



Telephone: 01324 696455 Fax: 01324 696444
E-mail: brian.archibald@gov.scot

Mr A Hilton
Dundee City Council
Sent By E-mail

Our ref: LDP-180-2

9 October 2018

Dear Alistair Hilton

**PROPOSED DUNDEE LOCAL DEVELOPMENT PLAN 2
THE TOWN AND COUNTRY PLANNING (DEVELOPMENT PLANNING)
(SCOTLAND) REGULATIONS 2008**

SUBMISSION OF THE REPORT OF THE EXAMINATION

We refer to our appointment by the Scottish Ministers to conduct the examination of the above plan. Having satisfied ourselves that the authority's consultation and engagement exercises conformed with their participation statement, our examination of the plan commenced on 22 March 2018. We have completed the examination, and now submit our report.

In our examination, we considered each of the 15 issues arising from unresolved representations which were identified by the authority. In each case, we have taken account of the original representations, as well as the authority's summaries of the representations and the authority's responses, and we have set out our conclusions and recommendations in relation to each issue in our report.

The examination process also included a comprehensive series of unaccompanied site inspections and, for some issues we requested additional information from the authority and other parties.

It was not considered necessary to hold hearing or inquiry sessions.

Subject to the limited exceptions as set out in Section 19 of the Town and Country Planning (Scotland) Act 1997 (as amended) and in the Town and Country Planning (Grounds for Declining to Follow Recommendations) (Scotland) Regulations 2009, the council is now required to make the modifications to the plan as set out in our recommendations.

The authority should also make any consequential modifications to the text or maps which arise from these modifications. Separately, the authority will require to make any necessary adjustments to the final environmental report and to the report on the appropriate assessment of the plan.



All those who submitted representations will be informed that the examination has been completed and that the report has been submitted to the City Council. It will advise them that the report is now available to view at the DPEA website and that it will also be posted on the council's website.

The documents relating to the examination should be retained on the authority's website for a period of six weeks following the adoption of the plan by the authority.

It would also be helpful to know when the plan has been adopted and would appreciate being sent confirmation of this in due course.

Yours sincerely

Andrew Sikes
Reporter

Timothy P W Brian
Reporter

Steve Field
Reporter

REPORT TO DUNDEE CITY COUNCIL

DUNDEE CITY COUNCIL PROPOSED LOCAL DEVELOPMENT PLAN 2 EXAMINATION

Reporters: Timothy P W Brian BA (Hons), Dip URP MRTPI
Steve Field BA (Hons) MRTPI
Andrew A Sikes BA (Hons) Dip UD MRTPI

Date of Report: 09 October 2018

CONTENTS**Page No**

Examination of Conformity with Participation Statement

1

1.	City of Design	4
2.	Sustainable Economic Growth	11
3.	Housing Strategy (Chapter 6)	47
4.	Supply of Housing Land – Appendix 2	64
5.	Allocated Housing Sites – Policy 9 / Appendix 3	74
6.	Western Gateway Sites – H41, H42 & H43	98
7.	Additional Housing Sites	110
8.	Design of New Housing	130
9.	Development of Garden Ground for New Housing	143
10.	Non-mainstream Residential Uses	146
11.	Funding of On and Off site infrastructure	153
12.	Town Centres First and Retailing	165
13.	Sustainable Natural & Built Environment	192
14.	Sustainable Transport & Digital Connectivity	225
15.	Other Issues	242

Proposed Dundee Local Development Plan 2

DPEA reference LDP-180-2

Examination of conformity with Participation Statement

Legislative context

1. Section 19(4) of the Town and Country Planning (Scotland) Act 1997 (as amended) requires firstly that an examination by the appointed person (reporter) is undertaken to consider whether or not the planning authority has consulted and involved the public at large in the preparation of the proposed plan in the way that it said it would in its participation statement.

2. Section 20B of the Act requires each planning authority to prepare a development plan scheme as it considers it appropriate to do so but in any event within 1 year after last preparing such a plan. The scheme is required to set out the authority's programme for preparing and reviewing its local development plan, within which it should include a participation statement. The statement should state when, how and with whom consultation on the plan is to take place, and the planning authority's proposals to involve the public at large in its preparation.

3. Scottish Government Circular 6/2013: Development Planning, at paragraph 110, states that 'The Act restricts the Examination to the actions of the authority concerning consultation and public engagement in respect of the Proposed Plan, rather than the extended plan preparation process. In carrying out this assessment, Scottish Ministers envisage that the reporter will only refer to existing published documents such as the Participation Statement itself, the authority's statement of conformity with this, and any representations relating to the authority's consultation and public involvement activities.'

The participation statement

4. The Dundee Local Development Plan Scheme 2017, was extant at the time that the council placed the proposed Dundee Local Development Plan 2 on deposit for the submission of representations (28 August 2017). The 2017 scheme was preceded by schemes published annually, following the adoption of the Dundee Local Development Plan in December 2013, which described the council's intentions and arrangements to secure wide stakeholder engagement in the plan-making process. In particular, the council sought to raise awareness of the consultation exercise that was to take place at the main issues report stage by undertaking a number of activities, including community drop-in events, articles in the local press, leaflets placed in libraries and local council offices, publicising consultation events online, conducting workshops with key agencies and presentations to community councils and local community planning partners.

The statement of conformity

5. Together with the proposed local development plan, section 18(4)(a)(i) of the Act requires an authority to submit a report to the Scottish Ministers that shows the extent to which it has met, or has gone beyond, the requirements of section 19(4), which I refer to above. In this regard, Dundee City Council has submitted a Statement of Conformity with Participation Statement, dated January 2018.

6. In addition to conventional methods of community engagement, the Participation Statement records the council's use of the Place Standard Tool at the main issue report stage in order to engage more meaningfully with local communities and specifically with seldom-heard groups, for example, young and elderly people and ethnic minority groups. The council's regards the use of the Place Standard Tool as being successful and notes that it was recognised as such by being shortlisted for an award at the Scottish Awards for Quality in Planning in 2016. The council also highlights its use of Local Community Planning Partnerships (LCPP), a means by which the council engages with communities throughout the City, to secure involvement in the plan-making process.

7. The Statement confirms that the council made the proposed plan available for the submission of representations for a period of six weeks between 28 August 2017 and 9 October 2017. Prior to the commencement of this period, the council undertook the following actions:

- placed a statutory press advert in the Dundee Evening Telegraph;
- neighbour notification as required by legislation (3812 letters in total);
- notified all interested parties on the council's local development plan mailing list, including those that submitted comments at the main issues report stage, neighbouring local authorities and key agencies;
- notified community groups and the seldom heard groups' contact;
- notified Local Community Planning Partnerships;
- placed the proposed plan and all supporting documents on the council's website, with links to the council's Planning and Consultation pages posted on its home page;
- copies of the proposed plan placed in local libraries; and,
- Placed static displays at Dundee House (main council building) and Wellgate Central Library.

8. In addition, during the six-week period, the council ran drop-in sessions at Dundee House and Wellgate Central Library on 4 occasions, delivered a presentation on the proposals of the plan to the Broughty Ferry Community Council and issued press releases and updates via social media.

9. During the six-week period a total of 200 separate representations were received from 80 parties, including a representation from Kirkton Community and Safety Partnership (KCSP), in which it raised concerns regarding the effectiveness of Local Community Planning Partnerships as a means of engagement and the low level of response to the council's engagement exercises. I address these concerns in my conclusions below.

Conclusions

10. Dundee City Council has met its aim of publishing a proposed plan and making it available for the submission of representations. It has met its statutory obligations in this regard and, likewise, with respect to neighbour notification and the placing of an advertisement in the local press.

11. Issue 15 (community planning and consultation) provides a summary of representations which raise concerns regarding the consultation process, none of which suggest that the council has not done, or engaged, in a way that the participation statement said it would. The council's use of Local Community Planning Partnerships

formed part of a wide range of engagement activities described in the participation statement and, as such, I do not consider criticism of their effectiveness, and/or the low level of response to the consultation exercises undertaken by the council more generally, to be such that the requirements of section 19(4) of the Town and Country Planning (Scotland) Act 1997 (as amended) have not been satisfied.

12. Having considered all the evidence, I find that the planning authority has consulted on the proposed plan and involved the public in the way that it said it would in its participation statement. Being satisfied on these matters, I therefore proceed to examine the proposed plan.

Andrew A Sikes

Reporter

Issue 1	City Of Design	
Development plan reference:	Chapter 4: Paragraph 4.9; Policy 2: Public Art Contribution; Appendix 1: High Quality Design and Placemaking.	Reporter: Andrew Sikes
Body or person(s) submitting a representation raising the issue (including reference number):		
Homes for Scotland (08) Broughty Ferry Community Council (20) David Hewick (22) Stewart Milne Homes (39) Forth Ports (40) Barratt North Scotland (66)		
Provision of the development plan to which the issue relates:	Chapter 4: City of Design requires development proposals to follow a design led approach to sustainable, high quality placemaking and for large developments to provide public art.	
Planning authority's summary of the representation(s):		
Chapter 4: City of Design - Paragraph 4.9 <u>Forth Ports (40)</u> The blanket requirement at paragraph 4.9 for design statements to accompany planning applications for all National and Major Developments is not required as the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013 (CD35) make appropriate provision for the circumstances where Design Statements will be required or sought (Regulations 13 and 24). Policy 2: Public Art Contribution <u>Homes for Scotland (08)</u> Considers Policy 2 to be disproportionate in terms of its value to the city and it creates an unnecessary hurdle to the delivery of brownfield projects. <u>Stewart Milne Homes (39)</u> Considered to be a prescriptive policy which is not relevant or appropriate. Public art should be agreed through the design process to ensure it is relevant and has a proper planning purpose. Considered to impact on the affordability of homes. <u>Forth Ports (40)</u> The provision of public art is desirable but not essential infrastructure which would enable development. Development will not necessarily take place in locations accessible or visible to the public. Development on brownfield land will often require costly land remediation works in advance of construction. It is not clear how such costs will be		

considered under the umbrella term of 'construction costs'.

Barratt North Scotland (66)

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

Appendix 1: High Quality Design and Placemaking

Broughty Ferry Community Council (20)

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

David Hewick (22)

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

Modifications sought by those submitting representations:

Chapter 4: City of Design - Paragraph 4.9

Forth Ports (40)

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

Policy 2: Public Art Contribution

Homes for Scotland (08)

Modify Policy 2 of the Proposed Plan to include an exemption for brownfield housing developments.

Corresponding adjustments will then also be required to the Supplementary Guidance on Developer Contributions (CD21).

Stewart Milne Homes (39)

Modify Policy 2 of the Proposed Plan to be more flexible and to remove the requirement for 1% of construction costs to be spent on art projects for all developments.

Forth Ports (40)

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

Barratt North Scotland (66)

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

Modify Policy 2 of the Proposed Plan to allow for discussion regarding the requirement for public art contribution on greenfield sites.

Modify Policy 2 of the Proposed Plan to exempt brownfield sites, especially those difficult to develop due to contamination and other constraints.

Appendix 1: High Quality Design and Placemaking**Broughty Ferry Community Council (20)**

At point 2 on page 89, the Community Council propose that the phrase ‘local townscape’ could be expanded to read ‘local townscape and its setting’.

Hewick (22)

Modify bullet point 2 on page 89 by expanding "townscape" to "townscape/environment".

Summary of responses (including reasons) by planning authority:**Chapter 4: City of Design - Paragraph 4.9****Forth Ports (40)**

The proposed amendment to paragraph 4.9 to insert “*where appropriate*” after “*National and Major development*” would be unacceptable as it does not meet the requirements of Regulation 13 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013 (CD35), which states that “*national developments or major developments must be accompanied by a design and access statement*”. Paragraph 4.9 is therefore not a “*blanket*” requirement but an accurate reflection and reinforcement of the regulations. The paragraph is also designed to positively encourage agents and applicants, and to inform the public and communities of the planning process.

No modification is proposed to the Plan.

Policy 2: Public Art Contribution

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

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

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

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

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

No modification is proposed to the Plan.

Appendix 1: High Quality Design and Placemaking

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

The proposed amendments to point 2 on page 89 to expand “*townscape*” to “*townscape and its setting*” and “*townscape/environment*” are put forward to expand the scope of the terminology to protect the contextual setting of the townscape and in addition the wider Greenfield/open-countryside areas. In response, point 2 must be considered within the context of the Plan; the overarching wording of Policy 1 High Quality Design and Placemaking; and the “*comprehensive, but not exhaustive*” list of considerations under the Distinctive quality heading.

It is considered that this list of considerations already reflects the valued aspects raised by the representees. These considerations include “*positive local features*”, “*landscapes*”, “*landmarks*”, “*local character*”, “*settlement patterns*”, “*green and blue infrastructure*”, “*structures, landscaping and natural features*”. The overall ethos of Policy 1 and Appendix 1 strives to create high quality placemaking, stating that “*Development should contribute positively to the quality of the surrounding built and natural environment...*”. Furthermore, the policies within Chapter 8 Sustainable Natural and Built Environment provide further protection to the City’s green networks and open countryside areas.

No modification is proposed to the Plan.

Reporter's conclusions:Design Statements

1. Regulation 13 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013 states that “an application for planning permission for development belonging to the categories of national developments or major developments must (my emphasis) be accompanied by a design and access statement.” I find that paragraph 4.9 of the proposed plan accurately reflects this requirement. The effect of the qualification sought by the Forth Ports would be to suggest an opportunity to depart from this essential requirement where none exists.

2. Paragraph 4.9 of the proposed plan also describes the circumstances in which planning applications for local developments will be required to be accompanied by a design statement, principally where development would have an effect on the character and appearance of a sensitive conservation interest, and other forms of development where design sensitivity is considered a critical issue. I do not consider that the council's requirements in this regard, or regarding the submission of design statements in general, amounts to a 'blanket requirement', as suggested in the representation. Accordingly, I do not support the modification sought by Forth Ports.

Policy 2: Public Art Contribution

3. At paragraph 4.11, the proposed plan states that public art can enrich the quality of developments, open spaces and cultural heritage by adding to the visual interest and quality of the City's environment. Through the application of Policy 2, the council seeks to secure developer contributions towards the provision of public art relative to the scale of the development proposed. Concerns raised in representations variously challenge the principle of seeking a developer contribution for this purpose, the scale of the contribution to be sought and its application to development proposed on brownfield or constrained sites. I address these matters in turn below.

4. The proposed plan promotes a design-led approach to secure high quality placemaking. In doing so, it requires new development to meet the six qualities of successful place described in Scottish Planning Policy (SPP) 2014. These qualities are repeated and expanded upon in Appendix 1 of the proposed plan. SPP paragraph 43 notes that in creating a 'welcoming' place locating a distinctive work of art to mark places such as gateways can, among other things, help people find their way around, whilst Appendix 1 encourages the use of public art to enhance and define places. As such, public art can be regarded as an important component of successful placemaking; it should not be regarded as a further cost or unnecessary hurdle to the delivery of a project, as suggested by Homes for Scotland. For this reason, I do not share the concern expressed in its representation on this matter.

5. The context within which the council will seek developer contributions towards the provision of public art is the same as that for other contributions; they will only be sought where they can be justified in relation to the development proposed and, in doing so, the council will adopt the principles of fairness, proportionality and flexibility. This approach is underscored by a commitment to engage early with developers to establish an appropriate contributions delivery mechanism and ensure that, in seeking contributions, this would not delay or hinder a project's delivery. I am satisfied that the council's general approach to seeking developer contributions, as set out in Policy 20 (funding of on and off

site infrastructure provision), is consistent with the policy tests of Circular 3/2012 (planning obligations and good neighbour agreements), and that with regard to public art, which may be seen as being desirable but not essential, suitable delivery mechanisms are available to the council, for example, through the provisions of Section 69 of the Local Government (Scotland) Act 1973 or the use of planning conditions. Although alluded to by Forth Ports, I note that neither the proposed plan nor the draft supplementary guidance refer to the provision of public art as being essential or that contributions for such will be secured by the use of planning obligations.

6. Policy 2 states that all developments with a construction cost of £1 million or over will be required to allocate at least 1% of construction costs to the inclusion of art projects. Forth Ports argues that where a contribution can be justified, the calculation should be based on net building costs, that is, the cost a development less deductions, for example, land purchase price and infrastructure costs paid for by the developer. The council explains that a calculation based on construction costs would exclude the land purchase price, site remediation or infrastructure costs. As such, I see little difference between the two terms. Furthermore, the council states that it will engage early with prospective developers on a case-by-case basis to identify all relevant planning matters to be addressed. Such engagement provides the opportunity for all parties to clarify the basis on which a contribution would be sought, including acknowledgement of any extraordinary costs that might be incurred.

7. Finally, in its response, the council notes that its public art policy is longstanding and well established and has made a positive contribution to placemaking across the city. This fact is self-evident on a visit to the city and suggests that the council has, and continues, to apply its public art policy judiciously. I have no reason to doubt that it will continue to do so.

8. It follows that I do not consider it necessary to modify Policy 2 or the council's planning guidance to introduce the qualifications advocated in the representations, including the introduction of a 'price-cap,' an exemption from contributions associated with the development of some categories of land or the basis on which contributions would be calculated.

Appendix 1: High Quality Design and Placemaking

9. As noted by the council, the considerations set out in Appendix 1 (high quality design and placemaking) are required to be read within the context of the proposed plan as a whole. With regard to the suggested modifications, which seek to expand the definition of the phrase 'local townscape' to encompass 'setting' and 'environment', reference to Policy 1 and other considerations under the heading 'Distinctive', are pertinent. Also relevant are the policies contained in Chapter 8 (sustainable natural and built environment) of the proposed plan, which seek, among other things, to protect the city's green networks and open countryside areas.

10. As the council rightly indicates, consideration of matters raised in the representations are broadly addressed by Policy 1 and Appendix 1. In particular, Policy 1 states, "Development should contribute positively to the quality of the surrounding built and natural environment...", whilst Appendix 1 requires "design-led solutions which create a coherent built environment through a response to positive local features and consideration of... biodiversity and green networks." (point 1.1) and [consideration of] "...green and blue infrastructure." (point 1.2).

11. Accordingly, I do not consider it necessary to modify the proposed plan in response to the representations made on this matter.

Reporter's recommendations:

No modifications.

Issue 2	Sustainable Economic Growth	
Development plan reference:	Chapter 5: Sustainable Economic Growth; Policy 3: Principal Economic Development Areas; Policy 4: Specialist Economic Development Areas; Policy 5: General Economic Development Areas; Proposal 1: Blackness Regeneration	Reporter: Timothy Brian
Body or person(s) submitting a representation raising the issue (including reference number):		
CWP Dundee Ltd (15) I&H Brown (24) Moark Ltd (28) JD Management (38) Total Business Furniture (51) Bruce R Linton & Persimmon Homes Ltd (58)		National Grid Property (62) Flint Group (64) James Keiller Estates (68) James Keiller Investments (69) Ardmuir Ltd (70) Aldi (71) Doug McLaren (76)
Provision of the development plan to which the issue relates:	The policy approach is to safeguard business land within Economic Development Areas for the expansion of indigenous firms and for inward investment. The three different types of Economic Development Areas are located across the city in a range of locations in order to meet the potentially differing business requirements.	
Planning authority's summary of the representation(s):		
<p>Chapter 5: Sustainable Economic Growth</p> <p><u>James Keiller Investments (69)</u></p> <p>The plan should consider adopting a transition areas policy to rationalise the large supply of business and industrial land. Swan House and the Madison Building could form initial elements of this transition area policy approach.</p> <p>Policy 3, Policy 4 and Policy 5: Business Land Supply</p> <p><u>CWP Dundee Ltd (15), National Grid Property (62), Flint Group (64), James Keiller Estates (68) and James Keiller Investments (69)</u></p> <p>TAYplan SDP (CD04) Policy 3 requires local development plans to identify and safeguard at least 5 years supply of employment land. The supporting text to TAYplan SDP Policy 1 also requires LDPs to ensure that land allocations are effective within the Plan period, whilst prioritising brownfield sites.</p> <p>The Business Land Audit 2017 (CD09) data on available land and recent uptake means that there is between 25 and 28.9 years of marketable business land in Dundee. This is a significant supply which clearly exceeds the Scottish Planning Policy 5 year marketable land requirement. TAYplan SDP (CD04) also includes longer term proposals to allocate a</p>		

further 50ha of land at the Western Gateway and 40ha of land at Linlathen for employment uses. The effect of this business land supply position is to dilute demand and to lessen the attractiveness of existing commercial locations or premises.

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

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

Policy 3: Principal Economic Development Areas – Removal of Sites

CWP Dundee Ltd (15)

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

The Development Site Assessments 2017 (CD07) (pages 141-142) concludes that the site forms an important part of the Principle Economic Development allocation. CWP Ltd dispute this statement on the basic land use and physical planning characteristics of the site. The site does not form part of the economic area and is segregated making physical and operational linkage impossible.

The site is not required to maintain the 5 year marketable supply of business land and its reallocation to another use would not have a significant detrimental impact on the 5 year supply.

National Grid Property (62)

The National Grid Property (NGP) site at East Dock Street is not required to support the National Planning Framework 3 (CD02) or National Renewables Infrastructure Plan (CD63) (NRIP) aspirations for Dundee Port. To be in conformity with TAYplan SDP (CD04), the Proposed Plan must ensure that land allocations are effective within the Plan period, whilst prioritising brownfield sites. An obligation is placed on the planning authority to ensure that, in re-allocating sites, constraints to their development are thoroughly assessed and appropriate action taken, including addressing the mix of uses proposed at the site. The NGP site is underused, unviable for solely employment use, with no likelihood of market demand given the incentives available in immediately adjacent sites. Dundee City Council is content to allow a plainly ineffective employment site to continue to be allocated for employment purposes for the foreseeable future with no prospect of contributing to the marketable land supply. The examination must not allow this continuously negative position to endure for this important site.

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

Aldi (71)

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

Policy 4 Specialist Economic Development Areas – Removal of Sites

Moark Ltd (28)

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

JD Management (38)

The Specialist Economic Development Area boundary around the Dundee Technology Park is ambiguous and unclear. There are residential uses to the east and west. The existing overspill car park serving the Prospect III building is underused, difficult to access and local residents have concerns over night-time anti-social behaviour.

Policy 5: General Economic Development Areas – Removal of Sites

I&H Brown (24)

Policy 5 does not allow for the commercial and retail uses which have been approved by the Council under the terms of planning permission ref: 17/00144/PPPM (CD41). This policy allocation should represent the site's future use over the lifetime of the Proposed Plan and accordingly, provide the scope to accommodate the Council's desire to see it developed for a mix of industrial, commercial and retail uses.

Bruce R Linton & Persimmon Homes Ltd (58)

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

Considers residential use would enhance the street scene along the Kingsway trunk road.

Would consider the active re-use for employment at the site would not be welcomed by adjoining residents who currently benefit due to underutilisation and the dormant nature of the site.

Flint Group (64)

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

Proposal: 1 Blackness Regeneration

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

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

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

For Proposal 1 to realise the outcomes of the proposal in the period of the Proposed LDP it should be revised to widen the scope of permissible uses; include a definition of live-work units; and also allocate sites on the periphery of the economic regeneration area including, 63 Brown Street, that are suitable for uses that complement the existing uses within the Blackness General Economic Development Area.

Doug McLaren (76)

The Main Issues Report (CD62) proposed a masterplan for the Blackness area. The Proposed Plan proposes a design framework. Question why the name of this has changed.

Modifications sought by those submitting representations:

Chapter 5: Sustainable Economic Growth

James Keiller Investments (69)

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

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

James Keiller Estates (68)

Modify the text at paragraph 5.24 on page 23 to include an additional final paragraph

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

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

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

No modifications are sought.

Policy 3: Principal Economic Development Areas – Removal of Sites

CWP Dundee Ltd (15)

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

National Grid Property (62)

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

Aldi (71)

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

Policy 4: Specialist Economic Development Areas – Removal of Sites

Moark Ltd (28)

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

JD Management (38)

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

Policy 5: General Economic Development Areas – Removal of SitesI&H Brown (24)

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

Bruce R Linton & Persimmon Homes Ltd (58)

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

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

Flint Group (64)

Modify the Proposals Map to remove the site at 15A Old Glamis Road from the General Economic Development Area and reallocate to allow a mix of uses including small scale business, residential and supporting retail.

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

Proposal 1: Blackness Regeneration**Policy 5: Blackness General Economic Development Area – Removal of site**Total Business Furniture (51) & Ardmuir Ltd (70)

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

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

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

Doug McLaren (76)

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

Summary of responses (including reasons) by planning authority:**Chapter 5: Sustainable Economic Growth**James Keiller Investments (69)

National Planning Framework 3 (NPF3) (CD02) asks for Planning to address the development requirements of businesses and enable key opportunities for investment to be realised. NPF3 on page 17 also identifies Dundee as an established and growing centre for several of Scotland's key sectors including: creative industries; universities, life sciences and high tech manufacturing.

Scottish Planning Policy (CD01) at paragraph 94 states that plans should align with relevant local economic strategies. At paragraph 103 Scottish Planning Policy states that *'Where existing business sites are underused, for example where there has been an increase in vacancy rates, reallocation to enable a wider range of viable business or alternative uses should be considered, taking careful account of the potential impacts on existing businesses on the site.'*

Scottish Planning Policy also requires local development plans to be consistent with the strategic development plan. In line with Scottish Planning Policy, TAYplan SDP (CD04) Policy 3 requires LDPs to identify and safeguard at least 5 years supply of employment land to support the growth of the economy and a diverse range of industrial requirements.

The Dundee Economic Strategy (CD17) promotes business growth with a focus on marine renewables, creative industries and tourism; and also seeks to ensure that the city has an adequate provision of land and property to meet the requirements of business. The strategy sets out how it supports the delivery of outcomes contained within the Dundee Strategic Outcome Agreement. Of particular relevance to the supply of business land are intermediate outcomes 1A and 1D on pages 19 and 26 of the strategy which state:

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

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

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

The Business Land Audit 2017 (CD09) Map 1 notes that the majority of Economic Development Areas (EDAs) in Dundee do contain vacant land. Aside from the particular characteristics of the Blackness General Economic Development Area, the level of vacant land or buildings within the EDAs has not reached a point where the planning authority has considered it necessary to reallocate to enable a wider range of viable business or alternative uses.

Proposed Plan Strategy

The tight physical boundaries of Dundee are such that in the long term there is a finite supply of land suitable for business use. The future allocation and development of

greenfield land for business use has to be carefully balanced with the competing needs of other land uses.

Paragraph 5.15 of the Proposed Plan acknowledges that the exact needs of businesses within a broader energy sector are varied and the technology and processes are constantly evolving. The same is true of other new and indigenous business sectors and this is why the planning policy approach in the Dundee Local Development 2014 (CD03) and that within the Proposed Plan does not solely allocate land to provide a 5 year supply of business land, it also follows the qualitative approach required by Scottish Planning Policy and TAYplan SDP by safeguarding and allocating a range of brownfield and greenfield areas in a variety of locations, sizes, qualities and levels of accessibility in order to meet a diverse range of industrial requirements.

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

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

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

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

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

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

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

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

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

The Dundee Technology Park is one such EDA which is going through a period of change. New headquarter office buildings have been constructed within the last ten years, and although some of the larger original office buildings have lain vacant for several years these are now beginning to be refurbished or subdivided and modified to accommodate new occupiers. Swan House which is highlighted by the contributor is one such original building. Located in the western corner of the Park the former call centre is, in keeping with the campus style environment of the Park, set within well maintained landscaped grounds and with a large staff car park. The original use ceased in 2008 and in recent years the building has been temporarily repurposed with charitable groups using the subdivided building as office and meeting space. Whilst these 'meanwhile' uses do not fit with the original vision of the Technology Park, they do fit with the relatively quiet campus nature, and do not preclude more technological uses from reoccupying the building in the future.

Survey work undertaken by the planning authority (CD48) as part of the Proposed Plan preparation indicated that vacant floorspace within the Technology Park was in the region of 21%. This was a snapshot survey undertaken in April 2015. Since then the buildings on Luna Place have either been refurbished or reoccupied, or are in the process of refurbishment which will significantly reduce the level of vacant floorspace.

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

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

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

strategy.

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

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

The Proposed Plan Proposal 1 Blackness Regeneration is effectively a transition area policy. It follows paragraph 103 of Scottish Planning Policy (CD01) and responds to the underuse of a significant number of business properties within Blackness, by proposing a design framework that may support their reallocation to enable a wider range of viable business or alternative uses, taking careful account of the potential impacts on existing businesses on the site. This approach responds to the particular nature of the Blackness area – high number of vacant and underused properties, built heritage, highly accessible location - and it is not considered necessary for this approach to be used elsewhere in Dundee. Neither the Technology Park nor the Claverhouse Industrial Estate would be locations where the Council consider it necessary to adopt such an approach in order to reduce vacancies.

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

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

No modification is proposed to the Plan.

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

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

As discussed in the planning authorities response to the above section on Chapter 5: Sustainable Economic Growth, National Planning Framework 3 (CD02), Scottish Planning Policy (CD01) and the Dundee Economic Strategy (CD17) all set a clear requirement for the local development plan to plan for growth across key sectors.

Further to that discussion, Scottish Planning Policy (CD01) also states at paragraph 93

that the planning system should allocate sites that meet the diverse needs of the different sectors and sizes of business which are important to the plan area in a way which is flexible enough to accommodate changing circumstances and allow the realisation of new opportunities. Paragraph 94 states that plans should align with relevant local economic strategies. Paragraph 101 requires local development plans to allocate a range of sites for business, taking account of current market demand; location, size, quality and infrastructure requirements; whether sites are serviced or serviceable within five years; the potential for a mix of uses; and their accessibility. Where existing business sites are underused, reallocation to enable a wider range of viable business or alternative uses is to be considered. Paragraph 104 requires local development plans to locate development which generates significant freight movements on sites accessible to suitable railheads, or harbours or the strategic road network.

The Proposed Plan sustainable economic growth strategy (page 12 of the Proposed Plan) is also set out and discussed in the planning authority's response in the above section on Chapter 5: Sustainable Economic Growth. This strategy carries forward the policy approach from the Dundee Local Development Plan 2014 (CD03) and it is helpful to understand if that policy approach has been working in practice.

The Business Land Audit 2017 (CD09) is the most recent of the annual audits of the supply and take up of business within the Dundee City Council area and is the main tool for monitoring the city's supply of business land.

Page 11 of the 2017 Audit shows that there has been a significant increase in the take up of business land in Dundee over the previous 12 months. Although this has removed 12% of the total supply the level has not been diminished in such a way that would require identification of new sites.

The nature of the take up is positive for Dundee, the Dundee Economic Strategy (CD17) and the policy approach in the Dundee Local Development Plan 2014 (CD03) and the Proposed Plan. Two of the larger take ups were due to expansion of the city's largest private sector employers and the largest single take up related to the expansion of the decommissioning and offshore renewables work within the Port of Dundee. This mirrors key strands of the city's strategies for economic growth.

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

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

Response to Issues

The main issue raised by contributors is that the city has a very large supply of business land, well in excess of the 5 years effective supply required by Scottish Planning Policy (CD01) and TAYplan SDP (CD04) Policy 3.

The Business Land Audit 2017 (CD09) notes that the average take-up over the previous five years was 5.4 hectares per annum. If no other land is added to the 136.8 hectares of land in the marketable supply in the 2017 Audit then this equates to a 25 year supply. It is acknowledged that in purely quantitative terms this is a generous supply, however this does not take into account the qualitative approach required by Scottish Planning Policy and TAYplan SDP that ensures that this generous supply supports a diverse range of industrial requirements.

Page 5 and also Map 1 of the Business Land Audit 2017 (CD17) shows that there are few large available plots and a high number of smaller available plots. The larger plots are located within Claverhouse East and Linlathen. At Claverhouse East the two main plots (ELS0118 and ELS0199) are 18.87 and 24.64 hectares in size. Both are serviced greenfield land with excellent access to the trunk road network and enhanced access to the Port for larger or long loads. At Linlathen the single large plot (ELS0086) is 40 hectares of unserviced greenfield land, although the road connections to the trunk road are in place and with the City Council as the landowner the site could be quickly brought into use. It is expected that these larger sites will accommodate long term expansion.

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

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

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

National Grid Properties note that TAYplan SDP (CD04) Policy 1B requires allocated land to be capable of being effective or expected to become effective in the plan period. Only two sites are identified in the Business Land Audit as having major constraints – the remaining contamination at the Gas Holder, Dock Street site is identified as a constraint to the development of that site; and Claverhouse East requires a modification to the A90 trunk road roundabout to enable access by oversize vehicles. It is understood that National Grid Property is continuing to decontaminate the Dock Street site and that this could be completed within the Plan period. Dundee City Council has undertaken works on other trunk road junctions to enable oversize vehicles to access the Port of Dundee, and would undertake the works at Claverhouse when a user committed to locating within the Claverhouse East energy park.

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

Reducing the business land supply by deallocating sites and/or relaxing the policy approach would reduce the quality and diversity of business land in Dundee. This will not help to deliver the aims of the Dundee Economic Strategy (CD17) and could mean that Dundee cannot respond quickly to meet the needs of inward investors or expanding

indigenous businesses. This would result in the Local Development Plan failing to comply with the TAYplan Strategic Development Plan (CD04) and Scottish Planning Policy (CD01).

No modification is proposed to the Plan.

Specialist Economic Development Areas

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

These areas are:

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

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

Hawkhill Technopole – Life Sciences – development land owned by Dundee City Council. The Creative Media District (Seabraes) – Creative Digital Media – development land owned by Scottish Enterprise. Buildings in mixed private and Scottish Enterprise ownership.

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

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

This approach aligns with the objectives of the Dundee Economic Strategy (CD17) as it supports the growth of key sectors and seeks to ensure that Dundee has an adequate provision of land and property to meet the requirements of business.

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

The representations focused on buildings within the Dundee Technology Park. Whilst there is some vacant land and property within the Park it is not significant. Survey work undertaken by the planning authority (CD48) as part of the Proposed Plan preparation indicated that vacant floorspace within the Technology Park was in the region of 21%. These vacancies are largely within the 3 buildings on Luna Place. This was a snapshot survey undertaken in April 2015. Since then the majority of the vacant buildings on Luna Place have either been refurbished or reoccupied, or are in the process of refurbishment which will significantly reduce the level of vacant floorspace. This gives confidence that

as with many business parks the Technology Park is going through a process of change and turnover as landowners improve their property in order to attract new occupiers. Reducing the supply of business land for specialist sectors by deallocating sites and/or relaxing the policy approach would reduce the quality and diversity of business land in Dundee. This will not help to deliver the aims of the Dundee Economic Strategy and could mean that Dundee cannot respond quickly to meet the needs of inward investors or expanding indigenous businesses within these specialist sectors. This would result in the Proposed Local Development Plan failing to comply with TAYplan Strategic Development Plan (CD04) and Scottish Planning Policy (CD01). It is recommended that no change is made to the Proposed Plan's economic development strategy or the proposed business land allocations.

No modification is proposed to the Plan.

Policy 3: Principal Economic Development Areas – Removal of Sites

CWP Dundee Ltd (15)

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

In the context of a discussion of Policy 3 and the removal of sites from Principal Economic Development Areas, Scottish Planning Policy (CD01) paragraph 104 is particularly relevant as it requires local development plans to locate development which generates significant freight movements on sites accessible to suitable railheads or harbours or the strategic road network.

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

CWP Dundee Ltd's Myrekirk Road site is located within a Principal Economic Development Area. Vacancies in this EDA are relatively low with few vacant plots and buildings as shown in the Business Land Audit 2017 (CD17) Map 1 (Note that the Business Land Audit does not classify the CWP Ltd site as being an available plot. This is incorrect as at the time of the survey the site was vacant and available for development. This status will be considered in the next Business Land Audit in 2018).

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

The site to the south has the benefit of planning permission reference 16/00749/FULL (CD43) for the development of a retail foodstore. This was granted by Committee on 9 December 2016 and is a duplicate of permission reference 15/00404/FULL (CD44) issued on 21 August 2015. Development has not yet commenced under either consent and no details have been submitted in relation to the pre-commencement conditions.

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

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

Removing the Myrekirk Road site from the Principal Economic Development Area would reduce the quality and diversity of business land in Dundee. This would not help to deliver the aims of the Dundee Economic Strategy and could mean that Dundee cannot respond quickly to meet the needs of inward investors or expanding indigenous businesses. This would result in the Proposed Local Development Plan failing to comply with TAYplan Strategic Development Plan (CD04) and Scottish Planning Policy (CD01). It is recommended that this site continues to be allocated for employment purposes (Classes 4, 5 and 6 of the Town and Country Planning (Use Classes) (Scotland) Order 1997).

No modification is proposed to the Plan.

National Grid Property (62)

The wider issue relating to the deallocation of land within all Economic Development Areas is discussed in response to the issue of business land supply earlier in this Schedule 4 document. In the context of a discussion of Policy 3 and the removal of sites from Principal Economic Development Areas, Scottish Planning Policy (CD01) paragraph 104 is of particular relevance as it requires local development plans to locate development which generates significant freight movements on sites accessible to suitable railheads or harbours or the strategic road network.

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

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

The first point raised in the representation is that the site is not required to support the National Planning Framework 3 (CD02) or NRIP (CD63) aspirations for Dundee Port. Since the National Planning Framework and NRIP were published in 2014 and 2010 the national and local focus has widened from renewables to include the growth in the oil and gas sector. Chapter 5 of the Proposed Plan discusses the opportunity for Dundee to experience economic growth in the broader energy sector and explains the need for the city to be ready to support this growth by having a range of business sites in a variety of locations.

The second and fourth points raised relate to conformity with TAYplan SDP (CD04) and the effectiveness of the site as business land. As discussed earlier in this Schedule 4 TAYplan SDP Policy 3 requires local development plans to identify and safeguard at least 5 years supply of employment land to support the growth of the economy and a diverse range of industrial requirements. The same policy also requires local development plans to identify and safeguard sites/locations for distribution and warehousing or industries within significant cargo movements adjacent/close to rail-heads and ports where appropriate. Further to the earlier discussion of the Proposed Plan's strategy for maintaining a supply of business land this site is considered to be well located

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

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

Furthermore the momentum that is building within the renewables and wider energy sector in Dundee as evidenced by the investment in the Port of Dundee (Business Land Audit 2017 (CD17) page 9) to increase the decommissioning capabilities, the approval of the consents for the major offshore windfarms and promotion of the wider opportunities for decommissioning work in the city ((through the Dundeecon (www.dundeecon.co.uk) public/private body)) is such that if anything the case for the site being well located to support growth in the wider energy sector is even stronger than during the examination of the 2014 Plan.

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

The third point raised in the representation focusses on the viability of the site to accommodate business use. The landowner has highlighted the high cost of remediating the site and suggested that it is entirely unviable to remediate the site for employment use, and that alternative uses, as advocated in Scottish Planning Policy (CD01) paragraph 103, should be considered to enable the necessary remediation to proceed, and the regeneration of the site to be progressed.

The landowner raised similar issues during the Examination of the Dundee Local

Development Plan 2014. In the Report of Examination (CD05) the Reporter noted at point 9 on page 110 the high cost of contamination and that paragraph 30 of PAN 33 Development of Contaminated Land (CD64) allows that the benefits of remediation could be sufficient for them to take priority over other policy objectives where a high value end use is essential to make remediation viable. The views of the planning authority that the site could have potential to accommodate demand from the renewable energy industry were then noted, and the Reporter concluded and accepted that in terms of preparing a local development plan, sites should be kept available to support business and the economic development of the city. There are no changes in circumstances that warrant a different assessment of the site.

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

Removing the Gas Holder site from the Principal Economic Development Area would reduce the quality and diversity of business land in Dundee and would remove a site that through its proximity to the A92 trunk road and the Port of Dundee could make a significant contribution to the anticipated growth in the wider energy sector. Removing the site would not help to deliver the aims of the Dundee Economic Strategy and could mean that Dundee cannot respond quickly to meet the needs of inward investors or expanding indigenous businesses. This would result in the Local Development Plan failing to comply with the TAYplan Strategic Development Plan (CD04) and Scottish Planning Policy (CD01). It is recommended that this site continues to be allocated for employment purposes (Classes 4, 5 and 6 of the Town and Country Planning (Use Classes) (Scotland) Order 1997).

No modification is proposed to the Plan.

Aldi (71)

The wider issue relating to the deallocation of land within all Economic Development Areas is discussed in response to the issue of business land supply earlier in this Schedule 4. In the context of a discussion of Policy 3 and the removal of sites from Principal Economic Development Areas, Scottish Planning Policy (CD01) paragraph 104 is of particular relevance as it requires local development plans to locate development which generates significant freight movements on sites accessible to suitable railheads or harbours or the strategic road network.

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

Planning permission reference 16/00749/FULL (CD43) was granted by Committee on 9 December 2016 for the development of a retail foodstore at the site on Myrekirk Road. This was a duplicate of permission reference 15/00404/FULL (CD44) issued on 21 August 2015. The proposed development in both applications is contrary to the development plan and the applications were recommended for refusal as the development would result in the loss of business land. However, the Development

Management Committee approved the applications as departures to the development plan as the proposed development was considered to result in economic benefits in the form of additional employment for the City, and would bring a longstanding vacant site back into use. The material considerations were considered to be of a sufficient weight to set aside the relevant provisions of the development plan.

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

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

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

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

Removing the Myrekirk Road site from the Principal Economic Development Area would remove any potential for the site to accommodate new business uses with equal or greater economic benefits than that which could be generated by the development of a retail foodstore for which the site has planning permission. This would not help to deliver the aims of the Dundee Economic Strategy (CD17). This would result in the Proposed Local Development Plan failing to comply with the TAYplan Strategic Development Plan (CD04) and Scottish Planning Policy (CD01). It is recommended that this site continues to be allocated for employment purposes (Classes 4, 5 and 6 of the Town and Country Planning (Use Classes) (Scotland) Order 1997).

No modification is proposed to the Plan.

Policy 4: Specialist Economic Development Areas – Removal of Site

Moark Ltd (28)

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

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

discussed on page 23 of the Proposed Plan.

