

# Major Mixed Use Leisure Development – Eden Project Dundee

## KEY INFORMATION

**Ward** Maryfield

### Address

Land to the East of Peep O'Day Lane and West of Melville Lane, East Dock Street, Dundee

### Applicant

Eden Project International Limited, Bodelva, Par, PL24 2SG

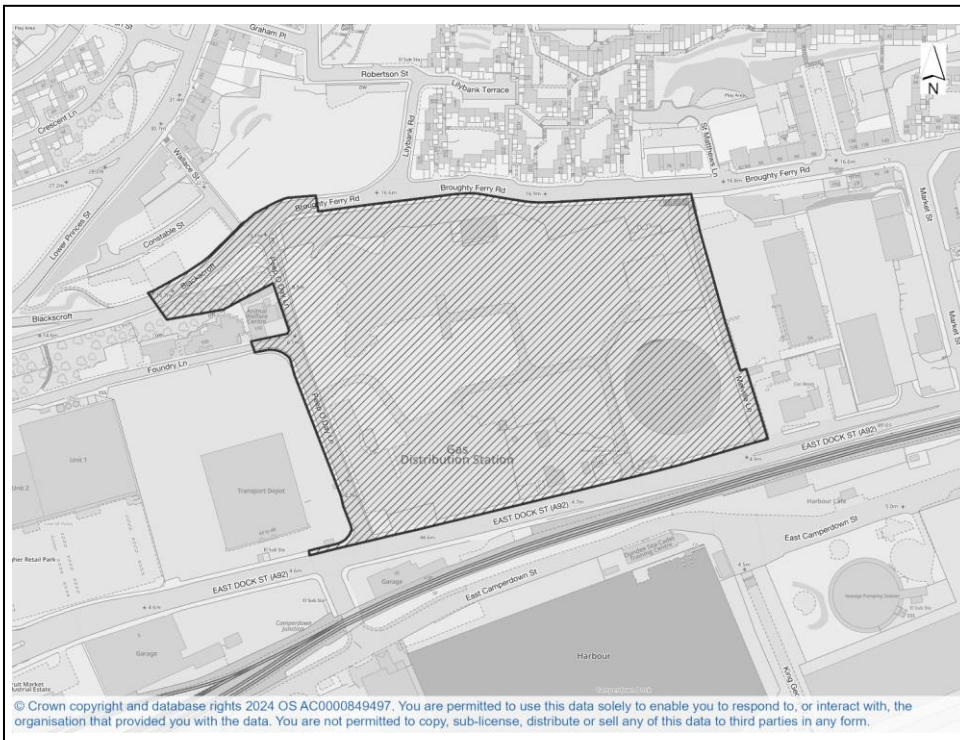
### Agent

WSP, King James VI Business Centre, Friarton Road, Perth

**Validated** 6 December 2023

**Report by Head of Planning & Economic Development**

**Contact:** Laura Stewart



## SUMMARY OF REPORT

- Planning permission is sought for the demolition of existing buildings and structures, conversion of existing gas holder and buildings and proposed construction of major mixed use leisure development including education space, landscaped gathering space for different scale events including live performance, public realm, landscaping works, energy centre and related uses, associated car parking and access, infrastructure and engineering operations.
- The development is otherwise known as 'The Eden Project' which would be a cultural attraction showcasing cultivated landscapes, exhibits, art, performance and science across three main venues.
- A further planning application for a pedestrian bridge over East Dock Street is being considered separately but in tandem with this main development and does not form part of this application.
- The statutory neighbour notification process was undertaken and the application advertised in the local press. One representation was received in support of the application.
- In accordance with Dundee City Council's scheme of delegation, this application is to be determined by the Planning Committee as it is a National Development, being a major planning application on a site at Dundee Waterfront as defined within National Planning Framework 4.
- More details can be found at <https://idoxwam.dundee.gov.uk/idoxpa-web/applicationDetails.do?keyVal=S57B4ZGCH0200&activeTab=summary>

## RECOMMENDATION

The proposal is in accordance with the Development Plan. There are no material considerations of sufficient weight to justify refusal of planning permission. It is therefore recommended that planning permission be APPROVED subject to conditions.

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## 1 DESCRIPTION OF PROPOSAL

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- 1.1 Planning permission is sought to utilise the former gas works site to the north of East Dock Street for a mixed-use leisure development by Eden Project. The supporting information defines the Eden Project as an educational charity and social enterprise which is a growing global movement working with nature to respond to the planetary emergency. The proposal is for a cultural attraction which is intended to showcase cultivated wild landscapes, exhibits, art installations, performance, science and storytelling across three main venues. The proposed development includes the following:
- demolition of existing structures on site including the engine shed to the north of the site and gas meter house to the south;
  - 3 “venues” which includes the redevelopment of the former gas holder;
  - an arrival taxi/bus drop off area, 20 disabled parking spaces and cycle parking for 60 visitors and 50 staff and an entrance plaza – referred to as “The Greengate” adjacent to Peep O’ Day Lane. The Greengate will be an open sided frame structure with a roof covering which is proposed to be landscaped;
  - Venue 1: “The Valve” – a single storey entrance exhibition building to the west of the site, this has a rectangular shaped footprint measuring approximately 60m long by 27m wide. Is flat roofed and single storey with a height of approximately 6m to be finished in reclaimed brick work, bio-based material facing, green roof and extensive areas of glazing. Internally it has a ticketing area, private multi use spaces, kitchen facilities and café with seating areas in an open entrance hall, retail area, external seating and plant sale area and plant machinery rooms alongside w/c facilities;
  - Venue 2: “The Lush Bunker” – is within the gas holder to the south eastern corner of the site, and will comprise an exhibition space titled ‘The Seam’ and a planted environment. This will be the most prominent architectural element of the site measuring approximately 36m at the highest point of the transparent tilted roof and frame added on top of the existing gas holder which is approximately 17.5m above the existing gas holder. A ramp will take visitors through three different levels within the building with different themes. Exit will be via glazed stairwells/lifts on the north, north/east and south western sides of the gas holder;
  - Venue 3 – currently unnamed to the north of the site will sit on top of the existing terraced area. This will sit over two levels below the height of the wall with Broughty Ferry Road and shall include gallery spaces, installations, exhibits, artwork and play/interactive opportunities. The design includes a footprint which has 2 wings with a curved roof. This is finished in a mix of materials which include green roofs, rain screen roof panels, gabion walls and glazed curtain walls;
  - operations and back of house comprises a cluster of three smaller buildings which will be located to the south of Venue 3/the existing gas holder, adjacent to East Dock Street and Melville Lane. These will contain a plant and machinery room with waste storage and composting area. To the west of this is a storage/workshop area and laundry facility. Staff changing, break out room, office and security centre are located within a third building all around an internal fenced off service area with vehicle access for servicing segregated from the main facility.
  - externally, landscape zones will link all of the venues and will be of a unique design in character subject to change as the project develops over time. Indicative zones include

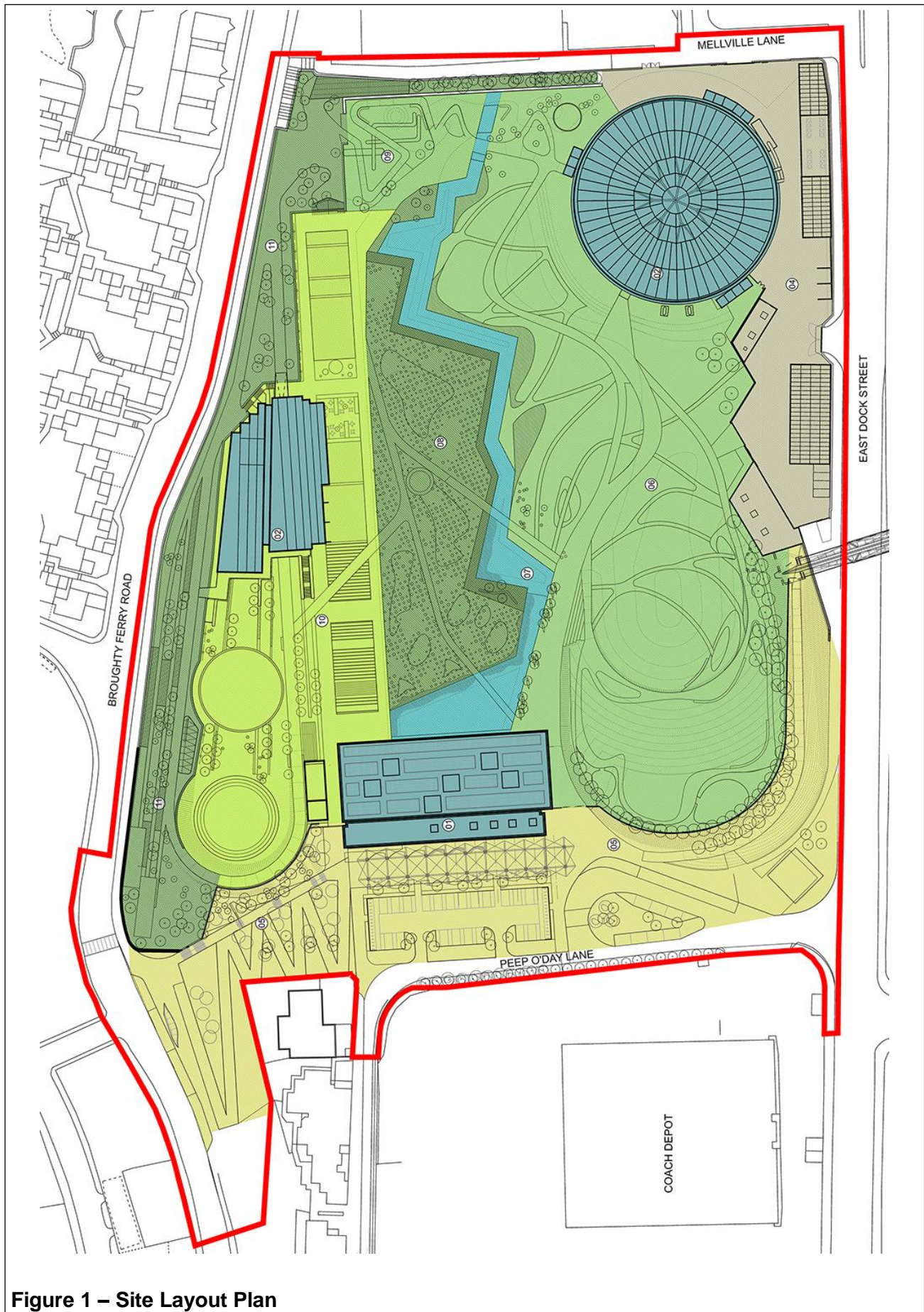
'Gathering Meadows' to the southern portion of the site which includes an external live events space with a capacity of up to 6000 people. Running east west through the centre of the site is "The Water Line", a water feature which it is submitted reflects the previous waterline of the Tay prior to reclamation. An area of planting denoted as "The Forest" is situated to the north of this alongside an Urban Agriculture Zone. There is a play area to the east and the existing sandstone retaining wall which sits below Broughty Ferry Road will become a feature of the site titled "The Great Living Wall";

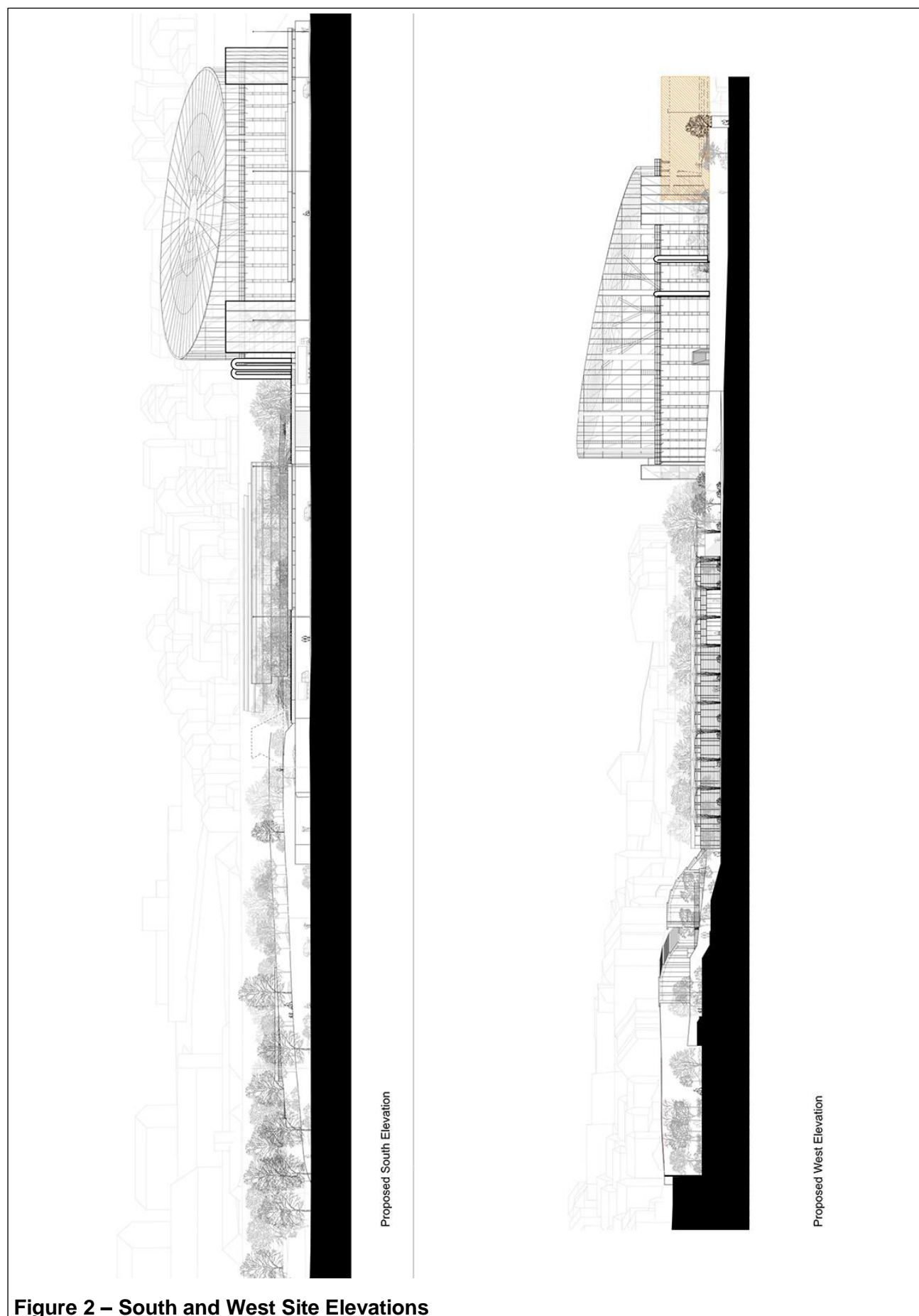
- there will be 4 access/egress opportunities. The visitor entrance is to Peep O' Day Lane. A vehicle entrance gate is proposed from East Dock Street to the service yard. A further service access gate is located on East Dock Street and an exit is located on Melville Lane; and
- the proposed pedestrian bridge linking the site and Peep O'day Lane with City Quay is subject to a separate planning application for planning permission in principle (reference 23/00813/PPPL). It does not form part of the decision-making process for this proposal.

