specific sustainability policy implications arising from this application.

## SITE HISTORY

Proposal of application notice ref: 12/00362/PAN was submitted to the Council on. This notice outlined the applicant's intention to submit the planning application ref: 12/00558/PPM which is the subject of this report.

The proposals have been assessed against the requirements of The Environmental Impact Assessment (Scotland) Regulations 2011 and Circular 3/2011 - The Environmental Impact Assessment (Scotland) Regulations 2011. The Council has adopted the opinion that the submission of a formal EIA is not required in respect of the proposed development outlined in proposal of application notice ref: 12/00362/PAN, the submitted strategic transport assessment and visual parameters plan.

## PUBLIC PARTICIPATION

The statutory Neighbour Notification procedure was carried out by the Council. This application was also advertised in the Dundee Evening Telegraph.

One letter of representation has been received from Dundee Civic Trust advising that the visual impact of the proposed development should be accounted for in the conditional approval of the current application or in the assessment of future detailed planning applications given the proximity of the application site to housing.

Members will already have access to the letters of objection and the issues raised are considered in the Observations section below.

## CONSULTATIONS

The Council's Head of Environmental Protection considers that the level of road traffic movements associated with the proposed development may adversely impact on the level of air quality in the area surrounding the application site and therefore an air quality assessment has been submitted in support of the proposed development. It is considered that the issue of air quality can be addressed through the creation and implementation of a travel plan which reduces the level of vehicle movements generated by the proposed

development. This matter will be addressed by condition should the Committee be minded to grant planning permission.

The Head of Environmental Protection considers that noise from road traffic as well as the operations of the proposed manufacturing and assembly sheds may generate significant instances of noise disturbance to the detriment of amenity. This matter will be controlled by condition should the Committee be minded to grant planning permission.

The Head of Environmental Protection is satisfied that any site contamination can be addressed by condition.

Network Rail has no objections to the proposed development.

The Health and Safety Executive has no objections to the proposed development and will contact Forth Ports (operator of Port of Dundee) to discuss amendments to the existing explosive license which allows for the storage of explosives in close proximity to the application site.

Scottish Water has no objections to the proposed development.

Historic Scotland has confirmed that they do not consider the proposed development to adversely impact on the setting or special interest of any listed buildings or structures surrounding the application site.

Transport Scotland has no objections to the proposed development providing conditions restricting the floor area of the proposed buildings and relating to the provision and approval of a work plan and travel plan are incorporated into the approval of planning permission in principle.

SNH has confirmed that the development site is located close to a range of designated sites including 5 Special Areas of Conservation (SACs) and a Special Protection Area (SPA) and requires a Habitats Regulations Assessment (HRA). SNH has confirmed that for most of the special interests outlined above there will not be a significant detrimental impact.

SNH states that the proposals have the potential to significantly effect the following qualifying interests either alone or in combination with other plans and projects: harbour seals and estuaries (Firth of Tay and Eden Estuary SAC), grey seals (Isle of May

SAC), bottlenose dolphin (Moray Firth SAC), Atlantic salmon and sea and river lamprey (River Tay SAC).

SNH advises that the significant effects fall into 2 broad categories:

- possible impacts from pollution and sediment inputs to the environment as a consequence of construction and operation; and
- noise and vibration impacts from piling/blasting or operational noise.

SNH is satisfied that these issues can be dealt with through detailed consideration of the issues and application of mitigation at the detailed planning stage (the submission of an application for approval of matters specified in conditions) but these must ensure that there is no effect on the integrity of Natural sites.

## HRA Appropriate Assessment

The proposals fall under the terms of the Conservation (Natural Habitats) Regulations 1994 (as amended by the Conservation (Natural Habitats) Amendment (Scotland) Regulations 2004). Development occurring within, or adjacent to, a European Site is governed by Regulations 5 and 6 of the Conservation Regulations and under Regulation 48 of these regulations the "competent authority" for site formation, Dundee City Council, has a duty to make an appropriate assessment of the implications (of the proposal) for the site in view of that site's conservation objectives. The competent authority can only agree to the proposal under Regulations 48 and 54, as advised by Scottish Office Circular 6/95, and as amended in 2000, if they have ascertained that the integrity of a site will not be adversely affected.