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

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

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

Planning permission reference 15/00763/FULL (CD42) was granted on 22 December 2015 for the change of use of the car repair garage (a sui generis use) to a children's nursery (Class 10). Although the principle of the children's nursery use was contrary to the provisions of the development plan, planning permission was granted as it was considered that the development would result in the reuse of a brownfield site for a use that would complement the existing and future employment uses in the research and development industry in the surrounding area; given that the existing use was a car repair garage it would not result in the loss of any Specialist Economic Development Area land or buildings; and would visually improve the area.

The planning permission has not been implemented.

The intention of Policy 4 is to encourage the establishment and retention of uses within Class 4 (Business). The proposed nursery was seen as complementary to the existing and future employment uses in the research and development industry in the surrounding area, and a use that would not preclude the future use of the building for a Specialist use.

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

Removing the Moark Ltd site from the Specialist Economic Development Area would reduce the potential for the site to accommodate new business uses within the Class 4 business use, particularly those uses which are in accordance with the distinctive nature of the Technopole area i.e. biomedical research and development laboratories and offices. This would not help to deliver the aims of the Dundee Economic Strategy (CD17). This would result in the Proposed Local Development Plan failing to comply with the TAYplan Strategic Development Plan (CD04) and Scottish Planning Policy (CD01). It is recommended that this site continues to be allocated for employment purposes (Classes 4 of the Town and Country Planning (Use Classes) (Scotland) Order 1997).

No modification is proposed to the Plan.

JD Management (38)

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

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

Whilst there is some vacant land and property within the Park it is not significant. Survey work undertaken by the planning authority (CD48) as part of the Proposed Plan preparation indicated that vacant floorspace within the Technology Park was in the region of 21%. This was a snapshot survey undertaken in April 2015. Since then the buildings on Luna Place have either been refurbished or reoccupied, or are in the process of refurbishment which will significantly reduce the level of vacant floorspace.

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

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

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

Removing the car park site from the Specialist Economic Development Area designation could limit the potential to establish and retain uses within the Dundee Technology Park and through the removal of an area of landscaping erode the distinctive nature of the business park. This would not help to deliver the aims of the Dundee Economic Strategy (CD17). This would result in the Proposed Local Development Plan failing to comply with the TAYplan Strategic Development Plan (CD04) and Scottish Planning Policy (CD01). It is recommended that this site continues to be allocated for employment purposes (Classes 4 of the Town and Country Planning (Use Classes) (Scotland) Order 1997).

No modification is proposed to the Plan.

Policy 5: General Economic Development AreasI&H Brown (24)

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

In the context of a discussion of Policy 5 and the removal of sites from General Economic Development Areas, Scottish Planning Policy (CD01) paragraph 104 is of particular relevance as it requires local development plans to locate development which generates significant freight movements on sites accessible to suitable railheads or harbours or the strategic road network.

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

This vacant factory site is located within the Mid Craigie General Economic Development Area. The large DC Thomson printing works lie to the west and a variety of small to medium sized business units and yards lie opposite the southern and eastern boundaries. The A92 Kingsway East trunk road runs along the northern boundary. The site has good access to and visibility from the trunk road giving it excellent accessibility to the Port of Dundee just a mile to the south and to the wider strategic road network.

The site is one of only three vacant Economic Development Area sites within one mile of the Port of Dundee (Business Land Audit 2017 (CD09) references ELS0185; ELS0192; and ELS0203). It has been vacant for several years and has been cleared and decontaminated by the current owners.

Planning Permission in Principle 17/00144/PPPM (CD41) was granted by Committee on 21 June 2017 for “Mixed use development comprising industrial units (Class 4 & 5) (11,960 sqft across 10 units), car showroom (sui generis) (12,500 sqft), family restaurant (with ancillary public house) and coffee shop (Class 3) and food retail (Class 1) (24,000 sqft GFA), with car parking, access and associated works.” The development of the foodstore was being used to deliver the conforming business uses. Although this development is contrary to the development plan as it would result in the partial loss of business land, the economic benefits, regeneration of the site and provision of local facilities justified a departure from the Proposed Local Development Plan.

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

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

food store development.

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

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

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

Removing the site from the General Economic Development Area and allocating as a separate mixed use development site could replicate the mix of uses in the Planning Permission in Principle, but it would very likely risk developers seeking to only deliver the more commercially attractive elements (i.e. retail, pub / restaurant and coffee shop elements) of the indicative masterplan meaning that the full economic benefits of the development would not be realised.

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

Removing the site from the General Economic Development Area would reduce the quality and diversity of business land in Dundee and would remove a site that through its proximity to the A92 trunk road and the Port of Dundee could, in the event that the consented mixed use scheme is not implemented, make a significant contribution to the anticipated growth in the broader energy sector or to accommodate growth in other Class 4, 5 and 6 uses. Removing the site would not help to deliver the aims of the Dundee Economic Strategy (CD17) and could mean that Dundee cannot respond quickly to meet the needs of inward investors or expanding indigenous businesses. This would result in the Proposed Local Development Plan failing to comply with the TAYplan Strategic Development Plan (CD04) and Scottish Planning Policy (CD01). It is recommended that this site continues to be allocated for employment purposes (Classes 4, 5 and 6 of the Town and Country Planning (Use Classes) (Scotland) Order 1997).

No modification is proposed to the Plan.

Bruce R Linton & Persimmon Homes Ltd (58)

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

In the context of a discussion of Policy 5 and the removal of sites from General Economic Development Areas, Scottish Planning Policy (CD01) paragraph 104 is of particular relevance as it requires local development plans to locate development which generates

significant freight movements on sites accessible to suitable railheads or harbours or the strategic road network.

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

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

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

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

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

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

The representation includes a letter from Rydens Chartered Surveyors (SD23) discussing the viability of refurbishing the warehousing and office accommodation or replacing it with industrial units. This letter quotes a high cost to remediate the site to accommodate 80,000 sqft of industrial space divided into smaller units. This appraisal only considers one redevelopment option and does not explore the viability of redeveloping a smaller area of industrial space, or to develop for warehousing or open storage uses both of which would have a lower build cost. On this basis it is therefore likely that there is a viable business use of the site.

Paragraph 6.3 of the representation notes that the Chief Executive of DundeeCom (a public private body promoting the growth of the decommissioning sector within Dundee) has confirmed that they do not require additional land outwith the port for their operations. The city is still in the early stages of establishing itself as a location for decommissioning. Initially it is expected that the activity will be focused within the Port of Dundee, but that in future years as the city's capability grows that the business activities will expand and that additional land will be required in locations that have good access to the Port of Dundee and the trunk road network.

This additional land is likely to be required to accommodate the development of downstream businesses such as engineering, supply chain, consumables suppliers who are needed to support the upstream energy sector businesses within the Port of Dundee. These downstream businesses are likely to require locations in close proximity to and with good access to the Port of Dundee.

The granting of planning permission in principle on the neighbouring I&H Brown site reference 17/00144/PPPM (CD41) as discussed earlier in this Schedule 4 document does not alter the view that this site should remain part of the General Economic Development Area. If developed out the I&H Brown consent would not significantly alter the character of the area and would not prejudice the continuing use of the Stewarts Cream of Barley site for business uses.

Reference is also made at paragraph 6.19 and 6.20 of the Supporting Statement (SD18), to planning permission 15/00908/FULL (CD66) granted within Dunsinane Industrial Estate. To clarify, although the proposal was contrary to the terms of Policy 1 of the Dundee Local Development Plan the economic benefit to a site which has remained undeveloped for 20 years justified a departure from the Dundee Local Development Plan 2014 (CD03).

The proposed removal of the site from the Economic Development Area appears to be driven by the site owners desire to see the site developed for housing. As discussed in the Housing Chapter of the Proposed Plan and in the separate Schedule 4 forms on housing land there is no need to create new brownfield housing sites to meet the housing land requirement. Removing the Stewarts Cream of Barley site from the General Economic Development Area would reduce the quality and diversity of business land in Dundee and would remove a site that through its proximity to the A92 trunk road and the Port of Dundee could make a significant contribution to the anticipated growth in the wider energy sector and the local economy. Removing the site would not help to deliver the aims of the Dundee Economic Strategy (CD17) and could mean that Dundee cannot respond quickly to meet the needs of inward investors or expanding indigenous businesses. The proposal to allocate the site for residential development would not accord with the policy approach for housing development set out in the Proposed Plan. These modifications would result in the Local Development Plan failing to comply with the TAYplan SDP (CD04) and Scottish Planning Policy (CD01). It is recommended that this site continues to be allocated for employment purposes (Classes 4, 5 and 6 of the Town and Country Planning (Use Classes) (Scotland) Order 1997).

Flint Group (64)

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

In the context of a discussion of Policy 5 and the removal of sites from General Economic Development Areas, Scottish Planning Policy (CD01) paragraph 104 is of particular relevance as it requires local development plans to locate development which generates significant freight movements on sites accessible to suitable railheads or harbours or the strategic road network.

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

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

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

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

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

Removing the Old Glamis Road site from the General Economic Development Area would not help to deliver the aims of the Dundee Economic Strategy (CD17). This would result in the Proposed Local Development Plan failing to comply with the TAYplan Strategic Development Plan (CD04) and Scottish Planning Policy (CD01). It is recommended that this site continues to be allocated for employment purposes (Classes 4, 5 and 6 of the Town and Country Planning (Use Classes) (Scotland) Order 1997).

No modification is proposed to the Plan.

Proposal 1: Blackness Regeneration

Policy 5: Blackness General Economic Development Area

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

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

No modification is proposed to the Plan.

Doug McLaren (76)

The table after paragraph 57 of Scottish Planning Policy (CD01) contains a description of where and when design frameworks should be used. A design framework is considered to be the most appropriate design tool for the task outlined in Proposal 1.

No modification is proposed to the Plan.

Reporter's conclusions:**National planning policy**

1. Scottish Planning Policy (SPP) 2014 expects local development plans to allocate a range of sites for business, taking account of current market demand; location, size, quality and infrastructure requirements; whether sites are serviced or serviceable within five years; the potential for a mix of uses; their accessibility to transport networks by walking, cycling and public transport and their integration with and access to existing transport networks. The allocation of such sites should be informed by relevant economic strategies and business land audits in respect of land use Class 4 (business), Class 5 (general industry) and Class 6 (storage and distribution). (SPP paragraph 101)
2. Paragraph 103 of SPP advises that new sites should be identified where existing sites no longer meet current needs and market expectations. Where existing business sites are underused, for example where there has been an increase in vacancy rates, reallocation to enable a wider range of viable business or alternative uses should be considered, taking careful account of the potential impacts on existing businesses on the site.
3. Local development plans should locate development that generates significant freight movements, such as manufacturing, processing, distribution and warehousing, on sites accessible to suitable railheads or harbours or the strategic road network. (SPP paragraph 104)
4. Plans should align with local economic strategies, recognising the potential of key sectors for Scotland with particular opportunities for growth, including energy; and life sciences, universities and the creative industries. (SPP paragraph 94)
5. National Planning Framework 3 (NPF3) notes that Dundee is an established and growing centre for creative industries (particularly video gaming), for universities, life

sciences and high-tech manufacturing. It expects energy to become an increasingly important sector, with opportunities at Dundee Port, which is part of the Low Carbon/Renewables East Enterprise Area.

TAYplan policy

6. To satisfy TAYplan policy 3, the local development plan should (amongst other things):

- identify and safeguard at least 5 years supply of employment land to support the growth of the economy and a diverse range of industrial requirements;
- identify and safeguard sites/locations for distribution and warehousing or industries with significant cargo movements adjacent/close to rail-heads and ports where appropriate; and,
- continue to support the development of the Strategic Development Areas (SDAs) set out in Map 3 of TAYplan, which include Linlathen (40 hectares of employment land), Dundee Waterfront, and Dundee Western Gateway (including 50 hectares of employment land).

7. One of the critical action areas identified in Dundee Partnership's Economic Strategy and Action Plan is to support the growth of key sectors in the City. This includes delivering a range of initiatives designed to support Dundee's key science sectors, the creative industries, and higher and further education institutions, and to develop Dundee as a leading centre for marine renewables.

Proposed Local Development Plan 2

8. The proposed plan safeguards areas designated as Principal Economic Development Areas for Classes 4, 5 and 6 (Policy 3); encourages the establishment and retention of uses within Class 4 in Specialist Economic Development Areas (Policy 4); and encourages proposals for Class 4, 5 and 6 developments in General Economic Development Areas (Policy 5).

9. This categorisation of employment land follows the approach that was applied in the adopted Dundee Local Development Plan 2014.

Business land supply

10. The most recent Dundee Business Land Audit shows that in 2016/17 there was a marketable supply of over 136 hectares of business land in the City (not including vacant buildings) on sites within the areas identified for economic development in the adopted LDP.

11. The take up of business land in 2016/17 of over 22 hectares might suggest that there is only a six-year supply of business land, but that was an exceptionally high level for a single year (most of which was not for industrial and business development) in comparison to the average of 1.2 hectares per annum since 2011. Applying the ten-year average take up would indicate that there is a business land supply in Dundee of over 28 years.

12. I conclude that Dundee has a very generous supply of business land, far in excess of the five-year minimum requirement, which is programmed to grow still further with the

proposed development at Linlathen, and the future development at the Western Gateway.

13. I can understand the argument that this high level of supply could weaken demand and make existing sites less attractive. However, although some of this business land is within long established industrial districts reserved for general economic development purposes, other sites are located in areas designated for particular activities which are promoted in NPF3, TAYplan and the council's Economic Strategy.

14. I therefore need to consider each of the requests to relax or change a particular allocation for economic development on its individual merits, bearing in mind the policy background summarised above, the value and characteristics of the area concerned, the importance of the activity for which it is allocated, and the nature of the alternative use proposed.

Principal Economic Development Areas

Claverhouse West Industrial Estate (Madison Building)

15. Claverhouse West Industrial Estate is a Principal Economic Development Area in the north of Dundee, which adjoins and gains access from the A90 trunk road (Forfar Road). It is characterised by buildings with a large footplate, set back from the road behind an avenue of trees.

16. The Madison Building is a substantial former warehouse and office building in prominent position to the west of the A90. The building appears to have been unused for some time, and the site of almost 2 hectares has a somewhat dilapidated appearance. There are vacant industrial plots to the south and west of the site. To the north of William Fitzgerald Way is a new housing estate.

17. Policy 3 safeguards Principal Economic Development Areas, which are of city-wide significance, for Class 4, 5 and 6 uses, and resists other uses.

18. I note that recent marketing of the building has attracted little interest from potential Class 4, 5 and 6 users, but the council's evidence indicates that overall vacancies are low and that there are a number of enquiries from parties wishing to develop land in the estate. Given the favourable location of the site in relation to the national road network, I agree with the council that it is likely to be attractive to warehouse or manufacturing operations and businesses in the energy sector.

19. I can see the value of introducing a 'transition area' policy in a traditional industrial area such as Blackness, which is already characterised by a variety of uses and requires a new vision to stimulate regeneration. However, for the reasons given above, I am not persuaded that a 'transition area' policy would be appropriate at Claverhouse West Industrial Estate. I consider that it would be unwise to lose key economic development sites, which could play an important role in the future, to other purposes with less potential benefit to the city's economy.

20. I conclude that the proposed plan should not be modified to introduce a 'transition area' policy at Claverhouse West Industrial Estate.

Wester Gourdie Industrial Estate (2 sites at Myrekirk Road)

21. This long established industrial estate is located in the north west of the City, and has convenient access from the A90 (Kingsway West) from the traffic light controlled, Myrekirk roundabout.

22. There is a large Asda superstore with extensive car parking at the entrance to the industrial estate, which has been excluded from the economic development allocation on the proposals map. The council also granted full planning permission in December 2016 for an Aldi foodstore on a vacant site to the east of the Asda car park, with access from Myrekirk Road via the Asda service road.

23. I can see no valid reason why the proposed plan should not reflect the current planning position, which is the extant consent to build a foodstore on the land. It is immaterial that the proposal was contrary to the then development plan, and that consent was granted against officer recommendation. In granting planning permission, the council took the view that the benefits of the proposal outweighed the conflict with policy.

24. I conclude that the site of the planning permission for a foodstore at Myrekirk Road should be removed from the Principal Economic Development Area designation, but that the land should not be allocated for any particular purpose, in order that any future alternative proposal may be determined on its own merits.

25. As a result of the above planning permission, an adjoining area of vacant brownfield land (0.8 hectares) is left between the Asda building, car park and yard and the service access to the approved Aldi store. I disagree with the council that this somewhat landlocked site is likely to be attractive to Class 4, 5 and 6 developers, as it would be essentially surrounded by retail users.

26. I consider that the proposed plan should acknowledge the consequences of the council's decisions to permit retail stores on either side of this site. Accordingly, I propose to recommend that the proposals map exclude both sites from the designated Principal Economic Development Area at Wester Gourdie Industrial Estate.

27. However, the request to allocate the CWP site for retail development is considered under Issue 12, and any future proposal for such development would require to be assessed against the provisions of Policy 21: Town Centre First Principle.

Site at East Dock Street (National Grid)

28. The brownfield site covers an extensive area (5 hectares) of derelict land containing a former gasometer, associated structures and gas mains. It forms part of a wider area of industrial land designated as a Principal Economic Development Area, to the north of the Port of Dundee and to the east of the city centre.

29. The site abuts the A92 trunk road (East Dock Street) on the approach to the Tay Road Bridge. There is further industrial land to the east and south (beyond the east coast railway line), and housing to the north above Broughty Ferry Road. To the west, on the opposite side of Peep O' Day Lane, is a bus depot that is allocated for a proposed extension to Gallagher Retail Park.

30. The land has been partially unused since 1966, and I understand the concern that

the high cost of remediation might deter potential developers. The owners and their predecessors have already spent a significant amount of money (£3-4 million) on remediation, and it is estimated that over £7 million remains to be spent to complete the remediation, remove structures and rationalise the site so that it can be developed as a single unit. However, the council believes that the site could be decontaminated during the Plan period.

31. I accept that the site has a competitive disadvantage, being located outside the Enterprise Area at the Port of Dundee, and that alternative uses, including food and drink, hotel and leisure, would be likely to yield a higher return. The request to allocate the site for a range of uses is considered within Issue 12.

32. Nonetheless, I consider that the site's location adjacent to Dundee Port and to the trunk road network linking to Aberdeen, Fife and the Central Belt, lends it ideally to the development of a range of activities, including freight businesses requiring ready access to harbours or trunk roads, and businesses associated with the expanding energy sector. I share the council's assessment that the site is especially well placed to cater for offshore renewables and decommissioning.

33. The development of the site for those purposes would be consistent with the objectives of SPP, TAYplan and the council's Economic Strategy to recognise the potential of key growth sectors such as energy, and to locate development with high freight movements on sites accessible to suitable harbours or the strategic road network.

34. My overriding concern in relation to the current issue is to avoid the loss of a significant area of economic development land that has the potential to play an important role in supporting the growth of the energy sector in Dundee.

35. In summary, I am not prepared to remove the site at East Dock Street from the Principal Economic Development Area, as it is well located next to the port area and adjacent to the A92, and I do not consider that the high cost of remediation justifies the loss of this significant employment site.

Specialist Economic Development Areas

Dundee Technology Park (and Swan House)

36. Dundee Technology Park is positioned in a highly prominent location on the west side of the city, at the junction of the A90 (Kingsway West) with the A85 (Riverside Drive). It is a high quality, low density, campus style development, with buildings set in a mature 'parkland' setting.

37. It was originally developed to accommodate high technology uses, but the proposed plan notes that it now contains a mix of technological, research and service sector businesses. When I visited the technology park, there were vacant plots available, and certain of the larger buildings were empty or underused. A number of units are occupied by charities.

38. Swan House is a substantial, two storey, former call centre building occupying a prime site of some 5 hectares in the centre of the technology park. The premises are significantly under-occupied, though parts of the building are used for offices and meeting rooms by three or more charities and a church. The car parking areas (with 300 parking

spaces) were virtually unused when I visited the site.

39. Policy 4 of the proposed plan encourages the establishment of Class 4 (business) uses at the technology park, and particularly uses in accordance with the distinctive nature of the area.

40. The representations seek: (1) to modify the text of the proposed plan and the terms of Policy 4, so that appropriate complementary uses could be considered at the technology park including, for example, a hotel; and (2) to adopt a transition area approach to Swan House in particular.

41. Policy 4 as drafted encourages Class 4 development, but whilst it does not explicitly support other uses, it does not preclude alternative forms of development. I read the policy as stating a preference for Class 4 development, but not imposing a prohibition against other forms of development.

42. Any proposal for non-Class 4 development would require to be considered on its merits, having regard to the purpose of the technology park and the council's continuing preference for Class 4 uses there, but also taking account of other provisions of the proposed plan and the advice in paragraph 103 of SPP referred to above. However, Policy 8 (visitor accommodation) of the proposed plan generally does not support new visitor accommodation outwith the city centre.

43. The high level of vacancies in the technology park that was recorded in 2015 has reduced in recent years, notably at Luna Place where most of the buildings are now occupied. This is consistent with the other indications that Dundee is recovering from the general economic downturn, albeit slightly later than other cities with more buoyant local economies.

44. I appreciate that market conditions may still not be favourable towards finding potential single users of large premises such as Swan House. However, I note that other formerly vacant buildings in Dundee Technology Park have been refurbished, adapted or subdivided to meet the needs of new occupiers.

45. On balance, I agree with the council that it could be damaging to the prospects of attracting inward investors (or catering for indigenous businesses) seeking high quality sites or premises in this prime location in Dundee if the proposed plan were modified to allow businesses to establish there which could equally locate in one of the many Principal or General Economic Development Areas in the city.

46. As already stated above, I can see the value of introducing a 'transition area' policy in a traditional industrial area such as Blackness, which is already characterised by a variety of uses and requires a new vision to stimulate regeneration. However, I am not persuaded that a 'transition area' policy would be appropriate in Dundee Technology Park, which has been established to attract inward investors requiring business units in a prime location and has been developed to a very high standard. I consider that it would be unwise to lose key economic development sites, which could play an important role in the future, to other purposes with less potential benefit to the city's economy.

47. I conclude that the proposed plan should not be modified to introduce a 'transition area' policy at Dundee Technology Park.

Dundee Technology Park (Prospect III car park)

48. This representation concerns an area of some 0.17 hectares at the south end of Dundee Technology Park. The land contains a small overflow car park for the neighbouring Prospect III business centre, but most of the site is landscaped with grass and mature trees. Although part of the technology park, the site is bounded to the east and west by residential properties, which are accessed by a short spur road off the Perth Road.

49. The overflow car park was unused when I visited the site, and I noted a sign advertising 'office suites to rent' at Prospect III. I also observed that there was extensive on-street car parking on the road serving this part of the technology park (Gemini Crescent). That suggests to me that, although the overflow car park may not be used by the current users of Prospect III, it might be required when the building is fully utilised, and that failure to provide adequate off-street parking can result in excessive parking at the kerbside.

50. I am also concerned that the development of this site for housing would require the removal of trees along the frontage with the spur road, which help to screen the technology park from the south.

51. I conclude that the land should not be removed from the Specialist Economic Development Area, and should not be reallocated as a housing site.

52. The same matter is considered under Issue 7: Additional Housing Sites.

Dundee Technopole (5 Annfield Road/Hawkhill)

53. This 0.25 hectare site forms part of a block of land housing biomedical research companies, which lies to the west of Dundee University and the nearby Wellcome Trust Biocentre. The proposed plan allocates Dundee Technopole as a Specialist Economic Development Area (SEDA) under Policy 4, and anticipates that the remaining plots will provide small-scale opportunities for economic activities as a spin-off from research and development work at the city's nearby universities.

54. In principle, I find that this approach is consistent with recognition in NPF3 and the Dundee Economic Strategy of the growing importance of the life sciences, and the city's universities, in Dundee's economy.

55. The site at 5 Annfield Road is not currently used for Class 4 business or biomedical purposes; it has an active car wash facility on the Hawkhill frontage, and a disused commercial garage building and forecourt to the rear. The land on the opposite (west) side of Annfield Road is allocated as a General Economic Development Area.

56. I acknowledge that the site is underused, and that there is currently no demand to use the site for biomedical purposes. I understand the suggestion that the site might be attractive for a function that caters for the potentially high footfall in the area. I am also aware that there is a planning permission for a children's nursery on the land.

57. However, I consider that it would be short-sighted to remove the site from the longstanding SEDA allocation or to reallocate it as a General Economic Development Area, in view of the significance of the life sciences sector to the Dundee economy, and

the ideal location of the land next to Dundee University and close to Abertay University. As discussed above, there is no shortage of general industrial land elsewhere in the city.

58. I do not consider that the economic development area at Annfield justifies a similar approach to that which is to apply in the Blackness area. The circumstances at Blackness (which are described below) are unique in the city, and merit special treatment.

59. I conclude that the proposed plan should not be modified to change the allocation of the land at 5 Annfield Road.

General Economic Development Areas

Mid Craigie Trading Estate (ABB Nitran site)

60. This cleared former factory site of over 4 hectares comprises a significant section of the Mid Craigie Industrial Estate, some 3km east of the city centre. The proposed plan designates the entire industrial estate as a General Economic Development Area. The industrial estate is accessed from the A972 dual carriageway (Kingsway East) via the Craigie roundabout junction. The DC Thomson printing works lies to the west.

61. A vehicle body repair garage has already been developed in the south-west corner of the former ABB Nitran site. In June 2017 the council granted planning permission in principle for a mixed-use development on the remainder of the site (2.85 hectares), comprising a Lidl foodstore, coffee shop, restaurant/public house, car showroom and Class 4 and 5 industrial units.

62. The council evidently decided that the economic and other benefits of the proposal justified the departure from the relevant policies of the adopted local development plan. However, conditions were attached to the planning permission to control the phasing of the development and to ensure that the industrial uses are implemented before the non-conforming foodstore and restaurant open. These requirements should ensure that the economic benefits of the scheme are secured, and that the site is developed in its entirety.

63. In that light, I can appreciate the council's anxiety that relaxing the economic development allocation on the land might make it more difficult to resist a mixed-use proposal that did not contain these safeguards.

64. I conclude that the former ABB Nitran site should remain within the General Economic Development Area. That would ensure that the site would be developed strictly in accordance with the recent planning permission, or for purposes consistent with the allocation.

Mid Craigie Trading Estate (Stewart's Cream of the Barley)

65. This brownfield site of approximately 2.9 hectares, originally a whisky bottling plant, is also located within the Mid Craigie Industrial Estate, to the south of the former ABB Nitran site. When I visited the site, the former industrial buildings had already been demolished and the land was being cleared for redevelopment.

66. I address the merits of the site as a potential housing site elsewhere in the report in

my consideration of Issue 7 (additional housing sites), but much of my commentary is the same for both issues.

67. Although part of an industrial estate, the site is located within an area of mixed uses. It is bounded by Kingsway East to the east, an estate of around 30 bungalows (Montgomery Avenue/Crescent) to the south, a cemetery to the west, the industrial estate to the north-west, and three houses to the north-east. On the opposite side of Kingsway is a modern retail park.

68. As discussed above, planning permission has been granted for a mixed-use development on the site to the north, including industrial units, car showroom, food retail and restaurant. This decision suggests that the council is prepared to see certain economic development sites developed for alternative purposes in appropriate circumstances. It also means that the Stewart's site is likely to have a limited boundary with the remaining industrial estate.

69. Although the site is well connected to the strategic road network via the A90 and the A92, other superior locations have been identified for port related activities and for the energy sector at the Port of Dundee, and at Principal Economic Development Areas such as Claverhouse East where serviced plots are available.

70. Given the already generous supply of business land in the City, which is to be supplemented by the proposed development at Linlathen, I do not consider that the loss of the former Stewart's Cream of the Barley site from the General Economic Development Area would have a material impact on the council's objective to cater for the needs of inward investors or indigenous businesses.

71. In my discussion of the site under Issue 7, I conclude that the site would lend itself to a well-designed housing development, which would consolidate the established residential enclave between Arbroath Road and Kingsway East.

72. I therefore propose to recommend that the site be removed from the General Economic Development Area.

15A Old Glamis Road

73. This representation concerns a vacant industrial site some 2km north of the city centre, which forms part of a General Economic Development Area (GEDA) allocation. The land, which covers an area of over 11 hectares, is readily accessed from the A90 (Kingsway) via Old Glamis Road. The site contains an extensive range of industrial buildings that were last used to manufacture printing blankets and sleeves. Previously there was a foundry on the site.

74. The owners advise that redevelopment for solely employment uses is unlikely to be viable, as the site is not marketable due to the costs of remediating the contamination from previous industrial activities on the land. They seek to remove the site from the GEDA, or to relax Policy 3 in order to allow other uses within GEDAs.

75. There is already a range of uses in the surrounding area, with established employment and commercial uses (including a pharmacy and car sales) to the east and west, and housing areas to the north and south.

76. However, I agree with the council that removing this major industrial site from the

designated GEDA would fragment the economic development area. I am also concerned that the introduction of housing into this industrial environment could create conflicts between the amenity of new residents and the legitimate activities of surrounding businesses, and between residential and industrial traffic.

77. In any case, for the reasons discussed under Issue 12, retail development would not be supported in this out-of-centre location. Nor is the residential element of the proposal justified by the housing requirement for Dundee, which is considered under Issues 3 and 4.

78. Above all, this is a substantial site with an expansive complex of buildings that are potentially suitable for a variety of business uses including warehousing, and with easy access to the trunk road network. As such, I agree with the council that the site could help to meet the requirements of inward investors or indigenous companies wishing to expand their operations in the City, and should be retained within the GEDA. I do not consider that the cost of remediating the site justifies the loss of this potentially significant economic development site.

79. Therefore, I do not intend to modify the proposed plan in response to the representation.

Blackness

80. Blackness is a historic industrial area to the west of the city centre, which contains traditional mill and other stone buildings up to five storeys high within a tight grid of streets. There are a number of vacant premises, and the area now includes a variety of uses, including showrooms, repair shops, sports clubs, student flats, and a mosque.

Blackness regeneration

81. The proposed plan recognises the unique characteristics of Blackness, and its potential to accommodate new and expanded uses, due to its central location, accessibility and the residential uses on the periphery.

82. Proposal 1 of the proposed plan indicates that the council will prepare a design framework to highlight the potential to reuse vacant land and buildings within the Blackness GEDA and set a framework for physical improvements.

83. I consider that the council's approach in this matter is supported by national planning policy. SPP advises that masterplans should be prepared for specific sites, but recommends that design frameworks are produced for larger areas of significant change, to address major issues in a co-ordinated and viable way. The Blackness area is a larger area of significant change, where a flexible design framework, rather than a more prescriptive masterplan, is appropriate. The framework may include general principles as well as maps and diagrams. I note the council's assurance that stakeholders will be consulted on the content.

84. Accordingly, I do not see the need to modify the terms of Proposal 1 of the proposed plan, to change the reference to the design framework.

63 Brown Street

85. The site at 63 Brown Street is located on the north-east edge of the Blackness GEDA. It lies on the west side of West Marketgait, close to the Dudhope roundabout. The substantial, A-listed, former jute mill building to the south (Tay Mills) has been converted into student flats. The site at 63 Brown Street comprises a single storey, stone built, former weaving shed divided into four business units, with a car park at the front. As such, the site is typical of, and forms an integral part of, the Blackness GEDA.

86. I consider the proposal to allocate the site at 63 Brown Street for purpose-built student accommodation under Issue 7 (additional housing sites).

87. I appreciate that student housing providers are the only parties showing an interest in the site, and that the council has permitted student housing at Tay Mills and elsewhere in the area. I also agree that an increase in the residential population could contribute to the regeneration of the Blackness GEDA.

88. The owners suggest that the ground floor of the building at 63 Brown Street could be used for food retail or café/restaurant and shared/communal work space, with upper floors added to provide flats, to form live/work units.

89. There is support in Proposal 1 for the development of live-work units, and ancillary retail sales, but I consider that it would be premature for the proposed plan to set out in greater detail the complementary uses which might be appropriate in Blackness, or to identify particular sites for specific purposes, prior to producing the design framework for the regeneration area.

90. Moreover, the council would require to consider the impact of any proposal to convert and extend the building at 63 Brown Street on the neighbouring A-listed building and the surrounding conservation area.

91. Accordingly, I do not see the need to modify the terms of Proposal 1 of the proposed plan, or to allocate the site at 63 Brown Street for a specific purpose or to remove it from the GEDA, in response to the representations made in relation to that site.

Reporter's recommendations:

The local development plan proposals map should be modified by:

1. removing the CWP Dundee Ltd and Aldi sites at Myrekirk Road from the designated Principal Economic Development Area at Wester Gourdie Industrial Estate;
2. removing the Stewart's Cream of the Barley site from the designated General Economic Development Area at Mid Craigie Trading Estate.

Issue 3	Housing Strategy	
Development plan reference:	Chapter 6: Quality Housing & Sustainable Communities paragraphs 6.4-6.8.	Reporter: Timothy Brian
Body or person(s) submitting a representation raising the issue (including reference number):		
Scottish Government (06) Homes for Scotland (08) Balmossie Developments (19) Broughty Ferry Community Council (20) James Thompson (23) Kirkwood Homes Ltd and Linlathen Developments Ltd (33)		Scottish Enterprise (as Landowner) (35) H & H Properties (55) Bruce R Linton & Persimmon Homes Ltd (58) Barratt North Scotland (66)
Provision of the development plan to which the issue relates:	The housing strategy is to prioritise brownfield housing sites and to also allocate greenfield sites.	
Planning authority's summary of the representation(s):		
<p>Chapter 6: Quality Housing & Sustainable Communities</p> <p>Housing Strategy</p> <p><u>Homes for Scotland (08)</u></p> <p>Considers the review of the Proposed Plan as an opportunity to embrace change and not roll forward the current plan's vision and spatial strategy.</p> <p>Considers the Plan to present the same strategy as before and does not address marketability limitations. Land should be released in locations where people want to live in order to help meet need and demand.</p> <p>Considers the land supply to be vastly understated. Considers the reality has been an average of 286 completions each year since 2010 rather than the predicted average of 602 completions each year as indicated in the 2016 Housing Land Audit (CD10). Cites the Housing Background Paper (CD08) which notes an even lower average of 234 per annum. Consider it critical for the emerging Local Development Plan to instil confidence, that it is a reality check of established land supply and that the new sites proposed for allocation are a more realistic view on what can be delivered. The emerging Proposed Plan must support the delivery of sufficient new homes on sites that can meet all housing needs.</p> <p><u>Balmossie Developments (19)</u></p> <p>In order to meet the strategic objectives a flexible and ambitious approach to land use allocations is required in the Proposed Plan.</p> <p><u>Broughty Ferry Community Council (20)</u></p>		

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

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

Kirkwood Homes Ltd and Linlathen Developments Ltd (33)

Makes reference to paragraph 119 of Scottish Planning Policy (CD01) in relation to required provision for minimum 5 year effective land supply in the Local Development Plan. Does not consider the Proposed Plan meets this requirement.

Raises issues with the Housing Land Audit 2017 (CD11) which it does not consider constitutes a generous supply of effective housing sites. Should provide more flexibility and choice in line with Policy 5 TAYplan SDP (CD04) and presents an argument that there is an undersupply of effective housing sites.

H & H Properties (55)

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

Bruce R Linton & Persimmon Homes Ltd (58)

Raises concerns with regards to the effectiveness of sites and capability to delivering housing land within the required 5 years period. Makes reference to the Housing Land Audit 2017 (CD11) in terms of its robustness for an effective and generous supply of land with reference to paragraph 119 of Scottish Planning Policy (CD01). Indicates that supply should be sufficiently generous to provide for flexibility and choice whilst also ensuring that the mix of housing type, size and tenure is provided.

Barratt North Scotland (66)

Agree with Homes for Scotland's position in terms of Housing Land Allocations. Raising concerns with regards to brownfield sites which have been allocated for a number of years and identified in the Housing Land Audit 2017 (CD11). Considers these sites to be challenging from a viability and marketing perspective and requests that these sites be constrained including Council-owned sites. Request details of marketing of Council-owned and a prospect of them coming forward.

Housing Strategy – Brownfield and Greenfield land

Homes for Scotland (08)

Raised issues with Housing Land Audit 2017 (CD11) and identification of brownfield sites rolled over from previous years and considers there to be constraints on the new

greenfield allocations.

Balmossie Developments (19)

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

James Thompson (23)

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

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

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

Kirkwood Homes Ltd and Linlathen Developments Ltd (33)

Considers there to be a disproportionate supply of brownfield sites compared to greenfield sites (12.5% greenfield to 87.5% brownfield). Raises concerns with regards to brownfield land identification and themes that are emerging through the Housing Land Audit 2017 (CD11) in terms of start dates, Council owned sites, planning consents and completions.

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

Scottish Enterprise (as Landowner) (35)

Housing allocations within the Proposed Plan include sites which have remained allocated yet undeveloped for a number of years due to physical constraints and deliverability issues which brings into question their effectiveness and viability. The long-standing, constrained brownfield sites should be de-allocated and new effective sites should be identified on both brownfield and greenfield land across the City.

H & H Properties (55)

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

reference to site at North Grange.

Reference to the Housing Land Audit 2016 (CD10) and Housing Land Audit 2017 (CD11) and considers there to be under supply of greenfield sites and that the Council needs to be flexible in responding to this under supply through safe guarding of land or additional allocations.

Notes the brownfield land contribution and delivery shown through the Housing Land Audit 2017 (CD11) but does not consider that this would be achieved.

Barratt North Scotland (66)

Agree with Homes for Scotland's position in terms of Housing Land Allocations. Raises concerns with regards to brownfield sites which have been allocated for a number of years and identified in the Housing Land Audit 2017 (CD11). Considers these sites to be challenging from a viability and marketing perspective and requests that these sites be constrained including Council-owned sites. Request details of marketing of Council-owned and a prospect of them coming forward.

Affordable Housing

Scottish Government (06)

The Housing Supply Target is not split into market and affordable as required by Scottish Planning Policy paragraph 115 (CD01). There is no specific reference to affordable housing, numbers or type with reference to Scottish Planning Policy paragraph 128 (CD01).

New Policy - Build to rent

Homes for Scotland (08)

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

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

Modifications sought by those submitting representations:

Chapter 6: Quality Housing & Sustainable Communities

Housing Strategy

Homes for Scotland (08)

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

Balmossie Developments (19)

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

Broughty Ferry Community Council (20)

Modify the text at paragraph 6.7 page 32 of the Proposed Plan with additional text to follow the third sentence with the following or similar wording:

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

Kirkwood Homes Ltd and Linlathen Developments Ltd (33)

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

H & H Properties (55)

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

Bruce R Linton & Persimmon Homes Ltd (58)

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

Barratt North Scotland (66)

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

Housing Strategy - Brownfield and Greenfield land

Homes for Scotland (08)

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

Balmossie Developments (19)

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

Broughty Ferry Community Council (20)

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

James Thompson (23)

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

Kirkwood Homes Ltd and Linlathen Developments Ltd (33)

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

Scottish Enterprise (as Landowner) (35)

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

H & H Properties (55)

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

Barratt North Scotland (66)

Modify the Draft Proposals Map and Appendix 3 of the Proposed Plan to de-allocate housing sites which have been rolled forward from previous local development plan cycles and allocate replacement sites.

Affordable Housing

Scottish Government (06)

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

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

New Policy - Build to rent

Homes for Scotland (08)

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

Summary of responses (including reasons) by planning authority:

Housing Strategy

Homes for Scotland (08) Balmossie Developments (19) Kirkwood Homes Ltd and

Linlathen Developments Ltd (33) H&H Properties (55) Bruce R Linton & Persimmon Homes Ltd (58) Barratt North Scotland (66)

National Planning Framework 3 (CD02) paragraph 1.2 sets out the vision to provide successful, sustainable places. As part of this national strategy, National Planning Framework 3 promotes the delivery of high quality, vibrant and sustainable places with enough good quality homes.

Scottish Planning Policy (CD01) sets out the Scottish Government's policies and vision for delivering new housing in Scotland and encourages Local Development Plans to take a positive approach to development and promote a sustainable pattern of growth, primarily through the efficient use of land, buildings, infrastructure and previously developed land. Paragraph 110 of Scottish Planning Policy requires local development plans to ensure they have a 'generous' supply of appropriate and effective land for the provision of a range of attractive, well-designed, energy efficient, good quality housing which contributes to the creation of successful and sustainable places.

The housing strategy of the Proposed Plan carries forward the vision and strategy of the Dundee Local Development Plan 2014 (CD03) and seeks to build upon this vision for the City in order to create sustainable and successful places and improve the quality of life through high quality residential environments where people will choose to live.

This vision and strategy has been further strengthened through the recent adoption of Dundee's City Plan (Local Outcome Improvement Plan) (CD24) which seeks to improve housing quality, choice and affordability within the City. The Proposed Plan seeks to encourage a design-led approach to sustainable, high quality placemaking and seeks to achieve a high quality residential environment through the delivery of new housing.

The delivery of housing within the City since the Dundee Local Development Plan 2014 (CD03) has been affected by the slow economic recovery, both globally and locally, with a slow return to confidence in house building throughout Scotland. Dundee still continues to be an affordable City for renting or buying a home. Historically it has not had the same level of investor confidence as the Central Belt and Aberdeen therefore it has always experienced a more cautious approach to delivery. The economic downturn further dampened investor confidence and the continuing effects of this can be seen through the low numbers of completions over the period of the Dundee Local Development Plan 2014 with an average rate of 234 completions per annum. This is despite planning permission being approved for over 2,500 homes since the adoption of the Dundee Local Development Plan 2014. Table 3 on page 7 of the Housing Background Paper (CD08) does however reflect that housing completions have increased year on year. Growing confidence in house building in the City is exemplified through the commencement of major private housebuilding at Western Gateway and also the continuing redevelopment of the Whitfield regeneration area with private local housebuilders reporting success with demand outstripping supply.

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

school sites.

The relatively tight physical boundary around Dundee leaves a relatively small area of greenfield land in the City, therefore the strategy taken through the Proposed Plan, which is in line with paragraph 40 of Scottish Planning Policy (CD01), is to maximise the brownfield opportunities now, with greenfield land largely retained for future growth. The Proposed Plan carries forward some of the undeveloped greenfield housing sites from the Dundee Local Development Plan 2014 and has identified new greenfield sites in order to continue to provide choice for housebuilders and house buyers.