1.2 The applicant has submitted the following in support of the application:

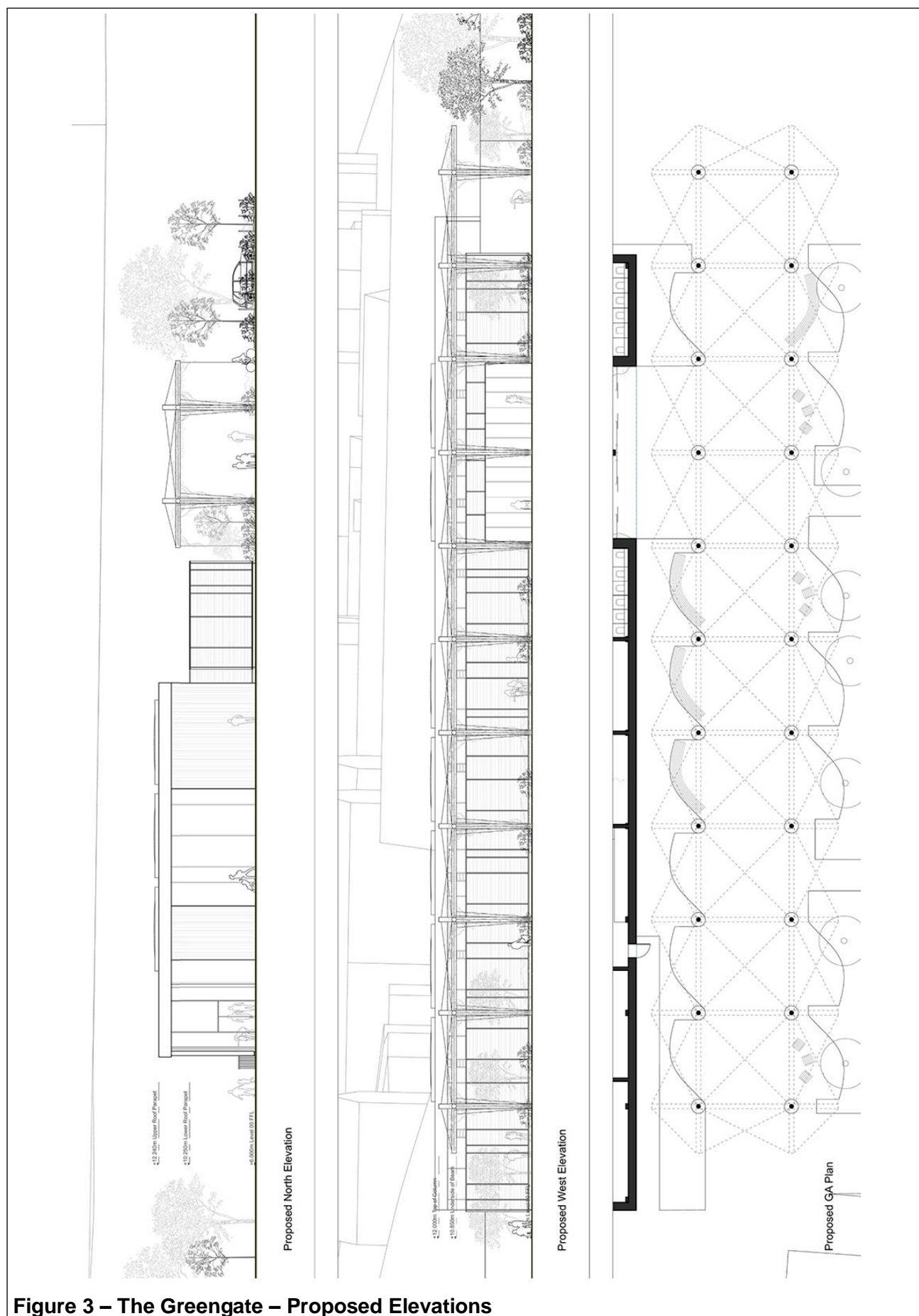
- Planning Statement;
- Design Statement;
- Transport Assessment/Statement;
- Flood Risk Assessment;
- Drainage Scheme;
- Tree Survey;
- Contaminated Land Assessment;
- Noise Impact Assessment;
- Air Quality Assessment;
- Energy Statement;
- Sustainability Statement; and
- Pre-Application Consultation Report.