The officers of the Council have undertaken an Appropriate Assessment under the Habitats Regulations taking into account the views of SNH. The conclusions of the Council's assessment for all the sites is that, subject to appropriate conditions governing pollution control and noise, there will be no adverse effect on the integrity of the sites and that for all sites the conservation objectives will continue to be met during and after development. SNH, as advisors to the Council, agrees with these conclusions and has recommended conditions which will further prevent issues of

pollution from impacting on the designated conservation sites surrounding the application site.

It is therefore considered that with the imposition of these conditions no development under the permission could be carried out which is likely to affect adversely the integrity of any European sites and this conclusion forms Recommendation 1 of the decision on this planning application.

## OBSERVATIONS

Section 25 of the Act provides that an application for planning permission (other than for a national development) shall be determined in accordance the development plan unless other material considerations indicate otherwise.

### The Development Plan

The provisions of the development plan relevant to the determination of this application are specified in the Policy background section above.

### TAYplan Strategic Development Plan 2012 - 2032

The Strategic Development Plan is focused on delivering sustainable economic growth for the area through shaping better quality places and responding to climate change, as set out in the vision. The policies and proposals contained within the Plan set out the spatial strategy over the next 20 years of where development should and should not go and how new development should be achieved.

As specified above the Policies relevant to the assessment of this application are:

Policy 3: Managing TAYplan's Assets. The purpose of this policy is to safeguard for present and future generations important resources and land with potential to support the economy. It also requires that development and growth in the economy occur in a way that does not place unacceptable burdens on environmental capacity and increase the exposure of users or inhabitants to risks. The requirements of Policy 3 are achieved through:

- identifying and safeguarding at least 5 years supply of employment land within principal settlements to support the growth of the economy and a diverse

range of industrial requirements; and

- safeguarding habitats, sensitive green spaces, forestry, watercourses, wetlands, floodplains (in-line with the water framework directive), carbon sinks, species and wildlife corridors, geodiversity, landscapes, parks, townscapes, archaeology, historic buildings and monuments and allow development where it does not adversely impact upon or preferably enhances these assets.

The application site is situated within a General Economic Development Area that was designated by the Dundee Local Plan Review 2005. The application site makes up part of the 178Ha of currently available employment land within Dundee. The 5 year employment land supply for Dundee equates to 110ha as calculated by Policy 21 (Employment Land Supply) of the Dundee Local Plan Review 2005. The application site has an area of 26Ha. This means that the proposed development although occupying a significant area of designated employment will not adversely impact on the 5 year supply of available and unconstrained employment land within the City.

In the consideration of the HRA Appropriate Assessment, it has been concluded that the proposed development will not adversely impact on designated conservation sites surrounding the application site. In addition, SNH has confirmed that they are supportive of the proposed development providing that concerns relating to pollution from construction and operation of the proposed facility are controlled by condition should the Committee be minded to grant planning permission.

The proposals therefore comply with Policy 3.

Policy 4: Strategic Development Areas. The National Renewables Infrastructure Plan identifies the strong potential to grow the offshore renewable energy sector and its supply chain in this region, particularly around Dundee and Montrose Ports, linked with facilities at Fife Energy Park, Methil. Protecting these locations for port related uses and improving port access is key to securing their role as major parts of the

UK's east coast offshore energy infrastructure. By allocating Dundee Centre and Port for mixed uses including business, commercial, leisure, retail, residential and port related uses Policy 4 adheres to the spirit of the National Renewables Infrastructure Plan. The proposed development will see this strategic land allocation come to fruition through the development of a mixed manufacturing and assembly (Renewable Energy) facility at Port of Dundee reinforcing the City as an integral part of the Country's east coast offshore energy infrastructure.

The proposed development therefore satisfies the requirements of Policy 4 of the TAYplan Strategic Development Plan 2012.