Paragraph 110 of Scottish Planning Policy (CD01) and Policy 4 of TAYplan SDP (CD04) require the Local Development Plan to provide a generous supply and give each local authority the ability to determine its generosity level. The Proposed Plan has sought to provide a choice of sites throughout the City and promotes a very generous supply of housing land allocations.

As set out in Appendix 2 of the Proposed Plan, TAYplan SDP sets a Housing Land requirement of 5,280 units for Dundee City. With the city having a large Identified Housing Land Supply, the Additional Housing Land required for the period 2019-2029 is 334 units. Appendix 3 of the Proposed Plan allocates sites which will provide for an additional 930 units. This is a total of 596 units over and above the Additional Housing Land required units. The Proposed Plan is in accordance with TAYplan SDP Policy 4E which states that for Dundee City only, the Local Development Plan has the flexibility to plan for housing numbers in excess of the housing land requirement set out in Map 4 (on TAYPlan SDP page 23).

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

Homes for Scotland (08), Balmossie Developments (19), Kirkwood Homes Ltd and Linlathen Developments Ltd (33), H&H Properties (55) Bruce R Linton & Persimmon Homes Ltd (58) and Barratt North Scotland (66) all wish to see additional land release for housing within the Proposed Plan. In particular the release of more greenfield land which they consider would provide more flexibility and choice. As indicated above the supply of land for housing is considered extremely generous with the Proposed Plan providing for 5,876 units to meet the Housing Land Requirement of 5,280 which will in turn deliver the Housing Supply Target of 4,800 units over the life of the plan.

The allocation of additional greenfield and brownfield land over and above that in the Proposed Plan will not necessarily accommodate higher levels of delivery with land use only being one influencing driver with other issues such as the economy, the market, behaviour and societal factors influencing the build out of sites. Land use is not considered to be a constraint in the delivery of the allocated sites within the Proposed Plan as the sites proposed are free from major constraints such as infrastructure and should be able to be delivered within the lifetime of the plan. In the period from the adoption of the Dundee Local Development Plan 2014 in December 2013 until the end of December 2017, the Council have approved planning permission for 2,697 homes.

There is a risk that this approach could result in house building becoming entirely market driven rather than plan led with housebuilders choosing to develop the larger and more lucrative greenfield sites rather than the potentially less attractive urban brownfield sites.

This would undermine the brownfield first approach of the Proposed Plan's housing strategy and Scottish Planning Policy's presumption in favour of development that contributes to sustainable development.

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

No modification is proposed to the Plan.

Broughty Ferry Community Council (20)

Broughty Ferry Community Council (20) are seeking amendments to the wording of paragraph 6.7 in relation to the release of further land allocation for housing in particular in relation to the land at Linlathen, North of Arbroath Road and seek to ensure a strategic long term approach. The Council's response providing a justification for the housing allocation at Linlathen is provided in Schedule 4: Allocated Housing Sites (Issue 5). In terms of the housing land supply programme within the Proposed Plan it has been structured to ensure that it meets the requirements of Policy 4 of TAYplan SDP providing a generous supply of land over the next 10 years. The capacity at Linlathen has been increased from the Dundee Local Development Plan 2014 to enable a more generous delivery of housing. In terms of a strategic approach as indicated in paragraph 4.10 page 17 of the Proposed Plan there would be an opportunity given the size of the site to use masterplanning to secure a coherent development strategy for the site. Other than the site to the East of Strathyre Avenue (H47) no other housing development is proposed to the north of the A92 and with the land designated as Open Countryside, Policy 31 provides an additional policy control to avoid the piecemeal development of land to the east of the City.

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

No modification is proposed to the Plan.

Housing Strategy – Brownfield and Greenfield land

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

In line with Paragraph 40 of Scottish Planning Policy (CD01) the Proposed Plan continues to focus on delivering housing land supply through prioritising brownfield sites throughout the City. This also supports the City Plan (CD24) housing priorities as stated on page 16 of that document.

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

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

As indicated in the Housing Background Paper (CD08) and the Housing Land Monitoring Map (CD12), since the adoption of the Dundee Local Development Plan 2014 in December 2013 there has been significant progress on many of the allocated brownfield sites with planning permission approved for a range and choice of housing types and tenures. Since December 2013 88% of housing completions within the City have been through the redevelopment of brownfield land which has delivered 982 new homes. The brownfield development sites allocated within the Proposed Plan will continue to provide development opportunities with no major constraints; are close to local services, amenities and employment; and provide an opportunity to deliver sustainable places in line with National Planning Framework 3, Scottish Planning Policy and TAYplan SDP. The development of brownfield land continues to see progress and success throughout the City in regeneration areas including the Central Waterfront, Whitfield, Mill O' Mains as well as on former school sites.

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

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

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

No modification is proposed to the Plan.

Homes for Scotland (08) James Thompson (23) Kirkwood Homes Ltd and Linlathen Developments Ltd (33) Bruce R Linton & Persimmon Homes Ltd (58) and Barratt North Scotland (66) raise concerns with regards to the Housing Land Audit 2016 (CD10) and Housing Land Audit 2017 (CD11), in particular sites being rolled forward from previous years, effectiveness of brownfield sites, undersupply of greenfield sites, amount of Council owned sites and marketing strategy.

The Housing Land Audit is prepared on an annual basis and considers the status of sites at the time of assessment (usually March/April of each year). It considers whether a site is allocated within the Local Development Plan, whether there has been interest in the site and/or pre-application discussion on sites, planning permission in place, starts on site and development completions. Where there are issues of existing landuse or ownership issues these are constrained until such time as they can be realised. Given that the sites are monitored on an annual basis the status of sites is reviewed to reflect their current status and whether they are considered effective. The Dundee Housing Land Audit 2016 (CD10) identifies the existing supply of land for housing across the City at the time of preparation of the Proposed Plan. This existing supply along with the additional sites identified in Appendix 3 and the Proposals Map will meet the generous housing land requirement.

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

No modification is proposed to the Plan.

Affordable Housing

Scottish Government (06)

Scottish Government (06) note that the Proposed Plan does not split the Housing Supply Target into market and affordable as required by Scottish Planning Policy paragraph 115 (CD01) and that there is no specific reference to affordable housing, numbers or type. Scottish Planning Policy (para 128) requires Local Development Plans to clearly set out the scale and distribution of the affordable housing requirement for their area.

TAYplan SDP (CD04) states for the whole of the TAYplan area the level of affordable housing will be an approximate ratio of 25% affordable to 75% market homes but that this may vary between housing market areas.

The Proposed Plan continues to support a partnership approach in the delivery of

affordable housing by allocating a range of sites encouraging a variety of housing types, size and tenures during the Plan period. This is building on the delivery of an average 30% affordable housing throughout the City (see paragraph 5.7 of the Housing Background Paper (CD08)).

As indicated in Section 5 of the Housing Background Paper (CD08) the Dundee Local Development Plan 2014 as well as the previous Dundee Local Plan Review 2005 (CD14) did not contain an affordable housing policy. Instead, the Council has worked in partnership with the Scottish Government, Registered Social Landlords (RSLs) and private housebuilders to deliver affordable housing across the city. This supply has been largely enabled by the sale of surplus Council land to RSLs and financial support from the Scottish Government, in particular through allocated financing from the Affordable Housing Supply Programme (CD25). There are also examples in Dundee of private housebuilders using innovative funding and construction methods to deliver low cost housing without subsidy. It is considered that the Council is strategically aligned to continue to support the delivery of affordable housing within the City and as such there is no requirement for the introduction of an affordable housing policy at this time.

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

Build to Rent

Homes for Scotland 908)

Homes for Scotland (08) have proposed that the Proposed Plan should include a new policy to support the delivery of Build to Rent (BTR) developments. The Scottish Government's Planning Delivery Advice on Build to Rent (CD49) seeks to encourage a growing BTR sector to provide high quality, professionally-managed homes. It is recognised that Planning Authorities play a crucial role in providing a positive approach to BTR developments to expand housing delivery.

Dundee City Council supports BTR within the City and has been recognised nationally through the Scottish Cities Alliance (CD50) particularly for leading on the regeneration of the Dundee Waterfront and attracting BTR in the City.

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

No modification is proposed to the Plan.

Reporter's conclusions:

1. My conclusions on this issue also take account of the representations made, and the council's response thereto, on related housing issues; notably Issue 4 (supply of land for housing), and Issues 5-7 (allocated housing sites, Western Gateway sites and additional housing sites). There is a particular overlap between Issues 3 and 4, and therefore my conclusions and recommendations on the two issues should be read together.

Housing strategy

2. The main thrust of the argument made under Issue 3 on behalf of house builders and developers may be summarised as follows:

- the proposed plan does not allocate sufficient sites to meet the housing land requirement;
- it is far too reliant on brownfield, rather than greenfield, sites;
- completion rates have been low in the City, because many of the sites in the land supply are ineffective (constrained, unviable or unmarketable);
- ineffective sites should be de-allocated;
- instead, the plan should identify additional, effective greenfield sites;
- these would provide a wider range and choice; and,
- the plan needs to ensure a five-year supply of effective housing land.

3. For clarification, I note that Homes for Scotland consider that the outputs from the land supply are vastly 'overstated', rather than that the land supply is 'understated', as reported above in the council's summary of the representation.

4. On the first point, the plan is required to ensure that there is a generous supply of land to support the achievement of the housing land requirement, and to provide a good range of housing in the area. The housing land target and the housing land requirement for Dundee, which are set in TAYplan, are incorporated into the proposed plan. The housing land requirement includes a 10% margin to ensure that there is a generous provision of housing land to meet the housing supply target, and I am satisfied that this generosity allowance is sufficient.

5. In my conclusions on Issue 4, I find that the proposed plan should address the TAYplan housing land requirement from 2016 (which increases the total requirement), and cater for the 10-year period from the adoption of the plan until 2029.

6. I also endorse the analysis by Homes for Scotland (using the most up-to-date information from the 2017 housing land audit), which concludes that there is an under-supply of land for 814 homes and proposed allocations for 970 units.

7. I have therefore concluded that, at least numerically, the proposed plan allocates sufficient sites to meet the housing land requirement for Dundee during the plan period. Below I consider whether the plan is over-reliant on brownfield sites.

Brownfield and greenfield land

8. The balance between greenfield and brownfield sites is a major source of concern on the part of the house builders who commented on this part of the proposed plan.

9. However, paragraph 40 of Scottish Planning Policy (SPP) requires spatial strategies within development plans to promote a sustainable pattern of development appropriate to the area. To do this, decisions are to be guided by a series of policy principles, including:

- considering the re-use or re-development of brownfield land before new development takes place on greenfield sites.

10. In the same vein, Policy 1: Location Priorities of TAYplan promotes a sequential approach, whereby priority is given to the reuse of previously developed land, and to land within principal settlements, before land on the edge of settlements.

11. In principle, therefore, I find that the proposed plan's emphasis on brownfield development in preference to greenfield development is consistent with national and strategic policy.

12. Moreover, the council's approach recognises the particular land use characteristics of Dundee. There are numerous brownfield opportunities in the City at redundant school sites, redeveloped housing sites and former industrial/retail sites, but a finite and relatively limited area of greenfield land between the edge of the existing built-up area and the boundaries with Perth and Kinross and Angus Councils.

13. Consequently, the council is obliged to manage the release of greenfield land carefully, to ensure that there is an adequate number and range of sites in the City, but also to ensure that brownfield sites are not overlooked in favour of potentially easier to develop, but less sustainable, greenfield sites.

14. I note that considerable progress has been made in bringing forward brownfield sites for housing in Dundee in the last five years, with almost 1000 homes being developed on brownfield land in the City since December 2013.

15. I accept that total housing completion rates have been low since the adoption of the current local development plan in 2014; however, it is by no means clear that this was a result of insufficient housing allocations or a lack of greenfield sites in particular.

16. During that period planning permissions were granted for over 2,500 homes, many of which were on greenfield sites. There is no doubt that Dundee was severely impacted by the economic downturn, but there are now signs of a strong recovery, with annual completions rising from a low of 168 in 2014 to 416 in 2017.

17. Whilst the established land supply contains a large number of brownfield sites, most of the homes to be built on the additional sites allocated in the proposed plan would be on greenfield land.

18. Almost half of the greenfield sites (430 homes) are located in the Western Gateway, which reflects the strategy of TAYplan and enables a more sustainable, planned community to be established with the critical mass to incorporate the associated social and physical infrastructure. After a slow start, the pace of development at the Western Gateway has quickened, and the involvement of a second major house builder should ensure that this progress is maintained.

19. In any case, the proposed plan provides choice through the allocation of greenfield sites with an overall capacity of over 500 homes in the north and east of the City, at Baldragon Farm, Linlathen, east of Ballumbie Road and east of Strathyre Avenue.

20. I note that all of the allocated sites (including the brownfield sites) have been

appraised through the Development Site Assessment process, which found that they have no significant constraints and that each is effective, or is capable of becoming effective, within the plan period.

21. Given the other factors affecting the housing market in Dundee, I am not convinced that allocating additional greenfield land in the City for housing development would inevitably result in higher completion rates. Instead, it might have the effect of slowing the progress of the Western Gateway project, which is a recognised strategic priority.

22. I can understand the concern of Broughty Ferry Community Council to prevent incremental, piecemeal development north of the A92 Arbroath Road. However, I also recognise that it would be unwise to depend on the Western Gateway sites to produce virtually all of the greenfield land for housing in Dundee over the next 10 years.

23. I note that the housing allocation at Linlathen is a carry-over from the 2014 local development plan, rather than a new housing allocation. The scale of the allocation at Linlathen reflects the housing land requirement for the period to 2029. A master planning approach should ensure that the land is developed in an integrated and design-led fashion.

24. Clearly, the requirement for additional releases of housing land will need to be considered once again when the proposed plan is reviewed in 2024. Meanwhile, with the exception of the planned releases at Linlathen and east of Strathyre Avenue, there will be a presumption against any other housing proposals on land north of the A92 that is designated as open countryside.

25. I therefore find that the proposed plan does not require to be modified in response to the community council's representation.

26. Overall, I conclude that the proposed plan broadly strikes the right balance between the requirement to provide a generous land supply and a range of attractive housing sites, with the need to give due priority to the re-use of brownfield land in the City.

Five-year supply of housing land

27. Paragraph 119 of SPP states that local development plans in city regions should provide for a minimum of 5 years effective land supply at all times.

28. Kirkwood/Linlathen and Bruce Linton/Persimmon contend that the proposed plan fails to meet that requirement, largely because of the plan's over-reliance on market-constrained brownfield and greenfield sites and potential delays in the development of the Western Gateway sites H41 and H43.

29. In my consideration of Issue 4, I have concluded that the housing land requirement for the 10-year plan period (2019-2029) should be 5,304 homes, which would represent a pro-rata requirement of 2,652 for each of the two 5-year periods.

30. The 2017 housing land audit anticipates 2,889 completions from the effective land supply in the period 2019-2024. The council expects the additional housing sites to yield 623 homes in the same period, giving 3,512 expected completions. Even allowing for some slippage, which would indicate that there should be an ample supply of effective housing sites in the first five years of the plan.

Build to rent

31. The Scottish Government's Planning Delivery Advice: Build to Rent highlights the contribution that build to rent (BTR) can make to the creation of well-designed, sustainable places, supporting key economic sectors and labour market mobility, and providing high-quality, purpose-built rented accommodation. City centre brownfield sites can be particularly attractive for BTR investment.

32. The delivery advice explains what planning authorities should take into account in assessing proposals for BTR, and in master plans and local design guidance. It does not suggest that there is a need to include BTR policies in development plans, or to identify sites for BTR in development plans.

33. In any case, Dundee already has a track record in facilitating this form of development, having permitted three such developments on the Waterfront and elsewhere in the inner city within the existing policy framework.

34. I conclude that there is no need to modify the proposed plan to make explicit the council's support for build to rent developments in the City.

Affordable housing

35. In response to a further information request relating to the representation from the Scottish Government, the council confirms that TAYplan sets an approximate split of 25% affordable to 75% market housing across the whole TAYplan area, which may vary between housing market areas and local authorities.

36. The council points out that the TAYplan-wide joint housing needs and demand assessment (HNDA) did not find a shortage of affordable housing in Dundee but highlighted that there has historically been a surplus of affordable housing provided by the market, particularly of flatted accommodation. Similarly, the Dundee Housing Strategy (2013-2018) does not find a shortage of affordable housing and instead identifies a need to address the quality, affordability and choice of housing across tenures and markets.

37. The council has adopted a corporate approach to the delivery of affordable housing, working in partnership with RSLs and developers. The council has managed funding from the Scottish Government's Affordable Housing Supply Programme via the Strategic Housing Investment Plan, and has disposed of surplus council land to RSLs and other developers. This approach has supported the delivery of 220 affordable social rented units in 2014-2016, or 32% of the total completions over that period.

38. The council owns 34 of the 47 housing sites in the proposed plan, and is currently in discussion on 16 of those sites with the potential to deliver over 500 affordable units. The funding allocation from the Scottish Government's Affordable Housing Supply Programme would support the development of around 150 affordable homes per annum over the plan period, which is around 25-30% of the 480 homes per annum housing supply target.

39. On that basis, I agree with the council that the figure of 25% for affordable housing is reasonable, properly reflecting the need identified in the HNDA and LHS to deliver a supply of housing that tackles the issues of quality, affordability and choice of housing

across tenures and markets.

40. I consider that the council's suggested modification (below) would adequately address the concern of the Scottish Government that the plan should be clear about the affordable housing requirements for Dundee and the plan's role in delivering these.

Reporter's recommendations:

The local development plan should be modified by:

1. inserting the following additional text after paragraph 6.6 and renumbering the subsequent paragraphs accordingly:

"In accordance with the TAYplan Strategic Development Plan the Local Development Plan has set the delivery of the housing supply target for Dundee City at a ratio of 25% affordable homes to 75% market homes. The Local Development Plan will help to meet the Local Housing Strategy outcomes through improvements to the quality, affordability and choice of housing across tenures and markets. This will be realised through the allocation within the Local Development Plan of a range of housing sites across the City which will support the delivery of a variety of affordable housing types and tenures. Furthermore, the Local Development Plan strategy will support the delivery of affordable housing within the City through enabling the continued partnership working with the Scottish Government, affordable housing providers and developers and by guiding the managed release of surplus Council owned land through the Council's programme of land disposal."

Issue 4	Supply Of Land For Housing							
Development plan reference:	Appendix 2: Supply of Land for Housing	Reporter: Timothy Brian						
Body or person(s) submitting a representation raising the issue (including reference number):								
Homes for Scotland (08) Balmossie Developments (19)								
Provision of the development plan to which the issue relates:	Appendix 2 of the Proposed Plan sets out the additional housing land required for the period 2019-2029.							
Planning authority's summary of the representation(s):								
<p>Appendix 2: Supply of Land for Housing</p> <p><u>Homes for Scotland (08)</u></p> <p>Recognises obligations of Dundee as a City region but disagrees with the strategy approach with regards to supply of land for housing and in line with paragraph 119 of Scottish Planning Policy suggests an alternative method.</p> <p><u>Balmossie Developments (19)</u></p> <p>The Proposed Plan has failed to provide a sufficient level of generosity to the Housing Supply Target for the City and this should be increased from the current 10% to 20%.</p> <p>Windfall</p> <p><u>Balmossie Developments (19)</u></p> <p>The expected level of contribution from windfall sites has been over-estimated and should be reduced from the current 15% to 10%.</p>								
Modifications sought by those submitting representations:								
<p>Appendix 2: Supply of Land for Housing</p> <p><u>Homes for Scotland (08)</u></p> <p>Modify the Proposed Plan to replace Appendix 2: Supply of Land for Housing with the following table:</p> <table><tr><td>a.</td><td>Strategic Housing Supply Target (2016-2029) based on an average of 490 pa (TAYplan 2017)</td><td>6,240</td></tr><tr><td>b.</td><td>Generosity Margin (10%) (TAYplan 2017)</td><td>624</td></tr></table>			a.	Strategic Housing Supply Target (2016-2029) based on an average of 490 pa (TAYplan 2017)	6,240	b.	Generosity Margin (10%) (TAYplan 2017)	624
a.	Strategic Housing Supply Target (2016-2029) based on an average of 490 pa (TAYplan 2017)	6,240						
b.	Generosity Margin (10%) (TAYplan 2017)	624						

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

Balmossie Developments (19)

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

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

Windfall**Balmossie Developments (19)**

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

Summary of responses (including reasons) by planning authority:**Appendix 2: Supply of Land for Housing****Homes for Scotland (08) Balmossie Developments (19)**

Scottish Planning Policy paragraph 110 (CD01) identifies the requirement to ensure there is a 'generous' supply of appropriate and effective land for the provision of a range of housing. In addition, local development plans are required to allocate land for housing on a range of sites that are effective or capable of becoming effective to meet the housing land requirement up to year 10 from the predicted date of adoption, ensuring a minimum of 5 year supply of effective housing land at all times.

Policy 4 of TAYplan SDP (CD04) sets the housing supply target and the housing land requirement for each local authority in the TAYplan area. The housing supply target is the total number of new homes that will be delivered over the plan period. The housing land requirement provides a baseline to guide the level of new land allocations required, ensuring that a generous supply of land for housing is provided which will allow further choice and flexibility in the housing market.

Appendix 2 has been prepared to demonstrate how the planning authority has calculated the additional housing land required for the period of the plan 2019-2029. The calculation and assumptions are also set out and discussed within the Housing Background Paper (CD08). This is fundamentally the same approach that was taken within Appendix 1: Housing Land Allowances of the Dundee Local Development Plan 2014 (CD03) and was accepted by the DPEA Reporter within the Examination Report (CD05).

The Housing Supply Target for Dundee has been set through Policy 4 of TAYplan SDP (CD04) at 480 homes per year over 10 years giving 4,800. The housing supply targets have been informed by the TAYplan wide Joint Housing Need and Demand Assessment 2013 (HNDA) (CD30) which was considered robust and credible by the Scottish Government. In line with paragraph 116 of Scottish Planning Policy (CD01) TAYplan SDP (CD04) adds a 10% generosity margin to the housing supply target. These figures have been set out at the top of the Appendix 2 table for clarity with Part A showing that the resultant Housing Land Requirement for Dundee City Council is 5,280 units.

Part B of Appendix 2 identifies an established land supply of 4,826 units. This figure is taken from the Dundee Housing Land Audit (HLA) 2016 (CD10) and includes the effective housing land supply, plus the remaining capacity of sites under construction, sites with planning permission as well as allocated sites from the Dundee Local Development Plan 2014.

Part C sets out the take up figure for 2016-2018. This is an estimate using information from site monitoring as well as build rates from the Housing Land Audit 2016 (CD10) and is estimated that the average annual completions would provide a total take up of 800

homes over the two year period until the approval of the Proposed Plan. This take up figure is deducted from the established housing land supply in order to take account of the time period between the drafting of the Proposed Plan and its approval with the figure of 4,206 shown in Part D. The latest house site monitoring information indicates that the actual number of completions in 2016/2017 was 416. This confirms that the estimate of 800 units over 2016-2018 was a reasonable assumption.

Windfall sites become available for development through the life of the plan and given the urban nature and ongoing regeneration within the City they make a sizeable contribution to the supply of land for new housing. As indicated in the Housing Background Paper (CD08) since the adoption of the Dundee Local Development Plan 2014 in December 2013 42% of approvals were on windfall sites demonstrating the contribution they have made to the City. The Dundee Local Development Plan 2014 had a figure of 20% of completions through windfall however this has been reduced for the Proposed Plan in recognition that several major regeneration and renewal projects within the City have now progressed and as a result it is less likely that many significant windfall sites will be coming forward. It was therefore considered reasonable and appropriate to reduce the windfall figure to 15% in order to continue plan led growth in the City. Part E of Appendix 2 shows a proposed windfall figure of 720 units (15% of the Housing Supply Target).

Part F shows the contribution from small sites of 20 homes per year totalling 200 over the 10 years. The average build out rate from small sites has been taken from the Housing Land Audit 2016 (CD10).

Part G shows the identified housing land supply which is the total of potential established supply, windfall sites and the small sites and comes to 4946.

The purpose of Appendix 2 is to show the additional housing land required to be allocated within the Proposed Plan. The additional housing land required for 2019-2029 is calculated from deducting the identified Housing Land Supply from the Housing Land Requirement and gives a figure of 334 units.

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

Homes for Scotland (08) propose a replacement for the Appendix 2 table to provide revised figures for the housing land supply calculation. The proposed replacement table has been based on a timescale from 2016 whereas Scottish Planning Policy paragraph 119 (CD01) indicates that Local Development Plans should allocate a range of sites to meet the housing land requirement up to year 10 from the expected year of adoption and this is reflected through Policy 4B of TAYplan SDP (CD04). The housing supply target should be delivered over the period of the Plan in line with paragraph 115 of Scottish Planning Policy (CD01) which in this instance would be 2019-2029. This is fundamentally the same approach that was taken within Appendix 1: Housing Land Allowances of the Dundee Local Development Plan 2014 (CD03) and was accepted by the DPEA Reporter within the Examination Report (CD05).

Homes for Scotland (08) have calculated that the Additional Housing Land required over the plan period is 934 units. The Proposed Plan has sought to allocate a very generous supply of housing land to provide flexibility and choice of sites to Dundee's housing market for house builders and occupiers throughout the City. The approach will deliver

housing to meet the demand for new housing in the east and west margins of the city without undermining the strategy of prioritising the development of brownfield land.

The Proposed Plan has allocated land for an additional 930 units, some 596 units over and above the additional 334 units required to meet the Housing Land Requirement prescribed by TAYplan SDP as set out in Appendix 2 of the Proposed Plan. This approach is in accordance with TAYplan SDP Policy 4E (CD04) which states that for Dundee City only, the Local Development Plan has the flexibility to plan for housing numbers in excess of the housing land requirement set out in Map 4. Therefore, the suggested undersupply is in fact met through housing allocations within the Proposed Plan.

Balmossie Developments (19) propose a replacement for Appendix 2 using a 20% generosity margin for housing land supply. Scottish Planning Policy paragraph 116 (CD01) requires a margin of between 10-20% to ensure the provision of a generous supply of land for housing. As explained within the Housing Background Paper (CD08) and TAYplan SDP (CD04) through Policy 4 has set a 10% generosity figure which provides a housing land requirement of 528 homes per annum. Appendix 2 within the Proposed Plan is considered to meet the requirements of paragraph 115 of Scottish Planning Policy and Policy 4 of TAYplan SDP in terms of providing a 10% generosity margin for housing land supply. As has been stated above the Proposed Plan has allocated a very generous housing land supply through the allocation of housing land and this is in accordance with Policy 4E of TAYplan that allows to plan for in excess of the housing land requirement set out in Map 4.

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

No modification is proposed to the Plan.

Windfall Sites

Balmossie Developments (19)

Balmossie Developments (19) considered the expected level of contribution from windfall sites to be overestimated and should be reduced from the current 15% to 10%. Over recent years, the average number of completions on windfall sites as shown in Table 3 of the Housing Background Paper (CD08) has often accounted for in excess of 50% of the total number of completions per annum. The Dundee Local Development Plan 2014 had a figure of 20% of completions through windfall sites, however this has been reduced for the Proposed Plan in recognition that several major regeneration and renewal projects within the City have now progressed and as a result it is less likely that many significant windfall sites will be coming forward. It was therefore considered reasonable and appropriate to reduce the windfall figure to 15% in order to continue with a plan led growth in the City.

It is considered that the approach to set 15% of completions through windfall allows for flexibility in the provision for new housing and the reality of planning within a dense urban environment which continues to go through a process of regeneration. Given the generous housing land requirement set by Policy 4 of TAYplan SDP (CD04) it is also considered that care has to be taken not to over-allocate for housing land and as such the

historic pattern of windfall sites needs to be taken into account. The approach taken has sought to strike a balance between identifying and allocating the sites to deliver the housing land requirement but to also recognise Dundee's position and the contribution windfall sites will make to the delivery of housing over the period of the Plan. It also reflects the Proposed Plan's strategy of prioritising the redevelopment of brownfield sites over the release of greenfield land.

No modification is proposed to the Plan.

Reporter's conclusions:

1. In addition to the relevant documents referred to above, my conclusions take account of the council's response to a further information request concerning the supply of land for housing, and the additional comments thereon lodged by those who had made representations on the topic.

2. This issue addresses the specific representations made about Appendix 2 (supply of land for housing), but the wider topic is also discussed under Issue 3: (housing strategy). There is inevitably a substantial overlap between the two issues, and therefore my conclusions and recommendations on Issues 3 and 4 should be read together.

Housing Land Requirement

Compliance with Scottish Planning Policy and TAYplan

3. The first question that arises is how to calculate the Housing Land Requirement (HLR) for the purposes of the proposed plan.

4. The council maintains that the HLR for Dundee is easily derived, since Scottish Planning Policy (SPP) merely requires local development plans to allocate land for housing to meet the housing land requirement up to year 10 from the date of adoption. As TAYplan sets an average annual housing land requirement for the City of 528 homes per year, a total 10-year HLR of 5,280 is produced. This straightforward approach was adopted by the council in its local development plan (LDP) 2014, and was accepted at that time by the Reporters who examined the plan.

5. However, I note that the LDP 2014 was prepared to accord with the then extant SPP 2010, whereas paragraph 119 of the most recent version of SPP (also issued in 2014) is now explicit that LDPs should allocate sites to meet the housing land requirement of the strategic development plan up to year 10 from the expected date of adoption. [my emphasis]

6. The strategic development plan (SDP) for the area (TAYplan) requires LDPs to assist in the delivery of the 20-year housing target for the region of 38,620 homes between 2016-2036. [my emphasis] For the first 12 years up to 2028, the total housing supply target is 23,172 homes. The average annual supply targets and housing land requirement on page 23 of TAYplan relate to the period 2016-2028.

7. I consider that, in order to meet the HLR in TAYplan and the terms of SPP (above), the proposed plan would need to address the TAYplan requirement from 2016, and the 10-year period from the expected date of adoption of the proposed plan. On the assumption that the proposed plan is adopted in 2019 (see below), that would mean the

plan would need to address the HLR for the period 2016-2029. For the purposes of the calculation, it is assumed that the same annual requirement would apply in the final year of the LDP (which is beyond the time horizon in page 23 of TAYplan).

8. I do not accept the suggestion that this approach would artificially inflate the housing land requirement in the proposed plan. Instead, it would ensure that the LDP fulfils its share of the requirement for the region, and that any under-performance in the first few years of the SDP is taken into account in setting the requirement for the local development plan. Otherwise, it could be argued the LDP would fail to accord with the SDP, as is required by statute.

9. I therefore conclude that the Housing Land Requirement at Appendix 2 of the proposed plan should be modified from 5,280 to 6,864 homes (i.e. 528 units per year x 13 years).

Generosity allowance

10. The housing land requirement in TAYplan comprises the housing supply target (which itself is informed by the TAYplan-wide Joint Housing Need and Demand Assessment), plus a generosity allowance of 10% to ensure flexibility and choice in delivering the housing supply target. This is consistent with the advice in paragraph 116 of SPP that an allowance should be made of 10-20%, depending on local circumstances.

11. Given that the TAYplan HLR (which is incorporated into the proposed plan) already includes a 10% generosity allowance, the question arises whether there is a particular justification for a higher allowance in Dundee.

12. Balmossie Developments point out that completions in the City have lagged behind the housing supply target over the past three years, and blame the council's emphasis on brownfield regeneration and its over-reliance on windfall developments. They argue that additional greenfield sites are required, such as the site at Balmossie, and recommend that the generosity allowance be increased to 20% to facilitate this.

13. We discuss the appropriate balance between brownfield and greenfield sites, and the merits of individual sites, elsewhere in this report. I have concluded under Issue 3 that the priority attached to brownfield development in the City should be supported, as it reflects one of the key policy principles of Scottish Planning Policy, and accords with the sequential approach to development promoted in Policy 1 of TAYplan. I also conclude below that the proposed windfall allowance is justified.

14. In any case, it is unclear whether allocating more greenfield land in Dundee would increase completion rates to a significant degree, or instead whether it would re-direct development interest away from the allocated brownfield sites and the Strategic Development Area at the Western Gateway.

15. I conclude that adding a margin of 10% to the housing supply target is sufficient to ensure that a generous supply of housing, including greenfield sites, is provided in Dundee during the plan period.

Established Land Supply

16. The established land supply in Appendix 2 (4,826) of the proposed plan is taken

from the 2016 Housing Land Audit, which was the most up-to-date audit when the proposed plan was drafted. However, the council has now finalised the 2017 Housing Land Audit following dialogue with Homes for Scotland. Although a number of sites (totalling 513 units) are disputed, the latest audit still provides the best guide as to the potential supply to 2024. Homes for Scotland accept that the disputed sites may be developed by 2029, though later in the plan period than suggested in the 2017 Housing Land Audit.

17. I consider that the table at Appendix 2 should be updated to reflect the latest position that is contained in the 2017 Housing Land Audit. The 2017 audit shows that there were more actual completions (see below) than were expected in 2016/2017, and anticipates a higher rate of completions (3,570) from the established land supply during the period 2019-2029.

Take-up

18. The table at Appendix 2 subtracts a take-up figure of 400 homes per year over the two-year period 2016-2018 from the established land supply at March 2016, to give the potential established supply at 2018.

19. The council's stated aim is to proceed to adopt the proposed plan in December 2018, assuming the report of the examination is published in November. However, that would appear to be a highly optimistic schedule, given the processes that require to be carried out between the council's receipt of the examination report and the formal adoption of the plan.

20. Having regard to the need for the council to study the report, make any necessary modifications to the plan, send the proposed plan, modifications and report to the Scottish Ministers, and advertise its intention to adopt the plan, I consider that a more realistic working assumption would be that the plan would be adopted by March/April 2019. Consequently, I conclude that the table at Appendix 2 should allow for a three-year take-up period (2016-2019).

21. The 2017 Housing Land Audit advises that there were 416 actual completions in 2016/17, and 960 new homes are now expected to be built between 2017 to 2019.

Windfall sites and small sites

22. I note that Homes for Scotland do not dispute the council's allowance of an average of 72 windfall homes per annum and 20 additional new homes from small sites over the plan period. Indeed, they suggest the same assumption should apply during the period 2017-2019, which would have the effect of reducing the housing land requirement for the period 2019-2029.

23. However, Balmossie Developments submit that there has been an over-reliance on windfall development within the City, and a consequent under-estimate of the level of greenfield allocations required.

24. Paragraph 117 of Scottish Planning Policy recognises that the housing land requirement may be met from a number of sources, including sites outwith the established housing land supply. The council's evidence shows that an average of 157 windfall homes were built annually in Dundee during 2014-2016, so even accepting that

demolitions of council housing in the City are likely to reduce, I regard the figure of 72 per year as a conservative one.

25. I am content that the council's approach on the matter is realistic and evidence based, as required by paragraph 117 of SPP. However, I consider that the windfall allowance should be expressed as a total, rather than as a percentage of the Housing Supply Target (which represents the policy view of the number of homes the council has agreed will be delivered over the plan period).

Under supply against the housing land requirement

26. The table below (prepared by Homes for Scotland) retains the generosity margin of 10% and windfall allowance of 72 homes per year, but is based on the TAYplan housing land requirement 2016-2028 and employs the latest information on the established land supply from the 2017 Housing Land Audit.

27. For the reasons given above, I conclude that this revised table, which shows an under-supply of 814 homes against the housing land requirement, provides a more robust and up-to-date basis for assessing the deficit in the supply of housing land which the proposed plan requires to address. I therefore propose to modify Appendix 2 of the proposed plan accordingly.

28. In that regard, I note Homes for Scotland's assessment that the proposed plan is promoting additional land for 970 (rather than the stated 930) homes. This takes account of an additional 10 units at site H13 (Queen Victoria Works), and an additional 30 units at site H16 (Maxwelltown Multis).

Reporter's recommendations:

The local development plan should be modified by:

1. replacing the table at Appendix 2: Supply of Housing Land with that below:

a.	Strategic Housing Supply Target (2016-2029) based on an average of 480 pa (TAYplan 2017)	6,240
b.	Generosity Margin (10%) (TAYplan 2017)	624
c.	Housing Land Requirement (2016-2029) (= a.+b.)	6,864
d.	Actual Completions (2016/17) (2017 Housing Land Audit)	416
e.	Assumed completions from Effective Land Supply (2017-2019) (2017 Housing Land Audit)	960
f.	Assumed completions windfall sites (assume 72 pa) and small sites (assume 20 pa) (2017-2019)	184
g.	Equals Housing Land Requirement for LDP period (2019-2029) (= c. – d. – e. – f.)	5,304
h.	Completions expected from Effective Land Supply during 2019-24 (2017 Housing Land Audit)	2,889
i.	Completions expected from the remainder of Established Land Supply during 2024-29 including constrained sites (2017 Housing Land Audit)	681
j.	Completions that may arise from windfall sites (assume 72 pa) and small sites (assume 20 pa) over LDP period (2019-2029)	920
	Under / Over supply against Housing Land Requirement (= h. + i. + j. – g.)	- 814

Issue 5	Policy 9: Housing Land Release and Appendix 3: Allocated Housing Sites	
Development plan reference:	Appendix 3: Allocated Housing Sites H11: Former Downfield PS, East School Road H13: Queen Victoria Works H14: Railyards H15: Maxwelltown Works H17: Central Waterfront H18: Princes Street H26: Lothian Crescent H27: Former Whitfield PS, Whitfield Drive H28: Tranent Grove H29: Summerfield Gardens H30: Haddington Avenue H31: Bowling Green East, Lothian Crescent H32: Aberlady Crescent H33: Kellyfield, Drumgeith Road H37: Former Baldragon Academy, Burn Street H39: Former St Luke's & St Matthew's PS, Longhaugh Road H40: Former Longhaugh PS, Fintry Terrace H44: Baldragon Farm H45: Land to the East of Ballumbie Road H46: Linlathen, Arbroath Road H47: Land to East of Strathyre Avenue	Reporter: Andrew Sikes
Body or person(s) submitting a representation raising the issue (including reference number):		
Mr & Mrs Jefferson (09) Brian Clark (10) Mr & Mrs McKenna (12) Dundee Civic Trust (13) Adrienne Bertagnolli (14) Gurchathen Sanghera (16) Wesley Rennison (17) Broughty Ferry Community Council (20) David Hewick (22) Lucia Buschman (27) Paul Miller (30) Gemma Miller (31)		Edith Bankier (32) Lilian Crombie (34) Guy & Catherine Abbey (42) Whitfield Development Group (57) Mr & Mrs Agnew (61) David Lord (63) Kirkton Community and Safety Partnership (65) I.P. Christie (67) Ballumbie Residents Petition (74) Mr R Hodgson (78)
Provision of the development plan to which the issue relates:	Appendix 3 contains a list of all the housing sites allocated in the Proposed Plan.	
Planning authority's summary of the representation(s):		
H11: Former Downfield PS, East School Road		

Mr & Mrs McKenna (12)

Concern regarding the flora and fauna of a small hill and wooded area adjoining their property but within the proposed housing site.

H13: Queen Victoria WorksBrian Clark (10)

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

H14: RailyardsGurchathen Sanghera (16), Wesley Rennison (17), Guy & Catherine Abbey (42)

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

H15: Maxwelltown WorksMr & Mrs Agnew (61)

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

H17: Central WaterfrontLucia Buschman (27)

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

H18: Princes StreetI.P. Christie (67)

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

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

Whitfield Development Group (57)

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

H29: Summerfield Gardens**H30: Haddington Avenue****H32: Aberlady Crescent**Edith Bankier (32)

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

H33: Kellyfield, Drumgeith RoadAdrienne Bertagnolli (14)

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

Edith Bankier (32)

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

H37: Former Baldragon Academy, Burn StreetKirkton Community and Safety Partnership (65)

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

H44: Baldragon FarmMrs & Mr Jefferson (09)

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

H45: Land to East of Ballumbie Road

Paul Miller (30), Gemma Miller (31)

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

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

- Reduce the green areas of the city
- Overdevelop the area
- Overpopulate the area
- Damage the economy in the area
- Stress the infrastructure
- Further increase the already overcrowded Braeview Academy; and
- Deprive members Dundee residents of the health living benefits associated with greenfield spaces, including the golf course and associated amenities.

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

Mr R Hodgson (78)

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

Ballumbie Residents Petition (74)

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

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

H46: Linlathen, Arbroath RoadDundee Civic Trust (13)

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

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

The release of site H46 will lead to proposals for further developments north of the A92. To allow incremental development of this vicinity would be bad planning. The Proposed

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

H47: Land to East of Strathyre Avenue

Lilian Crombie (34) and David Lord (63)

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

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

Modifications sought by those submitting representations:

Appendix 3: Allocated Housing Sites

H11: Former Downfield PS, East School Road

Mr & Mrs McKenna (12)

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

H13: Queen Victoria Works

Brian Clark (10)

No modification sought.

H14: Railyards

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

Modify the Proposals Map and Appendix 3 of the Proposed Plan by removing the brownfield housing allocation H14.

H15: Maxwelltown Works

Mr & Mrs Agnew (61)

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

H17: Central Waterfront

Lucia Buschman (27)

No modification sought.

H18: Princes Street

I.P. Christie (67)

Modify the Proposals Map and Appendix 3 of the Proposed Plan by removing the brownfield housing allocation H18.

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

Whitfield Development Group (57)

No modification sought.

H29: Summerfield Gardens

H30: Haddington Avenue

H32: Aberlady Crescent

Edith Bankier (32)

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

H33: Kellyfield, Drumgeith Road

Adrienne Bertagnolli (14)

Modify the Proposals Map and Appendix 3 of the Proposed Plan to reflect the removal land at the area bounded by Drumgeith Road/Britannia Drive/Kellyfield Post Office/Ashkirk Place/Montpelier Gardens.

Modify the Proposals Map to protect the trees at that site.