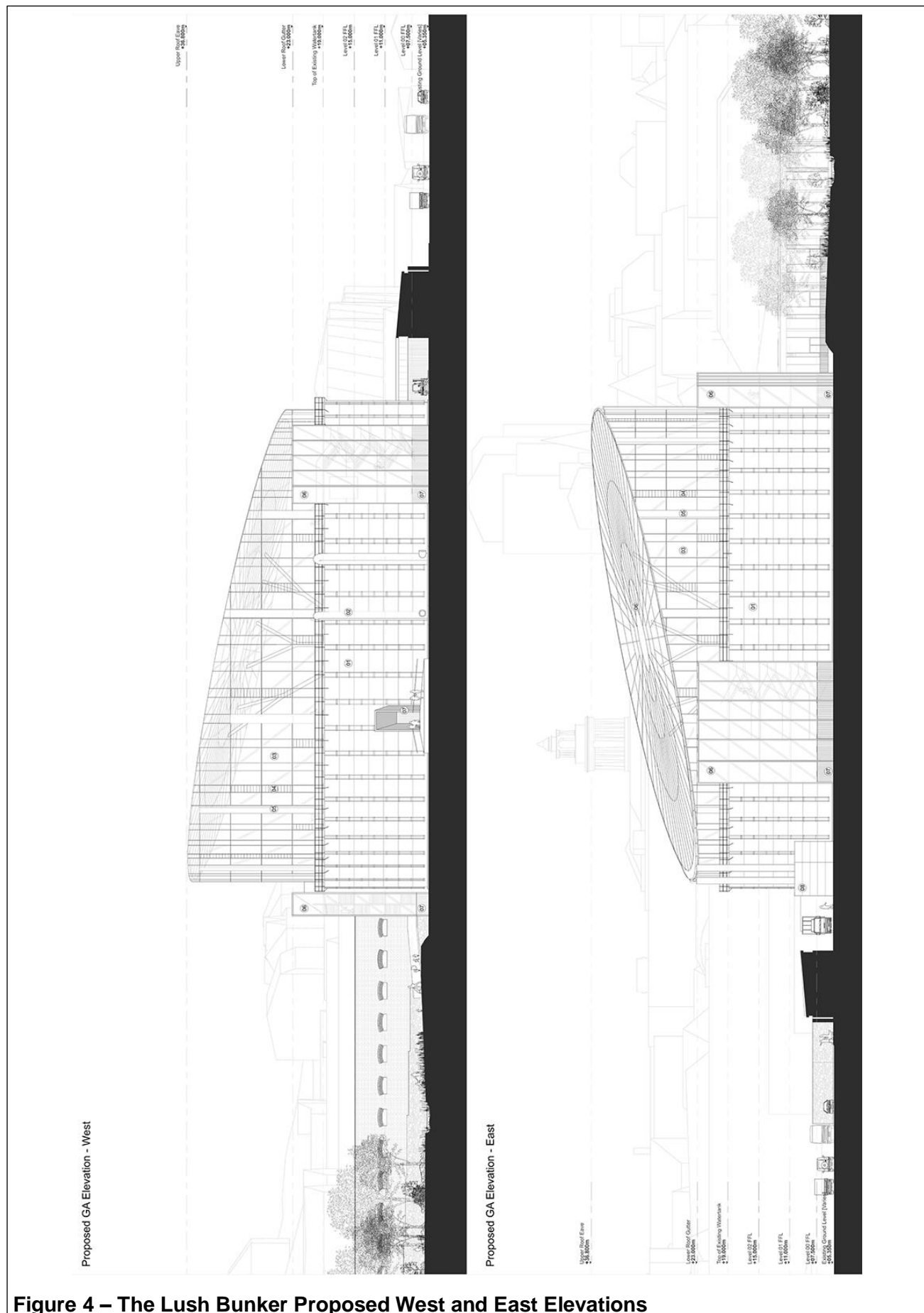


Figure 4 – The Lush Bunker Proposed West and East Elevations

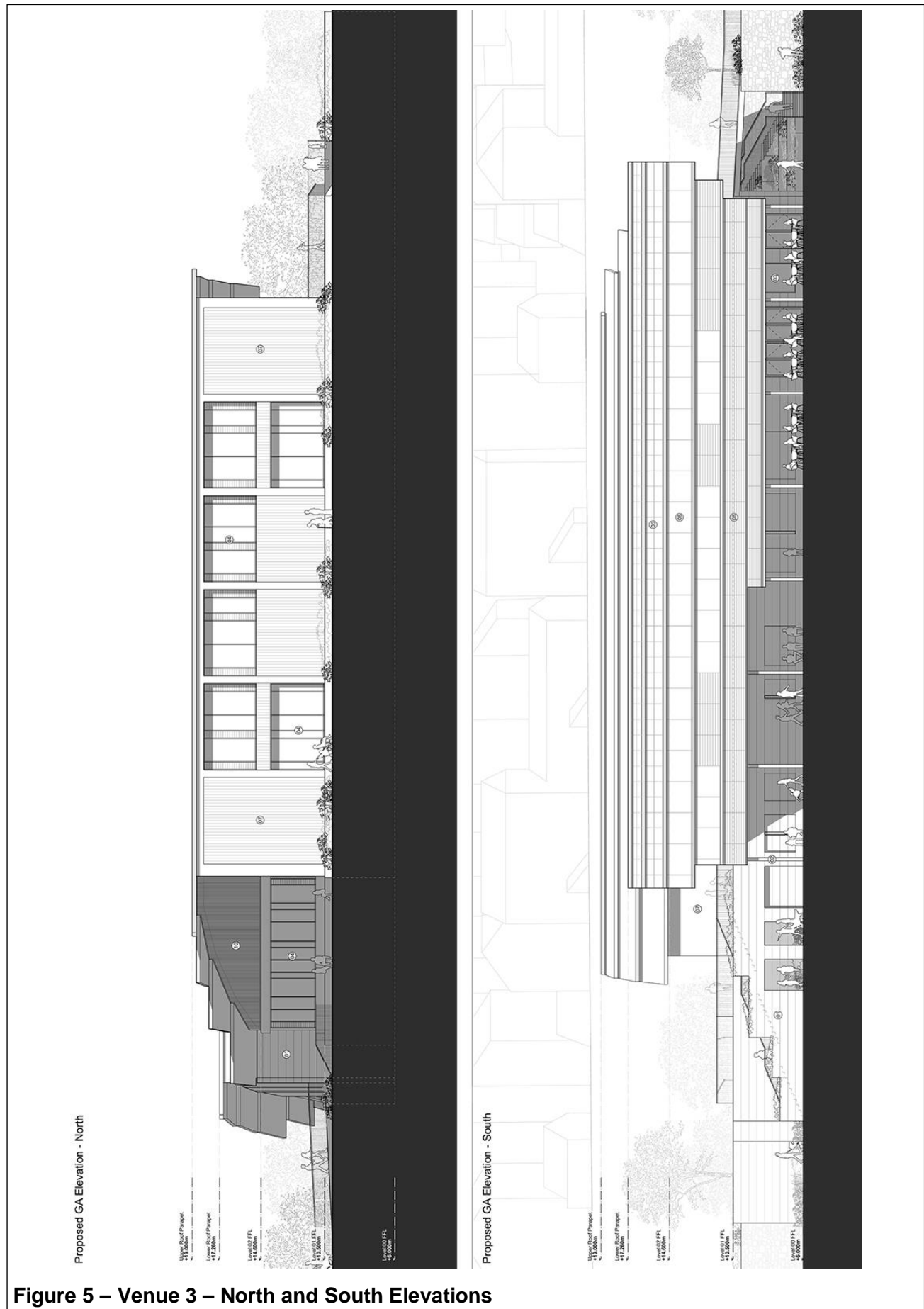






Figure 6 – Venue 3 – East and West Elevations

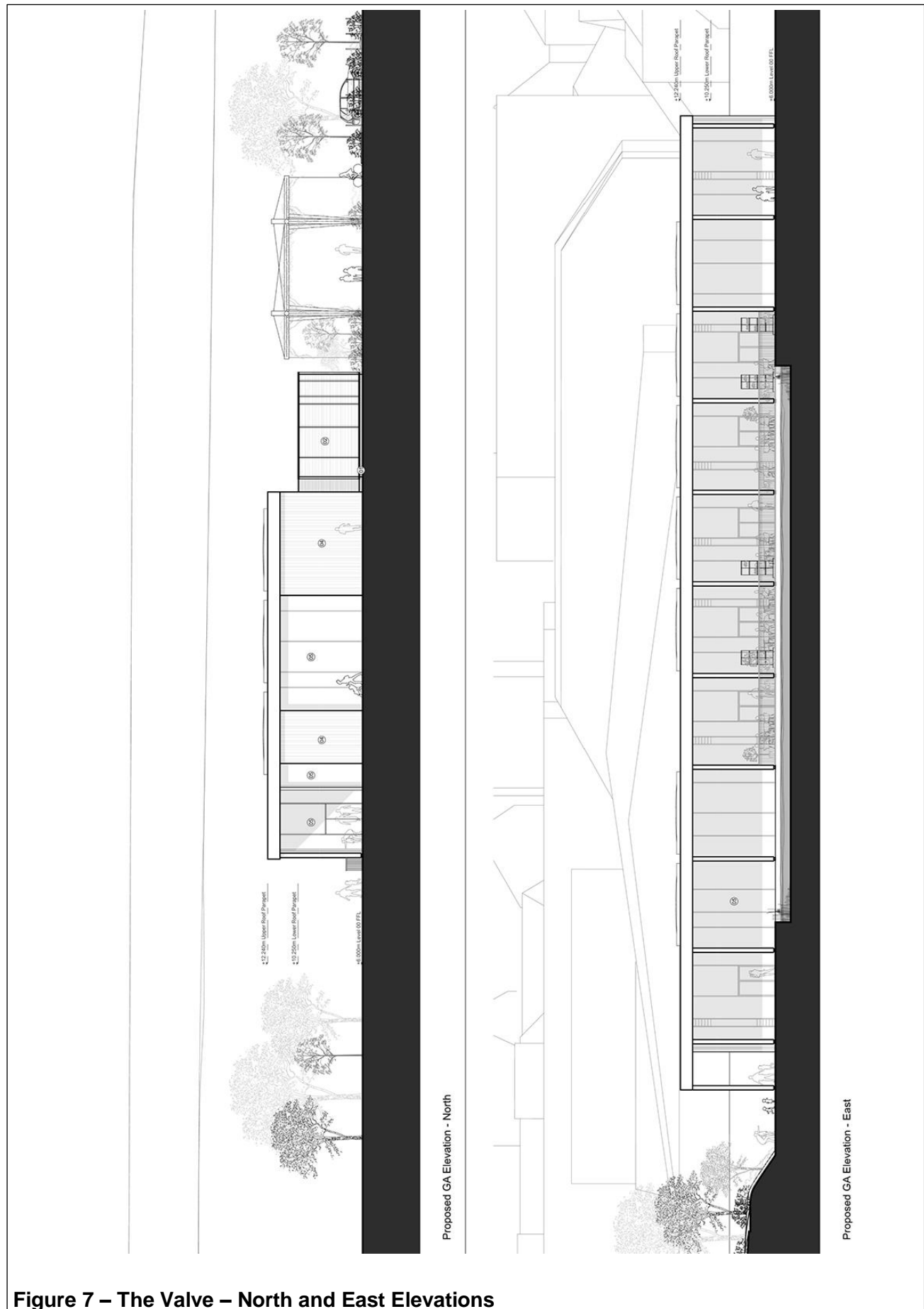
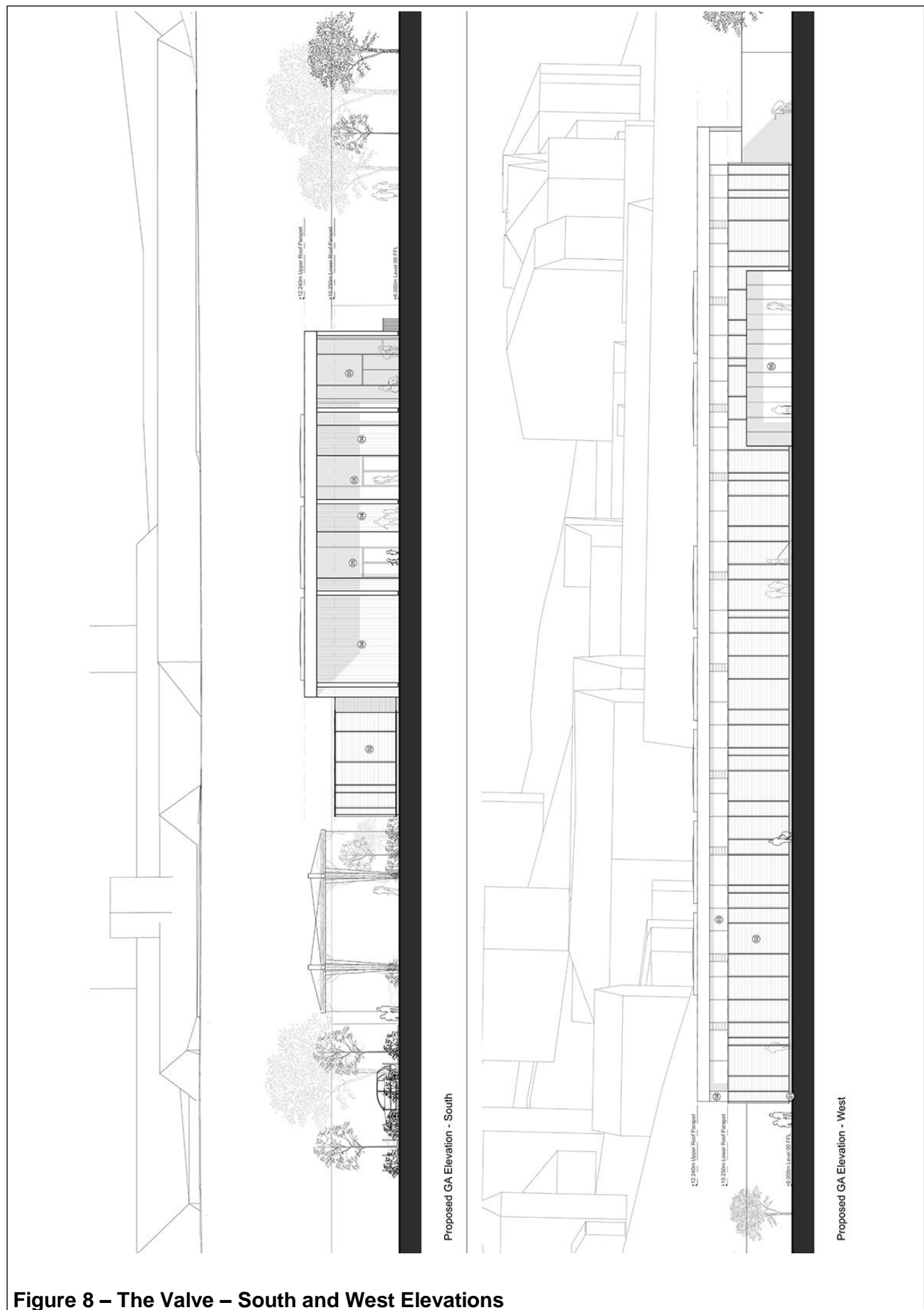


Figure 7 – The Valve – North and East Elevations





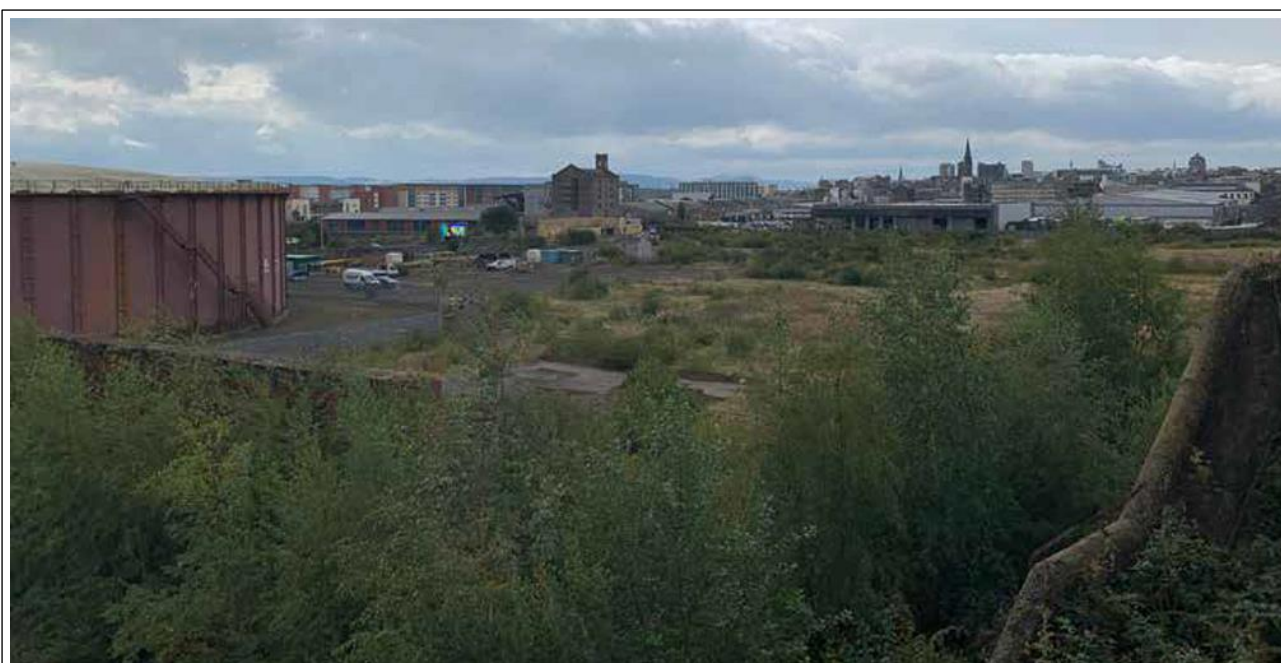


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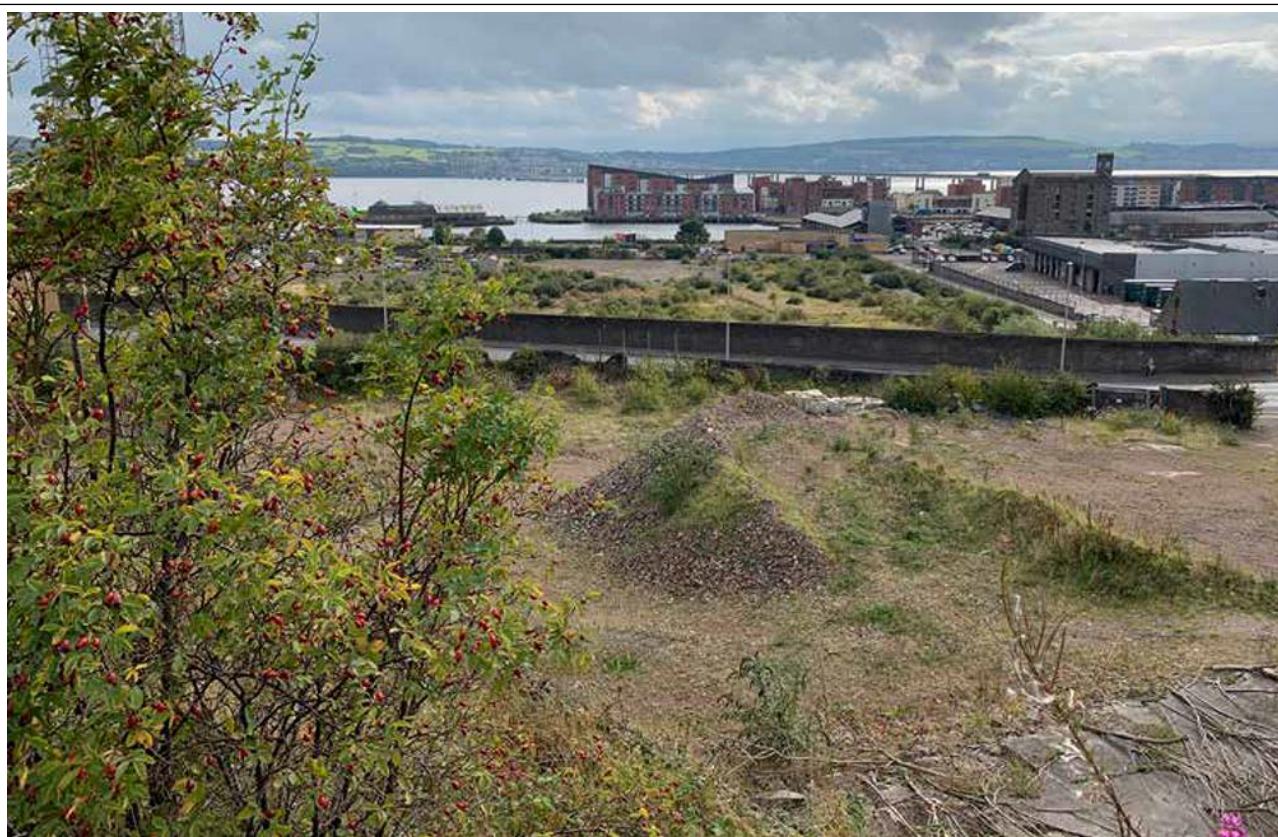
## 2 SITE DESCRIPTION

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- 2.1 The site is located between East Dock Street (A92 Trunk Road) which bounds the site to the south and Broughty Ferry Road to the north. Peep O' Day Lane bounds the site to the west and a stone wall provides the boundary between the site and neighbouring businesses to the east.
- 2.2 The southern side of the site is relatively flat having previously been occupied by a gas works, evidence of which remains on site through the gas holder and other ancillary structures. The site ramps up with changes in level up to Broughty Ferry Road. There are several trees within the site which appear to be self-seeded as the site has not been in use for several years. It is understood that the site has been partially remediated from contamination.
- 2.3 Boundaries comprise a mix of traditional stone walls and palisade fencing. There are existing vehicular access points from East Dock Street and Peep o' Day Lane and a closed pedestrian access with steps which lead into the site from Broughty Ferry Road (Steps to Melville Lane).
- 2.4 The surrounding area is characterised by a mix of uses including industrial and commercial to the south and east, and residential uses and commercial uses to the north and west.



**Figure 10 – Broughty Ferry Road Looking South Across The Site**



**Figure 11 – Taken From North of Site**



**Figure 12 – Image From South of Site Looking Across to Gas Holder**

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### 3 POLICY BACKGROUND

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- 3.1 The following plans and policies are considered to be of direct relevance:

**NATIONAL PLANNING FRAMEWORK 4 (NPF)**

Policy 1: Tackling the climate and nature crises  
Policy 2: Climate change and adaptation  
Policy 3: Biodiversity  
Policy 6: Forestry, woodland and trees  
Policy 7: Historic assets and places  
Policy 9: Brownfield, vacant and derelict land and empty buildings  
Policy 12: Zero waste  
Policy 13: Sustainable Transport  
Policy 14: Design, quality and place  
Policy 22: Flood risk and water management  
Policy 23: Health and safety  
Policy 27: City, town, local and commercial centres  
Policy 30: Tourism

**DUNDEE LOCAL DEVELOPMENT PLAN 2019 (LDP)**

Policy 1: High Quality Design and Placemaking  
Policy 2: Public Art Contribution  
Policy 5: General Economic Development Areas  
Policy 7: Tourism and Leisure Developments  
Policy 35: Trees and Urban Woodland  
Policy 36: Flood Risk Management  
Policy 37: Sustainable Drainage Systems  
Policy 39: Environmental Protection  
Policy 40: Air Quality  
Policy 41: Land Contamination  
Policy 42: Development of or next to Major Hazard Sites  
Policy 44: Waste Management Requirements for Development  
Policy 46: Delivery of Heat Networks  
Policy 48: Low and Zero Carbon Technology in New Development  
Policy 54: Safe and Sustainable Transport  
Policy 56: Parking

Dundee Streets Ahead

- 3.2 There are no other plans, policies and non-statutory statements that are considered to be of direct relevance.