### Dundee Local Plan Review 2005

Policy 26: General Economic Development Areas - Policy 26 (General Economic Development Areas) stipulates that development proposals within general economic development areas will be restricted to uses falling within Class 4 (Business), Class 5 (General industrial) and Class 6 (Storage and Distribution) of the Town and Country Planning (Use Classes)(Scotland) Order 1997. As the proposals involve a mixed use manufacturing and assembly development falling within Classes 4, 5 and 6 of the Town and Country Planning (Use Classes)(Scotland) Order 1997 the proposals satisfy the requirements of Policy 26 of the Dundee Local Plan Review 2005.

Policy 55: Urban Design - Policy 55 is supportive of the creation of new public places and points of interest which incorporate architectural and landscape features and reflect and enhance historic street layouts, significant views and vistas. In addition Policy 55 requires all development to respect the setting of listed buildings.

The submitted parameter plans demonstrate that the proposed development will not adversely impact on the visual amenity of the northern shores of the Firth of Tay and the Dundee coastline. This is mainly due to the sloping topography of the area surrounding the application site and level of development existing to the north and west of the application site which masks the true scale, massing and height of the buildings.

The submitted parameter plans also include images of the proposed development set within the existing urban fabric and taken from prominent locations on the southern shores of the Firth of Tay, Broughty Ferry Road, Dundee Road West and Broughty Castle. These images demonstrate that the proposed development will not unacceptably dominate the skyline or the outlook of the City from prominent vantage points. The proposals therefore will not adversely impact on the setting of any listed buildings or the visual amenity of the area surrounding the application site to an unacceptable level.

The supporting information submitted as part of the current planning application acknowledges that the detailed design of the proposed buildings has yet to be confirmed but that the parameter plans submitted show a worst case scenario in terms of the scale and massing of the buildings proposed.

The applicant is agreeable to the landscaping of the application site and in particular the northern boundary of the site being controlled by condition to ensure that the visual impact of the proposed buildings on the Broughty Ferry Road and Dundee Road West streetscapes and neighbouring houses is minimised.

The detailed design of the proposed buildings will be the subject of an application for the approval of matters specified in conditions should the Committee be minded to grant planning permission in principle.

The parameter plans demonstrate that the proposed development will not adversely impact on the setting of listed buildings or the visual amenity of the City. The proposals therefore satisfy the broad principles of Policy 55 of the adopted Local Plan.

**Policy 57: Visual Impact on Major Routes**

This policy identifies the importance of the visual image of the city and improving the quality of the environment. The application site is visible from both Dundee Road West, Broughty Ferry Road and all approach roads as well as from across the River Tay. The acceptability of the proposals at this prominent frontage site have been assessed under Policy 55 (Urban Design) above.

**Policy 73: Natural Heritage Designations of International and National Importance**

Policy 73 requires development proposals that are likely to have a significant impact on an area of natural heritage importance they must be accompanied by an ecological or similar assessment that sufficiently establishes the impacts of the conservation interest of the designation.

SNH is satisfied that the designated conservation sites surrounding the application site will not be adversely affected by the proposed development providing issues of pollution during construction and operation are mitigated against. Accordingly, these matters will be addressed by condition should the Committee be minded to grant planning permission. The officers have carried out an Appropriate Assessment under the Habitats Regulations which has concluded that by reason of the imposition of the conditions requested by SNH, no development under the permission likely adversely to affect the integrity of a European site, could be carried out.

**Policy 75: Sustainable Drainage Systems - Policy 75** requires all development proposals to be accompanied by a Sustainable Drainage Scheme that is supplemented by a Drainage Impact Assessment that shows the impact of a 1 in 200 year rainstorm event. As this application seeks planning permission in principle and the layout and form of the proposed development is indicative only, it would be unreasonable to expect a detailed drainage design to be submitted at this stage in the planning process. Therefore should the Committee be minded to approve planning permission this matter will be addressed by conditions and will form part of the detailed proposals submitted to the Council in any subsequent applications for the approval of matters specified in conditions.