Edith Bankier (32)

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

H37: Former Baldrigon Academy, Burn Street

Kirkton Community and Safety Partnership (65)

Modify the Proposals Map and Appendix 3 of the Proposed Plan by removing the brownfield housing allocation H37.

H44: Baldragon Farm

Mr & Mrs Jefferson (09)

Modify the Proposals Map and Appendix 3 of the Proposed Plan by removing the greenfield housing allocation H44.

H45: Land to East of Ballumbie Road

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

Modify the Proposals Map and Appendix 3 of the Proposed Plan by removing the greenfield housing allocation H45.

Mr R Hodgson (78)

No modification sought.

H46: Linlathen, Arbroath Road

Dundee Civic Trust (13)

Modify the Proposals Map and Appendix 3 of the Proposed Plan by removing the greenfield housing site H46.

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

Modify text in the preamble to Policy 9 of the Proposed Plan to insert the following additional text;

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

Modify paragraph 6.8 of the Proposed Plan to insert the wording “and greenfield land” after brownfield land.

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

H47: Land to East of Strathyre Avenue

Lilian Crombie (34) and David Lord (63)

Modify the Proposals Map and Appendix 3 of the Proposed Plan by removing the greenfield housing site H47.

Summary of responses (including reasons) by planning authority:**Appendix 3: Allocated Housing Sites****H11: Former Downfield PS, East School Road**Mr & Mrs McKenna (12)

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

No modification is proposed to the Plan.

H13: Queen Victoria WorksBrian Clark (10)

The concern regarding foxes that appear to be resident on the site is noted. However, the potential presence of foxes on the site would not be a material consideration in planning decisions as they are not listed as a European Protected Species within the Habitats Directive or as a protected species under the Wildlife and Countryside Act 1981 (as amended).

No modification is proposed to the Plan.

H14: RailyardsGurchathen Sanghera (16), Wesley Rennison (17), Guy & Catherine Abbey (42)

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

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

No modification is proposed to the Plan.

H15: Maxwelltown WorksMr & Mrs Agnew (61)

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

The representation states that sites H15 and H16 should have the same indicative capacity as they are roughly the same size. This is incorrect. The site information within the Development Site Assessments 2018 (CD07) shows that the site area of H15 at 1.25 hectares is around double that of H16 at 0.61 hectares.

The site at H15 benefits from an approved Site Planning Brief (CD37). The Site Planning Brief acknowledges the former industrial nature of the site and states that a small number of flats may be accepted where there are appropriate urban design reasons or to address the ground condition issues. The indicative capacity identified for H15 is therefore considered to be reasonable and comparable in density with the neighbouring allocated sites that are also within the inner city boundary.

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

No modification is proposed to the Plan.

H17: Central Waterfront

Lucia Buschman (27)

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

No modification is proposed to the Plan.

H18: Princes Street

I.P. Christie (67)

The allocation of the brownfield site is in line with Scottish Planning Policy (CD01) as well as the housing strategy of the Proposed Plan which gives priority to the reuse of brownfield land within the existing urban area. The concerns regarding the potential detrimental impact from overshadowing that development could have on the neighbouring residential properties would be considered through the assessment of any forthcoming planning application for the site. The potential for development to restrict views or to devalue neighbouring properties is not a material planning consideration

No modification is proposed to the Plan.

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

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

The concerns regarding the loss of greenspace in Whitfield, as a result of new build housing is noted. The proposed new build sites are part of the regeneration of the

Whitfield area. The Whitfield Planning Framework (CD38) includes proposals for the provision of greenspace and how these form part of the overall development of the area to ensure satisfactory levels of open space are provided for both existing and future residents. In addition to the Framework there is specific Green Infrastructure Guidance for Whitfield (CD39) which sets out expectations for new development in providing and enhancing the green infrastructure within the area as well as opportunities to connect to the wider City green network.

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

The general concern with regards to overlooking between properties would be considered through a planning application to ensure that there would not be any detrimental impact on amenity through loss of privacy. In terms of overlooking of open space, the Whitfield Planning Framework and the associated Green Infrastructure Guidance actively encourages overlooking of green space to ensure natural surveillance of these spaces to ensure a feeling of safety and encourage the use of these spaces by the surrounding community. This would be considered further through a planning application.

No modification is proposed to the Plan

H37: Former Baldragon Academy, Burn Street

Kirkton Community and Safety Partnership (65)

The site is a brownfield former school site within an existing residential location of the City and the redevelopment of the site for housing would be a sustainable reuse of land that would contribute to delivering the Housing Supply Target as established within TAYplan SDP (CD04).

The representation states that effective consultation was not undertaken ahead of the site being allocated. The Participation Statement within the Development Plan Scheme (CD06) establishes the level of consultation that was undertaken during the production of the Proposed Plan. Main Issues Report are not draft Plans and housing sites are not allocated at that stage of the Development Plan process. The areas of key change and development strategy that occurred since the Dundee Local Development Plan 2014 were addressed within the Main Issues Report and the authority's ideas for future development were explained including the principle of continuing the strategy to allocate housing sites on brownfield land within the City.

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

No modification is proposed to the Plan.

H44: Baldragon Farm

Mrs & Mr Jefferson (09)

The site at Baldrigon was a greenfield site that was allocated for the second period (2020-2024) of the Dundee Local Development Plan 2014 (CD03). The allocation of the site within the Proposed Plan is consistent with the approved housing strategy established in the Dundee Local Development Plan 2014 and the development of residential housing within that location will continue to provide further choice of housing type and location to the housing market within the City.

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

No modification is proposed to the Plan.

H45: Land to East of Ballumbie Road

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

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

The representation from the developer and part land owner Stewart Milne Homes (39) demonstrates that the land is in the control of a willing developer who is seeking to commence master planning the site in the near future and bring a planning application forward towards the end of 2018 in order that development can commence early in 2019.

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

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

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

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

The site is not located within an area that has been identified as a local, national or international nature conservation designation. It would be during the planning application stage that the applicant would be required to adhere to the relevant local development

plan policies. This would involve the submission of a habitats survey to demonstrate that there would be no significant effect on any protected species as well as the submission of a tree survey and accompanying tree planting and landscaping scheme with supporting justification for any proposed works.

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

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

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

No modification is proposed to the Plan.

H46: Linlathen, Arbroath Road

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

The site at H46 Linlathen, Arbroath Road was previously allocated for housing in the adopted Dundee Local Development Plan 2014 (site H71(2)) (CD03). The site was proposed for release in the second 5-year period of the plan with the housing strategy prioritising the release of greenfield sites within the Western Gateway and on brownfield sites. The allocation of the site for housing within the Proposed Plan builds on that strategy and with development at the Western Gateway progressing the release of some greenfield land at this location is considered appropriate to offer choice and location to the housing market within the City. The indicative capacity for the site within the Proposed Plan is 250 homes. The submission in support of the site from Kirkwood Homes and Linlathen Developments Ltd (33) highlights the scope for development at the site and the indicative capacity of 250 homes would allow for a high quality layout in accordance with the requirements for a Suburban site within Appendix 4 of the Proposed Plan. It would be during the pre-application and master planning stage and ultimately determined through the assessment of a planning application that the actual capacity for the site would be determined. The increase in indicative capacity from the Dundee Local Development Plan 2014 to that allocated in the Proposed Plan would support the continued growth of Dundee City as a principal settlement in accordance with TAYplan SDP at a proposed indicative density that would suitably reflect the suburban location of the site.

No modification is proposed to the Plan.

H47: Land to East of Strathyre Avenue

Lilian Crombie (34) and David Lord (63)

Within the Report of Examination of the Proposed Dundee Local Development Plan 2014 (CD05) the DPEA Reporter stated that the site would relate well to the existing development at Strathyre Avenue as it would provide a firm edge to the development.

The Reporter concluded that the allocation for 26 units would not be of a scale that would have a detrimental impact on the larger greenfield allocated sites. The housing site was allocated by the Reporter into the Dundee Local Development Plan 2014 (CD03) as H72 with an indicative capacity of 26 units.

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

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

No modification is proposed to the Plan.

Reporter's conclusions:

H11: Former Downfield PS, East School Road

1. The representation expresses concern for the future of a small woodland area within the former primary school site and the hope that it will be retained and protected should the site be developed for housing purposes. The council states that a prospective developer will be required to satisfy the relevant requirements of policies contained in Chapter 8 (sustainable natural and built environment) of the proposed plan, including those that relate to the natural environment.

2. Policy 35 (trees and urban woodland) of the proposed plan requires new development to contribute to the expansion of tree planting and woodland development where appropriate and to ensure the survival of existing healthy mature trees through sensitive site layout during and after construction. Furthermore, where also appropriate, the policy requires development proposals to be accompanied by a tree planting and landscaping scheme, supported by material that documents existing planting within a site, new planting and arrangements for their maintenance. On this basis, I am satisfied that the proposed plan contains the necessary provisions to ensure that the impact of new development on the future of the woodland, and other healthy trees within the site, is fully considered during the assessment of a detailed planning application. No modification to the proposed plan is required.

H13: Queen Victoria Works

3. The representation notes the presence of foxes on the site and the belief that this will constrain its development until they are caught and relocated. The council rightly states that foxes are not listed as a European Protected Species within the Habitats Directive or as a protected species under the Wildlife and Countryside Act 1981 (as amended). As such, it states that the presence of foxes on the site would not be a material consideration in the determination of planning applications. The proposed plan helpfully identifies those

species that are protected under the provisions of the Directive and Act at paragraphs 8.19 and 8.20. Accordingly, no modification to the proposed plan is required.

H14: Railyards

4. The representations argue that there should be no further development at Railyards until ongoing and longstanding drainage and contamination issues associated with site remediation works have been resolved. It is also argued that the proposed housing allocation should be removed from the proposed plan in light of the damage that has been caused to adjacent property. In addition, representations express concerns regarding the scale and form of development in prospect and its potential to adversely impact upon residential amenity and local services.

5. The site remediation works have the benefit of planning permission. The council states that the full remediation of the site is due for completion in the short term. Works were ongoing at the time of my site inspection. In the course of preparing the site for development, the stockpiling and compaction of materials has given rise to drainage problems, causing the garden grounds of No's 30 Roseangle to flood. Photographs show the extent of ponding water. An independent report, commissioned by Scottish Enterprise, the landowner, concedes that the site remediation works have resulted in land at Railyards becoming less permeable and that this has had an impact on the historic hydrology of the area. The report concludes that this reduction in permeability has caused surface water from Railyards to flow onto neighbouring, lower lying, land. The report describes in general terms remedial measures that could be employed to resolve the ongoing drainage problems, including land raising at No's 30 Roseangle and the installation of 'cut-off' drains prior to the development of Railyards.

6. I fully appreciate the concerns of residents of No's 30 Roseangle regarding the prospect of development at Railyards. I note, however, that discussions between the landowner and residents to remedy the problems are ongoing and that the council states that the drainage problems are being addressed. As such, given the availability of solutions to address outstanding drainage problems, the economic development purpose of the landowner, and the importance of the site within the wider regeneration of the Dundee Waterfront, I am confident that on the basis of the information before me that this is a matter capable of being resolved to the satisfaction of all parties and in due course allow development proposals to come forward. Accordingly, I consider the site to be effective and conclude that the housing allocation promoted at Railyards should remain a proposal of the plan.

7. Although located outwith the West End Lanes Conservation Area, I acknowledge the concerns raised in representations regarding the impact of prospective new development at Railyards on the character of the area and on residential amenity. I agree with the council that these are matters most appropriately dealt with within the context of a future planning application. In this regard, I note that the relevant considerations of the proposed plan are set out in Chapter 6 (quality housing and sustainable communities) and Chapter 8 (sustainable natural and built environment), including policies 10 (design of new housing) and 37 (sustainable drainage systems), respectively.

8. In particular, I note that Policy 10 requires all new housing, in its design and layout, to respect and enhance the character of adjoining properties and the surrounding area and to have no detrimental impact on residential amenity and parking. Whilst Policy 37 promotes the use of sustainable drainage systems to manage surface water on site as

near to the source as possible. These policies, together with the standards set out in Appendix 4 of the proposed plan, should ensure that the impacts of new development on residential amenity are fully considered during the assessment of a detailed planning application. Accordingly, in light of my conclusions above, no modifications to the proposed plan are required.

H15: Maxwelltown Works

9. The representation offers support in principle for the residential development of the site. At the same time, it expresses concern that the proposed plan promotes an excessive number of dwellings (50) which, given site constraints and the requirements for new housing set out in Appendix 4 of the proposed plan, suggests to the author that new development would comprise principally of flatted accommodation, of which there is considered to be an over provision in the area. Finally, it is argued that the indicative site capacity should be 30 units, the same as that promoted on site H16 (Maxwelltown Multis).

10. Firstly, although no longer extant, I note that planning permission in principle was granted to a proposal to develop the site for residential purposes in 2008. That permission was subject to a condition, among others, requiring the submission of proposals to decontaminate the site in light of its past industrial use.

11. Secondly, the Development Sites Assessment (CD07) records the site areas of proposals H15 and H16 as being 1.25 hectares and 0.61 hectares, respectively. Despite the difference in site area, the density of development on each site would more or less be the same. Furthermore, a planning brief has been prepared for the site of the former Maxwelltown Works, which has informed the proposed plan and the indicative capacity shown in Appendix 3. On this basis, and my assessment of the site and its surroundings, I consider that an indicative site capacity of 50 units is not an unreasonable assessment. It would, however, as noted by the council, be incumbent upon a prospective developer to demonstrate that this density of development can be achieved in accord with the requirements of Policy 10 and the relevant standards set out in Appendix 4.

12. The planning brief also provides guidance on house type and sizes. With regard to flatted development, the brief suggests that a small number of flats may be acceptable but that these should not comprise more than 25% of the housing mix. The brief also refers to the Category 'A' listed St. Salvador's Church and the need for new development to respect its form and setting.

13. In conclusion, although possibly contaminated by past industrial use, I am satisfied that such a constraint could be overcome and the site made available for development; the grant of planning permission in the past is testament to that. I am also satisfied that the provisions of the proposed plan and the requirements of the planning brief provide sufficient guidance to ensure that the full potential of the site is realised and that an appropriate form and mix of house types and sizes is secured whilst safeguarding residential amenity. Accordingly, no modifications to the proposed plan are required in response to this representation.

H17: Central Waterfront

14. The representation relates to the development of Site 10, a development opportunity lying within the Central Waterfront regeneration area. A planning brief has been prepared for the site that describes in general terms the scale, height and massing of new

development and the range of acceptable uses. Although detailed proposals have yet to come forward for the site, a Proposal of Application Notice (PAN) has been lodged with the council (ref: PAN 03/2018). Together, the planning brief and PAN provide an indication of the form, scale and use of the development in prospect.

15. The author of the representation is a resident of Dock Street and although expressing a preference for the site to be left as 'green space' seeks information on the height of new development on the site. Site 10, a longstanding development opportunity, lies directly to the south of the property in question beyond Dock Street and Thomson Avenue (Northern Boulevard). The proposal to develop the site and the wider area is described in the Dundee Central Waterfront Masterplan 2001-2031 (2001) and associated Planning and Urban Design Framework (2015). The planning brief (2018) envisages development facing Dock Street rising to 6 or 7 storeys, dropping to 5 or 6 storeys where the site fronts Slessor Gardens. The planning brief explains that development of this scale, height and massing is required to achieve an appropriate urban scale and frame and enclose Slessor Gardens to ensure that the civic space functions properly. With regard to uses, the brief indicates the acceptability in principle of office, hotel and leisure uses at street level and all floors above where the site fronts Thomson Avenue and active street level uses with residential uses above to Slessor Gardens. These are the uses referred to in the PAN.

16. The representation also expresses concern that new development could have an adverse impact on residential amenity, particularly with regard to noise, smell and overshadowing. Whilst the council correctly states that these are matters for consideration within the context of a detailed planning application, I consider the uses proposed to be of the kind that would expect to find a location in the city centre and contribute to its role as a commercial, tourist and leisure destination. In addition, the intensity of activity found in the city centre and on approach roads, together with high traffic levels, generally makes it impossible to achieve the high levels of amenity found in some neighbourhoods beyond the city centre. Accordingly, no modifications are required in response to this representation.

H18: Princes Street

17. Those associated with the representation reside at Crescent Lane and enjoy open views to the south across the proposed housing site to the Tay estuary beyond. The representation expresses concern that the development on the site will restrict views, devalue property and cause overshadowing.

18. The council correctly notes that the potential for development to restrict views and/or reduce property values are not material planning considerations. With regard to the potential for overshadowing, I agree with the council that this is a matter to be addressed by a prospective developer and assessed in the context of a planning application. I am satisfied that the provisions of Policy 10 and Appendix 4 (design of new development) set out the council's requirements in this regard and note that new housing, in its design and layout, should respect and enhance the character of adjoining housing and not have a detrimental impact on residential amenity.

19. I am also satisfied, following an inspection of the site and surroundings, that the site is capable of being developed without causing harm to the amenity of neighbouring properties and, despite being bound by two roads, that a reasonable level of amenity can be created for those that may one day occupy a development on the site.

H26, H27, H28, H29, H30, H31, H32, H33, H39 and H40: Whitfield

20. The representation relates to a number of proposed housing sites within the Whitfield regeneration area. Of particular concern to the Whitfield Development Group (WDG) is the loss of green space, traffic management and the design of new development.

21. As explained in the Whitfield Planning Framework (2016), the demolition of the original estate resulted in the creation of extensive areas of open space. These spaces were grassed over whilst they awaited redevelopment. As a consequence of poor economic conditions in recent years, development proposals have been slow in coming forward. I spent some time walking around Whitfield and it is apparent that over time these open spaces have acquired significance and, although unintended, presently contribute to an extensive green network. As such, I can appreciate the concern regarding their loss to development. The sites, however, form part of longstanding physical regeneration proposals for the area and are a feature of the extant local development plan (2014). The principle of their development has therefore been established.

22. The importance of green infrastructure planning to placemaking and regeneration is recognised in the planning framework and accompanying green infrastructure strategy. In addition, the proposed plan defines and protects the significant areas of open space in Whitfield. As such, I am satisfied that a robust framework exists to ensure the provision of appropriate levels of green space, in all its forms, in new development proposals as they come forward and in Whitfield as a whole.

23. On the matter of traffic management, the planning framework promotes the creation of a network of active travel routes in order, in part, to reduce reliance on the use of private cars. As I observed, the area is served by a number of bus services that provide access to The Crescent and Ballumbie primary school, among other destinations. The provision of these routes and safe and attractive access to public transport are matters for consideration within the context of future detailed planning applications. Where car parking is required as part of new development, the framework requires that this should be in accord with the appropriate standards set out in the current local development plan (2014). This requirement is replicated in the proposed plan (Policy 57: Parking). As such, I am satisfied that new development on individual sites will incorporate the required car parking provision and, where required, contribute to the creation of active travel routes in their design and layout.

24. Finally, with regard to the design of new housing and the concern that properties may overlook one another, this too is a matter for consideration within the context of detailed planning applications. The planning framework recognises that the successful regeneration of Whitfield will only be achieved through the provision of well-designed residential development. This aspiration is reflected in the extant and proposed local development plans. In particular, I note that Policy 10 and Appendix 4 (design of new housing) require, respectively, all new housing development to ensure that it does not have a detrimental impact on residential amenity and achieves the required privacy distance between facing windows of habitable rooms and, with regard to flats, that balconies do not overlook private gardens.

25. In conclusion, I find that the planning framework and green infrastructure strategy, together with the relevant provisions of the proposed plan, provide a robust framework to

guide the future development of Whitfield and appropriately address the issues of concern to the WDG. Accordingly, no modifications to the proposed plan are required in response to this representation.

H29: Summerfield Gardens, H30: Haddington Avenue, H32: Aberlady Crescent

26. The representation expresses concern that the development of proposed sites H29, H30 and H32 will leave insufficient play space for children and for people to walk their dogs.

27. I discuss the provision of green space in paragraph's 21 and 22 above and reiterate my conclusion here, that I am satisfied that a robust framework exists to ensure the provision of appropriate levels of green space, in all its forms, in new development proposals as they come forward and in Whitfield as a whole. Furthermore, the green infrastructure strategy at section 2.2 and Figure 04 identifies existing, proposed and potential play spaces in Whitfield, including facilities within or adjacent to the sites of concern referred to in the representation. Accordingly, I do not consider a modification to the proposed plan to be necessary in response to this representation.

H33: Kellyfield, Drumgeith Road

28. The trees referred to in the representations contribute greatly to the amenity of the area. The green infrastructure strategy recognises that tree planting and retention is an essential part of Whitfield's regeneration, providing visual interest within development sites and areas of multifunctional green space. It also notes that street trees have been incorporated into housing developments in Whitfield to provide attractive streetscapes. With regard to site H33, the Development Sites Assessment (CD07) notes that the mature trees on the site are worthy of retention and should be incorporated into the landscape proposals for the site. I agree with this assessment.

29. The site is allocated for residential purposes in the extant local development plan (2014) and, as such, the acceptability of its development in principle has been established. The land that bounds the site immediately to the north, which is also extensively covered by mature trees, is defined as open space in the extant and proposed plans, both of which presume against its loss to development.

30. The importance of the trees at Kellyfield and their contribution to the amenity of the area is acknowledged by the council. An aim of the planning framework, and supporting green infrastructure strategy, is that mature trees in Whitfield should be retained. There are examples of where this has been successfully achieved elsewhere in Whitfield. On this basis, I am satisfied that the council's intention is for the trees to remain and be incorporated into new development proposals for the site. However, as the council correctly states, this is a matter to be assessed in the context of detailed planning applications and assessed against the relevant policies of the proposed plan. In conclusion, I find that site H33 should remain part of the proposed plan.

H37: Former Baldrigon Academy, Burn Street

31. The representation seeks the removal of the allocated housing site from the proposed plan on the basis that there has been no effective consultation with the local community on the proposal. The representation does not advance any other argument in support of its contention or suggest that its use for housing is inappropriate or is best

suited to an alternative use. It does, however, note that the proposal did not feature in the Main Issues Report (MIR).

32. For its part, the council argues that its use for housing is a sustainable reuse of the brownfield former school site and that its development for such would contribute to the delivery of the Housing Supply Target set out in the TAYplan SDP. It also states that the MIR is not a draft plan and that housing sites are not allocated at that stage of the plan preparation process.

33. Before proceeding with the examination of the proposed plan, I examined the council's Statement of Conformity, which incorporates a Participation Statement. In doing so, I concluded that the council had met its statutory obligations with regard to publishing a proposed plan and making it available for the submission of representations. I deal with this matter in more detail in my consideration of Issue 15 (other issues) elsewhere in this report, suffice it to say in response to this representation, that the MIR does not identify definitively any housing sites - MIR Figure 5 (housing sites) records sites included in the 2015 Housing Land Audit and those promoted by others in response to the 'call for sites' at the outset of the plan preparation exercise. What the MIR does do is describe the council's preferred option for the delivery of housing land (main issue 3) and a series of alternative options. Common to the preferred and alternative options is the council's desire to continue with a housing strategy that promotes the sustainable reuse of brownfield land.

34. I have inspected the site and its surroundings and consider it to be effective and a suitable housing site in principle; it is located within a predominantly residential area, is able to connect to public transport and active travel networks, and is able to take advantage of existing vehicular access points that serve the site at Burn Street and Balgowan Drive. How these connections are secured and access to the site is achieved will of course be matters for a detailed planning application to address in due course.

35. In short, no modification to the proposed plan is required in response to this representation.

H44: Baldragon Farm

36. The authors of the representation claim that they were assured that the land to the rear of their property at Logan Terrace would not be built upon given its agricultural use. The representation also expresses concern regarding the impact of new development on residential amenity, particularly loss of privacy and overshadowing.

37. The allocated site is a feature of the extant local development plan (2014), which promoted its release for housing development in the second 5-year period of the Plan (2020-2024). As such, the principle of its development for residential purposes has been established. Furthermore, its residential development is a logical extension of that which has taken place immediately to the east, of which Logan Terrace is part. As the council correctly notes, the potential for development to restrict views is not a material planning consideration. With regard to the impact of future development on the amenity of existing properties, I agree with the council that this is a matter to be considered in the context of detailed planning applications and assessed against the relevant policies of the proposed plan. Accordingly, no modification is required to the proposed plan in response to this representation.

H45: Land to East of Ballumbie Road

38. The proposed housing site presently forms part of an 18-hole golf course. The course club house, driving range and a number of holes lie outwith the site immediately to the west of Ballumbie Road. The course also extends beyond the proposed housing site to the north and east, into the administrative area of Angus Council, where a recently completed housing development bounds much of the course. I understand that the intention is to create a 9-hole golf course with related leisure facilities on the remainder of the course should site H45 be developed.

39. In support of a suggested modification to remove the allocated site from the proposed plan, the representations variously point to the open space, landscape, nature conservation and recreational value of the land to the local community and the city as a whole. The inadequacy of the road network and local amenities to accommodate the scale of development proposed is also cited.

40. The extent of new housing development in the area is notable. The area, nevertheless, retains an attractiveness and its semi-rural character persists, mainly due to nearby farming activities and the extensive mature woodlands along the Fithie Burn and within parts of the golf course. I therefore fully appreciate the desire of the local community to protect the appearance and character of the area. However, as explained in Chapter 6 of the proposed plan, in order to support the growth of Dundee and meet the housing supply targets set out in TAYplan, it is necessary for the council to release additional greenfield land to provide flexibility and choice in the city's housing market for house builders and occupiers alike. For these reasons, and those that I discuss below, I consider the land east of Ballumbie Road to be an acceptable proposal and one that should remain part of the proposed plan.

41. The site is not covered by any local, national or international nature conservation designations, neither is it designated as 'open space'. In addition, sportscotland does not object to the loss of part of the existing golf course and neither Transport Scotland nor the council's Transport division raise concerns regarding the principle of further residential development in this location. In addition, as I saw for myself, the site is reasonably close to a range of facilities and services, including schools and a bus route.

42. The site is partly in the ownership of a house builder, who has an option to acquire the remainder. The council considers the site to be 'effective' in terms of the criteria set out in Planning Advice Note 2/22010: Affordable Housing and Housing Land Audits. Despite the requirement for a flood risk assessment to be undertaken, which I understand is to investigate the risk associated with surface water run-off, I agree with this assessment.

43. I note that the notional site capacity of 150 homes has been informed by an indicative masterplan prepared by the house builder as part of its response to the LDP Main Issues Report. Although the density of development in prospect could be regarded as low (circa 13.5 houses per hectare), the council states that it has also had regard to the prevailing density of neighbouring residential development and the requirements for new housing in suburban locations described in Appendix 4 of the proposed plan in arriving at this figure.

44. Despite the preparation of an indicative masterplan, the proposed plan at paragraph 4.10 encourages developers to prepare masterplans and to engage with the

council in pre-application discussions, and I note the commitment of the house builder to work with the council to do so. I am confident that through the masterplanning process and the preparation of detailed proposals that a satisfactory density of development can be achieved and the concerns expressed in representations regarding the impact of new development on residential amenity and infrastructure appropriately addressed, particularly the concern that new development might overlook existing properties at Traquair Gardens due to a difference in ground levels.

45. In conclusion, I find that land east of Ballumbie Road should remain as an allocated site in the proposed plan and that no modifications are required in response to the representations on this matter.

H46: Linlathen, Arbroath Road

46. The proposed plan allocates the greenfield site for the development of 250 houses within the first five-year period of the Plan (2019-2024). The proposal in essence has been carried forward from the extant local development plan which promotes the site for the development of 150 houses in the second five-year period of that plan (2020-2024) - the council now considers the site to have additional capacity in light of development design work undertaken by the prospective developers and the capacities achieved in completed developments nearby. With development progressing at the Western Gateway, the council considers it appropriate to release land in this location in order to offer choice of location in the city's housing market. In short, the principle of residential development on the site has been established. A representation that promotes the residential development of land to the north and east of the allocated site as part of wider development proposals at Linlathen is dealt with under Issue 7 (additional housing sites).

47. The representation in support of the development from the prospective developers (Kirkwood Homes and Linlathen (Tayside) Developments Ltd) considers that a development of 250 homes would be able to meet the requirements for a suburban site as described in of Appendix 4 (design of new housing) of the proposed plan. Although submitted in support of the representation promoting the wider development of land at Linlathen, a development framework has been prepared showing how the allocated site could be serviced by public transport and link to the core path network, local facilities and neighbouring areas, including Balmossie and Clearwater Park.

48. The main concern expressed in representations is that the site is remote from public transport and community facilities, with little prospect of ever being adequately served in the future. As such, it is claimed that its residential development cannot be regarded as sustainable – an important consideration of TAYplan and the proposed plan. For this reason, the Dundee Civic Trust seeks the removal of the site from the proposed plan, whereas the Broughty Ferry Community Council and Mr Hewick seek modifications to the proposed plan to clarify the basis on which the land would be released for development and the timing of its release. As I note above, the proposed housing site is a feature of the extant local development plan, was the subject of representations to that plan, and more recently the subject of a planning permission appeal (Planning and Environmental Appeals Division ref: PPA-180-2049), all of which considered one or more of these matters.

49. I agree that the site is somewhat distant from public transport, shopping and community facilities - the nearest bus stops are a kilometre to the south on the A92, the Sainsbury's superstore at Baldovie Road is two kilometres to the south-west and the

shops and facilities of Panmurefield Village lie 2.5 kilometres to the east. As with the recent residential developments at Balmossie and Clearwater Park, and in the absence of local facilities, residents of a development at Linlathen would in all likelihood be reliant on the use of private cars to meet their daily needs, particularly in the early phases of its development. I note the concerns expressed in representations on this matter.

50. However, whilst the Development Sites Assessment (CD07) states that there are no physical transport connections to the site at present, it makes clear that future development proposals would be required to fund off-site road improvements, make provision for public transport access and incorporate cycle routes to and through the site. It also notes that it will be necessary to improve cycle routes in the wider area to ensure good quality connections to Dundee and Broughty Ferry. Having visited the site and surroundings, and considered the development framework proposals, insofar as they are relevant to the allocated site, I am satisfied that the site is capable of meeting these requirements and that the provision of a network of cycle routes and footpaths would allow safe and attractive access to neighbouring areas and local facilities.

51. In addition, through Policy 20 (funding of on and off site infrastructure provision), and associated draft supplementary guidance, the council is able to secure the necessary financial contributions towards off-site road improvements, including improvements to the Claypotts Road/A92 junction. Congestion at this junction, in addition to morning rush-hour/school-run congestion at the A92/East Balgillo Road roundabout, are of particular concern to Mr Hewick. With regard to A92/East Balgillo Road roundabout, Mr Hewick illustrates in a series of photographs queuing and stationary traffic on the approaches to and on the roundabout. Whilst I acknowledge these concerns, they are matters to be addressed by a detailed planning application and associated transport assessment. I note that Transport Scotland did not raise objections in principle to past planning applications promoting residential development at Linlathen, which Mr Hewick also refers to in his representation.

52. With regard to the timing of the release of the site for development, as noted in the conclusions to Issue 6, the pace of development at the Western Gateway has quickened and, with the involvement of a second major house builder, the expectation is that this progress will be sustained. In light of this progress, I do not agree that its release should be delayed until 2020 and am satisfied that the site can be released on adoption of the proposed plan to offer a choice of location in the housing market without undermining the future development of the Western Gateway.

53. Finally, Broughty Ferry Community Council seeks a modification to paragraph 6.7 of the proposed plan to address the prospect of further development at Linlathen and more generally to the north of the A92. However, land lying immediately beyond the allocated housing site, bar that allocated for economic development at West Pitkerro, is defined as 'open countryside' on the proposed plan proposals map. Policy 31 (development within the open countryside) of the proposed plan establishes a presumption against all new development in such locations, other than that which satisfies stated criteria. Should it be required, further development in this location will be a matter for subsequent iterations of the local development plan to consider. I do not therefore propose to modify the proposed plan in this respect.

54. A further modification is sought by the community council to paragraph 6.8 to extend its consideration to greenfield land, in addition to brownfield land. However, the considerations of the paragraph are directed solely to the reuse of brownfield land within

the urban area. It would therefore be inappropriate to broaden its consideration to greenfield land.

55. Accordingly, I do not propose to modify the plan in response to this and other representations in respect of allocated site H46: Linlathen, Arbroath Road.

H47: Land to East of Strathyre Avenue

56. The proposed housing allocation is located at the end of Strathyre Avenue. Its development would in effect enclose and ‘round-off’ the street, which at present is flanked by houses with open views across the proposed site to the Dighty Water beyond. The representations seek the removal of the site from the proposed plan for a variety of reasons, including, among others, the decision to refuse planning permission in the past for its residential development and the inadequacy of local infrastructure to cope with further development.

57. The Development Sites Assessment (CD07) records that the site has indeed been the subject of past development proposals but that these were withdrawn or declared invalid by the council. The Development Sites Assessment also indicates that vehicular, cycle and pedestrian access to the site would be via an extension to Strathyre Avenue, which from my site inspection appears logical and achievable.

58. The proposed allocation is a feature of the extant local development plan (2014) and as such, the principle of its residential development has been established. Despite poor access to public transport services, I agree that the site offers an opportunity for a small-scale greenfield land release and that it would complete the development of Strathyre Avenue. I also agree that matters relating to access and street design, including measures to ensure child safety, are matters to be addressed in a detailed planning application. I note the council’s intention to secure developer contributions towards education provision and other infrastructure, in accordance with the provisions of Policy 20 (funding of on and off site infrastructure provision), should this prove necessary.

59. In conclusion, I find that land east of Strathyre Avenue should remain as an allocated site in the proposed plan and that no modification is required in response to the representations on this matter.

Other matters

60. The Scottish Environment Protection Agency (SEPA) seeks a modification to an explanatory note to Appendix 3 to clarify that the need for a Flood Risk Assessment on defined allocated sites is a requirement of the proposed plan and not SEPA. To do so, it claims, would correctly reflect the requirements of the Flood Risk Management (Scotland) Act 2009 and the duty it places on local authorities to “exercise their flood risk related functions with a view to reducing overall flood risk”, “promote sustainable flood risk management” and “act in a way best calculated to contribute to the achievement of sustainable development”. SEPA also suggests that the modification would indicate to the prospective developer that a flood risk assessment is required at the outset. The representation also seeks a modification to highlight additional site requirements where necessary, including SuDS and buffer strips.

61. On the first matter of concern to SEPA, I agree that the modification sought would better reflect the flood risk management responsibilities of the council and clarify that a

flood risk assessment will be required in support of development proposals on sites indicated in the appendix. With regard to the second, the purpose of Appendix 3 is essentially to list and identify the source of the allocated sites. It also identifies in a series of footnotes site considerations/requirements that could be described as exceptional. I do not consider the provision of SuDs or buffer strips to be exceptional in the development of a site, the requirements for which are addressed in policies 37 (Sustainable Drainage Systems) and 38 (protecting and improving the water environment), respectively. Where the provision of such features is known, these are appropriately identified in the Development Sites Assessment.

Reporter's recommendations:

The local development plan should be modified by:

1. deleting (*Sites where SEPA has advised that a Flood Risk Assessment will be required.) from the explanatory notes of Appendix 3: Allocated Housing Sites, and replacing it with (**Sites where a Flood Risk Assessment is required.*)

Issue 6	Western Gateway: Allocated Housing Sites H41, H42 & H43	
Development plan reference:	H41: Dykes of Gray, North West H42: Western Gateway, Liff H43: Dykes of Gray, North East	Reporter: Timothy Brian
Body or person(s) submitting a representation raising the issue (including reference number):		
Kirkwood Homes Ltd and Linlathen Developments Ltd (33) West Green Park Residents' and Proprietors' Association (41) Catherine Meakin (43) Leigh Brown (44) Catherine and Richard Stretton (45) Aileen Baird (46)		Douglas Cochrane (47) Geraldine Walters (48) Steve Walters (49) Gillian Smith (52) David Nicoll (53) William Nicoll (72) Hugh Tunstall-Pedoe (73) Stephen Dalglish (77)
Provision of the development plan to which the issue relates:	The Proposed Plan includes the release of land for 430 houses at the Western Gateway across sites H41, H42 and H43.	
Planning authority's summary of the representation(s):		
<p>Western Gateway H41: Dykes of Gray, North West H42: Western Gateway, Liff H43: Dykes of Gray, North East</p> <p><u>Kirkwood Homes Ltd and Linlathen Developments Ltd (33)</u></p> <p>Object to the proposed allocation of further housing land at the Western Gateway. Considers there to be an abundance of existing land supply remaining in that locale.</p> <p>Reference to Main Issue 3: Supply of Land for Housing from the Main Issues Report (MIR) (CD62), argues that the preferred and alternative options indicated release of Linlathen and Baldragon but did not include Western Gateway.</p> <p>Linlathen has not been identified for any Phase 2 housing land release as was identified as a preferred MIR option and that the Western Gateway has been identified for further Phase 1 allocations which was not considered to be the preferred or alternative options within the MIR.</p> <p>Reference is made to the programmed completion rate at the Western Gateway of 25 units per annum and does not see a justification for additional immediate allocation.</p> <p><u>West Green Park Residents' and Proprietors' Association (41), Catherine Meakin (43), Leigh Brown (44), Catherine and Richard Stretton (45), Aileen Baird (46), Douglas Cochrane (47), Geraldine Walters (48), Steve Walters (49), Gillian Smith (52), David Nicoll (53), Hugh Tunstall-Pedoe (73), William Nicoll (72), Stephen Dalglish (77)</u></p> <p>Object to the allocation of housing sites H41, H42 and H43 for the following reasons.</p>		

1. The allocations will create urban sprawl and do not correlate with the original vision of the Western Gateway as three separate villages.
2. Housing numbers will increase the amount set out in TAYplan SDP (CD04) by almost double.
3. No masterplan has been produced.
4. No formal public consultation has been carried out.
5. No secure plan established to deliver the proposed primary school and no consideration given to a cross boundary school with Angus Council.
6. The plans would allow sites to be fully developed without the provision of any essential services and amenities.
7. There are no NHS medical or dental facilities proposed for future residents.
8. Development will increase traffic congestion and road safety issues at the Swallow roundabout and the proposed redesign of the road does not consider the proposed housing allocations.
9. Local wildlife and protected species such as (red squirrels) could be negatively impacted.
10. Flooding is already an issue at West Green Park and the Swallow roundabout and there is uncertainty around the handling of additional sewage.
11. The combined density of housing site H42 and that of the approved development at existing housing site is considerably higher than previously established by the land allocation H69: Western Gateway, Liff (Phase 2) in the Dundee Local Development Plan 2014. It would make the density of the development completely at odds with the established density at West Green Park estate.
12. The lack of amenity space will result in the new residents accessing West Green Park's amenity land, without any contributions to the necessary upkeep.

Modifications sought by those submitting representations:

Western Gateway

H41: Dykes of Gray, North West

H42: Western Gateway, Liff

H43: Dykes of Gray, North East

Kirkwood Homes Ltd and Linlathen Developments Ltd (33)

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

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

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

William Nicoll (72), Stephen Dalglish (77), Catherine Meakin (43)

Modify the Proposals Map and Appendix 3 of the Proposed Plan by removing the greenfield housing site H42.

Catherine Meakin (43)

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

Summary of responses (including reasons) by planning authority:**Western Gateway**

H41: Dykes of Gray, North West

H42: Western Gateway, Liff

H43: Dykes of Gray, North East

Kirkwood Homes Ltd and Linlathen Developments Ltd (33)

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

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

Within the period of the Dundee Local Development Plan 2014 (CD03) the Council held pre-application discussions with the developer at the Western Gateway and this culminated in a masterplan approach being progressed. This approach resulted in three major planning applications being granted for the development of circa 700 homes (CD47) with the approval for the development of a village centre with services, nursery, village hall and amenity space as well as financial contributions being collected towards the provision of a new primary school. There has been progress with delivery of the development and around 100 homes have been completed since planning permission was granted in 2015.

TAYplan SDP (CD04) through Policy 3 has allocated Dundee Western Gateway as a Strategic Development Area (including 750+ homes) with the intention that this will make a major contribution to the housing on offer within Dundee and will contribute to the economic success of the City and wider region.

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

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

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

Plan.

All of the proposed housing sites have been assessed through the Development Sites Assessment process (CD07). The physical, environmental and infrastructure constraints for the allocated sites at the Western Gateway were assessed and there were no significant constraints highlighted and it was considered that they are allocations capable of accommodating the level of housing proposed.

No modification is proposed to the Plan.

West Green Park Residents' and Proprietors' Association (41), Catherine Meakin (43), Leigh Brown (44), Catherine and Richard Stretton (45), Aileen Baird (46), Douglas Cochrane (47), Geraldine Walters (48), Steve Walters (49), Gillian Smith (52), David Nicoll (53), Hugh Tunstall-Pedoe (73), William Nicoll (72), Stephen Dalgleish (77),

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

Within the Dundee Local Plan Review 2005 (CD14) there were three separate housing allocations at the Western Gateway. Following updated SEPA flooding information the southernmost development site was no longer considered suitable for development and the approved planning permission for the sites at the Western Gateway were not progressed as three separate villages (CD47). The concept was reworked with the developer to create one larger village focused around a village core, and a smaller development to reinforce the developments at the former Liff Hospital site. The sites that have been granted permission are now been shown as 'white land' on the draft Proposals Map. The allocated housing sites relate as an extension to the approved housing developments and village core and will contribute land for the provision of a new school and allow additional housing capacity to support the growth of the Western Gateway as well as supporting the services in the village centre.

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

TAYplan SDP (CD04) through Policy 3 has allocated Dundee Western Gateway as a Strategic Development Area. TAYplan SDP does not set an upper limit to the housing supply at the Western Gateway, as it states the indicative housing capacity as 750+ homes, with the specific housing allocations to be determined by the Dundee Local Development Plan. The proposed housing allocations at the Western Gateway will make a major contribution to the housing on offer within Dundee and will contribute to the economic success of the City and wider region.

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

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

3. No masterplan has been produced.

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

4. No formal public consultation has been carried out.

The Council held formal public consultation events during the period of representation for the Main Issues Report (CD62) and the Proposed Plan.