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### 4 SITE HISTORY

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- 4.1 23/00452/PAN – demolition of existing buildings and structures, conversion of existing gas holder and buildings and proposed construction of major mixed use leisure development and pedestrian bridge between the site and Camperdown Dock including education space, landscaped gathering space for different scale events including live music, public realm, landscaping works, energy centre and related uses, associated car parking and access, infrastructure and engineering operations (Eden Project Dundee) was validated 12 July 2023.
- 4.2 23/00005/EIASCOR – Screening Opinion for Eden Project – EIA not Required – 29 August 2023.



- 4.3 23/00813/PPPL – erection of a pedestrian bridge and associated infrastructure – pending consideration.
- 4.4 23/00629/FULL – engineering works to enable site remediation and associated restoration of land – permitted 1 December 2023.
- 4.5 21/002/HAZREV – revoke hazardous substance consent HDC1/HDC2/HDC3, HDC/004 and HDC/0005 – Consent Revoked 17 November 2021.

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## 5 PUBLIC PARTICIPATION

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- 5.1 The applicant undertook extensive pre-application consultation including three Pre-Application Consultation events and three drop-in sessions in several venues across the city. This exceeded the statutory minimum requirements. A website was set up, events were advertised in the press and via street posters, and e-mails were sent to members of the community. The PAC Report states that over 500 members of the public attended the events and that 257 pre-printed surveys were completed. The outcomes presented within the PAC state that of those who responded 96% of people support the development and nearly 8 in 10 feel very positive toward the development. A further breakdown of these figures, the areas of the city where the responses were submitted, and the age demographics of respondents can be found within the PAC Report for further reference.
- 5.2 The statutory neighbour notification procedure has been undertaken and the application advertised in the local press.
- 5.3 One comment in support was received, the comments are summarised as follows:
- proposal does not fully comply with General Economic Development allocation but has lain vacant for considerable time;
  - does not comply with Town Centre First policy but accept that it could not be accommodated centrally;
  - query how Eden will be financially sustainable;
  - Active Travel – arrival by public transport should be encouraged to ensure adequate parking, EV charging and minimised congestion; bus drop off layout could be reconsidered; active travel routes may not be delivered on time;
  - Layout – commentary provided of the indicative internal landscaping layout and suggested improvements to what is proposed;
  - general support for materials to be used; and
  - Net Zero and building requirements including heating, cooling and renewable energy and potential improvements to what is proposed.
- 5.4 The valid grounds of representation are taken into account in the material considerations section of this report.



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## 6 CONSULTATIONS

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6.1 **City Engineer** – has no objection and commented on the following matters:

**Flood Risk** – an updated Flood Risk Assessment will be required to account for any watercourse/culvert through the site. Surface water flooding will be managed within the site through a new drainage system. A planning condition is recommended to secure an updated Flood Risk Assessment.

**Surface Water Drainage** – finalised detailed surface water design will be required and evidence of agreement to connect to Scottish Water infrastructure. A finalised surface water drainage and maintenance plan will be required. Conditions are recommended to secure further finalised details.

6.2 **Head of Environment** has no objections to the application and commented on the following matters:

- the Ecological Report and Biodiversity Net Gain report demonstrate overall net gain in biodiversity in line with local strategies and aspirations and NPF4 policies. It is acknowledged that the landscape plans may have to change to take into account challenges on the site; and
- there are opportunities for enhancing green infrastructure along access routes, to enhance the site's habitat connectivity to the wider green network across the city.

6.3 **Head of Communities, Safety and Protection** – has no objections and commented on the following matters:

**Air Quality** – with regard to construction phase impacts it is expected that a construction management plan would be required and the recommended and desirable measures to deal with dust as contained within the Air Quality Assessment should be provided.

With regard to operational impacts additional traffic would be spread across the inner ring road and access/egress routes to Bell Street and Olympia car parks. The greatest change in concentrations of air quality pollutants as a result of the development is predicted to occur on North Marketgait, Dock Street and West Marketgait however the increases were negligible. Overall, the impact of the proposed development is not considered to be significant.

**Noise** – on review of the Noise Impact Assessment conditions were recommended to set noise limits from plant and equipment associated with the development and to set noise limits and to control the hours of live events proposed at the site.

6.4 **Contaminated Land** – reviewed the information submitted in support of the application – no objections were received, and conditions are recommended to secure further reporting of contamination and remediation on site, alongside a verification report to be submitted prior to the occupation of the development to ensure that the site has been remediated successfully.

6.5 **Head of Sustainable Transport and Roads** – has no objections and has recommended planning conditions. A Transport Assessment has been submitted and the conclusions are generally agreed. It was commented that details on the level of proposed works associated with the development, but out with the red edge on the plans are subject to an application for funds from Sustrans with further details of the proposed works in agreement with DCC and lists Active Freeway works as offsetting transport issues.

- 6.6 **NatureScot** – do not offer formal comments as it does not meet the criteria for consultation.
- 6.7 **Network Rail** – has no objection however recommend a condition which requires further detail on drainage management and arrangements for the construction period to ensure stability of the adjacent to railway line and embankment is not compromised.
- 6.8 **Scottish Water** – has no objection. It is noted that the development will be fed from Clatto Water Treatment Works and Hatton Waste Water Works however capacity cannot be reserved and applications for connections would have to be made directly to Scottish Water.

Scottish Water do not normally accept surface water connections into the combined sewer systems.

- 6.9 **SEPA** – has no objection and commented on flood risk.

The site has been considered as an exception to Policy 22, a, iv of NPF4. All buildings will be on ground levels above 5m AOD, no de-culverting will be performed on site, a manhole to the northwest of the site has been confirmed not to be associated with a historic culverted water course and is connected to the Scottish Water combined sewer. The pipe was found to be in good condition and no culverts on site were found. The site faces an acceptable level of flood risk.

- 6.10 **Transport Scotland** - has no objection subject to conditions.
- 6.11 **Stobswell Forum** - A letter was received which did not object but made the following comments which are summarised:
- query why there are two separate applications, what will happen if consent for the bridge is not obtained and access route implications for pedestrian/vehicle conflicts without this;
  - Active Travel – Existing poor access arrangements to the north of the site and east/west at Blackscroft; support Active Travel Strategy but concern about ‘park and stride’ from Stobswell and how this will be addressed; who will develop Foundry Lane route – conflicts between bins and buses noted;
  - query why the redline boundary extends beyond the site to include public streets;
  - No reference made in supporting information to local attractions (Baxter and Stobsmuir Parks, Transport Museum, Albert Street District Centre);
  - Layout - Welcome use of the Valve and re-use of materials – layout could be revised to retain Gas Meter House and Engine Shed; water feature could be better located alongside Peep O Day mansion and garden (site history); and
  - unclear whether dense vegetation has prevented decontamination of the whole site.

## 7 DETERMINING ISSUES

- 7.1 Section 25 of the Town and Country Planning Act 1997 as amended provides that an application for planning permission shall, unless material considerations indicate otherwise be determined in accordance with the Development Plan.

### THE DEVELOPMENT PLAN

The provisions of the Development Plan relevant to the determination of this application are specified in the Policy Background section above.

#### Principle of Development

- 7.2 National Planning Framework 4 designates 'Dundee Waterfront' as a national development. The Eden Project is listed in NPF4 (page 110) as a project that continues to deliver the waterfront transformation. The development proposed in this application contributes to 'Dundee Waterfront' as it is for the Eden Project and specifically for new or upgraded buildings for research, educational and tourism use. The development would otherwise be of a scale or type classified as 'major'. It is therefore designated as a national development.
- 7.3 This national development designation means that the principle of development within the Dundee Waterfront location does not need to be agreed through this planning application process (page 97).

#### Reuse of Brownfield Land

- 7.4 **NPF4 Policy 9: Brownfield, Vacant and Derelict Land and Empty Buildings** – provides a presumption in favour of developing such sites. Part a) states that development proposals that will result in the sustainable reuse of brownfield land including vacant and derelict land and buildings, whether permanent or temporary, will be supported. In determining whether the reuse is sustainable, the biodiversity value of brownfield land which has naturalised should be taken into account.
- 7.5 The site is a prominent, brownfield site which was a former gas works. The proposed development would result in a sustainable reuse of brownfield land. As assessed under NPF4 policies 3 and 6 which follow, the biodiversity value has been considered through a Biodiversity Net Gain Statement and while areas of the site have naturalised the proposed development will result in an overall net gain in biodiversity enhancement.
- 7.6 **The proposal complies with NPF4 Policy 9a.**
- 7.7 **NPF4 Policy 9c:** states that where land is known or suspected to be unstable or contaminated, development proposals will demonstrate that the land is, or can be made, safe and suitable for the proposed new use.
- 7.8 The site is known to be contaminated through its former intense industrial usage. Some of the site has been previously remediated and planning permission was granted last year under 23/00629/FULL to carry out engineering works on other parts of the site.
- 7.9 A Preliminary Risk Assessment and High-Level Remediation Proposal have been submitted in support of the application. This has been assessed and the Head of Communities, Safety and Protection has no objection subject to conditions which requires further on-site investigation prior to development commencing. Further to this, a Verification Report will

require to be submitted to demonstrate that the objections of the agreed remediation strategy have been achieved.

**7.10 The proposal complies with NPF4 Policy 9c subject to condition.**

**7.11 NPF4 Policy 9d:** relates to existing buildings and states that development proposals for the reuse of existing buildings will be supported, taking into account their suitability for conversion to other uses. Given the need to conserve embodied energy, demolition will be regarded as the least preferred option.

**7.12** There are two historic buildings on the site to be removed prior to the applicant taking control of the site. The removal of these will be assessed under Policy 7 later in this report. The spiral guided gasholder is to become a distinct feature of the proposed development. The development is proposed to be constructed with recycled materials as far as practicably possible. This is supported.

**7.13 The proposal complies with NPF4 Policy 9d.**

**7.14 LDP Policy 41: Land Contamination** - part a) states that the development of potentially contaminated or statutorily identified contaminated land will be considered where:

- 1 a site investigation is submitted establishing the nature and extent of contamination; and
- 2 the Council is satisfied that remediation measures proposed for the development, adequately address contamination risks to all receptors, such that the land demonstrably does not meet the statutory definition of contaminated land and is suitable for the planned use.

Part b states that an alternative use to that identified in the Local Development Plan will be considered where the above criteria are satisfied and:

- 1 an economic appraisal establishes that the site cannot be economically developed for the allocated use due to the level or type of contamination; and
- 2 the proposed use meets the requirements of other relevant policies of the Local Development Plan.

**7.15** The current landowner has planning permission to remediate the site. It is understood that this will be carried out before the applicant progresses the development however it will still be necessary for the applicant to carry out a risk assessment and remediation scheme to deal with any contamination left at the site. A condition is recommended to secure this.

**7.16** Part b considers the principle of development. As the development is classed as a national development within NPF4 it is not necessary to assess the proposal against this part of Policy 41. In any case, the proposed development will deliver significant economic benefits to the city and support the ongoing Waterfront regeneration project.

**7.17 The proposal complies with LDP Policy 41 subject to condition.**

Town Centre First Principle

**7.18 NPF4 Policy 27: City, Town, Local and Commercial Centres part b ii** – provides a presumption against the siting of uses which will generate significant footfall including commercial, leisure, office, community, sport and cultural facilities, public buildings such as



libraries, education and health care facilities and public spaces out with city centres unless a town centre first assessment demonstrates that:

- all centre and edge of centre options have been sequentially assessed and discounted as unsuitable or unavailable;
- the scale of development cannot reasonably be altered or reduced in scale to allow it to be accommodated in a centre; and
- the impacts on existing centres have been thoroughly assessed and there will be no significant adverse effect on the vitality and viability of the centres.

- 7.19 The application is supported by a Planning Statement which considers that the site has been selected due to its location in Dundee Waterfront, and that the proposals will contribute to its continuing transformation. There are no vacant or derelict sites within the city centre or edge of centre which could accommodate this development in terms of scale.
- 7.20 It is also submitted that there are retail elements to the development such as a café and visitor shop however these are ancillary to the main tourism development and will be of a modest scale which relates directly to the Eden Project. Overall, the statement considers that the proposal will have a significant positive impact on the vitality and viability of Dundee City Centre due to the expected rise in the number of visitors to the city, overnight stays and increased local spending.
- 7.21 The applicant submits that the transport strategy will increase visitor dwell time within the city centre as car parking spaces for the entire day will be situated within the city centre car parks, people can spend more time within the city centre before or after their visit.
- 7.22 While a specific Town Centre First Assessment has not been submitted, significant weight must be given to the allocation of the development proposal as a National development. The site and proposed development are unique. There are no similar sites of this scale and nature in the city centre.
- 7.23 It is acknowledged that there is an ancillary shop/market and café/restaurant however these are likely to be used by people already visiting the development therefore this should not have any significant impact on the city centre. Furthermore, it is accepted that the development will bring more people into the City Centre and increase visitor spend.
- 7.24 Although the site is not located within the City Centre, it is acknowledged that the project will increase footfall within the City Centre, encourage more overnight stays, increase daytime and evening spend and positively impact the vitality and viability of the City Centre. Therefore, the proposal broadly supports the intent and outcomes of Policy 27.
- 7.25 **The proposal complies with NPF4 Policy 27.**
- 7.26 **LDP Policy 21: Town Centre First Principle** - the preamble to the main policy states 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.
- 7.27 LDP Policy 21 is not relevant in the consideration of this application as Policy 7 of the LDP takes precedence. The proposal is assessed against Policy 7 later in this report.