**Policy 76: Flood Risk - Policy 76** states that there is a general presumption against development within the 1 in 200 year flood zone unless it can be demonstrated to the Council that mitigation measures can be put in place that will not exacerbate flooding elsewhere. The application site is located within a 1 in 200 year

flood zone. Given that the site layout and size of buildings proposed is only indicative at this stage it would be unreasonable to request a flood impact assessment at this stage of the planning process. Therefore should the Committee be minded to approve planning permission this matter will be controlled by condition.

**Policy 79: Contaminated Land - Policy 79** requires development proposals to be accompanied by a site investigation report which assesses the nature and extent of any contamination that may be present on site. The applicant has submitted a site investigation report in support of the proposed development. However, the Council's Contaminated Land Officers and the appointed consultants are in dialogue over the content of the site investigation report and extent of contamination on site. Additional modelling will be required to determine a sustainable and effective remediation strategy. The Head of Environmental Protection is confident an effective remediation strategy can be developed and has recommended that the issue of contamination is controlled by condition should the Committee be minded to approve planning permission.

**Policy 80A: Development of or Next to Major Hazard Sites - Policy 80A** requires the Council to formally consult the Health and Safety Executive over the siting of new hazard installations and where development proposals fall within established consultation distances of existing hazard sites.

The Health and Safety Executive has no objections to the proposed development and will contact Forth Ports to discuss amendments to the existing explosive license which allows for the storage of explosives in close proximity to the application site.

The proposals therefore satisfy the requirements of Policy 80A.

**Policies 81: Pedestrians, 82: Cycling Facilities and 83: Bus Transport**

These policies emphasise the use of sustainable means of transport and the incorporation of facilities to accommodate pedestrians, cyclists and public transport. The Strategic Transport Assessment submitted in support of the proposed development highlights that sustainable methods of transport will be the focus of detailed

travel plans to ensure that vehicle movements in and around the application site are kept to minimum to prevent exhaust emissions from adversely impacting on the level of air quality in the Port and in the areas surrounding the application site.

The application site is well served by public transport and is located in close proximity to the Green Circular which provides access to the application site from all over Dundee for cyclists. In addition the site is accessible by pedestrians. However, pedestrian crossing facilities on Broughty Ferry Road are located some distance from the application site. The development and adoption of a detailed Travel Plan will be controlled by condition should the Committee be minded to grant planning permission to ensure that the level of vehicle movements associated with the proposed development are minimised while the accessibility of the application site by pedestrians, cyclists and public transport is maximised.

The proposed development satisfies the requirements of the Dundee Local Plan Review 2005.

It is concluded from the foregoing that the proposal complies with the provisions of the development plan.

## **Other Material Considerations**

The other material considerations to be taken into account are as follows:

### **A - Supporting Information**

A detailed planning statement, economic impact assessment, air quality assessment, site investigation report, pre-application consultation report and strategic transport assessment have been submitted to the Council in support of the proposed development.

The Head of Environmental Protection has confirmed following an assessment of the information contained within the submitted air quality assessment, site investigation report and strategic transport assessment that concerns relating to site contamination and air quality can be addressed by conditions.

The strategic transport assessment has been assessed by the Council's Road Engineers and Transport Scotland. Both the Council and Transport Scotland are satisfied by the content of the transport assessment providing

working patterns and travel plans are controlled by condition should the Committee be minded to grant planning permission.

The detailed planning statement highlights the key principles surrounding this application for planning permission in principle while also justifying the proposed development against the requirements of the Development Plan.

The economic impact assessment highlights the economic benefits that the proposed development will bring to the City in terms of employment, investment and the potential to act as a catalyst for other manufacturers of renewable technologies to locate in Dundee. In summary the proposed development will create up to 954 jobs, and £46 million (after year 3) of gross value added to the city's economy. While the number of jobs created will not exceed 954 the level of gross value added by the proposed development is expected to increase annually.

The information submitted demonstrates the social, economic and environmental impacts that the proposed development will have on the City. The conclusions drawn from each report indicate that Dundee will benefit socially, environmentally and economically should the Committee be minded to grant planning permission for the proposed development.