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

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

Through planning obligations the Council have secured developer contributions towards education provision at the Western Gateway from the approved developments (CD47). The developer will pay an agreed financial amount towards education provision to the Council through a 'roof tax' mechanism. This is to allow for, when required, a new primary school to be provided to meet any future increase in demand from the development. This requirement for developer contributions towards education provision would also be applied to the proposed housing sites at the Western Gateway.

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

Angus Council and Perth & Kinross Council have both been consulted on the Proposed Plan. The TAYplan SDP (CD04) sets out the approach to housing across Council boundaries and the proposals in the Plan are in accordance with the approved strategy and policies.

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

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

A programme for the delivery of the facilities at the village centre has been agreed between the developer and Dundee City Council as required by a planning condition for the approved residential development (CD47). The community hall is to be delivered within 24 months of the completion of the 75th residential unit. The commercial units will be provided should the NHS wish to provide for future medical or dental facilities in this area. Other commercial operators including the nursery are market driven and the developer will enter into discussions with prospective operators.

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

The remodelling of the Swallow Roundabout at the Kingsway (A90) to increase its capacity is required through a planning condition (CD47). The developer has agreed to undertake the improvement works to upgrade the Swallow Roundabout and have an approved planning permission for this upgrade works.

The developer has demonstrated through the submission of a supporting Transport Modelling Statement (CD65) that the proposed remodelling of the roundabout can accommodate the proposed additional housing numbers at the Western Gateway and there would be no significant detrimental impact arising as a result.

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

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

The sites at the Western Gateway are not located within an area that has been identified as a local, national or international nature conservation designation.

SNH requested that any development at H41 should not have an adverse effect on the integrity of the Firth of Tay Natura site which is approximately 1.3 miles away. This requirement has been reflected within Appendix 3: Allocated Housing Sites as well as the Development Site Assessment for H41 (CD07).

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

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

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

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

The proposed allocation at H42 for 30 units is the remaining area of the allocated housing site H69 (100 units) in the Dundee Local Development Plan 2014 (CD03). Planning permission for 100 units on the larger southern part has been approved (CD47) and the proposal adhered to the Housing Standards in Appendix 3 of the Dundee Local Development Plan 2014 (CD03) and this area of land has now been shown as 'white land' on the draft Proposals Map. The remainder of the site was assessed and it was considered that the site still has potential to accommodate housing development. The proposed 30 units is an indicative capacity and ultimately a proposed site layout, landscaping and other factors that are considered at planning application stage will determine the number of homes that can be accommodated on the site.

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

The approved developments at the Western Gateway (CD47) include landscaping and amenity areas including a central village green, local open spaces, landscaped footpath links to enable access to the playing fields and larger amenity spaces which include a 7-a-side football pitch and children's play area within the main Dykes of Gray development to the south. All housing has private rear gardens. Appropriate levels of amenity space would be required to be provided within any proposed development within the sites that have been allocated at H41, H42 and H43.

No modification is proposed to the Plan.

Reporter's conclusions:

Dundee Western Gateway

Background

1. There has been a policy commitment to focus housing development at Dundee Western Gateway for over 15 years, since the approval of the Dundee and Angus Structure Plan in 2002.

2. The strategy of the 2005 Dundee Local Plan Review concentrated additional greenfield housing release in the Dundee Western Gateway Area, with a modest allowance for further release in the north and east of the City in order to provide choice. Additional new housing was to be encouraged in this area, together with investment in social and physical infrastructure to improve the quality and choice of living opportunities in the City. The 2005 Review suggested that there was an opportunity to create a high quality, village type residential environment.

3. In 2012, the strategic development plan (TAYplan) established a Strategic Development Area (SDA) at Dundee Western Gateway. This is retained in the most recent strategic development plan (SDP), TAYplan 2016-2036, which indicates that Dundee Western Gateway is expected to provide "750+ homes and 50ha of employment land".

4. The 2014 Dundee Local Development Plan reaffirmed the strategy to focus the limited greenfield release on the Western Gateway SDA. To that end, a total of 600 houses were allocated at sites H69: Liff Phase 2 (100), HP01: South Gray (230) and HP02: Swallow (270).

5. Meanwhile planning permissions were granted in 2015 for the development of 100 houses on the majority of site H69, 365 houses on site HP01 (though the 2017 HLA refers to 371 houses), and 230 houses on a site partly within and partly to the north of site HP02.

6. In summary, there has been a longstanding and consistent planning policy to guide greenfield housing development to the Dundee Western Gateway, and planning permissions have been given to put that policy into effect.

LDP proposals at Western Gateway

7. The need to find additional housing sites in Dundee to meet the housing land requirement in TAYplan is discussed in Issues 3 and 4 above.

8. The proposed plan maintains the emphasis on developing the Western Gateway, in accordance with the strategy of TAYplan. To that end, it proposes to release additional greenfield land to support the continued delivery of the SDA.

9. Proposed sites H41: Dykes of Gray, North West (250 homes) and H43: Dykes of Gray, North East (150 homes), to the west and east of HP01, represent new sites not previously allocated for housing. However, site H42: Western Gateway, Liff (30 homes) comprises the northern part of H69, which is outwith the boundary of the planning permission granted for 100 houses in 2015.

10. The proposed plan indicates that sites H42 and H43 (a total of 180 houses) would be built in the first five-year period (2019-2024), and site H41 (250 houses) in the second plan period (2025-2029).

Objections to further housing allocations at Western Gateway

11. The relative merits of allocating additional housing land in other parts of the City, including suggested sites at Balmossie and North Grange Farm, and an expanded site at Linlathen, are examined elsewhere in this report within Issue 7. Nonetheless, it is necessary here to consider whether the proposed sites at Dundee Western Gateway are likely to be able to produce the requisite number of houses within the relevant Plan period.

12. There is also concern that any additional housing sites released at the Western Gateway would be in direct competition with existing sites with planning permission in the area, resulting in “market saturation”.

Effectiveness

13. Paragraph 119 of SPP indicates that local development plans in city regions should allocate a range of sites that are effective or expected to become effective in the plan period. In allocating sites, planning authorities should be confident that land can be brought forward for development within the plan period and that the range of sites allocated will enable the housing supply target to be met.

14. I note the criticisms of the proposed Western Gateway sites, including those reported in Issue 6 above. However, the Development Site Assessments (February 2018) indicate that sites H41, H42 and H43 have no significant constraints which would

prevent their development for housing during the plan period.

15. There are no known ownership constraints. The sites are generally level or moderately sloping greenfield land, without physical constraints, though each site would require a flood risk assessment to determine flood risk from small watercourses, and where appropriate, a drainage impact assessment to demonstrate the capacity to handle additional flows. Scottish Water has confirmed that the existing water and wastewater treatment works have sufficient capacity to cater for the proposed developments.

16. There are no nature conservation designations affecting the Western Gateway sites. However, developers would have to demonstrate that there would be no significant detrimental effect on protected species (including red squirrels), and that there would not be an adverse effect on the integrity of the Firth of Tay SPA, which is some 2km away.

17. The development of site H41 would need to protect the setting of the A-listed House of Gray to the north. Site H42 is affected by a tree preservation order, and existing woodland within the site would require to be retained and enhanced. The development of site H43 would need to avoid the risk of habitat fragmentation.

18. The council has already funded the improvement of Dykes of Gray Road, which provides satisfactory vehicle access (with a segregated footway) to each of the proposed development sites from the Swallow roundabout on the A90. The council will claim back the cost of the road improvement works as the development proceeds. There is as yet no public transport service to the Western Gateway, but it is reasonable to expect that bus services will be extended/re-routed to serve the expanding village.

19. There is evidently an existing problem of congestion at the Swallow roundabout at peak times. However, Transport Scotland is content with the conclusions of the ARUP traffic modelling exercise in 2016, which shows that the introduction of traffic signals at the roundabout would increase its capacity and would cope satisfactorily with the additional traffic generated by the approved and proposed developments at the Western Gateway. Specifically, the signalisation would minimise queue lengths and maximise vehicle throughput of the junction during the weekday peak periods.

20. The existing planning consents require the improvement works to the junction to be carried out in accordance with details agreed by the council in consultation with Transport Scotland. Planning permission has been granted for the works concerned.

Deliverability

21. The Western Gateway has been slow in delivering houses since it was first identified as a location for housing development in 2002. To date around 100 homes have been completed there, with the first ones being completed in 2015-2016.

22. The Draft Housing Land Audit 2017 expected that 25 houses per year would be constructed at each of the Western Gateway sites HP01 and HP02, and 20 per year at site H69, out of the remaining joint capacity of 636 units. On that basis, an estimated 140 units would still remain to be built on site HP01 during the second period of the proposed plan.

23. Moreover, the council's most recent indicative programming for the additional sites now suggests that only 80 of the combined 180 houses at H42 and H43 are likely to be

built in the first five years of the plan, leaving 350 houses to be built at sites H41, H42 and H43 during 2025-2029. Taken together with the rest of site HP01, 490 homes would remain to be built at the Western Gateway in the second plan period.

24. On the face of it that is an ambitious schedule, but with the improvement of Dykes of Gray Road, the involvement of a second major developer at the Western Gateway, and the absence of any significant constraints I consider that the programming is achievable. Having regard to the attractiveness of the sites, the potential community facilities (see paragraph 30 below) available at the Western Gateway, the choice of developers, and the wide range of house types on offer, I do not consider market saturation should be an issue there.

Masterplan, vision and community facilities

25. I consider that the Western Gateway would have benefitted from a comprehensive masterplan at the outset. However, I note that the original concept of three villages being developed at the Western Gateway has been replaced by a new vision of a single, larger village around a village core. The change was made largely by necessity, as the southern part of the original site was ruled out on flood risk grounds, but I can see clear advantages in consolidating the development into a single village which could share community facilities and services.

26. I do not agree that the proposed housing allocations would create 'urban sprawl'; rather, I consider that the allocations would serve to establish a more coherent village straddling Dykes of Gray Road. Site H43 would link the main Western Gateway development at HP01 and HP02 to the smaller development south of the former Liff hospital, and site H41 would be a logical longer-term expansion of sites HP01 and HP02, which would not extend the village further west or north.

27. I note that the nearest primary school for residents of the Western Gateway developments is Liff Primary School in the Angus Council area, and that parents from West Green Park are reluctant to send their children to the catchment Dundee primary school at Ardler, which is some distance away. Decisions on school catchment areas and cross-boundary arrangements with Angus Council lie outwith the scope of the proposed plan and this examination, but the identification of a suitable site is indeed relevant to my consideration.

28. Site H43 would accommodate a new primary school, which is an important priority for the new village. As a prerequisite of the planning permissions for housing developments at the Western Gateway, the developer has already signed binding legal agreements to make financial contributions towards education provision in the area, on the basis of an agreed sum per house built.

29. This is a requirement of Policy 19 of the 2014 LDP (and the council's planning guidance on developer contributions), which will be carried forward in Policy 20 of the proposed plan. The same provision would apply to any planning consents at sites H41, H42 and H43. Therefore, I conclude that the proposed allocations would be likely to accelerate the provision of a purpose-built primary school serving the Western Gateway.

30. I also consider that the additional housing would help to support the village services that are proposed at the Western Gateway. The planning permission for the development of site HP01 incorporates the village centre, including a commercial area with retail,

financial/professional services, food and drink and business uses, and a village green. The potential range of facilities includes a village hall, children's nursery and doctors'/dentist surgery. The village hall and village green are to be provided within a timetable agreed with the council.

Impact on West Green Park

31. West Green Park is a residential community that has been developed within the former Liff Hospital complex, to the north of site H42. The listed former hospital buildings have been converted to housing, and an estate of large, modern detached houses has been constructed in the extensive, wooded grounds.

32. The 2014 local development plan allocated an L-shaped area of land to the south for residential development (site H69), with an indicative capacity of 100 houses. When planning permission was granted in 2015 for 100 four and five-bedroom houses on the main, southern part of the site, the indicative masterplan for the site showed draft proposals for the development of the remainder of the site.

33. I do not consider that the proposed density at site H42, of less than ten houses per hectare, is excessive. On the contrary, it is an unusually low density for residential development. There is also a wide belt of mature trees between the proposed new development and the established community at West Green Park.

34. Neither am I concerned that a lack of amenity space would drive the residents of site H42 to access amenity land at West Green Park. In fact, a central village green is proposed in the adjoining development to the south, and a village green, multi-purpose sports pitch and children's play area within the developments under construction on the west side of Dykes of Gray Road.

35. On the expert advice of SEPA and Scottish Water, there is no evidence that the development of the sites would cause flooding at West Green Park or elsewhere, or that there would be problems associated with wastewater from the sites.

Overall conclusions

36. I conclude that the proposal to focus almost half of the greenfield sites in the proposed plan (430 homes) at the Western Gateway reflects the established spatial strategy for Dundee, which was reaffirmed in TAYplan. It enables a more sustainable, planned community to be established with the critical mass to incorporate the associated social and physical infrastructure. I find this planned approach to be preferable to the less sustainable alternative of making a series of piecemeal releases of greenfield land for housing.

37. After a slow start, the pace of development at the Western Gateway has quickened, and the involvement of a second major developer should ensure that this progress is sustained, albeit the proposed sites are likely to contribute mainly in the second five-year period of the plan.

38. I therefore conclude that housing sites H41, H42 and H43 should remain in the proposed plan, and that there is no need to modify the plan in response to the representations on this issue.

Reporter's recommendations:
No modifications.

Issue 7	Additional Housing Sites	
Development plan reference:	Appendix 3: Allocated Housing Sites	Reporter: Timothy Brian
Body or person(s) submitting a representation raising the issue (including reference number):		
Balmossie Developments (19) James Thompson (23) Kirkwood Homes Ltd and Linlathen Developments Ltd (33) Scottish Enterprise (as Landowner) (35) Punch Taverns Ltd (36) JD Management (38) H&H Properties (55) Bruce R Linton & Persimmon Homes Ltd (58) Ardmuir Ltd (70)		
Provision of the development plan to which the issue relates:	Representations propose housing sites in addition to those contained within Appendix 3 of the Proposed Plan.	
Planning authority's summary of the representation(s):		
Land to West and South West of Balmossie <u>Balmossie Developments (19)</u> The east of the City is a popular location amongst house purchasers and the principle of development at Balmossie has been well established. There is an opportunity to plan for a further expansion of the Balmossie village with a more appropriate and robust landscape edge. The development of a high-quality extension to the village would significantly improve the range of housing available in the City and would meet housing objectives established within the TAYplan SDP (CD04). The proposed development would be of a scale and character appropriate to its location and surrounding uses. It would be capable of creating a place which is cohesive in character, inclusive and provides opportunity for its residents and embraces and encourages diversity throughout the development. There are no significant constraints that would adversely affect the proposed development of the site at Balmossie. Additional greenfield housing land should be allocated at Land to West and South-West of Balmossie within Appendix 3 with a capacity of 120 homes. Land at Linlathen <u>Kirkwood Homes Ltd and Linlathen Developments Ltd (33)</u> Recommends that if there is a strategic requirement for additional housing then priority should be given to land release of an additional 250 homes at Linlathen within the second 5 year period of the Plan rather than allocate the additional housing land at the Western Gateway.		

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

Consider that the remainder of the Linlathen Masterplan area (SD10) should be identified within the Proposed Plan for long term development for housing and mixed community and educational uses.

Land at Balgarthno

Scottish Enterprise (as Landowner) (35)

Consider that the Land at Balgarthno as outlined in Scottish Enterprise (as Landowner) (35) is located within the Dundee Western Gateway Strategic Development Area and that the Council's discount of this site for residential development, based upon its perceived location out with the Dundee Western Gateway Strategic Development Area is inaccurate. The physical constraints of the site can be mitigated and any concerns regarding the impact upon residential uses from the future economic use of the upper plateau have been addressed through the development framework. The additional greenfield housing land allocation at Land at Balgarthno should be allocated with a capacity of 150-200 homes as it would be consistent with the spatial strategy for housing provision as it lies within the Dundee Western Gateway Strategic Development Area.

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

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

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

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

North Grange Farm

James Thompson (23)

Land on the eastern edge of Dundee at North Grange Farm should be allocated for residential use with a focus on widening housing tenure within Dundee to offer custom build opportunities. This approach is supported by Scottish Planning Policy (CD01) in terms of enabling the provision of a range and choice of housing that can contribute

towards the creation of successful and suitable places and is closely aligned with the recent Scottish Government programme to promote self build housing as part of the national agenda to meet Scotland's future housing requirements.

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

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

A Custom Build Framework was submitted (SD07) to outline a land use structure for the site, consistent with their MIR submission regarding the role of design policies.

H&H Properties (55)

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

Land at the Shand Public House, Dickson Avenue

Punch Taverns Ltd (36)

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

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

Land at Prospect III

JD Management (38)

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

Stewart's Cream of the Barley

Bruce R Linton & Persimmon Homes Ltd (58)

Request the re-designation of land at Stewart's Cream of the Barley from a 'General

Economic Development Area' (GEDA) to 'Residential' for 90 houses in the first period of the Proposed Plan. There are a number of planning considerations that support the proposed development site including; brownfield site, vacant employment site, lack of market demand, units no longer meet modern employment requirements, accessibility of the site, improved streetscape, no known constraints, neighbouring residential development to north, east and south and approved planning permissions on adjacent sites (17/00144/PPPM (CD41) & 16/00476/FULL (CD45)) for non-employment uses.

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

63 Brown Street

Ardmuir Ltd (70)

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

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

Modifications sought by those submitting representations:

Land to West and South West of Balmossie

Balmossie Developments (19)

Modify the Proposals Map and Appendix 3 of the Proposed Plan to allocate land to west and south-west of Balmossie as a greenfield housing site with an indicative capacity of 120 homes.

Land at Linlathen

Kirkwood Homes Ltd and Linlathen Developments Ltd (33)

Modify the Proposals Map and Appendix 3 of the Proposed Plan to allocate additional land at Linlathen for release in the second 5 year period of the plan (2025-2029) in accordance with the submitted long term Linlathen Masterplan (SD10).

Land at Balgarthno

Scottish Enterprise (as Landowner) (35)

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

North Grange FarmJames Thompson (23)

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

H&H Properties (55)

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

Land at Shand Public House, Dickson AvenuePunch Taverns Ltd (36)

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

Land at Prospect IIIJD Management (38)

Modify the Proposals Map and Appendix 3 of the Proposed Plan to allocate Land at Prospect III as a brownfield housing site.

Stewart's Cream of the BarleyBruce R Linton & Persimmon Homes Ltd (58)

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

63 Brown StreetArdmuir Ltd (70)

Modify the Proposals Map and Appendix 3 of the Proposed Plan to allocate the site at 63 Brown Street for (purpose built) student residential use.

Summary of responses (including reasons) by planning authority:**Land to West and South West of Balmossie**Balmossie Developments (19)

The housing strategy of the Proposed Plan is to prioritise the redevelopment of brownfield sites and for the allocated greenfield sites identified in Appendix 3 and the draft Proposals Map to be progressed at the Western Gateway, Baldragon, Ballumbie, Linlathen and Land East of Strathyre Avenue over the first five year period of the Plan. To provide

certainty to the housing strategy and continuing commitment to proposed housing land release within the Strategic Development Area the Proposed Plan has identified further land release at the Western Gateway in the second five year period of the Plan.

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

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

No modification is proposed to the Plan.

Land at Linlathen

Kirkwood Homes Ltd and Linlathen Developments Ltd (33)

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

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

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

The site H41 Dykes of Gray, North West at the Western Gateway Strategic Development Area has been allocated for release in the second period of the Proposed Plan (2025-2029). The allocation of this site provides certainty that the Council are committed to continuing to encourage the development of new housing in the west of the City within the Strategic Development Area and that this allocation is effective and will make a significant contribution to meeting the average Housing Supply Target set out in Map 4 on page 23 of TAYplan SDP (CD04).

The Main Issues Report considered several options for housing land release. The preferred option did include the allocation of additional housing land in the west of the City. Following the representations to the Main Issues Report (CD62) and analysis of

these the Council considered it was appropriate to allocate a managed release of housing land at the Western Gateway in both the first and second period of the Proposed Plan.

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

No modification is proposed to the Plan.

Land at Balgarthno

Scottish Enterprise (as Landowner) (35)

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

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

The masterplan approach that has been progressed at the Western Gateway has resulted in three major planning applications being granted for the development of circa 700 homes (CD47). This includes the development of a core village centre with associated services such as a nursery, village hall and amenity provision as well as financial contributions being collected towards the provision of a new primary school. There has been progress with the delivery of development and around 100 homes have been built since planning permission was granted in 2015.

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

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

The site at Land at Balgarthno would not be considered to be a natural extension to residential areas within the City. The site was previously allocated within the Dundee Local Plan Review 2005 (CD14) for economic use and the proximity of the A90 Kingsway Road would result in a housing development that would appear as separate and standalone from the established residential areas in Dundee.

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

Balgarthno site for housing development.

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

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

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

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

With regards to the other environmental constraints listed in the representation for H42: Western Gateway, Liff and H43: Dykes of Gray, North East, the Council consulted with the key agencies and incorporated their comments into the Proposed Plan as well inclusion of site specific comments into the relevant Development Site Assessments (CD07). This will assist a developer with the masterplanning of any forthcoming development proposals at this location.

All of the allocated housing sites in the Proposed Plan have been assessed through the Strategic Environmental Assessment (CD15) and Habitats Regulations Appraisal process (CD16). The physical, environmental and infrastructure constraints for the allocated sites at the Western Gateway were also assessed through the Development Sites Assessment (CD07) process and there were no significant constraints highlighted and it was considered that the allocations are capable of accommodating the indicative level of housing proposed.

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

No modification is proposed to the Plan.

Land at North Grange Farm

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

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

The Land at North Grange Farm is located on the eastern extremity of Dundee and is not

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

The proposal to allocate the site for residential development does not accord with the policy approach for greenfield housing land release set out in the Proposed Plan. The sites that have been allocated within the Proposed Plan offer a generous choice and location for a range of house builders and occupiers. The Proposed Plan is supportive of custom build housing and the sites that have been allocated within Appendix 3 offer a range of opportunities for this sector of the housing market.

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

No modification is proposed to the Plan.

Land at the Shand Public House, Dickson Avenue

Punch Taverns Ltd (36)

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

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

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

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

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

No modification is proposed to the Plan.

Land at Prospect III

JD Management (38)

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

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

No modification is proposed to the Plan.

Stewart's Cream of the Barley

Bruce R Linton & Persimmon Homes Ltd (58)

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

Within the Proposed Dundee Local Development Plan 2014 Report of Examination (CD05) the DPEA Reporter responded to a representation that requested the site to be allocated for housing.

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

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

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

No modification is proposed to the Plan.

63 Brown Street

Ardmuir Ltd (70)

The site at 63 Brown Street is allocated within the Blackness General Economic Development Area and the relevant Policy 5: General Economic Development Areas allocates the area for uses within Classes 4, 5 and 6 only. Proposal 1: Blackness

Regeneration within the Proposed Plan is a specific proposal that highlights the potential for the reuse of vacant land and buildings within the Blackness General Economic Development Area and establishes that the City Council will set a framework for physical improvements through the preparation of a design framework. Within the Schedule 4: Sustainable Economic Growth the Council provide reasoning for retaining the Blackness General Economic Development Area boundary and that the context of Proposal 1: Blackness Regeneration allows for complementary uses to be considered through the preparation of the Blackness Regeneration design framework.

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

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

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

No modification is proposed to the Plan.

Reporter's conclusions:

The requirement for additional housing land in Dundee

1. I address the requirement for, and the adequacy of, the supply of, housing land in Dundee elsewhere in this report in my consideration of Issues 3 and 4. I also consider the proposed balance of greenfield and brownfield sites within Issue 3. The merits of the sites that are allocated for housing in the proposed plan, including those at the Western Gateway, are considered in Issues 5 and 6.
2. Within Issue 4: Supply of Land for Housing, I have confirmed that the proposed plan allocates sites for 970 homes in response to an under-supply of land for 814 homes. I have concluded that the proposed plan allocates sufficient sites to meet the housing land requirement for Dundee during the plan period.
3. Moreover, the most recent housing land audit indicates that there should be an ample supply of effective housing sites in the first five years of the plan, even if there is some slippage at the Western Gateway sites.
4. I have also concluded that the proposed plan broadly strikes the right balance between the requirement to provide a generous land supply and a range of attractive housing sites, with the need to give due priority to the re-use of brownfield land in

Dundee.

5. The council is obliged to manage the release of greenfield land carefully, to ensure that there is an adequate number and range of sites in the City, but also to ensure that brownfield sites are not overlooked in favour of potentially easier to develop, but less sustainable, greenfield sites.

6. We have concluded that the allocated sites should remain in the Plan, as they are needed to meet the housing land requirement for the City that is set out in TAYplan, and are effective or capable of becoming effective and deliverable within the Plan period.

7. Specifically, in my conclusions on Issue 6, I endorse the proposal to allocate additional housing development on sites H41, H42 and H43 at the Western Gateway, which enables a more sustainable, planned community to be established with the critical mass to incorporate the associated social and physical infrastructure.

8. I shall assess the merits of the suggested housing sites that are not allocated in the proposed plan in that context.

Land to west and south west of Balmossie

9. This representation proposes the allocation for housing (120 homes) of 13.4 hectares of land in the countryside at Balmossie, which slopes up from the Dighty Water river valley towards Roman Hill in the east of the City. The site comprises a C-shaped area of land, surrounding a modern housing estate on its north, west and south sides. The site rises by over 35 metres from its south-west to its north-east edges.

10. The existing estate of over 100 houses (predominantly large, detached properties) lies in a prominent, elevated position to the north of the A92 Arbroath Road. It is accessed from a roundabout on the A92, but is detached from the main built-up areas of Dundee and Broughty Ferry. The estate has no shops, and no community facilities apart from a village green and children's play area. There are bus stops on the A92, and the nearest shops are at Panmurefield, on the opposite side of the dual carriageway, accessed via a puffin crossing to the south of the site.

11. The proposal is supported by a development framework and conceptual masterplan, which show how the development could integrate with, and potentially enhance, the layout and appearance of the existing housing estate, and how any site constraints could be overcome.

12. There is an argument that the proposal would provide an opportunity to consolidate and improve the development at Balmossie, and to create a comprehensive landscape framework, including a new village green and better pedestrian links.

13. However, the expanded housing estate would still be isolated from the urban edge, largely lacking its own facilities, and would remain a conspicuous development in the countryside north of the A92.

14. I am also concerned that the allocation of additional greenfield housing land in the east of the City might prejudice the delivery of the planned development at the Western Gateway, and could pose a threat to the implementation of this key plank of TAYplan's spatial strategy.

15. I therefore do not propose to modify the plan to allocate the land at Balmossie.

Land at Linlathen

16. The proposed plan allocates a greenfield site of almost 16 hectares at Linlathen Estate for the development of 250 houses (site H46) within the first five-year period of the Plan (2019-2024). This is essentially a carry-over of a similar proposal (but for 150 houses) in the 2014 Local Development Plan on the same site. The undeveloped land to the west, which neighbours the West Pitkerro Industrial Estate, is identified as a Principal Economic Development Area.

17. The representation supports the allocation of site H46, but wishes the proposed plan to allocate further land to the north and east for a second phase of 250 houses to be released in the second plan period (2025-2029), and to identify the wider Linlathen area (around 58 hectares) for the long term development of housing and mixed community and educational uses. The masterplan for the area submitted in support of the representation shows the development of ultimately more than 700 houses within the additional land holding.

18. The land at Linlathen is part of an attractive area of open countryside on the north-eastern edge of the City. It lies between the A92 Arbroath Road to the south and the B961 Drumsturdy Road to the north. The land slopes up markedly from south-west to north-east, before dropping down slightly to the B961.

19. The land would be accessed from a roundabout at the end of a distributor road that has been constructed from the A92, and already serves a new residential district to the south of the Dighty Water.

20. The development has a willing landowner, and there is evidence of lively market demand in the east side of the City. However, I have a number of reservations about the proposal to extend the housing allocation at Linlathen.

21. The allocated site H46 consists of two relatively low-lying fields to the north of an enclave of development that comprises a group of houses, a neurological care centre, a retirement village and a riding for the disabled complex. As such, site H46 would relate better to the existing pattern of development than would the additional land that rises to the north and east.

22. Historic Environment Scotland does not favour the development of the land, because of the potential for direct and indirect impacts on two scheduled monuments (a prehistoric cairn and a Neolithic enclosure), which are located towards the northern end of the site.

23. I note the concerns expressed by Dundee Civic Trust (reported under Issue 5), that the development at Linlathen would be remote from public transport and community facilities, and would represent a large housing estate in the countryside, contributing to urban sprawl and dependent on the private car, rather than a self-sustaining 'village'.

24. More widely, I consider that a housing development at Linlathen of the type and scale suggested above could be seen as a rival and alternative to the SDA at Western Gateway, and could pose a threat to the implementation of this key plank of TAYplan's spatial strategy.

25. I therefore do not propose to modify the plan to expand the housing allocation at Linlathen.

Land at Balgarthno

26. This representation concerns an extensive area (almost 28 hectares) of agricultural land to the west of the A90 (Kingsway), on the western edge of the City. The north eastern part of the site is allocated as part of a Principal Economic Development Area under Policy 3 of the proposed plan, but the remainder of the land is designated as open countryside.

27. The whole site was allocated for economic use in the 2005 Dundee Local Plan Review, but the 2014 local development plan identified most of the site as open countryside, and that approach has been maintained in the proposed plan.

28. The site is bounded by the dual carriageway (and a Premier Inn/Beefeater restaurant) to the east and by the Wester Gourdie Industrial Estate to the north-east. Dundee Technology Park lies to the east of Kingsway at this point. There is further countryside to the north, north west and south west of the site, but a hotel to the south, and permitted housing developments within the Western Gateway SDA on the opposite (west) side of Dykes of Gray Road.

29. The site could be readily accessed from the Myrekirk roundabout by means of Fulton Road, and potentially from the Swallow roundabout via Dykes of Gray Road.

30. Scottish Enterprise wish the proposed plan to be modified to allow residential development (150-200 homes) on the lower, south-western part of the site, whilst promoting the balance for future employment use.

31. A detailed development framework report, which included a masterplan for the site and addressed transport, engineering, ecology and landscape issues, was submitted in support of the proposal. The masterplan showed a potential residential development area of around 5 hectares. The report proposed a number of measures to improve connectivity with the wider area for pedestrians, cyclists and public transport users. It acknowledged that there would be a need for some re-contouring and land raising in order to develop the southern part of the site.

32. Any development of the site would be somewhat constrained by its sloping topography, the presence of high voltage power lines and a surface water sewer and substantial belts of woodland within the site, and the need to take account of the risk of flooding from Lochee Burn. However, the development framework illustrates how these constraints, and the need to avoid habitat fragmentation, could be overcome.

33. On the basis of the indicative plan on the TAYplan website, it would appear that the suggested housing site would fall within the Dundee Western Gateway SDA. However, the SDA is intended to incorporate 50 hectares of employment land, as well as 750 or more homes.

34. Given that the Balgarthno site adjoins an established industrial estate, and could be accessed from the A90 via two roundabout junctions, I consider that it would be prudent to earmark the entire site for economic development purposes in the longer term, and meanwhile to retain the lower part of the site as open countryside.

35. I consider that there are more suitable alternative housing sites, such as the proposed Western Gateway sites at H41, H42 and H43, which would be better related to the existing pattern of residential development in the area and would offer a more integrated solution to the need for housing sites in the City.

36. I therefore do not intend to modify the plan as requested in the representation.

North Grange Farm

37. These representations concern a rolling, greenfield site of 31.3 hectares in the north-eastern edge of the City, on the border with the Angus Council area. North Grange Farm is bounded to the north and west by open countryside, to the south by the A92 and the town of Monifieth (on the opposite side of the road), and to the east by a retail and leisure park, with an aggregates quarry to the north of that.

38. The site excludes the existing complex containing a farm shop and business units in the north-east corner of the farm.

39. There are two alternative proposals for the land – one for a development of 275 houses, and another for 75 self-build homes.

40. The report in support of the 275-house proposal states that the site is effective, having no constraints on development, and could deliver more than 150 homes in the first five years of the plan period. The development would also deliver more than 65 affordable homes. The land is under the control of a developer who is ready to start when permission is granted.

41. The report advises that there is consistent demand to develop in the Monifieth area, and argues a further 'eastern village' type development at North Grange would act as a definitive book-end to the Dundee conurbation. The site could provide starter homes, small, medium and large family homes, and homes for 'downsizers' and the elderly. It is likely to have a central hub where any retail or social activities would be located.

42. The self-build proposal at North Grange Farm is supported by a report, indicative layout and plan showing three development zones for custom build at varying densities, together with an equestrian area in the north east end of the site. The development would offer plot sizes to meet a wide range of demand including market, retired and community build sectors.

43. The council's development site assessment confirms that the site is not subject to any insuperable physical constraints, though there is a pronounced drop of around 30 metres across the land. Flood risk and drainage impact assessments would be required, to determine the flood risk from the small watercourses which run along the south, west and north boundaries, and to confirm the capacity of existing infrastructure to handle additional flows.

44. The land can be readily accessed by vehicles by means of the minor road connecting the A92 Arbroath Road to the B961 Drumsturdy road, which leaves the A92 at a roundabout on the edge of the farm.

45. However, I agree with the council's assessment that, due to the relative remoteness of the site, which is over 8km from the city centre, any housing development on the land

is likely to be dominated by the private car. I would expect most residents of any housing development at North Grange to drive to work and use their cars for the majority of their shopping, leisure and community needs.

46. I accept that the proposal would provide additional choice to developers and house buyers in the eastern part of the City, and could offer the opportunity to deliver self-build properties and/or affordable homes. Nonetheless, I conclude that a housing development in this location is likely to be inherently unsustainable because of its potential reliance on the private car, and insofar as it deflected demand from the allocated sites, it could prejudice the timely delivery of the Western Gateway project.

47. I therefore do not propose to modify the proposed plan to allocate land at North Grange Farm for housing.

Stewart's Cream of the Barley

48. This brownfield site of approximately 2.9 hectares, originally a whisky bottling plant, lies within the Mid Craigie Industrial Estate, some 3km east of the city centre. The industrial estate is accessed from the A972 dual carriageway (Kingsway East) via the Craigie roundabout junction.

49. When I visited the site, the former industrial buildings had already been demolished and the land was being cleared for redevelopment.

50. The proposed plan designates the entire industrial estate as a General Economic Development Area. I address the requirement to safeguard land for economic development in the City, and the significance of the Stewart's site in that regard, elsewhere in the report in my consideration of Issue 2: Sustainable Economic Growth.

51. Below I discuss the merits of the land as a potential housing site. The representation proposes that the site be allocated for housing, with an indicative capacity of 90 homes.

52. Although part of an industrial estate, the site is located within an area of mixed uses. It is bounded by Kingsway East to the east, an estate of around 30 bungalows (Montgomery Avenue/Crescent) to the south, a cemetery to the west, the industrial estate to the north-west, and three houses to the north-east. On the opposite side of Kingsway is a modern retail park.

53. To the west of the estate of bungalows is a row of shops fronting Arbroath Road, including a post office/convenience store and pharmacy, and further retail premises to the west (hairdresser's, butchers shop, and discount supermarket). There is a residential district on the opposite side of Arbroath Road.

54. I note that planning permission has been granted for a mixed-use development on the vacant industrial site to the north, including industrial units, car showroom, food retail and restaurant. This decision suggests that the council is prepared to see certain economic development sites developed for alternative purposes in appropriate circumstances. It also means that the Stewart's site is likely to have a limited boundary with the remaining industrial estate.

55. There would appear to be no physical constraints that would prevent the Stewart's

site from being redeveloped for housing, though the potential for flooding would require to be investigated and appropriate mitigation measures put in place. A housing market appraisal by Persimmon Homes shows that there is a keen demand in the area for family homes, and that there are no marketing constraints on developing the site for housing.

56. Indeed, the submissions indicate that the site lends itself to a well-designed housing development. As already stated, it has residential neighbours to the north and south, and a range of shops on Arbroath Road nearby and in the Milton of Craigie Retail Park opposite.

57. The site could be accessed from Mid Craigie Road and Montgomerie Crescent, and there are good footway connections to Arbroath Road and Kingsway East, both of which have regular bus services to the City centre.

58. The proposed development is likely to comprise two, three and four-bedroom houses in terraced, semi-detached and detached form, which would face the existing and proposed streets, and would be arranged around a series of interconnected open spaces.

59. I consider that a development of that type, with priority given to pedestrian movements, would generally comply with the Scottish Government's Designing Streets policy, and would consolidate the established residential enclave between Arbroath Road and Kingsway East.

60. Since the housing proposals for this site have not been the subject of strategic environmental assessment, neighbour notification or other statutory consultation, I am unable to recommend that the proposed plan be modified to allocate this site as requested.

61. However, elsewhere in this report at Issue 2, I have recommended that the site be removed from the General Economic Development Area. Consequently, any proposal for residential development on the land would require to be assessed against the provisions of Policy 9 of the proposed plan, which states that housing land release on brownfield sites, in addition to the allocated sites, may be acceptable in certain circumstances.

Land at the Shand Public House, Dickson Avenue

62. This site of 0.5 hectares contains a disused and dilapidated former public house building and car park. It is located on the north side of Dickson Avenue, within an established residential district on the west side of the city, where a development for housing is likely to be acceptable in principle.

63. I can appreciate the desire of the local community to redevelop this unsightly building, but as any development is likely to be for fewer than 10 houses it does not qualify to be allocated for housing in the proposed plan. Therefore, I do not propose to modify the proposed plan in response to the representation.

Land at Prospect III

64. This representation (which is also considered under Issue 2 (sustainable economic growth) concerns an area of some 0.17 hectares at the south end of the Dundee Technology Park. The land contains a small overflow car park for the neighbouring Prospect III business centre, but most of the site is landscaped with grass and mature

trees. Although part of the technology park, the site is bounded to the east and west by residential properties that are accessed by a short spur road off the Perth Road.

65. The overflow car park was unused when I visited the site, but I noted a sign advertising 'office suites to rent' at Prospect III. I also observed that there was extensive on-street car parking on the road serving this part of the technology park (Gemini Crescent). That suggests to me that, although the overflow car park may not be used by the current users of Prospect III, it may be required when the building is fully utilised, and that failure to provide adequate off-street parking can result in excessive parking at the kerbside.

66. I am also concerned that the development of this site for housing would require the removal of trees along the frontage with the spur road, which help to screen the technology park from the south.

67. I conclude that the land should not be removed from the Specialist Economic Development Area, and should not be allocated as a brownfield housing site.

63 Brown Street

68. The site at 63 Brown Street is located in the Blackness area, which is a historic industrial district to the west of the city centre, containing traditional mill and other stone buildings up to 5 storeys high within a tight grid of streets. There are a number of vacant premises, and the area now includes a variety of uses, including showrooms, repair shops, sports clubs, student flats, and a mosque.

69. The majority of Blackness, including the site at 63 Brown Street, is designated as a conservation area, and the former jute mill building to the south of the site (Tay Mills) is a category A listed building.

70. The site at 63 Brown Street lies on the west side of West Marketgait, close to the Dudhope roundabout. The site at 63 Brown Street comprises a single storey, stone built, former weaving shed divided into four business units, with a car park at the front. The substantial mill building to the south has been converted into student flats.

71. Most of Blackness is allocated in the proposed plan as a General Economic Development Area (GEDA). Proposal 1: Blackness Regeneration indicates that the council will prepare a design framework to highlight the potential to reuse vacant land and buildings within the Blackness GEDA and set a framework for physical improvements.

72. Within Issue 2, I consider the proposals to remove the site from the General Economic Development Area, and to allocate it for uses that complement the existing range of commercial and industrial properties in the GEDA.

73. Below I assess the proposal to allocate the site for purpose-built student residential use.

74. Paragraph 6.24 of the proposed plan states that following "*comprehensive development of new and replacement purpose built student accommodation over the past ten years, it is considered unlikely that there will be the need over the short to medium term for any significant additions to the supply of purpose built accommodation for students.*"

75. Policy 15 therefore provides that student accommodation will only be supported where the following criteria is met:

1. it can be suitably demonstrated that a demand exists within the particular area for the level and type of student accommodation proposed;
2. it is within convenient walking distance of the higher education institution to which a need exists and is well connected to local services and facilities;
- and,
3. the design and layout of the proposed development is of a high quality and provides an appropriate level of amenity space, car parking provision, refuse/recycling storage space and secure bike storage facilities.

76. On the first criterion, I note that the universities do not appear to see a need for further student accommodation in the city. However, the Dundee Student Property Market Report (October 2017) by Knight Frank found that Dundee is ranked 48th out of 50 UK student locations in terms of the proportion of students accommodated in purpose-built student accommodation. Approximately 9,721 Dundee based higher education students (almost 69%) live in HMOs or at home with their parents. Over half of first year students live in the private rented sector or other accommodation. There is a ratio of over three students per purpose-built bed space in the city.

77. With the rising demand for places, and significant increase in undergraduate acceptances, at the Dundee universities in recent years, there is a growing mismatch between demand and supply. No further student residential development is programmed in Dundee to address the unmet demand.

78. I therefore accept that there is indeed unmet and growing demand for purpose-built student accommodation in Dundee. With regard to the second criterion, the site at 63 Brown Street is well located to meet some of that demand, being within easy walking distance of the nearby campuses of Abertay and Dundee Universities. Indeed, there is already student accommodation at the converted former Tay Mills next door, and at the purpose-built Parker House student housing complex to the north of the Dudhope roundabout.

79. In relation to the third criterion, a detailed design statement has been prepared by the potential developers, which shows how a building 4½ - 6½ storeys high might be accommodated in this prominent and sensitive corner site in the conservation area.

80. Purpose-built student housing is not one of the examples of appropriate complementary uses within the Blackness area that are listed in Proposal 1. However, the use of the phrase 'such as' indicates that the list is not intended to be exhaustive. Any planning application for purpose-built student housing would require to be assessed against various provisions of the proposed plan, including Proposal 1 and Policy 15.

81. At this stage I am reluctant to pre-empt the design framework which is to be produced for Blackness, or to rule out other potentially employment generating proposals, by allocating the site at 63 Brown Street for purpose-built student housing. I am also mindful that any development proposal in this location would require to be appraised by Historic Environment Scotland, which would consider its impact on the conservation area and listed buildings in the vicinity.