Tourism

- 7.28 **NPF4 Policy 30b: Tourism** – states that proposals for tourism related development will take into account several criteria. These are noted and considered in turn:
- i The contribution made to the local economy:
- 7.29 It is anticipated that the development will create new jobs through construction and operation and encourage more visitors to Dundee. This would bring about a positive contribution to the local economy.
- ii Compatibility with the surrounding area in terms of the nature and scale of the activity and impacts of increased visitors:
- 7.30 The site is located within a mixed-use area where there are residential uses to the immediate north on Broughty Ferry Road and Stobswell beyond. The City Quay commercial and residential uses are located to the south-west. Industrial uses include the oil refinery to the south and a mix of commercial uses to the east and west of the site including the bus depot and Gallagher Retail Park.
- 7.31 The main impact would be from noise and lighting to residential amenity which is mitigated as assessed later in this report. Subject to appropriate controls on noise, lighting and traffic management, particularly at the proposed bus layby on Broughty Ferry Road; the nature and scale of the proposed use is generally compatible with the surrounding area.
- iii Impacts on communities, for example by hindering the provision of homes and services for local people:
- 7.32 The site is not allocated for housing, nor would it be appropriate to site new housing here given the adjacent land uses. It would not hinder provision of homes or services for local people.
- iv Opportunities for sustainable travel and appropriate management of parking and traffic generation and scope for sustaining public transport services particularly in rural areas:
- 7.33 Car parking will be limited to disabled spaces and staff and visitor cycle parking will be provided on site. Visitors will be required to walk to the attraction from the city centre car parks or public transport hubs. The site is already well served by an existing bus route, this will limit the need for parking management on site as the site operates day to day. It is anticipated that a pedestrian bridge will be delivered as a secondary phase of the development alongside some active travel improvements from the City Centre to the site through external funding.
- v Accessibility for disabled people:
- 7.34 There will be disabled parking and the development will require to be designed with inclusivity in mind. The technical requirements of this will have to be addressed through Building Regulations.
- vi Measures taken to minimise carbon emissions:
- 7.35 Air source heat pumps are proposed to generate power and recycled, and natural materials are to be used as far as practicably possible within the development.
- vii Opportunities to provide access to the natural environment:

- 7.36 As the site is within a built-up urban area there are no specific opportunities to provide access the natural environment except for the landscaping and planting within the site which would be for visitors. Improvements to active travel out with the site could improve accessibility to the green circular and natural environment if the active travel ambitions out with the site are realised.
- 7.37 **The proposal complies with policy 30b of NPF4.**
- 7.38 **LDP Policy 7: Tourism and Leisure Developments part a** – states that proposals for visitor attractions and facilities capable of strengthening the appeal and attraction of Dundee to a wide range of visitors will be supported. Proposals should complement existing visitor facilities and be located in the City Centre unless activity-specific issues indicate that this is impractical.
- 7.39 It is acknowledged that there are no sites within the City Centre which would accommodate a development of this scale which has been uniquely designed to make use of a former spiral gas holder within a built-up area on a contaminated site. While not located within the City Centre boundary as defined in the Dundee LDP it is within walking distance of the main transport hubs and is on a main bus route via Broughty Ferry Road. Such a development would complement Dundee's current offering of tourist attractions within the city centre and could encourage more footfall to shops, restaurants and visitor accommodation.
- 7.40 **The proposal complies with Policy 7 of the Dundee LDP.**
- 7.41 **NPF4 Policy 14a: Design, Quality and Place** - requires development proposals to be designed to improve the quality of an area whether in urban or rural locations and regardless of scale. Part b states that development proposals will be supported where they are consistent with six qualities of successful places.
- Healthy** - supporting the prioritisation of women's safety and improving physical and mental health.
- Pleasant** - supporting attractive natural and built spaces.
- Connected** - supporting well connected networks that make moving around easy and reduce car dependency.
- Distinctive** - supporting attention to detail of local architectural styles and natural landscapes to be interpreted, literally or creatively, into designs to reinforce identity.
- Sustainable** - supporting the efficient use of resources that will allow people to live, play, work and stay in their area, ensuring climate resilience, and integrating nature positive, biodiversity solutions.
- Adaptable** - supporting commitment to investing in the long-term value of buildings, streets and spaces by allowing for flexibility so that they can be changed quickly to accommodate different uses as well as maintained over time.
- 7.42 **LDP Policy 1: High Quality Design and Placemaking** - and the associated requirements of Appendix 1 of the LDP also consider the six qualities of a successful place. Policy 1 requires that all development proposals should follow a design-led approach to sustainable, high quality placemaking. Development should contribute positively to the quality of the surrounding built and natural environment.
- 7.43 The design and siting of development should respect the character and amenity of the place, create a sense of community and identity, enhance connectivity, and incorporate creative

approaches to urban design, landscaping and green infrastructure, appropriate to the local context and the scale and nature of the development. Taking each of the six qualities of a successful place in turn:

- 7.44 **Healthy** – the proposal would not have a detrimental impact on women’s safety and could improve physical and mental health through the delivery of an environmentally positive place and through the educational element of the Eden Project which could enhance social connectivity.
- 7.45 **Pleasant** – it will support an attractive natural and built space relative to the current site, it provides opportunities for positive social interactions, to connect with nature and will comprise a recreational space for all ages and abilities.
- 7.46 **Connected** – it has been designed to connect to existing active travel networks with the potential to improve these. Car dependency is reduced through low to no parking at the site, and the provision of new crossing points to the site will ensure a safer pedestrian experience.
- 7.47 **Distinctive** – the design of the venues including the repurposed gas holder will introduce a new distinct feature in part of Dundee’s skyline on the edge of the City centre.
- 7.48 **Sustainable** – as previously described the proposed development by virtue of its use will be sustainable. It supports the transition to Net Zero through the re-use and recycling of material and renewable energy sources. Landscaping incorporates blue-green infrastructure with the potential to support further delivery of this out with the site and the development provides local jobs and supports community enterprise.
- 7.49 **Adaptable** – development is required to ensure designing for quality and function – it shall be fit for purpose and is of a high quality and durable design which appears to be user centred. The use itself as an educational/tourist facility would require to respond to different social, economic and environmental priorities. Continuous upkeep and maintenance of the development would be a matter for the applicant. Given similar schemes elsewhere in the country it is not anticipated that the site would fall into disrepair and will adapt to changing climates and situations.
- 7.50 For similar reasons the proposal complies with the six qualities of successful places as set out in the LDP.
- 7.51 The site has been brownfield land for many years and is situated within a largely industrial/commercial area with residential uses to the north. The development is not out of scale with what was originally on site and in the context of nearby uses has the potential to become a landmark within the City. As a result of the proposed development improved linkages and connections to the area from the City Centre are expected to be implemented. Landscaping within the site will be a key part of the proposal.
- 7.52 **The proposal complies with the six qualities of successful place and complies with NPF4 Policy 14a and LDP Policy 1.**

#### Public Art

- 7.53 **LDP Policy 2: Public Art Contribution** – requires all development in Dundee with construction costs of £1 million or more to allocate at least 1% of construction costs for the inclusion of art projects in a publicly accessible/visible place or places within the development. No Public Art Strategy has been submitted; it is recommended that this is secured by condition.



7.54 **The proposal complies with LDP Policy 2 subject to condition.**

Transport

- 7.55 **NPF4 Policy 13: Sustainable Transport** – intends to encourage, promote, and facilitate developments that prioritise walking, wheeling, cycling and public transport for everyday travel and reduce the need to travel unsustainably. Parts b – g are of particular relevance to this proposal.
- 7.56 **NPF4 Policy 13b:** states that development proposals will be supported where it can be demonstrated that the transport requirements generated have been considered in line with the sustainable travel and investment hierarchies and where appropriate they:
- i provide direct, easy, segregated and safe links to local facilities via walking, wheeling and cycling networks before occupation;
  - ii will be accessible by public transport, ideally supporting the use of existing services; and
  - iii integrate transport modes.
- 7.57 In response, the Transport Assessment submitted in support of the application considers current active travel connectivity to the site. It notes that the City Centre is approximately a 15-minute walk to the site and that it contains bus and rail stations and the central bus interchange. Stobswell is also noted as being within walking distance and there are existing bus stops on Broughty Ferry Road. The assessment identifies some barriers to ease of movement due to steep changes in topography and the historic design and street layout. This is addressed through the proposed works to form a new accessible pedestrian route in the northern part of Peep o' Day Lane.
- 7.58 The applicant and the Council are currently considering what can be achieved locally to improve the physical quality of the area through active travel, blue green infrastructure improvements and waymarking.
- 7.59 It is accepted on balance that the development would be acceptable based on the current available active travel arrangements. The proposal therefore broadly complies with point i) of Policy 13b.
- 7.60 As highlighted within the Transport Assessment the proposal is within walking distance of the main transport hubs. It is proposed to upgrade a bus stop on Broughty Ferry Road and provide a crossing on the north side of the road. Coach access and parking is proposed within the site, cycle parking and facilities for visitors and staff are to be situated within the site and the development will be accessible by pedestrians. Disabled parking by way of a ticketing system is also proposed. The proposal will allow for a number of sustainable transport modes while supporting ease of all abilities access through parking on site. The proposal is in compliance with points ii and iii.
- iv Provide low or zero-emission vehicle and cycle charging points in safe and convenient locations, in alignment with building standards:
- 7.61 EV charging spaces will require to be delivered and this will be subject to further scrutiny through the Building Regulations. The proposal complies with point iv subject to condition.
- v Supply safe, secure and convenient cycle parking to meet the needs of users and which is more conveniently located than car parking:

- 7.62 Drawings show that 60 visitor cycle spaces and 50 staff cycle spaces are to be provided. A condition is recommended to secure finalised details. The proposal complies with point v subject to condition.
- vi Are designed to incorporate safety measures including safe crossings for walking and wheeling and reducing the number and speed of vehicles;
- 7.63 A new crossing point is proposed to the east of Eden Terrace which will serve the northern side of Broughty Ferry Road.
- 7.64 It is proposed to close Peep O' Day Lane to road traffic and deliver a zig-zag ramp up the western side of the site addressing the gradient between East Dock Street and Broughty Ferry Road. This will improve walking, wheeling and cycling in the immediate area. A Traffic Regulation Order is proposed to allow northbound traffic only from the bus depot site. A crossing point is also proposed joining into existing footways at the south end of Peep O' Day Lane.
- 7.65 The proposals would not result in a drop in vehicle numbers as it would introduce coaches to the area and there are 20. No accessible parking spaces within the site. Safety measures include restricting any right turns out of East Dock Street and it is proposed to prevent buses from the depot exiting onto East Dock Street. Crossings are proposed locally as described above and the site proposes low to no parking. The proposal is broadly in compliance with point vi of Policy 13b.
- vii Have taken into account, at the earliest stage of design, the transport needs of diverse groups including users with protected characteristics to ensure the safety, ease and needs of all users;
- 7.66 As above, measures are proposed to include accessible parking on site, which will be ticketed to ensure these are being appropriately accessed. The final details of which are to be secured by a planning condition. There are nearby car parks within walking distance for smaller groups and coach parking arrangements alongside improvements to adjacent bus stops to accommodate links for larger groups. The proposal complies with point vii.
- viii Adequately mitigate any impact on local public access routes.
- 7.67 It is not anticipated that the proposed development would have a significantly detrimental impact on local public access routes. The development could further support the case to deliver and connect into improved routes within the local area. The proposal is in compliance with point viii of Policy 13 part b.
- 7.68 **The proposal complies with NPF4 Policy 13b criterion i – viii subject to conditions.**
- 7.69 **NPF4 Policy 13c** – states that where a development proposal will generate a significant increase in the number of person trips, a Transport Assessment will require to be undertaken in accordance with the relevant guidance.
- 7.70 A Transport Assessment has been carried out and assessed by The Council and Transport Scotland. This resulted in a Road Safety Audit being carried out and has informed an indicative design of crossing points and junctions within both the local and trunk road network. There are no significant issues with the Assessment. Conditions are recommended to secure further detail on matters such as specific design and layout of cycle parking, improvements to bus stops and pedestrian crossings in vicinity to the site.
- 7.71 **The proposal complies with NPF4 policy 13c subject to conditions.**

- 7.72 **NPF4 Policy 13d and e** – Part d states that development proposals for significant travel generating uses will not be supported in locations which would increase reliance on the private car, taking into account the specific characteristics of the area. Part e states that development proposals which are ambitious in terms of low/no car parking will be supported, particularly in urban locations that are well-served by sustainable transport modes and where they do not create barriers to access by disabled people.
- 7.73 As described above, measures are proposed to reduce the number of private cars accessing the site. This includes low to no parking given the proximity of the site to transport hubs and a bus stop with relatively frequent service, alongside coach drop off and cycle facilities. It is proposed that only disabled parking is available on site thereby ensuring no barrier to disabled access via private vehicles.
- 7.74 **The proposal complies with NPF4 Policy 13 d and e.**
- 7.75 **NPF4 Policy 13f** – states that development proposals for significant travel generating uses, or smaller-scale developments where it is important to monitor travel patterns resulting from the development, will only be supported if they are accompanied by a Travel Plan with supporting planning conditions/obligations. Travel plans should set out clear arrangements for delivering against targets, as well as monitoring and evaluation.
- 7.76 An Interim Travel Plan has been submitted in support of the application and it is recommended that a revised Travel Plan is submitted prior to works commencing on site to allow for further review as the project progresses. This will also allow an opportunity to integrate altered travel patterns in the event active travel measures are secured/delivered.
- 7.77 **The proposal complies with NPF4 Policy 13f subject to condition.**
- 7.78 **NPF4 Policy 13g** – as the site is located adjacent to a Trunk Road, part g is relevant. This states that development proposals that have the potential to affect the operation and safety of the Strategic Transport Network will be fully assessed to determine their impact. Where it has been demonstrated that existing infrastructure does not have the capacity to accommodate a development without adverse impacts on safety or unacceptable impacts on operational performance, the cost of the mitigation measures required to ensure the continued safe and effective operation of the network should be met by the developer.
- 7.79 Transport Scotland was consulted as the A92 (East Dock Street) is under their control. The proposal has been assessed and no objections were raised in regard to impacts to the trunk road, subject to conditions which secure further junction design details, provision of Traffic Regulation Orders, lighting plans, boundary treatments, and Servicing and Construction Traffic Management Plans.
- 7.80 **The proposal complies with NPF4 Policy 13g subject to condition.**
- 7.81 The principles of Policy 13 of NPF4 are reiterated within Policy 54 – Safe and Sustainable Transport of the Dundee LDP.
- 7.82 **LDP Policy 54: Safe and Sustainable Transport** – reiterates many of the principles of policy 13 of NPF4. Policy 54 requires all development proposals that generate travel should be designed to be well served by all modes of transport. In particular the sustainable modes of walking, cycling and public transport should be afforded priority and provide for easy access to local amenities, education facilities and other services. Development proposals will be required to:
- 1 minimise the need to travel by private car;

- 2 provide facilities on-site (and/or off-site through developer contributions or by direct delivery) for walking, cycling and public transport networks, including road/ junction improvements and cycle parking. Developments without high quality, safe and convenient links to adjacent walking and cycling networks will not be supported;
- 3 incorporate measures to permit access to public transport networks within a walking distance of no more than 400 metres from all parts of the development;
- 4 have no detrimental effect on the capacity or safe functioning of the existing road or rail networks;
- 5 ensure that safe and adequate provision is made for road freight and waste access, loading and unloading;
- 6 comply with the National Roads Development Guide and any local variations within Dundee City Council's roads design standards; and
- 7 be supported by a travel plan to mitigate transport impacts and improve the accessibility of developments where the council considers that the development will generate significant travel. Walking and cycling routes should be fully useable prior to the first occupation of a new development.