### **B - Views of Dundee Civic Trust**

Dundee Civic Trust has raised concern that the visual impact of the proposed development should be accounted for in the conditional approval of the current application or in the assessment of future detailed planning applications given the proximity of the application site to housing.

This issue has been considered in the assessment of the proposals against the requirements of the Development Plan. It has been concluded that the design of the proposed buildings and the landscaping of the application site will be controlled by condition to ensure that the proposals do not adversely impact on the character and quality of the Dundee Road West and Broughty Ferry streetscapes.

### **C - National Policy and Guidance**

**Scottish Planning Policy 2010**

The SPP is a statement of Scottish Government policy on land use planning and contains, amongst other things, concise subject planning policies, including the implications for development planning and development management.

The section titled Economic Development identifies that, amongst other things, planning should respond to the diverse needs and locational requirements of different sectors and sizes of businesses and take a flexible approach to ensure that changing circumstances can be accommodated and new economic opportunities realised. It also goes on to state that the planning system should support economic development in all areas by:

- taking account of the economic benefits of proposed development in development plans and development management decisions;
- promoting development in sustainable locations, particularly in terms of accessibility;
- promoting regeneration and the full and appropriate use of land, buildings and infrastructure;
- supporting development which will provide new employment opportunities and enhance local competitiveness, and
- promoting the integration of employment generation opportunities with supporting infrastructure and housing development.

It is considered that the proposed development would achieve several aims of the Economic Development section of the SPP by providing a use which would support the wider economy of the city, play an important role in attracting workers and investment to Dundee.

### **D - Proposed Dundee Local Development Plan**

The Proposed Dundee Local Development Plan was approved by the Council on 29 October 2012. It sets out the spatial strategy that will guide future development up to 2024 and shows which land is being allocated to meet the City's development needs. The proposed Plan contains policies and proposals covering the principal land use issues

in the city and sets out where new development should and should not happen.

The proposed Dundee Local Development Plan will in time replace the Dundee Local Plan Review 2005. Approval of the Proposed Dundee Local Development Plan represents the Planning Authority's settled view as to what the final adopted content of the Plan should be. Whilst the Dundee Local Plan Review 2005 (along with TAYplan) constitutes the statutory Development Plan against which all applications require to be assessed in accordance with Section 25 of the Planning Act, the Proposed Dundee Local Development Plan has the status of a material planning consideration to be taken into account in the assessment of planning applications.

The provisions of the Proposed Dundee Local Development Plan relevant to the determination of this application are specified in the Policy background section above.

The relevant policies of the Proposed Dundee Local Development Plan maintain the key principles of the relevant policies of the Dundee Local Plan Review 2005 (detailed in the Policy Background section also) with the exception of Policies 1(Principal Economic Development Areas), 44 (Air Quality) and 47 (Environmental Protection).

The Proposed Dundee Local Development Plan identifies the Port of Dundee as a Principal Economic Development Area in line with the allocation of this area of the City as an Enterprise Area by the Scottish Government. Policy 1 safeguards Principal Economic Development Areas for uses falling within Classes 4, 5 and 6 of the Town and Country Planning (Use Classes)(Scotland) Order 1997 as amended. As the proposals seek permission for a mixed use development falling within Classes 4, 5 and 6, the requirements of Policy 1 (Principal Economic Development Areas) of the Proposed Dundee Local Development Plan are satisfied.

Policy 44 (Air Quality) sets out a presumption against development that could significantly increase air pollution. The submitted air quality assessment highlights that the level of air quality surrounding the application site is affected by traffic movements in and around the Stannergate roundabout. The level of traffic

movement associated with the proposed development can be reduced through the creation and implementation of a travel plan as detailed in the Strategic Transport Assessment submitted in support of the proposed development. This issue will be controlled by condition should the Committee be minded to grant planning permission.

Policy 47 (Environmental Protection) requires all new development or an extension to an existing development that would generate noise, vibration or light pollution, to demonstrate that it can be accommodated without an unsatisfactory level of disturbance on the surrounding area.