82. Accordingly, I do not propose to modify the plan to allocate the site at 63 Brown Street for purpose-built student residential use.

Reporter's recommendations:
No modifications.

Issue 8	Policy 10: Design Of New Housing And Appendix 4	
Development plan reference:	Policy 10: Design of New Housing and Appendix 4	Reporter: Steve Field
Body or person(s) submitting a representation raising the issue (including reference number):		
Tayside and Central Scotland Transport Partnership: Tactran (07) Homes for Scotland (08) Dundee Civic Trust (13) Broughty Ferry Community Council (20)		David Hewick (22) Stewart Milne Homes (39) Bruce R Linton & Persimmon Homes Ltd (58) Kirkton Community and Safety Partnership (65) Barratt North Scotland (66)
Provision of the development plan to which the issue relates:	Policy 10 requires new housing to be of a high quality and to contribute to creating places that respect and enhance the distinct character and identify of the different parts of the city. Appendix 4 sets design standards for new housing across three character areas.	
Planning authority's summary of the representation(s):		
<p>Policy 10: Design of New Housing</p> <p><u>Stewart Milne (39)</u></p> <p>Considers Appendix 4 to be outdated and its prescriptive nature contradicts good design guidance and placemaking requirements of the Scottish Government.</p> <p>Considers Policy 1: High Quality Design and Placemaking should take priority in the design making process.</p> <p>Proposed that masterplans should be prepared and adopted to implement good design rather than applying rigid and unnecessary criteria relating to garden sizes, size of property etc.</p> <p>Appendix 4: Design of New Housing - Standards</p> <p><u>Tayside and Central Scotland Transport Partnership: Tactran (07)</u></p> <p>Provision needs to be made to encourage and accommodate more sustainable lifestyles and emerging technologies by making provision to energise the move to electric vehicles and to encourage greater personal mobility through initiatives such as car clubs and sustainable transport to promote lower car ownership and use.</p> <p><u>Homes for Scotland (08)</u></p> <p>Considers the provisions of Policy 10: Design of New Housing and Appendix 4 to be generally reasonable however concerned that the minimum standards will have consequential impacts on site viability and market interest in the delivery of these. Particular reference to the garden ground standards for terraced housing resulting in an</p>		

excessive size of garden and affects overall site viability.

Dundee Civic Trust (13)

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

Broughty Ferry Community Council (20)

The existing standard within the Dundee Local Development Plan 2014 (CD03) for flats in a suburban location was for 100 sqm gross minimal internal floor area and the Community Council consider that has worked well in the Dundee context. There is no requirement to alter this and concerned that this will allow a creep towards 'town cramming' contrary to good planning practice in a City committed to high quality place making.

David Hewick (22)

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

Stewart Milne (39)

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

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

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

Bruce R Linton & Persimmon Homes Ltd (58)

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

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

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

Kirkton Community and Safety Partnership (65)

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

Barratt North Scotland (66)

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

Modifications sought by those submitting representations:

Policy 10: Design of New Housing

Stewart Milne (39)

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

Appendix 4: Design of New Housing - Standards

Tayside and Central Scotland Transport Partnership: Tactran (07)

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

Homes for Scotland (08)

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

Modify Policy 10 of the Proposed Plan to read:

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

Dundee Civic Trust (13)

Modify Policy 10 of the Proposed Plan by reviewing car parking standards for new developments.

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

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

Modify Appendix 4 of the Proposed Plan to retain minimum gross internal floor area at 100sqm as specified in the Dundee Local Development Plan 2014 rather than be reduced to 80sqm.

David Hewick (22)

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

Stewart Milne (39)

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

Bruce R Linton & Persimmon Homes Ltd (58)

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

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

Kirkton Community and Safety Partnership (65)

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

Barratt North Scotland (66)

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

Summary of responses (including reasons) by planning authority:

Policy 10: Design of New Housing

Stewart Milne (39)

The local development plan policies are to be read as a whole with no policy taking supremacy over another but all issues to be considered and weighed against a development in order to consider its acceptability. Policy 1 and Appendix 1 are the design policy approach for the Proposed Plan and will be considered for all development proposals. New housing developments will be considered against all the appropriate policies within the plan including Policy 1 and Appendix 1. It would be considered inappropriate to rewrite Policy 10 to state that Policy 1 would have supremacy over Appendix 4 standards. Appendix 4 sets out specific guidance for housing developments and complements Policy 1.

Paragraph 4.10 page 17 of the Proposed Plan encourages the use of masterplans for large scale development. The successful preparation and implementation of masterplanning can be seen throughout the City in areas such as Whitfield, Mill O’ Mains, Central Waterfront and Western Gateway. Where phasing is proposed as part of medium

to large development proposals developers are encouraged to provide a development masterplan to show how the various phases will be carried out as well as how they relate to one another in order to create a high quality design and successful place. With masterplanning and the application of the Appendix 4 standards already being successfully implemented throughout the City it is not considered that any amendment is required.

No modifications are proposed to the Plan.

Appendix 4: Design of New Housing - Standards

Tayside and Central Scotland Transport Partnership: Tactran (07)

Homes for Scotland (08) Dundee Civic Trust (13) Broughty Ferry Community Council (20)

David Hewick (22) Stewart Milne (39) Bruce R Linton & Persimmon Homes Ltd (58)

Kirkton Community and Safety partnership (65) Barratt North Scotland (66)

In terms of the reference to site viability and marketability it is considered that these are site specific issues which may change over time. Whilst they are considered important in the delivery of development they are not a criteria in assessing the design of new housing and creating new quality places and therefore should not be used as a justification for not applying the standards. Policy 10 and Appendix 4 seeks to promote the development of well designed, energy/resource efficient, good quality housing in sustainable locations as a key objective of the local development plan in line with the aims of Scottish Planning Policy (CD01). The standards themselves have flexibility built into them for house types and garden sizes as well as recognising that flats may require different treatment. The standards are also varied and are categorised into three distinct areas of the City (City Centre, Inner City and Central Broughty Ferry and Suburban) and seek to reflect the character of the urban environment of each of these areas. In addition, the standards are further separated into houses and flats and also into sites of more or less than 5 units. The standards within the Proposed Plan build on those within the Dundee Local Development Plan 2014 (CD03) which have been successfully implemented over the period of this Plan (2014 to present).

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

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

It is considered that the standards set out in Appendix 4 provide a minimum requirement and seek to create high quality places regardless of whether the site is greenfield or brownfield land. The standards allow flexibility and where there are material

considerations in terms of the site specific circumstances this would be considered on a case by case basis through the planning application stage. It would not be appropriate to propose a blanket exclusion from the standards for brownfield development. Each development will be considered on its merits with the standards providing high quality homes to meet the varying needs and providing choice throughout the City.

No modifications proposed to the Plan.

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

- Garden Ground

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

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

No modifications proposed to the Plan.

- House Size

Broughty Ferry Community Council (20)

Appendix 4 sets out that in the Suburban context houses are the preferred house type and flats are only considered acceptable through conversions of buildings of merit where conversion to houses is not suitable or achievable or where it is identified within a site planning brief. Where flats are deemed acceptable the standards seek to achieve a high quality living environment. The wording within the Proposed Plan provides clarity that within a Suburban location generous flat sizes are required and is no longer open to the misinterpretation of the equivalent standard in the Dundee Local Development Plan 2014 (CD03) which may have allowed for smaller two bedroom flats.

David Hewick (22)

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

Stewart Milne (39)

The minimum standards for property sizes as set out through Appendix 4 seeks to

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

No modifications proposed to the Plan.

- Car Parking

Dundee Civic Trust (13)

Parking standards are set though the National Roads Development Guide (CD32) and reflected at the Dundee City Council level through the roads standards document 'Streets Ahead' (CD31). The standards set out in Appendix 4 reflect these car parking requirements. In terms of businesses working at home and associated parking, this would be considered on a case by case basis in terms of type and size and whether there would be a requirement for planning permission. The car parking provision would again require to meet with the roads standards.

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

No modifications are proposed to the Plan.

Stewart Milne (39)

Car parking provisions as set out in Appendix 4 reflect the parking requirements from the National Roads Development Guide (CD32) and corresponding Dundee City Council roads standards document 'Streets Ahead' (CD31). Appendix 4 sets the minimum standards for residential development throughout the city, it provides opportunities for flexibility where site specific circumstances require it and are not considered a tool to stymy good design or place making in new developments.

No modifications proposed to the Plan.

- Cycle Parking

Kirkton Community and Safety Partnership (65)

Within the City Centre the Appendix 4 standards require secure indoor cycle storage for both houses and flats. Within the Inner City, Central Broughty Ferry and Suburban context the standards are more generous and require larger house types as well as garden ground and it is considered that this allows sufficient provision for cycle storage within the property and/or within the curtilage of the property. The Appendix 4 standards do require that flats within the Inner City, Central Broughty Ferry and Suburban areas

provide secure indoor storage for bikes. Appendix 4 indicates that there is a requirement for the scope of secure indoor cycle storage to be in accordance with the number of flats provided. No evidence has been provided to suggest that there is insufficient cycle storage relative to the number of bedrooms and therefore it is not considered necessary to provide this additional requirement.

No modifications proposed to the Plan.

- Electric Charging Points

Tayside and Central Scotland Transport Partnership: Tactran (07)

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

No modifications proposed to the Plan.

Reporter's conclusions:

Policy 10: Design of New Housing

Relationship of Policies 1 and 10 and Appendices 1 and 4

1. Proposed plan Policy 1: High Quality Design and Placemaking requires that new development meets the six qualities of successful place as set out in proposed plan Appendix 1: High Quality Design and Placemaking. Policy 10 requires, specifically, that all new housing developments should meet the six qualities of successful place and provides a cross-reference to Policy 1 and, hence, Appendix 1. Policy 10 also states that all new housing developments will be required to conform to the guidance in Appendix 4: Design of New Housing.

2. I am of the view that appendices 1 and 4 seek to achieve different but complementary things. Appendix 1, in line with Scottish Planning Policy 2014 (SPP) paragraphs 41 to 46, promotes high-quality design that, in the case of new housing, promotes healthy, sustainable lifestyles, supports the prevention agenda and efficiency in public services, helps to deliver the Scottish Government's environmental ambitions and provide a sense of belonging, identity and community. Appendix 4, on the other hand, sets standards for house types, car parking, cycle provision, amenity/garden ground, privacy, waste and recycling and storage. This is to ensure a good, minimum provision of facilities with the standard varying across the three distinct character areas of Dundee. Whilst these standards contribute to creating places that respect and enhance the distinct character

and identity of the different parts of the city, it is only when the high-quality design required to meet the guidance in Appendix 1 is overlaid on these standards that new housing will be created which, to paraphrase paragraph 37 of SPP, has both enduring appeal and functionality such that it is valued by its residents now and over future generations.

3. Paragraph 4.10 of the proposed plan encourages the use of masterplans and design frameworks for large-scale developments in order to secure coherent development strategies and maximise site potential. The advocacy of such design tools supports the approach required by Policies 1 and 10 and is consistent with the SPP requirement that the local development plan embeds a design-led approach by specifying design tools including master plans and design frameworks (paragraphs 55 and 57).

4. I conclude that Policies 1 and 10 together, supported by Appendices 1 and 4, provide mutually supportive guidance that will lead to good quality design and placemaking and high standards of facilities in new housing developments. Where appropriate, this guidance can be articulated at a local level through the use of appropriate design tools. I do not consider it appropriate for Policy 10 to be modified to indicate that Policy 1 has supremacy over Appendix 4.

Site viability and marketability

5. I have concluded at paragraph 4 above that Policy 10, supported by Appendix 4, is consistent with SPP. Matters of site viability and market interest will vary from site to site and change across the plan period. It is not realistic to expect the proposed plan to anticipate these fluctuations in the market over the ten-year plan period. Nonetheless, there is flexibility in Appendix 4 in that different standards are set out for the three distinct character areas of the city and, within the Inner City and Central Broughty Ferry and the Suburban areas, different standards apply to houses on sites of 5 or more units, houses on sites of less than 5 units and flats. I also note from the council's evidence that the standards set out in proposed Appendix 4 build on those set out in the 2014 plan. I have no evidence to suggest these have affected viability and marketability. Furthermore, the council indicates that "where there are material considerations in terms of site specific circumstances this would be considered on a case by case basis through the planning application stage". Overall, I find that the council's approach is reasonable given the desire to provide new housing developments that meet minimum standards, the flexibility provided across and within the three distinct character areas, the range of sites allocated, the timeframe of the plan and the indication that there is commitment to address any particular difficulties that may arise through the development management process. I conclude that it is not necessary to modify Policy 10 to address concern about site viability and marketability.

Appendix 4: Design of New Housing - Standards

Garden Ground

6. At paragraph 6.9 of the proposed plan, the council indicates its desire "to ensure that all of Dundee's citizens can enjoy a high quality of life" and at paragraph 6.12 notes that "gardens are used for a wide range of activities". Providing reasonable standards of garden ground along with new housing can enhance the quality of life of residents. In the absence of national guidance on what constitutes a reasonable standard of provision, the standards set out in Appendix 4 of the proposed plan indicate what the council considers

appropriate. Six different standards are stipulated depending on the type of accommodation, the size of site, in the case of houses, and in which distinct character area the site is located. Additionally, average garden size is less for brownfield sites in suburban areas and there is an indication that provision for mid-terrace houses in suburban areas may be relaxed.

7. There is concern from some house builders that the standards, particularly for suburban sites, are excessive and affect viability. However, I have no specific evidence to this effect. I appreciate that lower standards would allow more houses to be provided on the sites in question but, equally, I would expect this to be reflected in the price of the land and the council would need to factor any impact on housing numbers into its overall housing land supply calculations. There is a suggestion that rear gardens of 9 metres in length would be adequate. This would be the minimum requirement to provide a distance of 18 metres between facing windows of habitable rooms but is not necessarily compatible with the council's desire to promote a high quality of life and gardens suitable for a wide range of activities.

8. I do not consider any modification to the plan is required to address representations on this point.

House Size

9. From the evidence presented to me, I am not aware of any planning requirement on the council to set minimum internal space standards for flats and houses nor any guidance on appropriate standards. However, if the council considers that a suburban house should have a minimum gross internal floor area of 100 square metres, as flats are, typically, smaller residential units than houses, it seems reasonable to me that the minimum gross internal floor area for flats is less than that for houses, at 80 square metres.

10. It is clear from Appendix 4 that the provision of flats is only acceptable through conversion of buildings of merit where conversion to houses is not suitable or achievable or where this is provided for in a planning brief. In these circumstances, the flexibility of allowing for residential units with a smaller floor area may help to facilitate a successful conversion and the retention of a valuable building.

11. The 2014 local development plan required that suburban flats "should have generous internal space standards and 2 or more bedrooms or a minimum gross internal floor area of 100 square metres". Whether it was the intention or not, I am unsure, but this wording does not, as has been suggested require that flats should have a minimum gross internal floor area of 80 square metres as any flat with 2 or more bedrooms could have a floor area less than that.

12. The proposed plan stipulates that houses should have a minimum number of bedrooms or a minimum gross internal floor area depending on the size of the site and character zone. Space standards administered by the council as building standards authority ensures that that national minimum standards are adhered to. It would not be appropriate to duplicate, or provide alternative, standards through the local development plan.

13. Appendix 4 provides for the development of a range of property sizes across the council area. I have addressed concerns about the impact of garden ground standards at

paragraphs 6 to 8 above. There is no evidence before me that suggests that it may be difficult for house builders to provide any other type of residential accommodation. The proposed standards are similar to the standards in the 2014 plan. Had these caused a problem in terms of house size, I would have expected to be presented with evidence based on the experience of implementing the current plan. I conclude that the proposed plan takes a reasonable approach to the identification of standards relating to house size.

14. I do not consider any modifications to the plan are required to address the representations on this aspect of the plan.

Car Parking

15. Proposed plan paragraph 9.20 indicates that vehicle parking in new development outwith the city centre, which would cover most of the pre-1960s and newer developments of concern to the Civic Trust, will be required to comply with Streets Ahead – Dundee City Council Road Standards (2005), the National Roads Development Guide (2014) and SPP (2014). The latter document sets out national maximum parking standards for new development, which do not apply to housing, and minimum disabled parking provision standards so is not relevant to the issues of parking in residential areas.

16. Part 3 of the National Roads Development Guide notes that the standards therein relate to houses occupied by a single person, or a number living together as a family or a household of 5 persons or less and limited use as a bed and breakfast or guest house. In terms of parking provision, this would enable the council to deal with any issues arising from home working requiring planning permission on a case-by-case basis. Proposed plan Policy 17 (small scale commercial uses within residential areas) provides a policy hook for this. The second paragraph of proposed Policy 17 indicates that the development of small-scale commercial services and facilities in residential areas will need to ensure that they do not have a detrimental effect on the environmental quality enjoyed by local residents by virtue of a number of factors, including parking.

17. More stringent standards than those proposed by the council would also be at odds with Policy 1: High Quality Design and Placemaking and the desire to create places that are designed to prioritise people over motor vehicles. I consider that sufficient flexibility is provided by the proposed plan to deal with any extraordinary parking pressures in housing areas.

18. Where significant on-street parking problems already exist in residential areas, it may be possible for the council to address these in its capacity as roads authority but it is difficult to see how this may be achieved retrospectively through planning policy. Certainly, no practical suggestions have been put forward as part of this examination.

19. As I have noted at paragraph 15 above, the proposed plan requires that parking provision in residential areas conforms to the guidance provided by the council's road standards. At paragraphs 6.8.11 and 6.8.12 the guidance sets out some of the advantages of in-curtilage parking, including the reduction of casual, on-street parking, security and economy of provision.

20. The proposed plan also requires conformity with the National Roads Development Guide (2014). As noted at paragraph 3.5.1 of the guide, it reflects the key consideration within the Scottish Government's Designing Streets guidance (2010) to integrate parking and encourages designers to use innovation that, whilst making appropriate parking

provision, reduces the obvious impacts of car parking. The guide also notes that consideration must be given to the relationship of parking to the built environment that it serves and, in particular, that the form and function of parking can have a determining impact on the success of the development design concept. Paragraph 3.6 reinforces this view by stating that, as well as providing an appropriate level of car parking, it is important that parking is well laid out, landscaped and lit. The guide also notes that reductions to the residential parking standards provided may be considered if the proposed development is in an urban area that has good links to sustainable transport.

21. I consider that the proposed plan, read with the council's road standards and national roads development guidance, balances requirements on the extent and location of parking provision with an adequate consideration of the impact parking design can have on the design of street layouts and the objective of creating places that prioritise people over cars that I have referred to in paragraph 17 above.

22. I do not consider that any modifications to the proposed plan are required to address these representations.

Cycle Parking

23. Proposed plan Policy 56 (parking) requires that new developments outwith the city centre should include cycle parking in accordance with Streets Ahead - Dundee City Council Road Standards document and proposed Appendix 4: Design of New Housing. The roads standards policy requires the provision of 1 cycle parking space per dwelling. For proposed houses outwith the city centre, Appendix 4 indicates that a standard for cycle provision is not applicable. The council explains that this is because larger house types and gardens in the Inner City and Central Broughty Ferry and Suburban areas allow sufficient provision for cycle storage within the property or its curtilage. I consider this to be a reasonable proposition and, if a circumstance arose where this was not the case, the council could rely on Policy 56, read with the road standards policy, to require that the developer provide one space per dwelling. I have no evidence to suggest that a greater level of provision linked to the number of bedrooms in a house would be justified.

24. The council's approach is broadly consistent with the National Roads Development Guide that stipulates one secure, covered space per 1, 2-3 or 4-bedroom dwelling but none if a garage or secure area is provided within the curtilage of the dwelling.

25. I consider that a modification to Appendix 4 is desirable to show the same minimum standard for cycle provision at new houses outwith the city centre as required by the Streets Ahead document. I have recommended appropriate wording below.

Electric charging points

26. Proposed Policy 10 (design of new housing) and Policy 56 (parking), supported by Appendix 4: Design of New Housing, set out the proposed plan requirement in relation to electric vehicle charging in housing developments. Appendix 4 stipulates a general requirement that parking areas in all three character areas should include provision for electric car charging points. Policy 56 requires that residential parking should include infrastructure to provide electric charging points, either through electrical connections adjacent to private driveways, or through infrastructure for the installation of charging points within communal parking areas. I consider this to be adequate policy provision in relation to electric charging points.

27. Proposed Policy 11 (householder development) relates to alterations, extensions and minor buildings within garden ground rather than the formation of new households so provision for electric charging points would not be justified in relation to planning applications that fall to be dealt with under this policy. Proposed Policy 12 (formation of new residential development) and proposed Policy 13 (development of garden ground for new housing) both rely on Policy 10 and Appendix 4 for their effect in relation to design. Houses in multiple occupation established under Policy 16 would also be required to comply with Policy 12. Therefore, any requirement for electrical charging points would be addressed through Policy 12. Policy 20 (funding of on and off site infrastructure provision) relates to developer contributions but these would not be necessary as provision of electrical charging points is a requirement of Policy 10/Appendix 4.

28. I have no evidence before me that the operation of car clubs has land use implications that would not be addressed by the existing policies in the proposed plan.

29. I do not consider that any modification to the proposed plan is required to address this representation.

Reporter's recommendations:

The local development plan should be modified by:

1. deleting "N/A" against the cycle provision standard for houses outwith the city centre in Appendix 4: Design of New Housing and substituting in each case the following form of words: "One secure, covered space per house must be provided unless a suitable garage or other secure area is provided within the curtilage of the house."

Issue 9	Development Of Garden Ground For New Housing	
Development plan reference:	Policy 13: Development of Garden Ground for New Housing.	Reporter: Steve Field
Body or person(s) submitting a representation raising the issue (including reference number):		
Broughty Ferry Community Council (20) Mr & Mrs Begg (21) David Hewick (22)		
Provision of the development plan to which the issue relates:	Policy 13 contains criteria against which proposals for new housing within garden ground are assessed.	
Planning authority's summary of the representation(s):		
<u>Broughty Ferry Community Council (20), Mr & Mrs Begg (21)</u> Support what the Council has in mind in paragraphs 6.17 and 6.18 but are concerned that the criterion does not make clear what is meant by "sufficient"; that the term "maintained/provided" seems clumsy; and there is merit in a policy which refers to "new housing" maintaining the term "housing" rather than replacing within the policy with "houses". <u>David Hewick (22)</u> It should be made clear that the off street parking for both the new and donor house must comply with Policy 56 and the relevant part of Appendix 4.		
Modifications sought by those submitting representations:		
<u>Broughty Ferry Community Council (20), Mr & Mrs Begg (21)</u> Modify the Proposed Plan by replacing criterion 5 of Policy 13 with the following suggested wording: "That off street parking is provided at the new housing in accordance with the standards set by the Council and that these same off street parking standards are required at the existing housing in accordance with its size." <u>David Hewick (22)</u> It should be made clear that the off street parking for both the new and donor house must comply with Policy 56 and the relevant part of Appendix 4.		
Summary of responses (including reasons) by planning authority:		
<u>Broughty Ferry Community Council (20), Mr & Mrs Begg (21), David Hewick (22)</u>		

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

The wording of criterion 5 within Policy 13 is as per Policy 12: Development of Garden Ground for New Housing within the Dundee Local Development Plan 2014 (CD03). The monitoring process of the Dundee Local Development Plan 2014 and associated planning applications demonstrated that the policy was operating as intended and resulting in a level of parking provision that would not have a detrimental impact on the amenity of the existing house, proposed house or neighbouring properties within the surrounding area.

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

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

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

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

No modification is proposed to the Plan.

Reporter's conclusions:

1. Car parking provision for a house proposed to be built in the garden ground of an existing house is dealt with through criterion 1) of Policy 13 (development of garden ground for new housing). This requires that the proposed house meets the requirements for the design of new housing set out in Policy 10. In turn, Policy 10 (design of new housing) states that new housing developments will be required to conform to the guidance in Appendix 4: Design of New Housing. Appendix 4 identifies three distinct character areas in the City (the City Centre, Inner City and Central Broughty Ferry and Suburban) and sets out different parking standards for each.

2. Car parking provision for the existing house is dealt with through criterion 5) of Policy 13. This requires that sufficient off-street car parking is maintained/provided with the existing house in accordance with its size.

3. This seems to me to be a clear and reasonable approach. I also note the council's advice that the same policy has operated effectively (as Policy 12) in the existing plan. Nonetheless, I consider that Policy 13 could be strengthened with a minor modification to include reference to compliance with Appendix 4 at criterion 5) as well as criterion 1). I have recommended a form of words below. This will make it clear that the parking

standards set out in Appendix 4 apply equally to the existing house and the proposed house or houses. As Mr Hewick's representation points out, this may be particularly important if the original house has been, or is proposed to be, sub-divided.

4. I understand the reference at criterion 5) to maintaining provision relates to sites where existing parking provision would be retained with the curtilage of the existing house and the calculation for the council is whether enough spaces would remain. I understand the reference to providing spaces relates to sites where there is insufficient parking provision for the existing house and the calculation for the council is how much is required. I consider this sufficiently clear as proposed.

5. I do not consider that it is appropriate to change the reference to "existing house" in criterion 5) of Policy 13 to "existing housing". The suggestion is that this would bring the wording here in line with that of the policy heading, which refers to "new housing". However, the heading of Policy 13 refers to the development of garden ground for new housing and criterion 5) refers specifically to parking provision for the existing house so the two phrases refer to different, albeit closely related, issues.

Reporter's recommendations:

The local development plan should be modified by:

1. amending criterion 5) of Policy 13: Development of Garden Ground for New Housing by deleting the existing form of words and substituting the following:

"5) that sufficient off-street car parking is maintained/provided with the existing house in accordance with its size and the standards set out in Appendix 4; and".

Issue 10	Non-Mainstream Residential Uses	
Development plan reference:	Policy 14: Residential accommodation for particular needs; Policy 15: Student Accommodation; Policy 16: Houses in Multiple Occupation.	Reporter: Andrew Sikes
Body or person(s) submitting a representation raising the issue (including reference number):		
Scottish Government (06)		
Provision of the development plan to which the issue relates:	Proposals for non-mainstream residential uses are considered against Policies 14, 15 and 16. These contain criteria relevant to the consideration of each specific non-mainstream residential use.	
Planning authority's summary of the representation(s):		
<p>Policy 14: Residential Accommodation For Particular Needs</p> <p><u>Scottish Government (06)</u></p> <p>The need for specialist housing is covered only at a very high level in the Proposed Plan, but does not include the needs of Gypsy/Travellers or Travelling Showpeople.</p> <p>Policy 15: Student Accommodation</p> <p><u>Scottish Government (06)</u></p> <p>Policy 15 requires that a Section 75 obligation or planning condition be used to restrict occupancy to students. Paragraph 50 of Circular 3/2012: Planning Obligations and Good Neighbour Agreements (CD36) is clear that imposing restrictions on use is rarely appropriate and so should generally be avoided.</p> <p>Policy 16: Houses in Multiple Occupation</p> <p><u>Scottish Government (06)</u></p> <p>Policy 16 requires that a Section 75 obligation or planning condition be used to restrict occupancy of new mainstream residential developments and conversions. Paragraph 50 of Circular 3/2012: Planning Obligations and Good Neighbour Agreements (CD36) is clear that imposing restrictions on use is rarely appropriate and so should generally be avoided.</p>		
Modifications sought by those submitting representations:		
<p>Policy 14: Residential Accommodation For Particular Needs</p> <p><u>Scottish Government (06)</u></p> <p>Modify the Proposed Plan to clearly set out the position on provisions for Gypsy/Travellers and other specialist forms of housing required in the area. If there is no</p>		

need to address this, the Proposed Plan should clarify this.

Policy 15: Student Accommodation

Scottish Government (06)

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

Policy 16: Houses in Multiple Occupation

Scottish Government (06)

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

Summary of responses (including reasons) by planning authority:

Policy 14: Residential Accommodation For Particular Needs

Scottish Government (06)

The Housing Background Paper (CD08) describes the provision for Gypsy/Travellers within Dundee. Dundee City Council provides a purpose built Gypsy/Travellers caravan park located in a rural setting at Balmuir Wood, Tealing about 6 miles from Dundee that currently meets the identified need. The TAYplan-wide Housing Needs and Demands Assessment (CD30) stated that there will be a need for continued maintenance of the existing sites but did not identify a specific additional housing need for Gypsy/Travellers within the Dundee area. In addition there were no specific additional needs identified for Travelling Showpeople as the needs were being suitably accommodated for through the existing arrangements for temporary encampments and fairs.

No modification is proposed to the Plan.

Policy 15: Student Accommodation

The policy approach is being continued from Policy 14: Student Accommodation within the Dundee Local Development Plan 2014 (CD03). The policy has been proportionately and successfully applied to developments over that timescale. The Council recognises that the use of restrictions should be avoided unless necessary but in this circumstance the policy approach is considered justified in order to develop and maintain a balanced community. The policy approach does not unfairly restrict the use of the development and allows for the owner/developer to request the Council review the conditions if circumstances change over time and therefore allows the Council to reconsider the appropriateness of maintaining the controls.

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

The Council recognise that the characteristics of purpose built student accommodation

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

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

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

If the occupancy of student housing was not controlled through either Section 75 planning obligations or planning conditions there would be a concern that the development would be let or sold and occupied as substandard mainstream housing. This would not only be to the detriment of residents and the surrounding neighbouring area but would also undermine the policy approach established through Policy 10 and Appendix 4 that seeks to deliver high quality mainstream residential development using a minimum standards based approach to ensure a suitable level of amenity. Furthermore, the City has a lot of existing small one and two bedroom flats (CD30) and there is no identified need for additional small flatted accommodation.

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

No modification is proposed to the Plan.

Policy 16: Houses in Multiple Occupation

Scottish Government (06)

Policy 15: Student Accommodation and Policy 16: Houses in Multiple Occupation address specific issues within certain areas of the City. These policies have both been carried forward from the Dundee Local Development Plan 2014 (CD03) and are a complementary policy approach that has helped to develop and maintain balanced communities within the City.

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

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

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

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

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

The benefit to the policy approach is that it allows for increased opportunities for families to access the housing market and deliver family housing in which there is an identified need for within the City (CD30). The proposed occupancy control within Policy 16 would not apply to purpose built student accommodation, other non-mainstream housing or social rented housing and therefore fairly relates to mainstream residential development proposals only.

Through Policy 16 the Council have taken a proportionate approach to the use of planning obligations that would be in accordance with the policy tests and paragraph 50 within Circular 3/2012: Planning Obligations and Good Neighbour Agreements (CD36). As outlined above the approach serves a specific planning purpose, is in accordance with the housing strategy of the Proposed Plan and directly relates to the proposed developments. Whilst there would not be the need in these locations for additional residential developments serving the HMO market there is an identified need for additional family housing across the City and the use of a planning obligations to allow the opportunity for this need to be realised is therefore appropriate and reasonable.

No modification is proposed to the Plan.

Reporter's conclusions:Policy 14: Residential Accommodation For Particular Needs*Gypsy/Travellers and Travelling Showpeople*

1. Paragraph 133 of Scottish Planning Policy 2014 (SPP) requires Housing Needs and Demand Assessments (HNDAs) to consider, among other things, the need for sites for Gypsy/Travellers and Travelling Showpeople. Development plans, it continues, should address any need identified; adding that in city regions strategic development plans should have a role in addressing cross-boundary considerations. In this regard, the TAYplan-wide Joint Housing Needs and Demand Assessment (JHNDAs) (2013) does not identify any strategic cross-boundary issues for the accommodation of Gypsy/Travellers or Travelling Showpeople. Additional needs of these communities, it states, are to be considered in the preparation of local development plans (page 26).

2. The TAYplan JHNDAs notes that Dundee City Council provides a purpose built caravan park at Tealing, located to the north of the city in the Angus council area, for use by Gypsy/Travellers and that on occasions it is under-occupied. The council states that the site at Tealing currently meets the city's identified needs and that the TAYplan JHNDAs does not identify a specific additional housing need for Gypsy/Travellers within the Dundee area. Similarly, no specific additional housing needs are identified for Travelling Showpeople. Accordingly, the council does not consider there to be a need to allocate sites for use by Gypsy/Travellers or Travelling Showpeople in the proposed plan (Housing Background Paper, paragraphs 5.11-5.14).

3. The representation on behalf of the Scottish Government seeks a modification to the proposed plan that sets out the council's position on provisions for Gypsy/Travellers and other specialist forms of housing required in the area. If there is no need to address such needs, it argues, the proposed plan should make this clear.

4. I agree that the proposed plan should be modified to include a statement on Gypsy/Travellers and Travelling Showpeople to indicate that the considerations of SPP have been addressed, albeit that no need at present has been identified, and to set out the council's position on this matter. I recommend a form of words below.

Policy 15: Student Accommodation

5. Policy 15 supports the provision of student accommodation subject to a number of tests being satisfied and the conclusion of a legal agreement, or the imposition of conditions, to restrict the occupancy of new development to students. The Scottish Government states that paragraph 50 of Circular 3/2012 (planning obligations and good neighbour agreements) is clear that the imposition of restrictions on the use of land or buildings is rarely appropriate and should generally be avoided. On this basis, it seeks the deletion of the final paragraph of the policy and its reference to restrictions on occupancy.

6. Whilst I acknowledge the council's concern on this matter, I have not been presented with evidence that student accommodation has changed its use to mainstream housing where a legal agreement preventing such a change has not been imposed. My knowledge of modern purpose-built student accommodation is that it involves clusters of single bedrooms arranged around a communal kitchen and lounge, often with access to

the building overseen by a concierge. Indeed, the council recognises that the character of student accommodation differs from that of mainstream housing; it has a different internal configuration, is built to different space standards and requires less car parking and amenity space. Although standards may be different, Policy 15 makes clear that development is required to be of a high quality. Given these characteristics and the specialist nature of the accommodation, I doubt that it would ever be occupied as mainstream housing, even in the absence of a legal agreement or condition restricting its occupancy to students. Furthermore, such a change would require planning permission.

7. I note the council's comment that without the ability to control the occupancy of purpose-built student accommodation it would seek to apply the requirements of Policy 10 and Appendix 4 (design of new housing) to new student accommodation proposals. To do so, it argues, would also avoid any significant detrimental impacts on amenity arising from purpose-built student accommodation being occupied as mainstream housing.

8. However, I note that policies 10 and 15 both require development to be high quality, which implies the need for new student accommodation proposals to respect the character of adjoining properties and the surrounding area. It also implies that it should not give rise to any detrimental impacts on existing residential amenity. In addition, Appendix 4 indicates flexibility in the provision of car parking, cycle storage and amenity space, all of which are matters to be considered in the context of individual planning applications. As such, I find no reason why an inability to control the occupancy of purpose-built student accommodation should give rise to detrimental impacts on amenity, regardless of whether or not it was occupied as mainstream housing. I therefore agree that the final paragraph of Policy 15 should be deleted.

Policy 16: Houses in Multiple Occupation

9. Policy 16 sets out the criteria that must be satisfied if a proposal to establish a house in multiple occupancy (HMO) that requires planning permission is to be acceptable. The policy also seeks to prohibit the creation of HMOs in new mainstream residential development, including those that do not require planning permission, in certain parts of the City. The policy states that this objective will be secured by the use of legal agreements to prevent the occupation of property by three or more unrelated people.

10. The Scottish Government seeks a modification to the policy that removes reference to the use of a legal agreement to control the occupancy of property. In doing so, it again cites Circular 3/2012 and repeats its position that restrictions on the use of land or buildings is rarely appropriate and should generally be avoided.

11. Circular 2/2012 (houses in multiple occupation: guidance on planning control and licensing) states that HMOs provide a vital source of accommodation and that demand for HMOs should be met where it arises. It also states that it may be appropriate to adopt policies to manage HMO concentrations, while ensuring that a sufficient supply of HMOs is maintained. Paragraph 14 of the Circular refers to section 131A of the Housing (Scotland) Act 2006 (as added by the Private Rented Housing (Scotland) Act 2011 which gives a local authority discretionary power under HMO licensing to refuse to grant a HMO licence if it considers that there is, or that the grant of a licence would result in, overprovision of HMOs in a locality. It is for a local authority to determine the locality.

12. I note the council's concern regarding the demand for student (HMO)

accommodation and its effects on the housing market in certain parts of the city, although this concern is somewhat at odds with the general position expressed at paragraph 6.24 of the proposed plan. However, given the measures available to the council under HMO licensing, I consider that it is inappropriate and unnecessary for the council to rely on its planning powers to exercise control over the establishment of a HMO where no material change of use in planning terms would occur. Furthermore, to do so by seeking to impose restrictions on the occupancy of a building by a legal agreement is at variance with statements contained in paragraph 50 of Circular 3/2012.

13. As noted in Circular 3/2012 (paragraph 18), the planning system and HMO licensing are separate regimes, with distinct functions and objectives. Local authorities are encouraged to take a co-ordinated approach to the planning of licensing of HMOs. The council therefore has at its disposal measures to exercise control over the location and concentration of HMOs, including HMOs where a material change of use in planning terms would not be involved, throughout the city without relying solely on its planning powers and recourse to the use of legal agreements. Accordingly, I agree that the policy should be modified by deleting the final paragraph.

Reporter's recommendations:

The local development plan should be modified by:

1. adding the text 'gypsy/travellers and travelling showpeople' to the final sentence of paragraph 6.19. The sentence would then read:

"Such uses include sheltered housing, residential and nursing homes, housing for people with special needs, gypsy/travellers and travelling showpeople, purpose built student accommodation and houses in multiple occupation."

2. adding a new paragraph after 6.23 and renumbering those that follow accordingly. The new paragraph should read:

"Another form of non-mainstream residential use, for which the council is required to make provision, is that required to accommodate gypsy/travellers and travelling showpeople. In this regard, Dundee City Council provides a purpose built gypsy/travellers caravan park at Tealing, in Angus. The TAYplan Strategic Development Plan requires that existing sites in the TAYplan area are maintained but does not identify a specific additional need for further provision in the Dundee area. Also, it does not identify additional need for travelling showpeople that cannot be dealt with through existing arrangements for temporary encampments or fairs. For these reasons, the Plan does not allocate additional sites for use by gypsy/travellers or travelling showpeople."

3. deleting the final paragraph of Policy 15: Student Accommodation.

4. deleting the third and final paragraph of Policy 16: Houses in Multiple Occupation.

Issue 11	Developer Contributions	
Development plan reference:	Policy 20: Funding of On and Off Site Infrastructure Provision. Paragraphs 6.38 and 6.39.	Reporter: Steve Field
Body or person(s) submitting a representation raising the issue (including reference number):		
Scottish Natural Heritage (02) Scottish Government (06) Tayside and Central Scotland Transport Partnership: Tactran (07) Homes for Scotland (08) Network Rail (37) Stewart Milne Homes (39) Forestry Commission Scotland (80)		
Provision of the development plan to which the issue relates:	Policy 20 sets out a requirement for developments to make a contribution to the improvements of infrastructure that result from that development.	
Planning authority's summary of the representation(s):		
<u>Scottish Natural Heritage (02)</u> SNH welcome the emphasis in Policy 20 on green infrastructure, and suggest ongoing monitoring of the types of infrastructure provided through this policy to ensure the provision of green and blue infrastructure. <u>Scottish Government (06)</u> There is a lack of detail in the Plan as to the locations of contributions and it appears that they are to be included in supplementary guidance. There is also no mention of the types of development that will be required to contribute. <u>Tayside and Central Scotland Transport Partnership: Tactran (07)</u> Developments have transport impacts beyond their immediate surrounds and contribute to the need for more strategic transport infrastructure that serve the city's transportation needs, regardless of whether the strategic infrastructure is located within the city boundaries. <u>Homes for Scotland (08)</u> Indicates that developers continue to face funding pressures that severely restrict their ability to deliver all the potential housing sites across the City without a flexible and pragmatic application of Policy 2 and Policy 20. Policy 20 should be refined to give further emphasis for the need to seek developer contributions only in circumstances where this will not undermine the viability of the housing proposal.		

Network Rail (37)

The approach to funding the effects of development on transport corridors is welcomed however the Proposed Plan should include the requirement that development must be accountable for resultant requirements to railway infrastructure and facilities.

Network Rail is funded by the taxpayer and should be clearly excluded from having to make developer contributions.

Stewart Milne Homes (39)

Makes reference to Circular 3/2012 (CD36) and the relevant test for securing developer contributions and that the onus is on planning authorities to demonstrate necessity therefore propose amendments to fully justify Policy 20 in accordance with the circular.

Proposed changes to paragraph 6.38 from “recognised” to “demonstrated” or “justified”. Does not consider “opportunity” as appropriate unless it can be clarified that it is justified.

Indicates that paragraph 6.39 needs to recognise all forms of development could have an impact on infrastructure and that the current wording would suggest that housing development would be the sole contributor of development contributions.

Forestry Commission Scotland (80)

Fully support seeking developer contributions to support Green Space and suggest that when developers are required to plant trees within their development that they use fruit trees.

Modifications sought by those submitting representations:Scottish Natural Heritage (02)

No modification proposed.

Scottish Government (06)

Modify the Proposed Plan by modifying paragraph 6.39 to set out more clearly the areas where contributions will be sought, along with the types of development from which contributions will be sought.

Homes for Scotland (08)

Modify the Proposed Plan by revising the first paragraph of Policy 20 to include the following text: *“The seeking of any developer contributions (including those required under Policy 2) will only be progressed where the viability of the development proposed is not compromised. Any developer contributions that are deemed necessary will require to be fully justified in relation to the development proposed.”*.

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

Tayside and Central Scotland Transport Partnership: Tactran (07)

Modify the Proposed Plan to include a specific statement regarding Developer Contributions that contributions will be sought for strategic transport infrastructure, where necessary, with contributions towards major schemes in Dundee and, where relevant, support for cross-boundary schemes and infrastructure which generate benefits for the city, such as Park & Ride.

Modify Policy 20 of the Proposed Plan to seek developer contributions to “kickstart” bus services where necessary.