7.83 The 7 criteria set out in Policy 54 of the Dundee LDP have all been considered in detail under the relevant parts of Policy 13 of NPF4. The proposed transportation measures are compliant with this.

7.84 **The proposal complies with LDP Policy 54.**

7.85 **LDP Policy 56: Parking** – states that for developments out with the city centre all new developments shall be required to comply with Dundee City Council's adopted guidance on road standards; with the national maximum parking standards; and the national minimum disabled parking standards. All parking facilities at commercial developments should include the provision of charging stations for electric vehicles.

7.86 The adopted guidance on road standards does not contain a parking standard for this type of development. It does contain standards for large public assembly type uses such as concert halls and theatres but with an exception for developments that are in or adjacent to the City Centre.

7.87 The site is located close to the City Centre and the applicant has proposed a visitor access strategy that would see a through ticketing system used to require visitors to use the existing central public car parks and then walk to the site. Disabled car parking spaces would be provided at the main visitor entrance. Bus parking and drop off are also provided at and close to the main entrance and at the bus laybys on Broughty Ferry Road.

7.88 The proposal is considered to broadly satisfy the requirements of Policy 56 as the applicant has considered how car-borne visitors would access the site and it has been satisfactorily demonstrated that the demand for car parking can be met elsewhere.

7.89 With regard to cycle parking Policy 56 states that, at places of employment covered secure parking with changing facilities should be provided for employees. A condition is recommended to secure further detail on cycle parking and there are facilities available within the development for changing.

7.90 **The proposal complies with NPF4 Policy 13e and LDP Policy 56.**

Flood Risk and Drainage

- 7.91 in their response, SEPA advise that the site is out with an area of coastal flood risk as denoted on SEPA Future Flood Maps. However, the 200-year Coastal Flood Boundary level plus climate change is 4.75m AOD and there are some areas of the site which are below the 5m contour level and therefore could be at risk of flooding.
- 7.92 **NPF4 Policy 22: Flood Risk and Water Management part a** – presumes against development proposals at risk of flooding or in a flood risk area and these will only be supported if they are for:
- i essential infrastructure where the location is required for operational reasons;
  - ii water compatible uses;
  - iii redevelopment of an existing building or site for an equal or less vulnerable use; or
  - iv redevelopment of previously used sites in built up areas where the LDP has identified a need to bring these into positive use and where proposals demonstrate that long term safety and resilience can be secured in accordance with relevant SEPA advice.
- 7.93 The proposal meets criteria iv as the site is allocated within the LDP as a General Economic Development Area and more recently as part of Dundee Waterfront within NPF4 as a National development. Therefore, subject to complying with the relevant SEPA advice the development will bring the site into a positive use.
- 7.94 SEPA were consulted and have no objections to the proposals as it has been confirmed that the site is in compliance with Policy 22a, iv, that all built structures are above 5m AOD and that surveys indicate no risk of flooding from culverting/manholes in and around the site.
- 7.95 Policy 22 part a of NPF4 then goes on to say that development proposals meeting criteria iv, where flood risk is managed at the site rather than avoided these will also require:
- the first occupied/utilised floor, and the underside of the development if relevant, to be above the flood risk level and have an additional allowance for freeboard; and
  - that the proposal does not create an island of development and that safe access/ egress can be achieved.
- 7.96 **LDP Policy 36: Flood Risk Management** also considers flood risk. Under the provisions of the Dundee LDP the site is not at high risk of flooding however the new guidance is applied as assessed above.
- 7.97 The area at risk of flooding lies on the lower portion of the site where built development is limited. Due to the steeply sloping levels on site, the buildings will be above the flood risk level and as there are three access and egress opportunities around the site from Peep O' Day Lane, East Dock Street and Melville Lane an island of development will not be created. The City Engineer has requested an updated Flood Risk Assessment as a condition of any consent to clarify further details on flood risk mitigation and design.
- 7.98 **The proposal complies with Policy 22a of NPF4 and Policy 36 of the Dundee LDP subject to condition.**



7.99 **NPF4 Policy 22c** – relates to surface water. Development proposals will:

- i not increase the risk of surface water flooding to others, or itself be at risk;
- ii manage all rain and surface water through sustainable urban drainage systems (SUDS), which should form part of and integrate with proposed and existing blue green infrastructure. All proposals should presume no surface water connection to the combined sewer; and
- iii seek to minimise the area of impermeable surface.

7.100 **LPD Policy 37: Sustainable Drainage Systems** – states that surface water discharging to the water environment from new development must be treated by a Sustainable Drainage System (SuDS) except for single houses or where discharge is to coastal waters. SuDS should be designed so that the water level during a 1:200-year rainstorm event plus allowances for climate change and future urban expansion is at least 600mm below finished floor levels. This incorporates an allowance for the effect of climate change. In addition, proposals will be encouraged to adopt an ecological approach to surface water management, ensure an appropriate level of treatment and exploit opportunities for the system to form an integral part of the Dundee Green Network through habitat creation or enhancement through measures such as the formulation of wetlands or ponds. Proposals should have no detrimental impact on the ecological quality of the water environment.

7.101 The climate change allowances specified in the Dundee LDP policy differ from those which are now embedded within Policy 22 of NPF4 and SEPA advice. In this instance Policy 22 would take precedence. Both policies state a preference for SUDs.

7.102 The Drainage Strategy clarifies that SUDs are to be embedded within the development and include below ground attenuation tanks, rainwater harvesting, filter drains, rain gardens, retention pond, swales, green roofs and constructed wetlands.

7.103 The measures proposed are acceptable with some elements being embedded within the landscaping for the development. Conditions are recommended to secure finalised details on surface water drainage design.

7.104 **The proposal complies with NPF4 Policy 22c and LDP Policy 37 subject to conditions.**

7.105 **NPF4 Policy 22d** – requires development proposals to connect to the public water mains. If this is not feasible the applicant will need to demonstrate that water for drinking water purposes will be served from a sustainable water source that is resilient to periods of water scarcity.

7.106 It is proposed to connect to the public water mains. Scottish Water have no objections noting that there is capacity within Clatto Water Treatment Works. Connections to their infrastructure will require a direct application to Scottish Water.

7.107 **The proposal complies with NPF4 Policy 22d.**

7.108 **The proposal complies with all relevant parts of NPF4 Policy 22 and LDP Policies 36 and 37 subject to conditions.**

#### Climate and Nature Crises

7.109 **NPF4 Policy 1: Tackling the Climate and Nature Crises** - states that when considering all development proposals significant weight will be given to the global climate and nature crises.

- 7.110 **LDP Policy 1: High Quality Design and Placemaking of the Dundee Local Development Plan** - also makes reference to proposals being designed with reference to climate mitigation and adaptation.
- 7.111 The ethos of the project itself is an educational and social enterprise which seeks to find ways to work with nature to respond to the climate planetary emergency. Information submitted in support of the application highlights that sustainability is a fundamental aspect of the Eden Project and that the development will implement net zero carbon technologies, circular economy, biodiversity enhancement, green travel and have positive impacts on health and wellbeing. Given the brownfield and contaminated nature of the site, the proposal would have a positive impact on the climate and nature and provide an educational and green/ eco tourist destination that seeks to address the crises. Specific ways in which the climate and nature crises are addressed are assessed through the relevant environmental policies within this report.
- 7.112 **The proposal complies with NPF4 Policy 1 and LDP Policy 1.**
- 7.113 **NPF4 Policy 2a: Climate Mitigation and Adaptation** – states that development proposals will be sited and designed to minimise lifecycle greenhouse gas emissions as far as possible. Part b states that development proposals will be sited and designed to adapt to current and future risks from climate change.
- 7.114 **LDP Policy 48: Low and Zero Carbon Technology** – in line with NPF4, New Development of the Dundee LDP and the associated Supplementary Guidance it is required that proposals for all new buildings demonstrate that a proportion of the carbon emissions reduction standard set by Scottish Building Standards will be met through the installation and operation of low and zero carbon generating technologies. The relevant Building Standards and percentage contribution required is set out in supplementary guidance.
- 7.115 The Energy Statement sets out an Energy Strategy for the development. Passive design principles are to be integrated into the buildings to minimise reliance on heating, ventilation and air conditioning technologies and artificial lighting. To limit heat loss measures such as optimising window to wall ratios and high levels of insulation and air tightness will be embedded in the design. It is submitted that the performances applied will go significantly beyond building regulations compliance.
- 7.116 The Statement also includes a Low & Zero Carbon Technology Appraisal which presents the results from a low and renewable technology feasibility study for the proposed development. This discounts a number of renewable energy options such as solar thermal heating, wind turbines and biomass and recommends that the most suitable form of renewable energy is via air source heat pumps. This is because air source heat pumps do not require large areas of ground, are cost effective, can be integrated with other technologies and can deliver low carbon heating to the various venues across the site. It is also recommended that solar panels are utilised as they provide energy with potential for battery storage/grid export alongside solar panels being a key technology in delivering low carbon in electric buildings.
- 7.117 Use of low carbon technologies such as air source heat pumps and solar panels will minimise carbon emissions. The conclusions of the Energy Statement and Strategy are accepted.
- 7.118 The main risk from climate change is flood risk. The proposal has been sited and designed to avoid such risks. Details have been considered by SEPA and the City Engineer and have been assessed under the flood risk and drainage policies of the development plan above.
- 7.119 **The proposal complies with NPF4 Policy 2 and LDP Policy 48 alongside the associated Supplementary Guidance.**

- 7.120 **NPF4 Policy 3a Biodiversity** – states that development proposals will contribute to the enhancement of biodiversity including where relevant, restoring degraded habitats and building and strengthening nature networks and the connections between them. Proposals should also integrate nature-based solutions, where possible.
- 7.121 A Biodiversity Net Gain Report has been submitted in support of the application. Habitats across the site were listed as bramble scrub, developed land: sealed surface, introduced shrub, lowland mixed deciduous woodland, modified grassland, vacant or derelict land and willow scrub. It is recognised that removal of buildings and contaminated land will result in the removal of colonising vegetation however it is submitted that it is proposed to replace the habitats lost with more distinct and valued habitats. It has been adequately demonstrated that the development would strengthen nature networks in the area.
- 7.122 **The proposal complies with NPF4 Policy 3a.**
- 7.123 **NPF4 Policy 3b** – the proposal is a national development. Part b states that proposals will only be supported where it can be demonstrated that the proposal will conserve, restore and enhance biodiversity, including nature networks so they are in a demonstrably better state than without intervention. This will include future management. To inform this, best practice assessment methods should be used. Proposals within these categories will demonstrate how they have met all of the following criteria:
- i the proposal is based on an understanding of the existing characteristics of the site and its local, regional and national ecological context prior to development, including the presence of any irreplaceable habitats;
  - ii wherever feasible, nature-based solutions have been integrated and made best use of;
  - iii an assessment of potential negative effects which should be fully mitigated in line with the mitigation hierarchy prior to identifying enhancements;
  - iv significant biodiversity enhancements are provided, in addition to any proposed mitigation. This should include nature networks, linking to and strengthening habitat connectivity within and beyond the development, secured within a reasonable timescale and with reasonable certainty. Management arrangements for their long term retention and monitoring should be included, wherever appropriate; and
  - v local community benefits of the biodiversity and/or nature networks have been considered.
- 7.124 The proposed development would enhance biodiversity; more than if it was left in its current state with no intervention. The ecological characteristics of the site are not of any local, regional or international importance and there are no irreplaceable habitats. This is demonstrated within the submission and complies with point i) of Policy 3b.
- 7.125 The development will be landscaped and makes use of nature-based solutions both in terms of the built elements of the development and external landscaping. There will be no negative biodiversity effects as a result of the development, and it has been demonstrated that there will be a net gain through biodiversity enhancements. The proposal meets with the requirements of points ii – iv of Policy 3b.
- 7.126 With regard to the final point v) the development of the site will have community benefits as an educational facility which could be utilised by local schools alongside attracting visitors from further afield as an eco-tourism proposal.