The Head of Environmental Protection has requested that the proposed development is the subject of a noise impact assessment. However, given that the detailed design and operation of the proposed assembly and manufacturing facility is still to be finalised it is not considered reasonable to request this information at this stage in the planning process. Should the Committee be minded to approve planning permission the submission of a noise impact assessment will be the subject of a condition.

The proposed development satisfies the requirements of the Proposed Dundee Local Plan.

## **E - Enterprise Area**

The Scottish Government's National Renewables Infrastructure Plan identifies the Port of Dundee as a potential location for manufacturing, installation and maintenance of offshore wind infrastructure. This designation allows access to the Scottish Government's National Renewables Infrastructure Fund (N-RIF) which has been established to support the development of port and near-port manufacturing locations for offshore wind turbines and related developments, with the overall aim of stimulating an offshore wind supply chain in Scotland.

This Fund is in addition to Regional Selective Assistance (RSA) and other funding that will be available for companies creating new jobs in this industry in Scotland.

The Scottish Government's Economic Strategy established a new Strategic Priority. Transition to a Low Carbon

Economy - to reflect the excellent opportunity available to secure investment and jobs from this growing sector and ensure that the benefits of this transformational change are shared.

As part of this commitment Dundee Port is recognised as one of two Low Carbon Renewables Enterprise Areas to encourage businesses in this sector to set up and grow in Scotland. Land within the Port area itself is limited so a complementary area of land within the Claverhouse East Energy Park has also been given Enterprise Area status to accommodate developments not requiring immediate quayside access.

The Enterprise Area has a five year timescale from April 2012 and offers a range of incentives for private investors and businesses including Enhanced Capital Allowances and a commitment through a Protocol for all partners to work together to facilitate the planning process to deliver economic benefit expeditiously.

It is concluded from the foregoing that the material considerations outlined above support the approval of planning permission. It is therefore recommended that planning permission be granted with conditions.

## **Design**

The parameter plans submitted in support of the proposed development indicate that the scale and massing of the buildings will be such that the visual amenity of the Broughty Ferry Road and Dundee Road West streetscapes can be maintained while the north Tay coast will be generally unaffected by the proposals. The detailed design of the proposed development will be the subject of an application for approval of matters specified in conditions should the Committee approve this application.

## **CONCLUSION**

The proposals satisfy the requirements of the Development Plan and there are no material considerations that would justify refusal of planning permission. The HRA Appropriate Assessment demonstrates by reason of the conditions requested by SNH no development likely adversely to affect the integrity of a European site could be carried out under this permission. Therefore it is recommended that

planning permission in principle is granted subject to conditions.

## RECOMMENDATION

### Recommendation 1

The Council, as Competent Authority under the Conservation (Natural Habitats) Regulations 1994 (as amended) and for the reasons set out in this report resolves:

- that the proposals are likely to have a significant effect on European designated sites; and
- after making an appropriate assessment of the implications of the development on the European designated sites taking into account these sites conservation objectives and after consultation with SNH (having regard to the representations made on the imposition of the conditions suggested by them), it is satisfied by reason of the imposition of these conditions that no development likely adversely to affect the integrity of the designated European sites could be carried out under this planning permission in principle.

### Recommendation 2

It is recommended that consent be GRANTED subject to the following conditions:

- 1 Prior to the commencement of any development on site, the approval of the Council shall be obtained in writing for the following details: the siting of the buildings, the design of the buildings, the external appearance of the buildings, the means of access to the buildings, the location and layout of car parking, storage yard, the landscaping of the site and the proposed boundary enclosures.
- 2 The siting and design of the proposed buildings as required by Condition 1 shall comply with the following standards:
  - a Shed A will have a floor area no greater than 40,000m<sup>2</sup>.
  - b Shed B will have a floor area no greater than 35,000m<sup>2</sup>.

c Neither Shed A or Shed B will have a ridge height exceeding 35m above ground level.