Network Rail (37)

Modify the Proposed Plan to include further detail of developer contributions towards rail would be implemented and the scale would be welcomed.

Modify the Proposed Plan by excluding Network Rail from having to make developer contributions.

Stewart Milne Homes (39)

Modify the Proposed Plan by inserting new text into paragraph 6.38: Change “recognised” to “demonstrated” or “justified”.

Modify the Proposed Plan by modifying the supporting text to Policy 20 in order to clarify that an “opportunity” to seek improvement to green infrastructure must be fully justified against the tests of Circular 3/2012 Developer Obligations (CD36).

Modify the Proposed Plan by modifying paragraph 6.39 in order to clarify that all types of development which have an impact on infrastructure that is at capacity may have to contribute to improve that infrastructure

Modify the Proposed Plan by modifying Policy 20, bullet point 1 to read: “*fair and proportionate developer contributions for developments on sites allocated in either the Dundee Local Development Plan or in terms of windfall development where a shortfall arising from development can be demonstrated.*”

Modify the Proposed Plan by modifying Policy 20, bullet point 2 replace “*identified*” with “*justified*”.

Modify the Proposed Plan by modifying Policy 20, to include an additional bullet point: “*At all times, contributions being sought should not undermine the viability of a development*”

Forestry Commission Scotland (80)

Modify Policy 20 of the Proposed Plan to include trees, specifically fruit trees as part of developer contributions.

Summary of responses (including reasons) by planning authority:Scottish Natural Heritage (02)

Comment noted and the suggestion to monitor the provision of green and blue infrastructure will be considered as part of the ongoing plan monitoring.

Scottish Government (06)

The types of development required to contribute and what they are required to contribute towards is clearly identified in the table on page 7 of the draft Supplementary Guidance on Developer Contributions (CD21) and its associated map on page 8. It is considered that this provides the necessary clarity for the development industry. The supplementary guidance is clearly referenced in policy 20.

Dundee City Council does not consider it necessary to repeat this detail within the proposed plan as it is in the proposed statutory supplementary guidance covering Developer Contributions. This is the approach carried forward from the Dundee Local Development Plan 2014 (CD03) and is the appropriate use of Supplementary Guidance.

No modification is proposed to the Plan.

Homes for Scotland (08)

Policy 20 clearly states in point 3 that flexibility in approach can be adopted in varied economic circumstances. The imposition of a developer contribution is only sought where there is an impact as a consequence of development and it cannot be assumed that an exemption could always be justified. The policy therefore promotes a flexibility that permits Dundee City Council to consider alternative development delivery methods should issues arise in the development of land.

It is considered that the flexibility included within the policy offers an appropriate approach to consider developments on a case by case basis whilst offering the level of certainty expected of a local development plan. Dundee City Council has previously demonstrated its willingness to intervene on infrastructure matters where access to funding was a concern. The delivery of the Dykes Of Gray Road upgrade in advance of construction at the Western Gateway was funded by the Council with costs recovered from the developments on a phased pay back.

No modification is proposed to the Plan.

Tayside and Central Scotland Transport Partnership: Tactran (07)

Policy 20 refers to “new or improved services, facilities or infrastructure” and does not restrict this by location or type. The only restriction is that such requirements must be related directly to the requirements or impacts of a proposed development. That requirement is in compliance with The Planning etc. (Scotland) Act 2006 and its supporting Planning Circular 3/2012 (Planning Obligations and Good Neighbour Agreements) (CD36). Subject to that requirement being met it is quite valid for developments to contribute towards infrastructure of a more strategic nature or for bus service provision.

The draft Developer Contributions Supplementary Guidance (CD21) indicates at page 13 that financially supporting a bus service is a valid consideration for contributions.

No modification is proposed to the Plan.

Network Rail (37)

Policy 20 refers “new or improved services, facilities or infrastructure” which would include rail infrastructure if appropriate to the development. There are no impacts on rail infrastructure identified as a direct consequence of the policies or proposals in the Local Development Plan. This general statement is therefore considered sufficient to accommodate any as yet unforeseen requirements. Whilst the establishment of a replacement for Invergowrie station is mentioned in the Plan, no costings or designs are as yet available and a business case is yet to be considered. The development of a new Dundee West station has not been approved. It is therefore premature to seek developer contributions towards this facility.

Dundee City Council reserves the option not to pursue developer contributions in some instances, such as where there is an alternative or more appropriate means of funding available. It is appropriate that all developers be responsible for the impacts of their development activities and as such it would be inappropriate to introduce a general exclusion for a specific organisation from this requirement, regardless of how that organisation is funded. In the absence of developer contributions it would fall to the City Council to fund new or improved services, facilities or infrastructure to meet increased need and demand arising from new development.

No modification is proposed to the Plan.

Stewart Milne Homes (39)

Policy 20 of the Proposed Plan carries forward the planning policy approach from the Dundee Local Development Plan 2014. Policy 20 and the accompanying Supplementary Guidance reflect the requirements and tests set out in The Planning etc. (Scotland) Act 2006 and the supporting Planning Circular 3/2012 (Planning Obligations and Good Neighbour Agreements) (CD36). It is not felt necessary to repeat the content of the Act nor Circular as those tests and criteria for requiring developer contributions are clearly defined therein. In particular part 2 of Policy 20 explicitly states that the need should relate directly to the requirements or impacts of a proposed development.

It is accepted that all forms of development could potentially incur a developer contribution as a result of impacts on infrastructure. However the text in paragraph 6.39 recognises that it “most commonly arises from new residential development” – this does not state that new residential development is the sole contributor. The example given is for a large food store – the plan does not allocate land for such a use and therefore should such a proposal (or anything similar) be brought forward then it would be considered on its own merits – which would include consideration for any impacts that necessitated a developer contribution. Part 3 of the draft supplementary guidance (CD21) indicates that windfall developments will require careful consideration and investigation in that respect.

Circular 3/2012 (CD36) states in paragraph 2 “that consideration should be given to the economic viability of proposals and alternative solutions should be considered alongside options of phasing or staging payments.” This is reflected in part 3 of Policy 20 which allows for a flexible approach to be taken whilst still ensuring the development does not have detrimental effects.

Whilst viability is an important consideration, Scottish Planning Policy (para. 28) (CD01)

does expect the planning system to balance the “costs and benefits of a proposal” and “not to allow development at any cost”- to offer a blanket priority to viability and developer profits over other considerations would not therefore be appropriate, instead Policy 20, part 3 has sought to achieve a reasonable balance whereby a developer can rightfully raise concerns and expect a flexible approach to be taken to enable development, whilst affording the impacts of the development the full consideration it deserves.

No modification is proposed to the Plan.

Forestry Commission Scotland (80)

This policy is a general statement which outlines the scope of developer contributions and is supported by supplementary guidance. The choice of a tree species is extending to a level of detail beyond the normal scope of a local development plan. Whilst the additional benefits of fruit bearing trees are acknowledged, it would be for consideration during the submission of a planning application.

No modification is proposed to the Plan.

Reporter’s conclusions:

1. Paragraph 222 of Scottish Planning Policy 2014 requires that development plans “be informed by relevant, up-to-date audits, strategies and action plans covering green infrastructure’s multiple functions”. These multiple functions are defined in Scottish Planning Policy as ranging from open space through core paths to the marine environment. Paragraph 59 of Scottish Government Circular 6/2013: Development Planning requires planning authorities to monitor the impact of the policies and proposals of local development plans to inform future plan making. On page 5 of the planning authority’s Draft Supplementary Guidance - Developer Contributions, 2017 there is a commitment to “regularly monitor the receipt of financial payments agreed through obligations, agreements or conditions to ensure they are meeting the requirements identified as part of the development”.
2. I find, therefore, that there is an existing responsibility on, and commitment by, the planning authority to monitor the effect of Policy 20 both in general terms and, specifically, in relation to green and blue infrastructure. I do not consider any modification is required to the plan to underscore this responsibility.
3. Paragraph 6.39 of the proposed plan identifies the Western Gateway, Whitfield and Eastern Dundee as being key areas where contributions towards infrastructure are known to be required. Chapter 3 of the council’s Draft Supplementary Guidance – Developer Contributions provides some detail of what will be required of developers in these three areas and city-wide.
4. Scottish Government Circular 6/2013: Development Planning, at paragraph 136, allows supplementary guidance to be adopted and issued by a planning authority in connection with a local development plan and indicates that any such guidance will form part of the development plan with the same statutory effect as the development plan. However, paragraph 138 of the circular also says there must be a sufficient “hook” in the local development plan on which to hang the supplementary guidance to give it this statutory weight. Paragraph 139 makes it clear that “items for which financial or other contributions will be sought and the circumstances (locations and types of development)

where they will be sought” should not (Scottish Government emphasis) be included in supplementary guidance but should be in the plan. Exact levels of developer contributions or methodologies for their calculation are identified as appropriate topics for supplementary guidance.

5. In this light, I consider that a modification to paragraph 6.39 of the proposed plan is required to highlight the types of infrastructure provision for which developer contributions will be required and for which methodologies for calculation are provided in the supplementary guidance. These are education provision, roads and transportation, the green network and public art. I also consider that the locational detail included in Chapter 3 of the draft supplementary guidance is key to delivery of the local development plan’s vision and strategy and should be included in the proposed plan. This will address the locational requirement of paragraph 139 of the circular. I have recommended appropriate modifications below.

6. Policy 10 of TAYplan Strategic Development Plan 2017 requires the local development plan to identify sites for proposed strategic park and ride sites to the north, south, east and west of Dundee. Paragraph 5.6.2 of the Regional Transport Strategy 2015 proposes the development and implementation of proposals for new park and ride sites to the north, south, east and west of the city. Policy 57 of the proposed local development plan supports the establishment of Park and Choose facilities on land adjacent to the northern, southern, eastern and western approaches to Dundee. Paragraph 6.38 of the proposed plan notes that, in some instances, the impact of new development on the city’s infrastructure extends beyond the boundaries of the development site.

7. Policy 6 of Tayplan requires the local development plan to set out a policy framework for seeking developer contributions to mitigate any adverse impact on infrastructure, services and amenities brought about by development, including transport infrastructure and facilities. The council’s draft supplementary guidance on developer contributions lists, on page 13, five types of transport infrastructure for which it may seek developer contributions, including public transport. In light of the references quoted above from the strategic development plan, regional transport strategy and the proposed plan, I consider that it would be helpful to extend this list to include park and choose sites, as it is not clear that these would be covered by the existing reference to public transport. In the event that the need for any such facility is related directly to the requirements or impacts of a proposed development, there would be no dubiety about whether a developer contribution is consistent with the requirements of the development plan. I have recommended below a commensurate modification to the draft supplementary guidance.

8. The draft supplementary guidance notes that it may be necessary for the council to seek developer contributions to support a bus service until such time as the new development it serves has progressed to a scale that a commercially viable bus service is sustainable. I do not consider that any modification is required to strengthen this point.

9. At paragraph 6.38 of the proposed plan, the council states that, for developer contributions to be required for any infrastructure improvement or provision, the need must arise as the result of the proposed development of a site within the area. At paragraph 6.39 of the proposed plan, the council recognises that “a flexible and creative approach to front funding of infrastructure may be required to enable development to occur”. The council cites the delivery of the Dykes of Gray Road upgrade in advance of construction at the Western Gateway as an example of forward funding by the authority.

Under the chapter of draft supplementary guidance headed “Delivery Mechanisms”; the council indicates, “where appropriate, through mutual agreement, contributions may be phased to assist with the viability of development”. The fourth principle guiding any requirement for developer contributions set out in Policy 20 of the proposed plan is that the council will apply a “flexibility in approach to ensure that development can be brought forward in varied economic circumstances while ensuring that the development has no net detriment” on infrastructure provision.

10. I conclude from these provisions of the proposed plan and draft supplementary guidance that the council would only require developer contributions when they are fully justified in relation to the development proposed and that there is an appropriate degree of flexibility to address a challenging economic position in relation to a particular site. However, the council is correct to highlight that development cannot be allowed to proceed if it would lead to a net detriment in infrastructure provision. I consider that the introduction of greater flexibility to Policy 20 would create a risk that this could happen which would undermine the plan vision and strategy.

11. Scottish Planning Policy 2014 includes the policy principle that “planning should take every opportunity to create high quality places by taking a design-led approach”. National Planning Framework 3, 2014 says about Dundee “significant improvements to the public realm will strengthen the city’s appeal to investors and reinforce civic identity”. Promotion of public art through development as set out in Policy 2 of the proposed plan is consistent with this policy guidance from Scottish Government, not least in a city that, as the proposed plan notes, was recognised as UNESCO City of Design in 2014. I consider that principle 3) of Policy 20, which I have quoted above, provides sufficient flexibility, if required, for the council to review this approach, enabling development to be brought forward. I also note that Policy 2 applies to development with construction costs of more than £1,000,000 so will not apply to all housing developments. Representations in respect of public art are dealt with under Issue 1 (City of Design).

12. I do not support modification of the plan to address the representations on this point.

13. Paragraph 6.38 of the proposed plan indicates that developer funding may be required for infrastructure provision or enhancement beyond the boundaries of a development site. Principle 2) of Policy 20 states that “developer contributions will be sought where a need for new or improved services, facilities or infrastructure has been identified that relates directly to the requirements or impacts of a proposed development”. The draft supplementary guidance on developer contributions makes it clear that the scope of Policy 20 includes public transport facilities.

14. The supplementary guidance is not specific about the nature and extent of contributions to public transport facilities. The planning authority advises that no impacts on rail infrastructure have been identified as a result of policies and proposals in the proposed plan. The council also indicates that the proposed development of new stations is at a preliminary stage so it is too soon to make any specific links in the funding of those facilities to proposed development. Furthermore, the council argues that the proposed plan allows for any unforeseen requirements to be dealt with. This is consistent with Scottish Government Circular 3/2012 Planning Obligations and Good Neighbour Agreements, which indicates at paragraph 31 that development plans cannot anticipate every situation where the need for a planning obligation will arise. I am of the view that the policy hooks provided in the proposed plan and draft supplementary guidance will enable any issue that does arise in relation to provision of rail infrastructure and facilities

to be dealt with through the development management process.

15. It is unlikely that development by Network Rail will give rise to the need for developer contributions other than for public art but I am not aware of any justification to exclude Network Rail from payment on the grounds that it is funded by the taxpayer.

16. I do not consider that any modification to the proposed plan or draft supplementary guidance is required to address Network Rail's representation. Issues raised in Network Rail's representation relating to Policy 54: Safe and Sustainable Transport, level crossings and notification zones are dealt with under Issue 14: Sustainable Transport and Digital Connectivity, below.

17. Paragraph 3 on page 14 of the draft supplementary guidance on developer contributions should be read with the contents of chapter 1 of the same document. This introductory chapter includes the text of Policy 20 in the proposed plan. The second principle stated in the policy indicates that "developer contributions will be sought where a need for new or improved services, facilities or infrastructure has been identified that relates directly to the requirements or impacts of a proposed development". In this context, I do not consider it necessary to modify the appendix on the green network to indicate that developer contributions will be sought where a demonstrable need is created. I find that the text as drafted complies with Scottish Planning Policy and Circular 3/2012.

18. The requested change of wording at paragraph 6.38 of the proposed plan from "recognised" to "demonstrated" or "justified" is relatively subtle but would provide a better reflection of the relationship to proposed development test set out in Circular 3/2012 which is emphatic in making the point that planning obligations must relate to the development being proposed. I note, in particular, that paragraph 18 of the circular includes the sentence: "The obligation should demonstrate that this test is met...". I have recommended a modification below incorporating the word "demonstrated" on the basis this not only requires that any contribution is recognised but is also justified.

19. I share the concern about use of the word "opportunity" in the last sentence of paragraph 6.38. In the context of the wider content of the plan relating to funding of infrastructure, I do not think this is intended to imply, in the words used in the circular, that planning obligations will be used to extract advantages, benefits or payments not directly related to the proposed development but, for the avoidance of doubt, I have recommended that the first part of the sentence be deleted.

20. Paragraph 6.38 refers in general terms to the potential impact of proposed development on the city's infrastructure. Paragraph 6.39 then goes on to say that the need for investment in infrastructure improvements most commonly arises from new residential development. Reading the two paragraphs together, I do not think it is necessary to clarify that Policy 20 relates to all types of development. Generally, it is the case that most developer contributions arise from housing proposals and the statement to this effect at paragraph 6.39 simply reflects this reality. It does not, to my mind, create an undue or inappropriate focus on residential development. Similarly, the draft supplementary guidance discusses developer contributions in general terms, other than in relation to education provision, which would only apply to proposed housing developments. I do not consider that it is necessary to modify the proposed plan to clarify further that all types of development may have an impact on infrastructure. I note the support for the council's commitment to forward funding of infrastructure, where

appropriate.

21. In my view, the proposed change to principle 1) of Policy 20 does not add to the wording at principle 2) which is clear that developer contributions towards the cost of infrastructure provision will be sought where a need arising from the development has been identified. However, to reflect the proposed modification to the third sentence of paragraph 6.38, I have proposed that the word “identified” in principle 2) of the policy be changed to “demonstrated”. I have preferred this change to the use of the word “justified” for the reason set out in paragraph 18, above.

22. I do not find that it is necessary to caveat Policy 20 with a sentence stating that contributions sought should not undermine the viability of a development for the reason set out in paragraphs 9 and 10 above.

23. Section 159 of the Town and Country Planning (Scotland) Act 1997 places a duty on the planning authority to ensure that, where appropriate, when granting planning permission, it makes adequate provision for the preservation and planting of trees. Policy support for developer contributions to enhance Dundee’s Green Network supports this statutory duty. However, there is no expectation that the local development plan will provide policy guidance on the type of trees to be planted. Scottish Government Circular 6/2013 is clear that local development plans are not expected to include minor proposals and detailed policies. If these are required, they should be covered by supplementary guidance.

24. In any case, I consider that the specific proposal that new planting comprises fruit trees is of questionable benefit as general policy guidance. Fruit trees may be suitable in some cases but, in agreeing with developers what types of trees should be planted in any given location, the council will wish to give consideration to a range of factors in addition to public health which might suggest other tree species are to be preferred. These factors will include: size and spread of the mature specimen, soil conditions, biodiversity objectives, existing native species in the vicinity, future management arrangements, exposure, climate change and the primary purpose of the planting (such as specimen planting, screening or shelter). Whilst the council may elect to provide supplementary guidance, these will always be decisions best finalised on a site-by-site basis through the development management process. Where appropriate, this could include consultation with the Forestry Commission. I have not recommended any modification to the plan in response to this representation.

Reporter’s recommendations:

The local development plan should be modified by:

1. revising the third and fourth sentences of paragraph 6.39 to read:

“Supplementary Guidance on Developer Contributions will ensure landowners, developers and the local authority have certainty about the likely level of developer contributions and the nature of requirements for sites from the outset in relation to education provision, roads and transportation, the green network and public art. It also identifies key areas of the city where contributions towards infrastructure are known to be required. This includes etc...”

2. inserting a new paragraph 6.40 comprising the text and table on page 8 and plan on

page 9 of the draft supplementary guidance after paragraph 6.39 of the proposed plan, as set out below, and renumbering existing paragraph 6.40 as paragraph 6.41.

“6.40 The following list is indicative of what contributions would be required if development in accordance with the Local Development Plan were to be approved in that location:

Area Contributions Required City Wide

All developments over £1m in construction value will be required to allocate at least 1% of construction costs for the inclusion of public art projects in a publicly accessible/visible place or places within the development. All development should seek to encourage and promote active travel methods. The achievement of which may be by contributions towards associated infrastructure where a development has significant impact beyond its site boundaries. All development should contribute to the Dundee Green Network where appropriate and as determined by the Council, through the integration of green infrastructure in masterplans or development frameworks and the creation and/or improvement of green infrastructure within development sites or in the local area.

1) Dundee Western Gateway

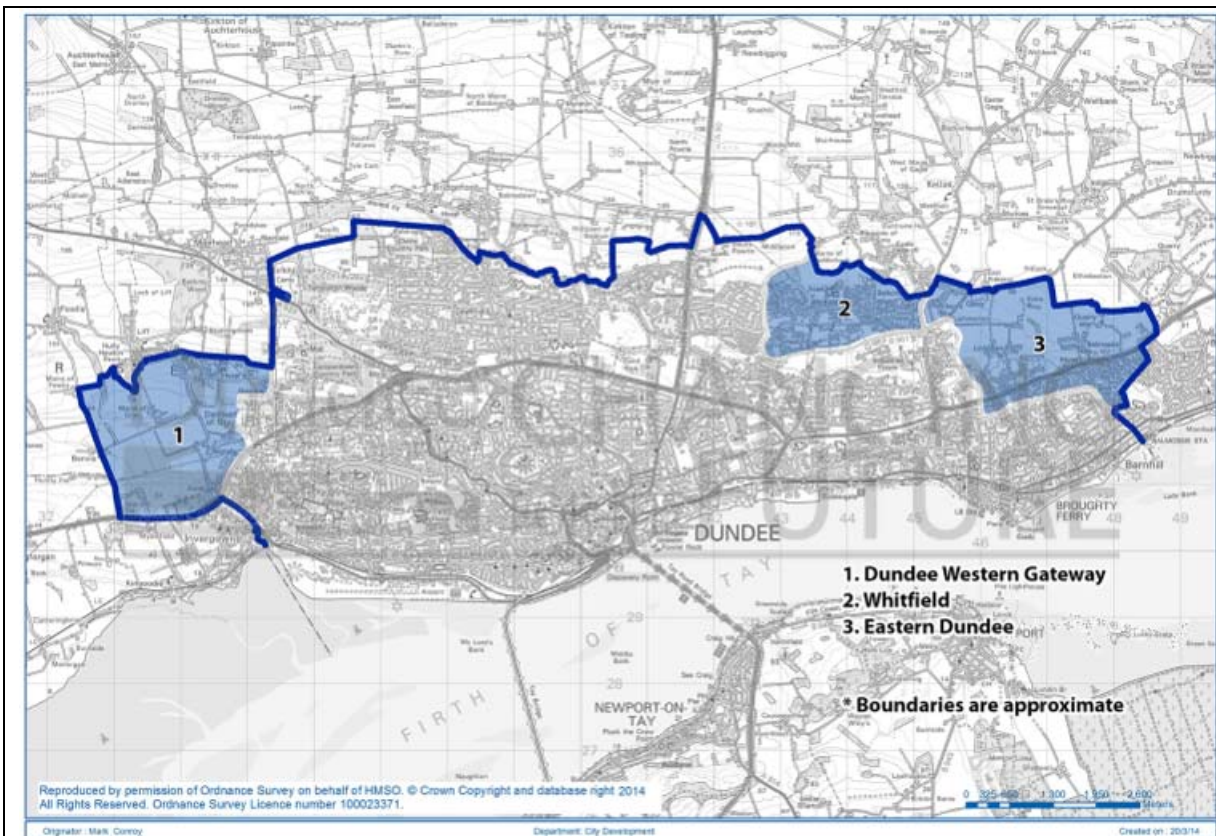
All greenfield residential developments in this area will be required to contribute towards provision of: flood protection and drainage facilities; the future construction of junction improvements at Swallow Junction; the improvement works undertaken at Dykes of Gray Road; provide connections for cycling and walking routes to the wider Dundee Core Path Network and green infrastructure; and a contribution towards enhancing education provision, the nature of which is currently being considered.

2) Whitfield

Residential developments built for private sector sale shall be required to contribute towards primary education facilities and provide connections for cycling and walking routes to the wider Dundee Core Path Network and green infrastructure.

3) Eastern Dundee

All allocated greenfield housing sites will be required to make a financial contribution towards enhancing education provision. Any greenfield housing land release in this area over that allocated will require the provision of a new education facilities north of the A92 Arbroath Road. Developer contributions in the form of both land and finance will be required for this new primary school and nursery. All developments in this area shall be required to provide connections for cycling and walking routes to the wider Dundee Core Path Network and green infrastructure.



2. revising paragraph two of the Roads and Transportation chapter of the draft supplementary guidance on developer contributions by adding a sixth bullet point to read: “park and choose sites”.
3. changing sentence three of paragraph 6.38 of the proposed plan to read: “In these instances, where it can be demonstrated that the need for infrastructure improvement...these improvements”.
4. revising the last sentence of paragraph 6.38 of the proposed plan by deleting the words: “...the opportunity to also seek”.

Issue 12	Town Centres First and Retailing	
Development plan reference:	Chapter 7: Town Centres First; Policy 21 Town Centre First Principle; Policy 22: City Centre Retail Frontages; Network of Centres: Paragraphs 7.37 – 7.40; Policy 25: Gallagher Retail Park Extension; Figure 6 Identified Commercial Centres; Proposals Map; Network of Centres; Policy 24: Goods Range and Unit Size Restrictions; Appendix 6: Goods Range and Unit Size Restrictions.	Reporter: Andrew Sikes
Body or person(s) submitting a representation raising the issue (including reference number):		
Dundee Civic Trust (13) CWP Dundee Ltd (15) Asda Stores Ltd (25) Ares (54) TJ Morris (56) L&G (59) Michael Mitchell (60) National Grid Property (62) Aldi Stores (71) Crucible Developments Scotland Ltd (75)		
Provision of the development plan to which the issue relates:	Chapter 7: Town Centres First contains policies relating to retail development and sets the planning policy approach to support the Town Centres and Retailing strategy to put town centres first to protect and promote them as places to work, shop and visit.	
Planning authority's summary of the representation(s):		
Chapter 7: Town Centres First Policy 21: Town Centre First Principle <u>Aldi Stores (71)</u> Recognise the value in the sequential test but note that town and district centres do not always have opportunities to accommodate stores and associated parking and servicing requirements of the scale they require. Consider that there may be some value in amending the wording of Policy 21 where it states that proposals will only be acceptable where “3) the proposal would address a deficiency in provision which cannot be met within or on the edge of these centres.” Consider that the current wording does not reflect Scottish Planning Policy (CD01) in this respect, requiring judgement by the planning authority as to whether the deficiencies identified could be met in the city centre or district centre. This repeats the requirements of criteria 1) of the Policy as it stands to reason that if the sequential test is satisfied under 1) a further test under 3) of whether the deficiencies could be met elsewhere is unreasonable and inconsistent with national policy. Therefore,		

request that this be amended to reflect Scottish Planning Policy.

Feel that this section of the Proposed Plan should more expressly reference the findings of the Dundee Retail Study (CD13), issued in 2015, which investigated both existing and forecasted future shopping requirements across the city, in particular in relation to forecasts for capacity that could support additional “small/medium and small stores as described in paragraph 8.3.1”. The Proposed Plan should reflect this position within the general text of the chapter to ensure this deficiency is adequately addressed.

Policy 22: City Centre Retail Frontages

Dundee Civic Trust (13)

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

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

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

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

L&G (59)

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

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

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

Network of Centres: Paragraphs 7.37 – 7.40**Policy 25: Gallagher Retail Park Extension****Figure 6: Identified Commercial Centres****Proposals Map**Dundee Civic Trust (13)

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

CWP Dundee Ltd (15)

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

Such an allocation would be in line with the Dundee Retail Study 2015 (CD13) which identifies a range of convenience and comparison retail capacity within the City catchment. The Retail Study states that there are significant levels of potential retail floorspace and whilst existing floorspace, including the City Centre may be able to absorb some of this future capacity, the Proposed Plan has not sought to identify land to accommodate this additional demand, other than at Gallagher Retail Park.

Asda Stores Ltd (25)

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

Ares (54)

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

In this regard, they are of the view that the Council should recognise the network of convenience stores within the Proposed Plan and highlight that these stores will remain for convenience goods, with any proposals for a change from convenience, or supermarket being subject to the same tests of any new retail proposals.

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

TJ Morris (56)

The Lochee District Centre boundary should be extended to include The Stack. During the Examination of the adopted Local Development Plan (CD05), the Reporter identified that extending this boundary at the time was premature due to the scale and

nature of uses at the Stack. The inclusion of The Stack within the Lochee District Centre boundary should no longer be considered as premature in the preparation of the emerging Proposed Plan.

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

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

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

New Sites for Retail and Mixed Use Development

Michael Mitchell (60)

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

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

National Grid Property (62)

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

Crucible Developments Scotland Ltd (75)

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

Modifications sought by those submitting representations:**Chapter 7: Town Centres First
Policy 21: Town Centre First Principle**Aldi Stores (71)

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

Policy 22: City Centre Retail FrontagesDundee Civic Trust (13)

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

L&G (59)

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

Propose the following preferred text as a replacement:

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

Alternatively, the policy could state:

‘Within the City Centre Retail Frontages Area uses within class 1 (shops) use will be encouraged. Proposals which would result in the loss of ground floor retail uses to uses other than class 3 (food and drink) uses and a small percentage of class 2 uses (15%) will not be permitted. Conditions will be applied to prevent the permitted change from class 3 to class 2 in keeping with the above’

Network of Centres: Paragraphs 7.37 – 7.40**Policy 25: Gallagher Retail Park Extension****Figure 6: Identified Commercial Centres
Proposals Map**Dundee Civic Trust (13)

Modify the Proposed Plan by removing the Gallagher Retail Park extension

CWP Dundee Ltd (15)

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

Asda Stores Ltd (25)

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

Ares (54)

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

TJ Morris (56)

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

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

TJ Morris (56)

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

New Sites for Retail and Mixed Use Development

Michael Mitchell (60)

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

National Grid Property (62)

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

Crucible Developments Scotland Ltd (75)

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

Proposal 2 : Greenmarket Development Site

“To highlight the potential to reuse vacant land on important City Centre sites, the Council identify and support the development of appropriate site uses such as residential, hotel, leisure (i.e. cinema and restaurants) and some complementary retail uses. Should the

viability of any forthcoming planning application be challenged, alternative uses will be considered by the Council.

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

Summary of responses (including reasons) by planning authority:

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

Aldi Stores (71)

Scottish Planning Policy (CD1) paragraph 68 advises that development plans should adopt a sequential town centre first approach when planning for uses which generate significant footfall, including retail and commercial leisure uses, offices, community and cultural facilities and, where appropriate, other public buildings such as libraries, and education and healthcare facilities. This requires that locations are considered in the following order of preference:

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

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

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

The City Centre displays a high level of retail vacancies which furthers its priority for development. The Dundee Retail Study 2015 (CD13) provides evidence of this to advise that the vacancy rate in the City Centre is 17%, which is higher than the Scottish average of 10.6% for town centres. Vacant floorspace in the City Centre has increased in recent years. Similarly, there is the need to prioritise the integration of the Waterfront Development into the existing shopping area.

In order to ensure that there is a robust strategy in place to tackle the issues of vacancy, a further two criteria are included within Policy 21 which relate to the individual or cumulative impact upon Centres and that the proposals should be addressing a deficiency in provision which cannot be met within or on the edge of the Centres. These are based upon decision making criteria provided in paragraph 73 of Scottish Planning Policy (CD01) and would inform the decision making approach in any case.

In seeking to align the Proposed Plan with the Town Centre First principles the Proposed Plan carries forward the sequential approach from the Dundee Local Development Plan 2014 (CD05) Policy 24. This allows for a full assessment of the impact of out of centre retail proposals on the wider network of centres. This approach was considered to be appropriate when the Dundee Local Development Plan 2014 was adopted and aside from greater promotion of the town centre first principle there has been no change in guidance that would warrant a different approach.

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

The issue of site selection in terms of criteria one relates to the application of the sequential test in its purest form. Case law (Dundee v Tesco) (CD57) sets out what is meant by a 'suitable' site in this regard. In summary one of the key findings that this established was that if a site is not suitable for the commercial requirements of the developer in question then it is not a suitable size for the purposes of the sequential approach. Although this may have certain overlaps with criteria 2 of Policy 21 in terms of the commercial aspects of this, in particular for the discount food shops such as Aldi (71), this does not specifically allow for the examination of whether the proposal individually or cumulatively would be addressing a deficiency in provision which cannot be met within or on the edge of the identified centres. Therefore, the two separate criteria are included to allow examination of two separate considerations. Admittedly, there may be linkages in the arguments put forward by the applicants for each of these, but this will be dependent upon their detailed arguments and formats.

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

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

With regard to the comments in relation to the Dundee Retail Study 2015 (CD13), whilst it is accepted that the Retail Study forecasts spare convenience and comparison expenditure, it emphasises the importance of supporting identified commitments and the existing network of centres in line with Scottish Planning Policy and the sequential approach contained within Policy 21 of the Proposed Plan. The reasoning behind this is to ensure the vitality and viability of the established centres and strengthen the application of the sequential test.

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

The Retail Study provides support to the current Policy approach and advises that the potential to support additional comparison and convenience floorspace requires to be

directed to opportunities within the network of centres and the associated policy restrictions on out of centre developments and ranges of goods that can be sold in retail parks. Failure to achieve this risks weakening the established centres which would be counterproductive. This would not meet the requirements of the TAYplan SDP (CD04) or Scottish Planning Policy (CD01) and would not help to deliver the aims of the Proposed Plan.

No modifications are proposed to the plan.

Policy 22: City Centre Retail Frontages

Dundee Civic Trust (13)

Scottish Planning Policy (CD01) paragraph 60 states that planning for town centres should be flexible and proactive, enabling a wide range of uses which bring people into town centres and that the planning system should apply a town centre first principle when planning for uses which attract significant numbers of people. Paragraph 68 then states that development plans should adopt a sequential town centre first approach when planning for the uses which generate significant footfall.

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

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

Proposed Plan Policies 21 and 22 relate to the location of retailing across the city, and adopt a sequential approach as set out in Scottish Planning Policy. The City Centre is the region's main shopping destination, an important role that is recognised in TAYplan SDP (CD04). The Proposed Plan reflects this and the complementary role of the District Centres and Commercial Centres as part of the network of centres within the City as shown on the Proposals Map.

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

It is considered that there is therefore a robust planning policy approach in place to tackle the issues of vacancy within the City Centre. There are also Council led initiatives underway such as the preparation of a City Centre strategy, the Local Community Plan (CD60) and strategic plans including the City Plan (CD24) and the Dundee Economic Strategy (CD17) that also look to support, enable and encourage improvements to the city centre.

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

approach helps to protect the District Centres.

Planning permission reference 16/00749/FULL (CD43) was granted by Committee on 9 December 2016 for the development of an Aldi retail foodstore at the site on Myrekirk Road. This was a duplicate of permission reference 15/00404/FULL (CD44) issued on 21 August 2015. Although the proposed development in both applications is contrary to the Dundee Local Development 2014 (CD03), as it would result in the loss of business land, the proposed development was considered to result in economic benefits in the form of additional employment for the City, and would bring a longstanding vacant site back into use. The material considerations were considered to be of a sufficient weight to set aside the relevant provisions of the adopted Local Development Plan.

Planning Permission in Principle 17/00144/PPPM (CD41) was granted by Committee on 21 June 2017 for “Mixed use development comprising industrial units (Class 4 & 5) (11,960 sqft across 10 units), car showroom (sui generis)(12,500 sqft), family restaurant (with ancillary public house) and coffee shop (Class 3) and food retail (Class 1)(24,000 sqft GFA), with car parking, access and associated works.” on a site at Kingsway East. Although this development is contrary to the Dundee Local Development Plan 2014 as it would result in the partial loss of business land, the economic benefits, regeneration of the site and provision of local facilities justified the departure.

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

It is important to note that these applications were approved contrary to the recommendations of the Planning Officers and were related to convenience retailing only. Although they were departures from the Dundee Local Development Plan 2014 they were justified on the basis of the material considerations put forward in each case which relied heavily on the associated economic benefits in the form of additional employment for the City, and the re-use of vacant sites. Policy 21: Town Centre First Principle and the sequential test remain as key components of the retailing strategy for the Proposed Plan and are not undermined by the above decisions.

In relation to comparison retail, the Dundee Retail Study 2015 (CD13) concludes that the range of forecast spare expenditure over the period 2015-2026 would support the proposed Overgate expansion, but not fully within the first five years. The proposed expansion is likely to have a long lead-in time as market demand lags behind the expenditure potential, so weight should not be given to initial limits on forecast capacity. Competition within identified centres will be market driven but it is considered that the scale of the city centre as defined in the Proposed Plan is sufficient to allow for the spare expenditure that might become available over the course of the Plan as evidenced by the Retail Study.

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

No modifications are proposed to the Plan.

L&G (59)

Dundee City Centre is recognised as the Regional Centre within TAYPlan SDP (CD04) as being an area for significant footfall attracting uses. Within this, the Overgate Centre is the prime focus for retailing. It is considered to be important to protect that role to avoid a potentially damaging dilution of retail offer. As owners of the Overgate Centre L&G are seeking a flexible policy approach that would enable flexibility in relation to the potential for the introduction of class 2 uses within the city centre retail frontage area.

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

The policy position in relation to Policy 22 restricts the formation of class 2 uses within the core retail frontage areas (including the Overgate Centre) to retain the focus on providing a high quality retail offer.

Within this, it is recognised that there will be the requirement for a flexible approach where there is a particular use that fits within the retail feel and focus of the Overgate Centre but may not strictly fall within Class 1 of the Town and Country Planning (Use Classes) (Scotland) Order 1997 (as amended) (CD34). This policy approach is carried forward from the Dundee Local Development Plan 2014 where it has already been applied flexibly to allow the insertion of appropriate uses within the Overgate Centre (including a small bureau de change) where material considerations exist and this would be the intention in the future.

There is still significant scope within the remaining areas of the city centre to accommodate Class 2 uses and this accords with Scottish Planning Policy (CD01) in terms of attracting footfall generating uses to locate within the network of centres.

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

No modifications are proposed to the Plan.

Network of Centres: Paragraphs 7.37 – 7.40**Policy 25: Gallagher Retail Park Extension****Figure 6: Identified Commercial Centres****Proposals Map****Dundee Civic Trust (13)**

Paragraphs 7.46 and 7.47 continue the policy approach from the Dundee Local Development Plan 2014 (CD03) and discuss the rationale behind allocating an area of land to accommodate an extension to the Gallagher Retail Park. As there is limited space within the city centre boundary to accommodate the anticipated future household goods retail floorspace requirements, this site has long been identified as an appropriate location for the development of new floorspace, subject to the restrictions that currently apply to the Gallagher Retail Park.

The Dundee Retail Study 2015 (CD13) at section 11.8 reviews the Dundee Local

Development Plan Policy 25 and concludes that there is no need for change emerging from the research.

No modifications are proposed to the Plan.

CWP Dundee Ltd (15)

Scottish Planning Policy (CD01) paragraph 60 states that planning for town centres should be flexible and proactive, enabling a wide range of uses which bring people into town centres and that the planning system should apply a town centre first principle when planning for uses which attract significant numbers of people. Paragraph 68 then states that development plans should adopt a sequential town centre first approach when planning for the same.

Scottish Planning Policy paragraph 63 sets out the circumstances where Plans should identify commercial centres. This includes, those centres which have a more specific focus on retailing and/or leisure uses, such as shopping centres, commercial leisure developments, mixed retail and leisure developments, retail parks and factory outlet centres.

TAYplan SDP (CD04) Policy 5 requires local development plans to identify specific boundaries for each commercial centre in the network identified in TAYplan SDP and to identify any other commercial centres as appropriate. Paragraph 7 on page 30 of TAYplan SDP also describes commercial centres as specialising in bulky goods such as DIY and furniture, commercial leisure and that they are often co-located with supermarkets. It also notes that some commercial centres also serve as local centres for their immediate surroundings as well as being hubs for food shoppers from other areas.

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

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

The representation requests that the Proposed Plan is modified to designate the area at Myrekirk Road as a Commercial Centre. The area is occupied by a single retailing use at the present time – an Asda food store. Planning permission has been granted to Aldi for a second food store on a site to the east of the area – planning permission reference 16/00749/FULL (CD43) was granted by Committee on 9 December 2016 for the development of an Aldi retail food store at the site on Myrekirk Road. This was a duplicate of permission reference 15/00404/FULL (CD44) issued on 21 August 2015. The planning permission has not yet been implemented and there have been no requests to clear the pre-commencement planning conditions. If this second food store is constructed the area would contain two food stores. When assessed against the criteria contained within Scottish Planning Policy (CD01) paragraph 63 and in TAYplan SDP (CD04) paragraph 7, page 30 it is not considered that the area would have the characteristics of a commercial centre.

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

The representation also separately requests that the Myrekirk Road site is allocated for retail / leisure use and refers to the Dundee Retail Study 2015 (CD13) as evidence that there is significant retail capacity in the city.

Whilst it is accepted that the Retail Study forecasts spare convenience and comparison expenditure, it emphasises the importance of supporting identified commitments and the existing network of centres in line with Scottish Planning Policy (CD01) and the sequential approach contained within Policy 21 of the Proposed Plan. The reasoning behind this is to ensure the vitality and viability of the established centres and to strengthen the application of the sequential test. As part of this, it is noted that there are additional permissions now in place that will take up part of the potential available expenditure that were not consented at the time of the Retail Study preparation. These include the Aldi planning permission at Myrekirk Road for a 20,000 sqft food store as referenced above; a planning permission in principle for a mixed use development including a 24,000 sqft GFA food store at Kingsway East (reference 17/00144/PPPM (CD41); and the development of a 15,000 sq ft Smyths toy store within the Stack Retail & Leisure Park (reference 17/00079/FULL) (CD46).

In addition it is important to recognise that the City Centre and District Centres have a high level of retail vacancies and this furthers their priority for new retail occupiers and the need to protect them from competition from out-of-centre retail development. Paragraph 7 of the Retail Study (CD13) notes that at 17% the vacancy rate in the City Centre is higher than the Scottish average of 10.6% for town centres and that vacancies have increased in recent years. Section 4.18 of the Retail Study expands on this and also discusses the vacancy rates within the District Centres. As the vacancy rate in the City Centre and the Lochee and Hilltown District Centres is above the Scottish average the need to focus new business into these areas is critical.

The Retail Study (CD13) is also very clear to advise that when assessing spare capacity, much greater weight should be given to the forecast expenditure compared to the equivalent floorspace. The latter is merely indicative, as retail formats and turnover ratios vary considerably. In this regard, the retail sector is evolving at a fast pace as consumers are now choosing to shop progressively more online, increasingly via smartphones, and food stores are now increasing multi-channel operations (click-and-collect in particular). Paragraph 7.2.2 of the Dundee Retail Study notes that the proportion of special forms of trading (SFT) is projected to increase up to 2024. It should be noted that the proportions of SFT shown in Table 7.1 of the Retail Study do not include internet home delivery coming from existing supermarket shelves.