- 7.127 **The proposal complies with NPF4 Policy 3a and b.**
- 7.128 **NPF4 Policy 6c: Forestry, Woodland and Trees** – There is an area of trees to the north of the site. Policy 6c states that development proposals involving woodland removal will only be supported where they will achieve significant and clearly defined additional public benefits in accordance with relevant Scottish Government policy on woodland removal. Where woodland is removed, compensatory planting will be expected to be delivered.
- 7.129 **LDP Policy 35: Trees and Urban Woodland** is also relevant. This provides a presumption for new development to ensure the survival of individual trees, especially healthy mature trees.
- 7.130 The trees which are to be removed are likely to be self-seeded as a result of the naturalisation of the site. The proposed tree loss to accommodate the development is accepted as the site will be heavily vegetated with a huge variety of plants and species. Landscaping and extensive greening is a key component of the development. As described under Policy 3, even with the loss of the area of trees there will be a net biodiversity gain through the landscaping of the site which is demonstrated within the landscape plans submitted with the application.
- 7.131 **The proposal complies with NPF4 Policy 6c and LDP Policy 35.**
- 7.132 **LDP Policy 46: Delivery of Heat Networks for New Development** – requires new development to meet its heat demand through heat networks, by considering the feasibility to create or link into an existing energy centre and heat network or demonstrate the capability to progress towards this technology in future. For major developments, part a) of Policy 46 requires a statement to be submitted which demonstrates that consideration has been given to the viability of creating or linking into a heat network. The Energy Statement submitted in support of the application considers heat network opportunities.
- 7.133 The Energy Statement highlights that there are two heat networks within 0.5km of the site at Martingale Gardens and Victoria Street. Having further inspected details of these networks it is concluded that these are classed as having small – medium capacities served by gas firing technologies and therefore are deemed unsuitable. It is submitted that there is currently no connection to a carbon neutral heat network, therefore, it is proposed to deliver low carbon heat to the building via air source heat pump technology in accordance with the Scottish Governments Heat in Buildings Strategy.
- 7.134 The above is accepted, however, Policy 46 then states that the development layout should be designed to be capable of connecting to the heat network or heat source and areas for pipe runs within the development should be safeguarded to enable future connectivity. A condition is recommended to secure this.
- 7.135 **The proposal complies with LDP Policy 46 subject to condition.**

#### Historic Environment

- 7.136 **NPF4 Policy 7o: Historic Assets and Places** – the site is not located within a conservation area and there no designated or protected historic features within the site. Remaining structures within the site including the Engine Shed, Gas Meter House and the retaining wall to the north of the site, alongside the gas holder itself are all of local importance. The loss of the Engine Shed and Gas Meter House are acknowledged within the Stobswell Forum response to the application. Part o states that non-designated historic environment assets, places and their setting should be protected and preserved in situ wherever feasible. The preferred retention of these buildings within the scheme was also highlighted at the pre application stage. At present there is nothing to preclude the demolition of these buildings by

the current landowner. It is submitted that the removal of the buildings is to be carried out under the remediation proposals for the site. As unprotected buildings, the planning authority has no control over the retention of these structures. The retention of the wall and utilisation of this as a feature alongside the retention of the spiral-guided gas holder is welcomed.

**7.137 The proposal complies with NPF4 Policy 7o.**

Zero Waste

**7.138 NPF4 Policy 12a: Zero Waste** – states that development proposals will seek to reduce, reuse or recycle materials in line with the waste hierarchy.

**7.139 NPF4 Policy 12b** – states that development proposals will be supported where they:

- i reuse existing buildings and infrastructure;
- ii minimise demolition and salvage materials for reuse;
- iii minimise waste, reduce pressure on virgin resources and enable building materials, components and products to be disassembled, and reused at the end of their useful life;
- iv use materials with the lowest forms of embodied emissions, such as recycled and natural construction materials; and
- v use materials that are suitable for reuse with minimal reprocessing.

**7.140** The development will re-utilise the gas holder on site. Materials from other structures to be demolished within the site could be reused within the site to minimise waste. The waste generated from the gas holder if this was to be removed would be substantial, therefore its reuse is welcome. It is understood that the materials from the existing buildings will be re-used within the site. This is in compliance with parts i, ii and iii of part b of policy 12. With regard to cut and fill it is estimated that the site will generate 11 tonnes of excavation waste however requires 35 tonnes of fill. It is therefore anticipated that excavation waste will be reused within the site. This is in compliance with part iv and v of policy 12b.

**7.141** With regard to construction waste, it is recommended that details on how this is to be re-used/disposed is clarified within a Site Waste Management Plan. It is recommended that this is secured by condition.

**7.142 The proposal complies with NPF4 Policy 12a subject to condition.**

**7.143 NPF4 Policy 12c** – states that development proposals that are likely to generate waste when operational, including residential, commercial, and industrial properties, will set out how much waste the proposal is expected to generate and how it will be managed including:

- i provision to maximise waste reduction and waste separation at source, and
- ii measures to minimise the cross contamination of materials, through appropriate segregation and storage of waste; convenient access for the collection of waste; and recycling and localised waste management facilities.

**7.144** A Waste Strategy has been submitted in support of the application. It is proposed that the development will implement circular economy principles with an aspiration to deal with organic waste on site.

- 7.145 Waste is to be segregated at source. Litter bins will be located around the site and waste at each of the venues is to be segregated at source which will ultimately be transported to the service yard for onward collection. These measures are accepted and a finalised Operational Waste Management Plan is secured by condition.
- 7.146 **The proposal complies with NPF4 Policy 12c subject to condition.**
- 7.147 **Dundee LDP Policy 44: Waste Management Requirements for Development** requires development proposals to demonstrate that they adequately address the Scottish Government's Zero Waste Policy and that sufficient provisions are made to maximise opportunities for waste reduction and waste separation at source and enable the separate collection of recyclable material as outlined in the Waste (Scotland) Regulations 2012.
- 7.148 Site waste management plans are required for major developments to ensure sufficient control for site waste during the construction and operation of new development.
- 7.149 Policy 44 largely aligns with the requirements of Policy 12 of NPF4 and subject to a condition to secure finalised construction and operational waste management plans the proposal complies with Policy 44.
- 7.150 **The proposal complies with NPF4 Policy 12 and LDP Policy 44 subject to condition.**

Health, Safety and Amenity

- 7.151 **NPF4 Policy 23d and e: Health and Safety** – intends to protect people and places from environmental harm, mitigate risks arising from safety hazards and encourage, promote and facilitate development that improves health and wellbeing.
- 7.152 **NPF4 Policy 23d** – states that development proposals that are likely to have significant adverse effects on air quality will not be supported. Development proposals will consider opportunities to improve air quality and reduce exposure to poor air quality. An air quality assessment may be required where the nature of the proposal or the air quality in the location suggest significant effects are likely.
- 7.153 **LDP Policy 40: Air Quality** – provides a presumption against development proposals that can significantly increase air pollution or introduce people into areas of elevated pollution concentrations unless mitigation measures are adopted to reduce the impact to levels acceptable to the Council.
- 7.154 The application is supported by an air quality assessment. The Head of Communities, Safety and Protection highlighted that the mitigation measures should be controlled in a Construction Management Plan and that additional traffic generated would be spread widely enough across the area that localised impacts would be negligible both from visitors and operational traffic.
- 7.155 **The proposal complies with Policy 23d of NPF4 and Policy 40 of the Dundee LDP subject to condition.**
- 7.156 **NPF4 Policy 23e** – relates to noise. Development proposals that are likely to raise unacceptable noise issues will not be supported. The agent of change principle applies to noise sensitive development. A Noise Impact Assessment may be required where the nature of the proposal or its location suggests that significant effects are likely.
- 7.157 **LDP Policy 39: Environmental Protection** – requires all new development that would generate noise, vibration, odour, emissions to air, dust, or light pollution to demonstrate that it can be accommodated without an unsatisfactory level of disturbance in the surrounding area.



- 7.158 The main sources of noise are from outdoor music concerts and plant and machinery. The proposals include an outdoor performance space which could accommodate up to 6,000 people, and the applicant has indicated that they propose to use this to hold several music concerts each year.
- 7.159 The Head of Communities, Safety and Protection's concerns are noted. A condition was recommended to set the maximum music noise levels from outdoor events. Although the planning permission could set maximum music noise limits it is more appropriate for the noise from large scale events to be controlled through the public entertainment licensing process; a separate regulatory process that would allow music noise limits to be set, monitored and reviewed on an event by event or annual basis.
- 7.160 It is acknowledged that such events will cause some disturbance to neighbouring residential properties. Although the noise disturbance from each event can be controlled through the licensing process, frequent events would cause significant disturbance to residents of those properties. Therefore, it is necessary to control the number of outdoor events each year. It is recommended that a planning condition is used to limit the number of events to 8 open air live music concert days per year. Smaller events which may not be as loud will also require to be defined within an Events Statement. A planning condition is recommended to secure this.
- 7.161 The hours during which events take place can be controlled through the planning permission and it is considered appropriate to only allow outdoor events to take place between 0900h and 2300h.
- 7.162 These planning conditions together with the licensing requirements would ensure that events would not result in an unsatisfactory level of disturbance in the surrounding area.
- 7.163 Plant and machinery are to be located throughout the site. The noise levels from these sources are recommended to be controlled by a planning condition.
- 7.164 It is also recommended that a construction environmental management plan is secured by condition to protect amenity during construction works. This will require to provide detail on the timing of any works which create vibration, detail on dust suppression and lighting with the site.
- 7.165 A detailed finalised lighting plan will be required for when the development is in operation. An External Lighting Pollution Statement has been submitted in support of the application which highlights the current baseline conditions at the site. It is concluded that a detailed assessment of the external lighting design will be required once the lighting design is complete. This will consider in detail sky glow, light spill, glare to residents and effects on wildlife. It is recommended that a final lighting design is secured by condition.
- 7.166 **The proposal complies with Policy 23e of NPF4 and Policy 39 of the Dundee LDP subject to conditions.**
- 7.167 **NPF4 Policy 23g** – states that development proposals within the vicinity of a major accident hazard site or major accident hazard pipeline (because of the presence of toxic, highly reactive, explosive or inflammable substances) will consider the associated risks and potential impacts of the proposal and the major accident hazard site/pipeline of being located in proximity to one another.
- 7.168 **LDP Policy 42: Development of or next to Major Hazard Sites** states that the siting of new or extensions to existing major hazard sites or sites which operate under Scottish Environment Protection Agency authorisation will not be permitted in close proximity to residential areas

and/or areas of public use or interest, where the risk to people or the environment is likely to be significantly increased.

- 7.169 The development would introduce people into an area which is within a Health and Safety Executive consultation zone. The site falls within proximity to the Outer Consultation Zone for hazards related to activities within Dundee Port to the south east. The proposal was assessed against the Health and Safety Executive's (HSE) planning advice. This conclusion was that HSE did not advise against, on safety grounds the granting of planning permission. The proposal is therefore not contrary to Policy 23g of NPF4.
- 7.170 **The proposal complies with NPF4 Policy 23g and LDP Policy 42.**
- 7.171 It is concluded that the proposal is fully in accordance with the Development Plan.

## MATERIAL CONSIDERATIONS

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

### A – SUPPORTING INFORMATION

- 7.172 All of the information submitted in support of the application has been considered with the main body of the report.

### B – REPRESENTATIONS

- 7.173 No valid objections have been received. Comments were received from Stobswell Forum which have been summarised:
- 7.174 **Comment** - query why there are two separate applications, what will happen if consent for the bridge is not obtained and access route implications for pedestrian/vehicle conflicts without this.
- 7.175 **Response** – the bridge is being considered separately through an application for planning permission in principle. If consent is not obtained, or in the event that it is not delivered the existing pedestrian and cycle routes have been assessed as appropriate. While the delivery of the bridge is an aspiration of the applicant it has been demonstrated that it is not strictly necessary. As stated earlier in the report the Council and the applicant are working to find a solution to improve the linkages between the site and the city centre.
- 7.176 **Comment** - Active Travel - existing poor access arrangements to the north of the site and east/west at Blackscroft; support Active Travel Strategy but concern about 'park and stride' from Stobswell and how this will be addressed; who will develop Foundry Lane route – conflicts between bins and buses noted.
- 7.177 **Response** – there is permeability between Stobswell and the site although it is acknowledged that due to topography this could be challenging for all abilities however there are alternative routes and disabled parking and drop off arrangements within the site. Users will be directed to City Centre car parks and walking to access the site. While visitors may park in Stobswell and walk to the site this is not something that the Council have control over particularly where on street parking is concerned as everyone has the right to use on street spaces. Foundry Lane public realm improvements and funding arrangements are currently being explored by the Council.
- 7.178 **Comment** - query why the redline boundary extends beyond the site to include public streets.

- 7.179 **Response** – the application redline extends beyond the proposed site of the Eden Project as there are some improvements required to Melville Lane, Peep O' Day Lane and a new crossing point and access arrangements at Broughty Ferry Road. In order to secure delivery of improvements the area of the works has to be included within the application site boundary which is why it extends beyond the site itself.
- 7.180 **Comment** - no reference made in supporting information to local attractions (Baxter and Stobsmuir Parks, Transport Museum, Albert Street District Centre).
- 7.181 **Response** – this is acknowledged, the proposal has the potential to introduce new people to these attractions.
- 7.182 **Comment** - Layout - welcome use of the Valve and re-use of materials - layout could be revised to retain Gas Meter House and Engine Shed; water feature could be better located alongside Peep O Day mansion and garden (site history).
- 7.183 **Response** – the gas meter house and engine shed are in a poor state of repair and are to be cleared as part of the remediation of the site. As the buildings are not protected there is no mechanism through which to ensure their protection – they can be demolished now without any consent. A condition is recommended to secure a photographic record prior to demolition. The water feature is understood to replicate as far as possible the original shoreline of the River Tay and as a landscape feature is welcomed. The landscaping itself returns the site to an original natural state, final landscaping design could incorporate further the history of the site however this is a matter to be considered in finalised landscape designs by the applicant.
- 7.184 **Comment** - unclear whether dense vegetation has prevented decontamination of the whole site.
- 7.185 **Response** – the vegetation will be removed. At the time of writing the site has been partially decontaminated, and further works are currently taking place. The applicant will also require to carry out further remediation to make safe the site for development. This is all subject to resolution by planning condition.
- 7.186 It is concluded that there are no material considerations of sufficient weight in this case to justify refusal of planning permission.

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## 8 CONCLUSION

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- 8.1 The application is in accordance with the Development Plan. There are no material considerations of sufficient weight that would justify refusal of planning permission. Therefore, it is recommended that planning permission be granted subject to conditions.

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## 9 RECOMMENDATION

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- 9.1 It is recommended that planning permission be GRANTED subject to the following condition(s):
- 1 **Condition** - the development hereby permitted shall be commenced within five years from the date of this permission.
- Reason** - to comply with Section 58 of the Town and Country Planning (Scotland) Act 1997 as amended.

- 2 **Condition** - this permission shall endure for the use of The Eden Project only.

**Reason** - in order to give due recognition to the special circumstances displayed by the applicant and to enable the Planning Authority to exercise appropriate control at the expiry of these special circumstances.

- 3 **Condition** - no development shall commence until a Flood Risk Assessment and Dundee City Council Compliance and Independent Check Certification shall be prepared and submitted to the Council and where appropriate, SEPA for written approval. Any recommendations contained within the Flood Risk Assessment must be implemented thereafter prior to the first occupation of the development.