- 3 Unless otherwise agreed in writing by the Council, after consultation with Transport Scotland, the extent of built development hereby approved shall not exceed 75,000sqm GFA of Class 5 and Class 6 land uses as defined by the Town and Country Planning (Use Classes) (Scotland) Order 1997 and any subsequent amending legislation.
- 4 Prior to the proposed development hereby approved becoming operational, a work plan which sets out proposed hours of operation and associated shift schedules shall be approved by the Council, in consultation with Transport Scotland. For the avoidance of doubt, initial shift patterns will require to be aligned with the assumptions made within the Transport Assessment submitted in support of this application. Subsequent amendments to shift patterns will require to be supported by further Transport Assessments that fully consider the implications of altered shift patterns on the transport network, and if appropriate, identify how any transport impacts would be mitigated.
- 5 Prior to the occupation of any part of the development hereby approved a Travel Plan, aimed at promoting sustainable travel modes and reducing the reliance on the private car shall be submitted to and approved in writing by the Council, in consultation with Transport Scotland. In particular the travel plan will identify measures to be implemented, the system of management, monitoring, review, reporting and duration of the plan.
- 6 Prior to the commencement of work on site, a flood impact assessment and detailed drainage design drawings and calculations including modelling and simulation results for the proposed surface water drainage system shall be submitted to the Council for written approval. Thereafter, all works approved by

virtue of this condition shall be carried out prior to the occupation of the development hereby approved. For the avoidance of doubt, all information submitted to the Council should comply with the adoptable standards of Scottish Water and SEPA and shall be in accordance with the SUDS Manual (CIRIA 697).

- 7 Development shall not begin until the investigation and risk assessment proposed in the submitted Stage I Desk Study are completed and a remediation strategy to deal with contamination at the whole of the site has been submitted to and approved in writing by the planning authority. The strategy shall contain proposals to deal with contamination to include:
  - i the nature, extent and type(s) of contamination on the site.
  - ii measures to treat/remove contamination to ensure the site is fit for the use proposed and does not contain any significant pollution linkages.
  - iii measures to deal with contamination during construction works.
  - iv verification of the condition of the site on completion of decontamination measures.
- 8 Before any unit is occupied the remediation strategy shall be fully implemented and a verification report with relevant documentation demonstrating that the objectives of the remediation strategy have been achieved shall be submitted to and approved by the planning authority.
- 9 Prior to the commencement of work on site, a detailed noise impact assessment in relation to noise generated by the traffic movements and manufacturing and assembly operations associated with the proposed development shall be submitted to the Council for written approval. Thereafter, any recommended noise mitigation measures shall be implemented in full prior to the proposed



development hereby approved becoming operational.

- 10 Prior to the commencement of work on site, a detailed construction method statement that outlines a clear method for the management of pollution and sediment during development shall be submitted to the Council for written approval in consultation with SNH. Thereafter, construction, pollution and sediment management during development shall take place in strict accordance with the details approved by this condition.
- 11 Prior to the commencement of work on site, an environmental management plan including a piling strategy shall be submitted to the Council for written approval in consultation with SNH. Thereafter, the recommendations and findings of the approved environmental management plan shall be implemented in full during development.

## Reasons

- 1 In order to ensure the design and layout of the proposed development will not adversely affect the visual amenity of the surrounding area.
- 2 In the interests of safeguarding visual amenity.
- 3 To ensure that the scale of development does not exceed that assessed by the supporting Transport Assessment and to ensure that the scale of development is commensurate with the Transport Infrastructure required to support the development.
- 4 To ensure that the scale and operation of the proposed development does not adversely affect the safe and efficient operation of the trunk road network and to restrict the number of vehicle movements from the application site at any given time in the interests of air quality.
- 5 To be consistent with the aims of the Development Plan, Scottish Planning Policy and in the interests of reducing the impact

of the proposed development on the level of air quality in the area surrounding the application site.

- 6 In the interests of preventing instances of localised flooding from occurring.
- 7 In the interests of addressing issues of contamination
- 8 In the interests of ensuring that remediation measures are effective and that the site is decontaminated.
- 9 In the interests of safeguarding the level of amenity afforded to neighbouring properties.
- 10 In the interests of safeguarding the conservation value of the European Protected Sites surrounding the application site.
- 11 In the interests of safeguarding the conservation value of the European Protected Sites surrounding the application site.