**Reason** - in the interest of flood protection.

- 4 **Condition** - no development shall commence until a detailed surface water drainage/ SUDS design including drawings, calculations, full modelling, simulation results, design risk assessment, signed Dundee City Council Design Compliance and Independent Check Certification, evidence of compliance with the Simple Index Approach as described in section 26.7.1 of the CIRIA SUDS Manual (C753), and where appropriate SEPA comments shall be submitted to and approved in writing by the Planning Authority. Thereafter, all works approved by virtue of this condition shall be carried out prior to the first occupation of the development hereby approved.

**Reason** - in the interest of flood protection.

- 5 **Condition** – no development shall commence until full details of maintenance responsibilities along with a maintenance schedule for the surface water drainage system/ SUDS features shall be submitted to, and approved in writing by the Planning Authority. Thereafter, all works approved by virtue of this condition shall be carried out in perpetuity.

**Reason** - in the interests of flood prevention and visual amenity.

- 6 **Condition** - no open air music concerts shall take place between 2300 and 0900 hours.

**Reason** - in the interest of neighbouring residential amenity.

- 7 **Condition** – there shall be no more than 8 open air music concert days per calendar year.

**Reason** – in the interest of neighbouring residential amenity.

- 8 **Condition** - prior to the first use of the development hereby approved, an Events Statement which defines the scale and type of events to take place on site shall be submitted to and approved in writing by the Planning Authority.

Other smaller scale events shall also be defined within the statement.

Thereafter the development shall operate in accordance with the agreed Events Statement unless otherwise agreed in writing by the Planning Authority.

**Reason** - In order to define the scale and type of events to allow the Planning Authority to consider the matter in more detail.

- 9 **Condition** - Prior to the first use of the development hereby approved an Outline Events Management Plan shall be submitted to and approved in writing by the Planning Authority. For the avoidance of doubt, this shall include, but is not limited to:

- i Traffic Management Plan; and
- ii Crowd Management Plan.

Thereafter all events shall be managed in accordance with the agreed details unless otherwise agreed in writing by the Planning Authority.

**Reason** - in the interest of the amenity of the area.

- 10 **Condition** - the total noise from mechanical and electrical plant/services shall not exceed NR45 during the day and shall not exceed NR35 during night-time, as measured 1 metre external to the facade of adjacent residential property.

For the avoidance of doubt night time shall be 2300 to 0700 hours.

**Reason** - in the interest of neighbouring residential amenity.

- 11 **Condition** - no development shall commence until the investigation and further risk assessment proposed in the submitted Stage I Desk Study are completed and a remediation scheme to deal with any contamination at the site has been submitted to and approved in writing by the planning authority. The scheme 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;
- iii does not contain any significant pollution linkages;
- iv demonstration of the durability and expected life-span of the remediation;
- v measures to deal with contamination during construction works; and
- vi verification of the condition of the site on completion of decontamination measures.

**Reason** - in order to ensure that contamination on site is dealt with appropriately in the interest of health and safety.

- 12 **Condition** - before any part of the development is occupied the remediation scheme 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.

**Reason** - in order to ensure that contamination on site is dealt with appropriately in the interest of health and safety.

- 13 **Condition** - no development shall commence until the following details have been submitted to, and approved in writing by the Planning Authority in consultation with the Roads Authority:
- i all road, footway and cycleway alterations including road markings and signage to be provided;
  - ii full details of proposed public bus stop alterations and improvements;
  - iii full details of all road alterations to Peep O' Day Lane;
  - iv full details of all pedestrian and cycle links between the site and Broughty Ferry Road;
  - v full details of the proposed coach drop off/pick up point on Broughty Ferry Road including
  - vi all road markings and signage; and
  - vii full details of the service egress onto Melville Lane.

For the avoidance of doubt all works require to be formed and constructed to Dundee City Council standards and specifications and available for use prior to first occupation of the development hereby approved.

**Reason** - in the interests of vehicle and pedestrian safety and in order that the Planning and Roads Authorities can consider these matters further.

- 14 **Condition** - no development shall commence until full details of secure and covered cycle parking has been submitted to, and agreed in writing by the Planning Authority in consultation with the Roads Authority. Thereafter, the development shall progress in accordance with the approved details and be available for use prior to first occupation of the development hereby approved.

**Reason** - to ensure timeous delivery of suitably sited and designed cycle parking and storage in the interest of promoting sustainable transport opportunities.

- 15 **Condition** - prior to the commencement of the development, the detailed design and specification for all trunk road works, generally as illustrated in the WSP Drawing No. 5939-ATR-045 Rev. P01 "Overview of Proposal 4 to 8", shall be submitted to, and approved by the Planning Authority, after consultation with Transport Scotland.

**Reason** - to ensure that the standard of access layout complies with the current standards.

- 16 **Condition** - thereafter, and prior to the development becoming operational, all trunk road works covered in Condition 13 above shall be implemented in accordance with the approved designs.

**Reason** – to ensure that the safety and free flow of traffic on the trunk road is not diminished.

- 17 **Condition** - prior to the development becoming operational, all those Traffic Regulation Orders shown on WSP Drawing No. 5939-SK-016 Rev. A "Proposed TROs", shall be implemented to the satisfaction of the Planning Authority, after consultation with Transport Scotland.



**Reason** - to minimise interference with the safety and free flow of the traffic on the trunk road.

- 18 **Condition** - prior to commencement of the development, a Construction Traffic Management Plan (CTMP) shall be submitted to, and approved by, the Planning Authority, after consultation with Transport Scotland. In particular, the CTMP shall identify measures to control the use of any direct access onto the A92 trunk road. Thereafter, all construction traffic associated with the development shall conform to the requirements of the agreed Plan.

**Reason** - to mitigate the adverse impact of construction traffic on the safe and efficient operation of the trunk road network.

- 19 **Condition** - prior to the development becoming operational, a Servicing Management Plan (SMP) shall be submitted to, and approved by, the Planning Authority, after consultation with Transport Scotland. Thereafter, all servicing traffic associated with the development shall conform to the requirements of the agreed Plan.

**Reason** - to mitigate the adverse impact of servicing traffic on the safe and efficient operation of the trunk road network.

- 20 **Condition** - prior to commencement of the development details of the lighting within the site shall be submitted for the approval of the Planning Authority, after consultation with Transport Scotland.

**Reason** - to ensure that there will be no distraction or dazzle to drivers on the Trunk Road and that the safety of the traffic on the Trunk Road will not be diminished.

- 21 **Condition** - prior to commencement of the development, details of the fencing/barrier proposals along the trunk road boundary shall be submitted to, and approved by, the Planning Authority, after consultation with Transport Scotland and thereafter implemented prior to commencement of operation. The fencing / barrier proposals shall be located such that they can be erected and maintained from within the development without requiring access to the trunk road.

**Reason** - to minimise the risk of pedestrians and animals gaining uncontrolled access to the trunk road with the consequential risk of accidents.

- 22 **Condition** - there shall be no drainage connections to the trunk road drainage system.

**Reason** - to ensure that the efficiency of the existing trunk road drainage network is not affected.

- 23 **Condition** - prior to the first occupation of the development hereby approved an updated Travel Plan, which sets out proposals for reducing dependency on the private car, shall be submitted to, and approved in writing by, the Planning Authority. The Travel Plan shall include:

- i details of the proposed ticketing system for visitors by car;
- ii details of the implementation of any active travel measures between the site and the surrounding area;
- iii details for the management, monitoring, review and reporting of these measures; and

- iv details of the duration of the Travel Plan.

The approved Travel Plan shall thereafter be implemented from the date of first operation of any part of the development hereby approved.

**Reason** - in order to ensure the site is accessible by a variety of modes of transport.

- 24 **Condition** - no development shall commence until a Construction Environmental Management Plan (CEMP) for the construction phase has been submitted to, and approved in writing by the Planning Authority, in consultation with Network Rail and other relevant third parties as appropriate. For the avoidance of doubt this shall cover:

- i Pollution Prevention and Control;
- ii Dust Management;
- iii Noise and Vibration Mitigation;
- iv lighting plans during construction;
- v Site Waste Management;
- vi Surface and Ground Water Management;
- vii drainage management plan containing drainage arrangements for the construction period;
- viii Public and Private Water Supply Protection Measures;
- ix Emergency Response Plans; and
- x other relevant environmental management as may be relevant to the development.

Thereafter, works shall be carried out in accordance with the approved plan.

**Reason** - in the interest of residential amenity; to protect the surrounding environment from construction impacts and to protect the stability of the adjacent railway embankment, railway lines and the safety of the rail network.

- 25 **Condition** - prior to the first occupation of the development hereby approved an Operational Waste Management Plan shall be submitted to, and approved in writing by the Planning Authority. Thereafter, the Operational Waste Management Plan shall be implemented and maintained in perpetuity unless otherwise agreed in writing by the Planning Authority.

**Reason** - to ensure that waste on site is managed on site in a sustainable manner.

- 26 **Condition** - no development shall commence until full details of a reservation strip or area within the site to be safeguarded from development to support the delivery, or connection to a heat network. Thereafter the agreed details shall be safeguarded from development.

**Reason** - to demonstrate that the development would be capable of connecting to a heat network as future demand dictates in accordance with policy 48 of the Dundee LDP.

- 27 **Condition** - no development shall commence until details of a scheme of public art to be provided within the development hereby approved shall be submitted to, and agreed in writing by the Planning Authority. The scheme shall include a programme for the installation of public art and works shall be completed in accordance with the agreed programme.

**Reason** - In the interests of enhancing the visual amenity and environmental quality of the development and in accordance with policy 2 of the Dundee LDP.

- 28 **Condition** - no development shall commence until an internal and external photographic record of the remains of all buildings and original features on site shall be submitted to, and approved in writing by the Planning Authority. For the avoidance of doubt this shall include a Site Plan and Floor Plans denoting the location of the photographs.

**Reason** - in order that a record of the buildings of local historic interest on site is retained.

- 29 **Condition** - no development shall commence until a finalised schedule of all external materials and finishes to be used on all structures within the development hereby approved has been submitted to, and approved in writing by the Planning Authority. Thereafter, development and work shall progress in accordance with the approved details.

**Reason** - in the interests of visual amenity.

- 30 **Condition** - prior to the commencement of development full details including the height, design and materials to be used on all boundaries, gates any other means of enclosure surrounding the site shall be submitted to, and approved in writing by the Planning Authority. Thereafter, development and work shall progress in accordance with the approved details and retained and maintained by the developer as agreed unless otherwise agreed.

**Reason** - in the interest of visual amenity both within and out with the site.

- 31 **Condition** - prior to the commencement of development a schedule of repairs including materials and method of repointing to make good the north boundary wall shall be submitted to and approved in writing by the Planning Authority. Thereafter works shall progress in accordance with the agreed details.

**Reason** - in the interest of amenity and to retain the character of an original feature within the site.

## Informative Notes

### Network Rail

- a No means of access to the railway or Network Rail assets shall be obstructed at any time during and after the construction of the development.
- b The applicant should inform Network Rail's Asset Protection team (contact details below) upon obtaining consent from Scottish Water to connect to their pipe below the railway.
- c Construction works and tree felling must be undertaken in a safe manner which does not disturb the operation of the neighbouring railway. Applicants must be aware of any embankments and supporting structures which are in close proximity to their development. Details of all tree felling and changes in ground levels, laying of foundations, and operation of mechanical plant in

proximity to the rail line must be submitted to Network Rail's Asset Protection Engineer for approval prior to works commencing on site. Where any works cannot be carried out in a "fail-safe" manner, it will be necessary to restrict those works to periods when the railway is closed to rail traffic ie by a "possession" which must be booked via Network Rail's Asset Protection Engineer and are subject to a minimum prior notice period for booking of 20 weeks. It is advised that applicants get in contact with Network Rail as early as possible to avoid delays to their anticipated timescales.

Further information regarding working on or near the railway can be found on the Network Rail website. <https://www.networkrail.co.uk/running-the-railway/looking-after-the-railway/asset-protection-and-optimisation/>

The developer must contact our Asset Protection Engineers regarding the above matters, contact details below:

Network Rail Asset Protection Engineer  
151 St Vincent Street  
Glasgow  
G2 5NW

E-mail: [AssetProtectionScotland@networkrail.co.uk](mailto:AssetProtectionScotland@networkrail.co.uk)

#### Road Construction Consent

A Road Construction Consent (RCC) application (found via the following link on DCC website: <http://www.dundee.gov.uk/a2z/constructionconsent>) must be submitted to Dundee City Council as Roads Authority for work on any proposed roads or the adjacent local public road or footway and consent for this must be obtained prior to the commencement of any works on new roads or the public road or footway. For further details please contact 07985 873758 or [developmentroads@dundee.gov.uk](mailto:developmentroads@dundee.gov.uk)

#### Transport Scotland

The applicant should be informed that the granting of planning consent does not carry with it the right to carry out works within the trunk road boundary and that permission must be granted by Transport Scotland Roads Directorate. Where any works are required on the trunk road, contact details are provided on Transport Scotland's response to the planning authority which is available on the Council's planning portal.

Trunk Road modification works shall, in all respects, comply with the Design Manual for Roads and Bridges and the Specification for Highway Works published by HMSO. The developer shall issue a certificate to that effect, signed by the design organisation.

Trunk Road modifications shall, in all respects, be designed and constructed to arrangements that comply with the Disability Discrimination Act: Good Practice Guide for Roads published by Transport Scotland. The developer shall provide written confirmation of this, signed by the design organisation.

The road works which are required due to the above Conditions will require a Road Safety Audit as specified by the Design Manual for Roads and Bridges.

Any trunk road works will necessitate a Minute of Agreement with the Trunk Roads Authority prior to commencement.

Transport Scotland Contact Details:

Roads - Development Management  
Transport Scotland  
2nd Floor George House  
36 North Hanover Street  
Glasgow  
G1 2AD

Telephone Number: 01412 727100

e-mail: [development\\_management@transport.gov.scot](mailto:development_management@transport.gov.scot)

Bird Breeding Season

Any site clearance should be carried out with the bird breeding season which is March – September. If works are to be taken out during this period a breeding bird survey should be undertaken prior to any site clearance/works.

Major Development Site Notice

Prior to the commencement of this development, the attached Site Notice must be posted in a publicly accessible part of the site and remain in place until the development is complete. This is a statutory requirement of the Town and Country Planning (Scotland) Acts and associated regulations.