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

The Retail Study (CD13) provides support to the current Policy approach and advises that the potential to support additional comparison and convenience floorspace requires to be directed to opportunities within the existing network of centres and the associated policy restrictions on out of centre developments and ranges of goods that can be sold in retail parks. Failure to achieve this risks weakening the established centres which would be counterproductive. The requested modification would undermine this by diverting the

focus to an additional site that is not required.

Neither the designation of the Myrekirk Road area as a Commercial Centre nor the designation of the CWP Dundee Ltd site at Myrekirk Road for retail / leisure development would meet the requirements of the TAYplan SDP (CD04) and Scottish Planning Policy (CD01) and would not help to deliver the aims of the Proposed Plan. It is recommended that the area is not designated as a commercial centre and that the site is not allocated for retail or leisure use.

There are no modifications proposed to the Plan.

Asda Stores Ltd (25)

Scottish Planning Policy (CD01) paragraph 61 requires plans to identify a network of centres and explain how they complement each other. Paragraph's 62 and 63 set out the criteria that should be used when identifying areas as town centres or commercial centres respectively.

TAYplan SDP Policy 5 (CD04) requires local development plans to identify specific boundaries for each commercial centre in the network identified in TAYplan SDP and to identify any other commercial centres as appropriate. The table in Policy 5 also sets out the functions of centres.

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

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

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

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

When considered against the criteria contained within Scottish Planning Policy (CD01) Paragraph 62 the proposed town or district centre fails to satisfy the criteria. The proposal relates to a single retail premises – the Asda foodstore - and one nearby building that is occupied by a community centre and library. The physical scale of the proposed area and the range of uses is limited. As a result, the uses primarily meet the needs of the local area and are not considered to function as a 'town centre' or district centre where there would be a high number of users making linked trips to a diverse mix of uses. In addition, the layout and position of the foodstore also means that there are limited physical

linkages between it and the adjacent library/community centre such as to mean there is no particular sense of place which is a key component of the existing District Centres.

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

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

No modifications are proposed to the Plan.

Ares (54)

The potential impact arising from convenience retailing being re-configured to comparison retailing is recognised. Through Policy 21 the Proposed Plan responds by adopting a town centre first policy approach as required by Scottish Planning Policy (CD01) paragraphs 60 and 68. Accordingly the Proposed Plan identifies a network of centres comprising the City Centre, five district centres, and four commercial centres.

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

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

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

Policy 24 would be applied to applications seeking to develop new food stores, extend existing food stores or for applications seeking to increase the floor area that can be used for the display and sale of comparison goods.

It is the case that Section 42 planning applications or applications for the Modification and Discharge of a Planning Obligation would be required to be made to change these stores

from convenience to comparison formats of retailing. These would allow for full consideration of the impacts that a change in the type of retailing being offered from particular sites might make upon the other recognised Centres. As a result, there is limited scope for the change from convenience retailing to comparison retailing affecting existing larger sized units without the need for appropriate permissions as above.

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

No modifications are proposed to the Plan.

TJ Morris (56)

Scottish Planning Policy (CD01) paragraph 61 requires plans to identify a network of centres and explain how they complement each other. Paragraph's 62 and 63 set out the criteria that should be used when identifying areas as town centres or commercial centres respectively.

TAYplan SDP Policy 5 (CD04) requires local development plans to identify specific boundaries for each commercial centre in the network identified in TAYplan SDP and to identify any other commercial centres as appropriate. The table in Policy 5 also sets out the functions of centres.

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

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

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

The preamble to Policy 23 (District Centres Retail Frontage) (paragraph 7.32) explains the nature of the District Centres within the city in that they are part of a historic legacy of shopping and service centres which have traditionally served as the focus for distinct communities within the City. They continue to provide a range of shops, services and leisure facilities in locations which are accessible by public transport. The District Centres and their relative health is discussed in the Dundee Retail Study 2015 (CD13) from section 6.4 onwards. Lochee District Centre is discussed in section 6.8. Whilst there has been some turnover of units in Lochee High Street since the Retail Study was undertaken the vacancy rate remains around the same.

The established network of centres have been supported and developed over the years by previous planning strategy and policies which have sought to reinforce their role within a recognised hierarchy. The range of uses and physical structures within Commercial

Centres makes them different in character and sense of place than the City/District Centres.

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

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

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

The Lochee District Centre boundary within Appendix 6 of the Dundee Local Development Plan 2014 (CD03) included the former Tesco unit.

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

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

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

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

From this, it is clear that TJ Morris (56) also recognise the differing type of use, physical

requirements and format which sets the Stack apart from the traditional form of shopping found within the High Street. This supports the designation of the Stack as a Commercial Centre rather than supporting inclusion within the Lochee District Centre.

TJ Morris (56) go on to point out that during examination of the adopted Local Development Plan, the Reporter in his Report of Examination (CD05) noted at paragraph 5 on page 109 that it would be “premature to re-designate the entire Stack site when large parts may not be part of the offer appropriate to a District Centre”. It remains the case that the main elements of the Stack relate to large scale retail formats, with one existing and one approved leisure use and an approved scheme in place for a toy shop which operates in a warehousing type format.

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

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

No modification is proposed to the Plan.

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

TJ Morris (56)

The above discussion confirms that the Stack should be allocated as a Commercial Centre as per the Proposed Plan and not as part of the Lochee District Centre. To avoid undermining the retail strategy, the planning permissions for development within Commercial Centres are subject to goods range restrictions and controls on unit size to ensure that they remain focused on their particular function as discussed in paragraphs 7.37 – 7.44 of the Proposed Plan. Continuing this approach will ensure that the Commercial Centres continues to have a complementary role within the wider network of centres.

With particular regard to the Stack site, the range of goods restrictions and size of units permitted within the park avoids taking trade and footfall from Lochee District Centre and safeguards the long term future of Lochee District Centre which has had a considerable amount of investment during the last Plan period, as set out in the Lochee Physical Regeneration Framework document (CD40).

The Council has applied the goods range restrictions in a flexible way, and has been prepared to support minor adjustments where that could benefit consumers without undermining the retail strategy. To date, this approach has operated satisfactorily and it has provided a degree of stability that otherwise would not have existed for prospective developers and established retailers alike. The restrictions have also given City and

District Centres retailers a degree of confidence and reassurance that their primary locations will not be harmed by fundamental changes in the role and function of the Commercial Centres.

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

The policy approach was confirmed by a review carried out in the Dundee Retail Study 2015 (CD13) in which it was concluded that the restrictions across the commercial centres should be maintained as any dilution is likely to result in competition with the City Centre and the District Centres and risks deflection of footfall, trade and private investment away from the established network of town centres, weakening the City's role as a regional centre for retailing.

Modifying the range of goods and unit size restrictions at The Stack would not meet the requirements of the TAYplan SDP (CD04) or Scottish Planning Policy (CD01) and would not help to deliver the aims of the Proposed Plan. There is therefore a strong case for continuing to control the range of goods and unit sizes within the Commercial Centres as set out in Policy 24 and Appendix 6.

No modifications are proposed to the plan.

New Sites for Retail and Mixed Use Development

Michael Mitchell (60)

Scottish Planning Policy (CD01) paragraph 68 advises that development plans should adopt a sequential town centre first approach when planning for uses which generate significant footfall, including retail and commercial leisure uses, offices, community and cultural facilities and, where appropriate, other public buildings such as libraries, and education and healthcare facilities. This requires that locations are considered in the following order of preference:

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

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

Paragraph 7.23 notes that proposals for tourist attractions, major leisure uses and visitor

accommodation will in the first instance be determined against Policy 7: Tourism and Leisure Developments.

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

The floor area of the existing B&Q unit is large (restricted by planning condition to be no less than 9000m²) and was the biggest retail store for the City when approved in 1998. The reasoning behind its siting in this location related to the specific size, which couldn't be accommodated in the existing retail parks, nature and operational requirements of the business operators and was justified on that basis. Over the years, the nearby area has grown to incorporate a variety of uses which includes a dentist, car showroom, trade and wholesaling, car garage, welding and fabrication uses. There is no specific retail focus nor does the area function as a single site as the variety of uses and buildings are accessed from a number of different streets and areas, across busy arterial routes. When assessed against the criteria in Scottish Planning Policy (CD01) paragraph 63 there are no locational or functional reasons that would justify the allocation of a site for retail warehousing in this location.

In addition, the Dundee Retail Study 2015 (CD13) has not identified the need to allocate additional land for bulky goods retail warehousing other than the existing proposed extension at Gallagher Retail Park. Therefore, there is no evidence to support the need for the inclusion of an additional allocation as promoted by Michael Mitchell (60).

Allocating the area at Kings Cross Road / Clepington Road for retail warehousing would not meet the requirements of the TAYplan SDP (CD04) or Scottish Planning Policy (CD01) and would not help to deliver the aims of the Proposed Plan.

No modifications are proposed to the Plan.

National Grid Property (62)

Scottish Planning Policy (CD01) paragraph 68 advises that development plans should adopt a sequential town centre first approach when planning for uses which generate significant footfall, including retail and commercial leisure uses, offices, community and cultural facilities and, where appropriate, other public buildings such as libraries, and education and healthcare facilities. This requires that locations are considered in the following order of preference:

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

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

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

Leisure Developments.

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

Enabling a mixed use development of this site would result in the creation of a new commercial centre that would draw footfall and trade away from the established network of centres. Furthermore the City Council is currently leading a regeneration project – Dundee Waterfront – which will see the expansion of the city centre to accommodate new retail, hotel, leisure, office, cultural and residential uses. Allocating a site for additional mixed use floorspace on Dock Street could draw investment, trade and footfall away from this important public sector led regeneration project and National Development, contrary to the aims of National Planning Framework 3 (CD02), Scottish Planning Policy (CD01) and the Dundee Economic Strategy (CD17).

No modifications are proposed to the plan.

Crucible Developments Scotland Ltd (75)

Scottish Planning Policy paragraph 68 (CD01) advises that development plans should adopt a sequential town centre first approach when planning for uses which generate significant footfall, including retail and commercial leisure uses, offices, community and cultural facilities and, where appropriate, other public buildings such as libraries, and education and healthcare facilities. This requires that locations are considered in the following order of preference:

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

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

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

Both Policy 7 and Policy 21 seek to direct footfall generating uses to the network of identified centres; the City Centre, District Centres and Commercial Centres. The Greenmarket site is located within the designated City Centre, there is therefore no need for an additional proposal within the Proposed Plan to specifically allow for such uses within the City Centre. Any planning application would thereafter be determined on its own merit taking into account other material considerations.

There is no functional requirement to add in the additional 'Proposal', nor for the consequential update to the Proposals Map to take account of this as the principle for the siting of such uses within the City Centre is already established.

No modifications are proposed to the plan.

Reporter's conclusions:

Policy 21: Town Centre First Principle

1. I consider Policy 21 (town centre first principle) of the proposed plan to be consistent with Scottish Planning Policy (SPP) and its requirement for development plans to adopt a sequential town centre first approach when planning for uses that generate significant footfall, including retail and commercial leisure uses. The policy's introductory paragraph and criterion 1) clearly set out the council's approach to the location of new shopping provision and other significant footfall generating uses.

2. The considerations of criteria 2) and 3) are drawn from SPP paragraph 73, which states, among other things, that out-of-centre locations should only be considered for uses which generate significant footfall where *"the proposal will help to meet qualitative or quantitative deficiencies; and there will be no significant adverse effects on the vitality and viability of existing town centres"*. I do not consider these considerations unreasonable or inconsistent with national policy, as the representation suggests. Accordingly, I do not propose to modify the policy in response to representations.

Dundee Retail Study (2015)

3. Paragraphs 7.11 and 7.12 of the proposed plan describe the purpose and summary findings of the Dundee Retail Study (2015). The representation notes the study's finding that there is significant capacity for new food retail floorspace within Dundee (paragraph 8.4.1) and argues that this should be reflected in the plan in order to ensure that this deficiency is adequately addressed.

4. The council does not directly address this matter in its response. I note, however, that the retail study provides a comprehensive commentary on retailing in the city and, in the interests of producing a concise plan, it would be impracticable to include more than a summary of its purpose and findings in the proposed plan. The statements contained in paragraphs 7.11 and 7.12 adequately serve this purpose. In any event, the findings of the study will be material considerations in the assessment of development proposals, whether included in the proposed plan or not. Furthermore, retail demand cannot be considered in isolation of other important factors, notably, the context provided by the network of centres identified in the proposed plan and the sequential approach described in paragraph 7.19 and Policy 21. For these reasons, I do not agree that the proposed plan should be modified in response to the representation.

Policy 22: City Centre Retail Frontages

5. The proposed plan's approach to the location of retail and commercial leisure uses in the city centre is consistent with SPP and the requirements of TAYplan; it adopts a sequential approach, defines its boundaries and promotes policies to protect and enhance its vitality, viability and vibrancy. I note that the council's planning policy approach to retailing in the city centre is validated by the findings of the Dundee Retail Study, which does not indicate any need for change. I therefore consider the strategy of the proposed plan to be sound, well reasoned and evidence-based.

6. The Dundee Civic Trust considers otherwise and, in support of its call for the approach to be reconsidered, cites recent decisions to grant planning permissions to retail developments outwith defined town centres and a high level of retail vacancies in the city centre. I do not consider, however, such matters to be an indication that the approach of the council is incorrect. Firstly, as the council explains, although contrary to officer recommendations, there were material considerations that justified support for the retail developments in question. Secondly, while retail vacancies in the city centre are indeed high when compared to other Scottish town centres, I note that the council has made commitments in its City Plan (2017-2026) and Economic Strategy and Action Plan (2013-2017) to promote the development of the city centre within a safe and attractive shopping environment. It also seeks to maximise retail and leisure development opportunities emerging through the 'V&A at Dundee' and wider Waterfront developments. Finally, I note that the council is currently preparing a city centre strategy with the aim of supporting and encouraging improvements to the city centre. In summary, the policy does not require to be modified.

Suggested alternative policy wording

7. The purpose of the suggested alternative wording to Policy 22 is to allow for the limited and qualified introduction of non-retail uses into the defined retail frontages of the city centre. To do so would represent a significant shift in the council's approach to retailing in the city centre. I agree with the council that the introduction of non-retail uses, specifically Class 2 uses, could result in shopping streets becoming fragmented and lead to a change in their character over time. Ultimately, this could lead to an erosion in the attractiveness of the city centre as a shopping destination. As the council notes, there is significant scope within the streets adjoining the defined frontages to accommodate non-retail uses and in turn complement the city centre offer.

8. Moreover, it is not clear how the reworded policy would be applied in practice, whether on an individual frontage basis or to the city centre retail frontages area as a whole. While numerically the number of non-retail (Class 2 uses) would be the same, the continuity of shopping uses or active retail frontages in some streets could be adversely affected were Class 2 uses to coalesce.

9. In conclusion, I consider that Policy 22 meets the requirements of SPP and TAYplan and does not require to be modified in response to the representations.

Network of Centres

Paragraph 7.9

10. The representation seeks a modification to the text of paragraph 7.9 to address the potential of convenience retail floorspace located outwith the defined network of centres being reconfigured for the sale of comparison goods. The council considers that there is limited scope for such a change to occur given the provisions of Policy 21 (town centre first principle) and Policy 24 / Appendix 6 (goods range and unit size restrictions).

11. I note that the concerns highlighted in the representation are addressed in paragraph 7.41 of the proposed plan. The plan at this point also describes the restrictions and controls that will be exercised by the council to ensure that the vitality and viability of the city centre and district centres is not jeopardised by the sale of non-food goods in commercial centres and food stores. The council states that the provisions of

Policy 24 would apply to all proposals seeking develop new food stores, extend existing food stores or for applications looking to increase the floor area that can be used for the display and sale of comparison goods. As such, I am satisfied that the concerns expressed in the representation are adequately addressed by the proposed plan as it stands and that no modification is required.

Gallagher Retail Park extension

12. The proposed extension of the Gallagher Retail Park is a feature of the extant local development plan (2014). Although lying beyond the defined city centre boundary, the proposed plan notes that the retail park and the site of the proposed extension lie within relatively easy walking distance of it. The Dundee Retail Study describes the range of goods available at the retail park as being orientated towards mainly personal goods, which complement the city centre retail offer, and notes the opportunity for an extended retail park to accommodate the city's future household goods retail floorspace requirements. The study concludes that it found no evidence to support a change to the proposal in the proposed plan. As such, I find the proposed plan's support to extend the retail park to be reasonable and I do not support the suggestion by the Dundee Civic Trust that it should be abandoned.

Myrekirk Road

13. The representations in respect of land at Myrekirk Road seek; the removal of land from a defined 'principal economic development area', its allocation for retail and leisure uses, and its designation, together with the adjoining ASDA and ALDI stores, as a 'commercial centre'. The first of these matters is considered as part of Issue 2 (sustainable economic development).

14. In line with national and strategic planning policy, the proposed plan adopts a sequential approach to the identification of preferred locations for new retail and commercial leisure uses. Paragraph 7.19 sets out the order that locations are required to be considered, with out-of-centre locations, such as that at Myrekirk Road, only considered once those in the city centre and district centres, edge of town centre, other commercial centres identified in the development plan, have been assessed and discounted as unsuitable or unavailable. On this basis, and in the absence of any assessments of available sites and the impact of new retail and/or commercial leisure development on defined centres, I consider that it would be inappropriate to allocate the site for retail and leisure uses as sought. I note the conclusions of the Dundee Retail Study and its forecasts of spare convenience and comparison expenditure capacity. I also note its advice that spare expenditure capacity should be directed to support the existing network of centres. Failure to do so, it suggests, risks weakening the established centres, which would be counter-productive.

15. SPP (paragraph 63) and TAYplan SDP (penultimate paragraph, page 30) describe the characteristics of a commercial centre, the latter noting that they specialise in bulky goods such as DIY and furniture, commercial leisure and are often co-located with supermarkets. The council states that the area does not have the characteristics of a commercial centre, despite the presence of the ASDA and impending ALDI stores – at the time of my site inspection construction of the ALDI store had yet to commence. I share this view, and note again the conclusions of the Dundee Retail Study, which remarks that the existing policy assumptions against out-of-centre retail development and the associated restrictions on the range of goods to be sold in commercial centres, which

have been carried forward into the proposed plan, need to be applied rigorously. For these reasons, I do not agree that the proposed plan should be modified in response to the representations.

Gilburn Road, Kirkton

16. The representation seeks the designation of an ASDA supermarket and one other building, from which a library and community centre operate, as a district centre. Such a designation, it is argued, would establish, and thus protect, the centre within in the 'network of centres' hierarchy and acknowledge its importance to the catchment population.

17. The council comments that the scale, limited range of uses and poor links between the two buildings are such that they fail to satisfy the criteria of a 'town centre' as described in SPP paragraph 62. Furthermore, it adds that the uses primarily meet the needs of the local area and do not function as a 'town centre'. Having visited the ASDA supermarket and surrounding area, I agree with the council's observations on this matter and conclude that the facilities at Gilburn Road do not display the uses and characteristics of a town centre as described in SPP and, accordingly, that it would be inappropriate to define it as such.

The Stack and Policy 24: Goods Range and Unit Size Restrictions

18. Paragraph 7.40 of the proposed plan describes The Stack Leisure and Retail Park as being located in an edge of centre location adjacent to the Lochee District Centre. It also describes how the park has evolved over time from a leisure park to a mixed-use commercial centre, including the introduction of retail uses incorporating the sale of food and homeware goods. The council explains that these uses are subject to the restrictions described in Policy 24 and Appendix 6 (goods range and unit size restrictions) in order to ensure that the park maintains a leisure focus alongside retail warehousing and complements the role of the adjacent district centre. The representation seeks an extension to the boundaries of the Lochee District Centre to incorporate the leisure and retail park and the removal of restrictions that limit the range of goods that can be sold from the leisure and retail park and the size of units within it.

19. I visited The Stack and the Lochee District Centre and would agree with the council that their physical characteristics, function and layout differ markedly. Despite changes in the range of uses and goods on offer at The Stack, its role continues to be one that supports and complements the more traditional shopping and service-based uses found throughout the Lochee District Centre. I therefore consider The Stack to be appropriately designated as a commercial centre. In addition, if the role of Lochee District Centre within the network of centres is to be maintained, and the high level of vacancies reduced, I also consider that it is appropriate to continue to apply the restrictions of Policy 24 and Appendix 6 to existing uses and new proposals at The Stack. On this matter, I note the findings of the Dundee Retail Study, which comments that the main potential threat to Lochee District Centre would be the introduction of retail uses at The Stack that complete with, rather than complement, the district centre.

20. With regard to the application of goods range and unit size restrictions in commercial centres in general, I note the recommendation of the Dundee Retail Study that they should continue to be applied. Any dilution in the restrictions (as set out in the extant development plan 2014 and carried forward into the proposed plan), it adds, is likely to

result in competition with the city centre and district centres. Despite the presumption against the sale of the goods identified in Appendix 6, Policy 24 contains criteria against which proposals seeking to sell any of the restricted goods would be assessed, which would allow proposals that purport to aid the continued operation of The Stack and the regeneration of the district centre to be tested. In light of the foregoing, I do not consider it necessary to modify the proposed plan in response to the representations.

New sites for retail and mixed use development

Land between Kings Cross Road and Clepington Road

21. The site lies adjacent to a large B&Q Extra store, a car showroom, presently under construction, and a number of cash-and-carry and trade operations. These uses are located between, and outwith, the Kingsway West Retail Park, a defined Commercial Centre, and Kings Cross Trade Park, part of an allocated economic development area. The representation seeks an allocation of the site for retail warehousing.

22. Despite the proximity of the site to the Kingsway West Retail Park and other retail/trade operations, the proposed plan does not direct new retail development to this location in the first instance. As I note at paragraph 12 above, in line with national and strategic planning policy, the proposed plan adopts a sequential approach to the identification of preferred locations for new retail uses. Paragraph 7.19 sets out the order that locations are required to be considered, with out-of-centre locations, such as that at Kings Cross Road / Clepington Road, only considered once those in the city centre and district centres, edge of town centre, other commercial centres identified in the development plan, have been assessed and discounted as unsuitable or unavailable. On this basis, and in the absence of any assessments of available sites and the impact of new retail development on defined centres, I consider that it would be inappropriate to allocate the site for retail warehouse development, as sought.

23. Finally, I note the particular requirements that led to the development of the B&Q store in this location and repeat here the conclusions of the Dundee Retail Study, and its advice that spare convenience and comparison expenditure should be directed to support the existing network of centres. Failure to do so, it suggests, risks weakening the established centres, which would be counter-productive. For these reasons, I do not support the modification promoted in the representation.

East Dock Street

24. Whether or not the site should remain part of an economic development area is discussed in Issue 2 (sustainable economic development) of this report. My conclusions below address the acceptability or otherwise of a mixed-use development on the site.

25. The site lies a short distance from the defined Gallagher Retail Park Commercial Centre and immediately adjacent to the Dock Street bus depot. The proposed plan supports the redevelopment of the bus depot for retail warehousing as an extension to the retail park. Amongst other things, the representation promotes the alternative use of the East Dock Street site for a range of business, commercial and leisure uses. The representation does not seek the proposed plan's support for retail-led uses, recognising that such uses could have an impact on other centres identified in the proposed plan, notably the city centre, Gallagher Retail Park and other commercial centres on the eastern side of the city.

26. In accord with SPP, TAYplan and the proposed plan's 'town centre first approach' the preferred location for commercial leisure uses is the city centre and district centres. As described in paragraph 7.19, out-of-centre locations, such as that at East Dock Street, will only be considered once those in the city centre and district centres, edge of town centre, other commercial centres identified in the development plan, have been assessed and discounted as unsuitable or unavailable. Although the proposed plan states that it will adopt a flexible and realistic approach in applying the sequential approach, there is nothing exceptional in the range of uses promoted by the landowner that suggests that they could not be accommodated in the city centre or district centres, or indeed in the established commercial centres, and in so doing contribute to the reduction in vacancy rates in those locations. Policy 3 (principal economic development areas) offers support in principle business uses. In conclusion, for the reasons set out above, I do not support the allocation of the site for commercial leisure uses.

Greenmarket

27. The proposed plan proposals map includes the site at Greenmarket as lying within the boundaries of the defined city centre. It is also shown lying adjacent to the defined Central Waterfront area. The representation seeks the introduction of a new policy to sit below paragraph 7.24 to highlight the development potential of the site for a variety of commercial leisure and residential uses, a corresponding site-specific proposals map designation, and an extension to the boundaries of the Central Waterfront area to incorporate the site.

28. As the council notes, Policy 7 (tourism and leisure development) and Policy 21 (town centre first principle) direct the commercial leisure uses referred to in the representation to the city centre in the first instance. Paragraph 6.14 also encourages housing within the city centre. Accordingly, the proposed plan offers support in principle for these and other significant footfall generating uses. As such, given the support expressed in the proposed plan as it stands I do consider the modifications sought in the representation to be necessary.

Reporter's recommendations:

No modifications.

Issue 13	Sustainable Natural and Built Environment	
Development plan reference:	Biodiversity. Chapter 8 Paragraph 8.4; Chapter 8 Paragraph 8.47; Policy 28 Protecting and enhancing the Dundee Green Network, supporting text and Proposed Plan Proposals Map; Policy 32 National and International Nature Conservation Designations; Policy 35: Trees and Urban Woodland; Policy 36: Flood Risk Management; Policy 37: Sustainable Drainage Systems; Policy 38: Protecting and Improving the Water Environment and Paragraph 8.29; Policy 40: Air Quality; Policy 42: Development of or next to Major Hazard Sites; Policy 43: Waste Management Installations; Policy 45: Energy Generating Facilities; Policy 47: Wind Turbines; Policy 46: Delivery of Heat Networks; Policy 48: Low and Zero Carbon Technology in New Development; Policy 52: Scheduled Monuments and Archaeological Sites.	Reporter: Steve Field
Body or person(s) submitting a representation raising the issue (including reference number):		
Scottish Environmental Protection Agency (SEPA) (01) Scottish Natural Heritage (SNH) (02) Sportscotland (05) Scottish Government (06) Homes for Scotland (08) Stewart Milne Homes (39) Forth Ports (40) Kirkton Community and Safety Partnership (65)		
Provision of the development plan to which the issue relates:	Chapter 8 contains several policies covering specific environmental issues.	
Planning authority's summary of the representation(s):		
Biodiversity		
Kirkton Community and Safety Partnership (65)		
The Plan should: 1 take Biodiversity seriously, 2 not confuse Biodiversity with open space policy.		

3 Biodiversity information held by the Council should be updated,
 4 Council should improve its knowledge of definition of biodiversity,
 5 Council should employ a qualified biodiversity officer,
 6 Council should fulfil its legal Biodiversity Duty,
 7 Council should stop making claims there is 'nothing living there' based on 'cheapest most basic walkthrough.'

Comments 3 to 7 are not considered to be relevant to the preparation of a local development plan and are not taken forward.

Chapter 8, Paragraph 8.4

Scottish Natural Heritage (SNH) (02)

Welcome the link to Appendix 3: Allocated Housing Sites but recommend that additional wording is included to refer to requirements arising from the Habitats Regulations Appraisal (CD16).

Chapter 8, Paragraph 8.47

Kirkton Community and Safety Partnership (65)

The contributor has made several comments that do not relate to the preparation of a local development plan.

Comments relevant to the Proposed Plan are:

- 1 Provide 'a proper definition of open/green space and green network. What we have is woolly & vague and contains a mish-mash of synthetic playing fields, car parks and fenced-off areas.'
- 2 Clarify that open space and green networks featured are material planning considerations.

Other comments not relevant to the Proposed Plan or which are more appropriate to an earlier stage are:

- 3 Ask the public to nominate areas for inclusion and compile local maps.
- 4 Take advice on how to create wildlife corridors.
- 5 Create a policy to control the use of herbicides.
- 6 Employ a Biodiversity Officer to write the policy.
- 7 Ask people where the best areas for green exercise are and produce local maps.
- 8 Stop dictating.
- 9 Communicate respectfully.

Comments 3 to 9 are not considered to be relevant to the purposes of this stage of the consultation and are not taken forward.

Scottish Government (06)

Questions the appropriateness of expecting all energy generating facilities to mitigate emissions by installation of appropriate abatement technology, when it is the case that some facilities, such as solar panels, don't have emissions.

Policy 28: Protecting and enhancing the Dundee Green Network, supporting text

and Proposed Plan Proposals MapScottish Natural Heritage (02)

Dundee's Green Network (CD29) planning advice and spatial representations should be clearly linked with the Proposed Plan through reference in Policy 28, supporting text and shown on the Proposals Map.

Sportscotland (05)

Policy suggests change of use from an outdoor sports facility to another green infrastructure use could be permitted without assessment of sporting impact.

Kirkton Community and Safety Partnership (65)

If changes are to be made to Dundee's green network, those directly affected and those with competency to understand those changes must be involved in determining the changes.

Policy 32: National and International Nature Conservation DesignationsScottish Natural Heritage (02)

SNH supports the policy as worded.

Scottish Government (06)

The wording of the International Sites section of Policy 32 does not fully reflect the criteria set out in Paragraph 208 of Scottish Planning Policy (CD01).

Policy 35: Trees and Urban WoodlandScottish Natural Heritage (02)

Additional wording would align with the attributes set out in Paragraph 8.21 of the Proposed Plan and with Paragraphs 216 and 218 of Scottish Planning Policy (CD01).

Scottish Environmental Protection Agency (SEPA) (01)

Compensatory arrangements for woodland should take into consideration flood risk and other impacts on the environment.

Policy 36: Flood Risk ManagementScottish Environmental Protection Agency (SEPA) (01)

Flood defences may be planned but never come forward to a construction phase and therefore put buildings and persons at flood risk contrary to Scottish Planning Policy (CD01). The requested modification avoids potential development sites which are at risk of flooding from being granted planning permission prior to adequate flood risk protection being constructed.

Kirkton Community and Safety Partnership (65)

Information given is wrong, incomplete or misleading. Need to check for the presence of culverts on the council flood maps.

Relevant documentation from SEPA should be provided.

The Council are supposed to provide a SuDS map.

Policy 37: Sustainable Drainage SystemsScottish Environmental Protection Agency (SEPA) (01)

SuDS within the built environment can contribute to the delivery of the Flood Risk Management (Scotland) Act 2009 (CD51) if they are appropriately sized for the purpose of avoiding flood risk.

Policy 38: Protecting and Improving the Water Environment and Paragraph 8.29Scottish Natural Heritage (02)

Ensure the important riparian zone along existing watercourses are protected and enhanced as consistent with Policy 38, and clarify that this buffer zone needs to be of a suitable size to adequately provide the necessary ecological, landscape and amenity functions.

Policy 40: Air QualityKirkton Community and Safety Partnership (65)

Developments which contribute to a decline in air quality in locations which exceed the Air Quality Standards will not be permitted.

Policy 42: Development of or next to Major Hazard SitesScottish Environmental Protection Agency (SEPA) (01)

The term 'Major' is used in the title of the policy but not in its wording. Avoid unintended consequences or implied intentions that Policy 42 only relates to major development under the planning regime, rather than the significance of the hazard.

Policy 43: Waste Management InstallationsForth Ports (40)

Due to the fluid nature of port operations and the associated permitted development rights it is not appropriate to identify fixed locations for recycling facilities within the Port of Dundee. Furthermore, industrial operations which take place in the port are related to the use of port specific operational infrastructure. Where waste operations have no requirement for such infrastructure, safeguarding of land for these operations prejudices the operation of the Port of Dundee.

Recycling and transfer of recycled material by vessel can appropriately take place within the port, and whilst Forth Ports do not consider it necessary for the Proposed Plan to do so, it could recognise that waste recycling, aligned with port operations can take place within the Port of Dundee.

Policy 45: Energy Generating Facilities

Scottish Government (06)

The policy wording potentially restricts on-site electricity only installations for which there is no justification in Scottish Planning Policy (CD01).

Scottish Environmental Protection Agency (SEPA) (01)

The Proposed Plan policy framework should include reference to anaerobic energy generation from non-waste materials.

Policy 46: Delivery of Heat Networks

Scottish Natural Heritage (02)

Co-locate heat networks with other networks to enable multi-functional green infrastructure and facilitate the deployment of low carbon energy.

Scottish Environmental Protection Agency (SEPA) (01)

The Proposed Plan must ensure that opportunities for heat networks are clearly identified spatially in order to raise awareness for adjacent sites, allocations or major developments that could connect to the heat network in the future.

Homes for Scotland (08)

Supports aspirations to cut CO2 emissions but considers the key in achieving this should be done strategically and in partnership with all industry sectors.

Indicates that there needs to be a reasonable balance of need to reduce CO2 emissions alongside increasing delivery of enough new homes and achieving sustainable economic growth.

Homes for Scotland urge caution in how district heat networks are sought. Unless development is close to an existing/proposed heat source or part of a large mixed-use development with potential to share/sell heat an Energy Use/Sustainability Assessment should be sufficient to justify why a heat network is not possible.

It is considered that a detailed feasibility study to confirm a heat network is not viable and will delay housing delivery.

Considers there to be a presumption that housing developers can deliver this form of infrastructure and would absorb the risks associated within it however this is considered misplaced and inappropriate.

Suggests that there needs to be a clear understanding of what Policy 46: Delivery of Heat Networks means with regards to “a statement will be required to be submitted with an

application for planning permission to demonstrate that consideration has been given to the viability of creating or linking into a heat network". It is considered important that a proportionate approach is adopted.

Stewart Milne Homes (39)

Considers the policy to be premature as heat networks have not been tested sufficiently for mainstream residential use. Considers it to be more suitable for some commercial developments, high rise developments and some public buildings but not mainstream residential use.

Identifies two critical constraints; the cost of implementation; and the issue of ownership.

Issue raised with the requirement to put in pipe runs which is considered an unnecessary cost to development when they are unlikely to be used.

Kirkton Community and Safety Partnership (65)

The wording 'consideration to viability' is vague and meaningless and sounds like a tick box.

Policy 47: Wind Turbines

Scottish Environmental Protection Agency (SEPA) (01)

Consideration should be given to potential negative effects in relation to effect on soils in the supporting text of Policy 47.

Policy 48: Low and Zero Carbon Technology in New Development

Scottish Government (06)

The 2007 standards on energy were revised in 2015 and reference should be made to the latest standards.

Homes for Scotland (08)

Seeks to ensure that the policy has "fabric first" approach which is being worked towards through Building Standards. These would be considered to be permanent improvements where adding new installations such as Low and Zero Carbon Technology (LZCT) has the potential to be relatively temporary. The policy response should therefore prioritise a "fabric first" approach with LZCT as a secondary requirement if considered necessary to meet current targets.

Considers Policy 48 as excessive and cuts across what has and can be achieved within an effective Building Warrant process. Makes reference to the consideration of this duplication through the Scottish Government's Planning Review.

Indicates that development plans should promote the pursuit of more energy efficient buildings but a pragmatic and proportionate approach must be adopted.

Does not support a detailed quantification of the reduction of greenhouse gas emissions.

Considers an Energy Use/Sustainability Assessment which sets out site and building design approaches taken to reduce greenhouse gas emissions should be considered sufficient when identifying what, if any additional LZCT may be considered appropriate if necessary as part of the development.

Stewart Milne Homes (39)

Recognises the requirement for local development plans to contribute to the reduction of CO2 emissions through LCZT however the focus should be on reducing need for energy consumption. The policy should allow this to be taken into account when managing carbon emissions.

Consider LZCTs to be complex and beyond the scope of planning control and the local development plan process and it is considered essential that they are regulated through building standards rather than planning policy.

The focus of the policy should be on a passive or “fabric first” approach supported by renewable technologies where it is appropriate. It should advocate the use of simple solutions rather than the layering of complex technologies.

Policy 52: Scheduled Monuments and Archaeological Sites

Scottish Government (06)

Policy 52 refers to development ‘which would destroy or adversely affect scheduled monuments...’. The local planning authority only have a remit over unscheduled archaeology and the setting of scheduled monuments as this is a material consideration in the assessment of planning applications.

Appendix 3: Allocated Housing Sites (Site H41)

Scottish Natural Heritage (02)

Allocation H41 should have consistent mitigation measures between the Development Site Assessments 2017 (CD07), Environmental Report (CD15) Annex 7, Habitats Regulations Appraisal (CD16) and Appendix 3: Allocated Housing Sites. *A site specific policy caveat required as there is insufficient detail on the precise location of development within the site boundary.*

Modifications sought by those submitting representations:

Biodiversity

Kirkton Community and Safety Partnership (65)

The Proposed Plan should be modified to:

- 1 take Biodiversity seriously,
- 2 not confuse Biodiversity with open space policy.

Chapter 8

Kirkton Community and Safety Partnership (65)

The Proposed Plan should be modified to:

- 1 Provide 'a proper definition of open/green space and green network. What we have is woolly & vague and contains a mish-mash of synthetic playing fields, car parks and fenced-off areas.'
- 2 Clarify that open space and green networks featured are material planning considerations.

Chapter 8, Paragraph 8.4

Scottish Natural Heritage (SNH) (02)

Modify the first sentence of Paragraph 8.4 of the Proposed Plan to read (additional text underlined): *"To help developers address environmental and infrastructure issues early in the development process Appendix 3: Allocated Housing Sites, highlights which of the allocated housing sites require a Flood Risk Assessment and/or Noise Impact Assessment, and requirements from the Habitats Regulations Appraisal (CD16)."*

Chapter 8, Paragraph 8.47

Scottish Government (06)

Modify Paragraph 8.47 of the Proposed Plan to read: *'All energy generating facilities which produce greenhouse gas emissions when used will be expected to mitigate emissions by installation of appropriate abatement technology.'*

Policy 28: Protecting and enhancing the Dundee Green Network, supporting text and Proposed Plan Proposals Map

Scottish Natural Heritage (02)

Modify the Proposed Plan to include a reference in Policy 28 to Dundee's Green Network (CD29) planning advice.

Modify the Proposals Map to include the green network links shown in Figure 7 of the Proposed Plan.

Modify the Proposed Plan to include a link to the Green Network (CD29) planning advice at the end of Paragraph 8.6.

Sportscotland (05)

Modify the Proposed Plan to give outdoor sports facilities a separate paragraph in the policy noting that loss of such facilities will be assessed in line with SPP Paragraph 226 (CD01) irrespective of the proposed new use.

Kirkton Community and Safety Partnership (65)

Modify Policy 28 of the Proposed Plan by inserting *"...and the Community Councils or Neighbourhood Representative Structures and any recognised and established groups who manage that or adjacent green infrastructure and are qualified to comment on the existing uses of the infrastructure (this can include environmental groups, play experts, health professionals who prescribe green exercise),..."* in second paragraph, second line,

after “...determined by the Council...”.

Modify Policy 28 of the Proposed Plan by deleting the phrase “...outdoor sports facilities or...” from second paragraph, first line.

Modify Policy 28 of the Proposed Plan by inserting “...Community Council or Neighbourhood Representative Structure (where these do not exist then the Council)...” in the third paragraph fifth line after “...infrastructure unless the...”.

Modify Policy 28 of the Proposed Plan by deleting the last paragraph and creating a new Policy that reads: “Development proposals that would result in a change of the use of outdoor sports facilities are required to provide compensatory or improved outdoor sports facilities in a convenient location which improves the overall playing capacity for the area unless the proposals are consistent with the Dundee Physical Activity Strategy, 2017(CD26) or Dundee Pitch Strategy (CD27)”.

Modify Policy 28 of the Proposed Plan by inserting “...type (ref. [PAN 65 Table 1](#)) (CD53)...” between ‘equal’ and ‘benefit’ in criterion 2.

Modify Policy 28 of the Proposed Plan by inserting “...as determined by the Community Council or Neighbourhood Representative Structure...” in criterion 3, second line between ‘amenity value’ and ‘on the remainder of.’, and also adding an additional sentence at the end of criterion 3: “The Council will provide Dundee’s Community Councils and Neighbourhood Representative Structures with access to suitably qualified bodies to provide advice on this issue.”.

Policy 32: National and International Nature Conservation Designations

Scottish Government (06)

Modify Policy 32 of the Proposed Plan by adding ‘and suitable compensatory measures have been identified and agreed.’ to the end of bullet point 2 of the International Sites section.

Policy 35: Trees and Urban Woodland

Scottish Natural Heritage (02)

Modify the Proposed Plan to include an additional sentence at the beginning of Policy 35 (modified text underlined): “Development will not be permitted where it could lead directly or indirectly to loss of, or damage to, woodland, groups of trees and hedges. The Council will support the establishment and enhancement...”

Scottish Environmental Protection Agency (SEPA) (01)

Modify Policy 35 of the Proposed Plan to ensure that mitigation measures related to Policy 35 should take into consideration flood risk and other impacts on the environment.

Policy 36: Flood Risk Management

Scottish Environmental Protection Agency (SEPA) (01)

Modify Policy 36 of the Proposed Plan by replacing bullet point 1 with: *"a Flood Protection Scheme or flood defence is designed and constructed to a standard of 0.5% AP plus climate change allowance and there is certainty that the measure will be delivered prior to occupation of the development (i.e. the contract for the scheme has been awarded)."*

Kirkton Community and Safety Partnership (65)

It is not clear what modifications are sought by this response. There is a suggestion that a list of culverts should be added to the Proposed Plan and that it should include a SUDS map.

Policy 37: Sustainable Drainage Systems

Scottish Environmental Protection Agency (SEPA) (01)

Modify Policy 37 of the Proposed Plan or its preamble to identify and strengthen the role Sustainable Drainage Systems (SuDS) can have in delivering Flood Risk Management Plans, Surface Water Management Plans and the Scottish Government climate change targets and Adaptation Programmes if appropriately designed.

Policy 38: Protecting and Improving the Water Environment and Paragraph 8.29

Scottish Natural Heritage (02)

Modify Policy 38 of the Proposed Plan by adding: *"Where development sites are in close proximity to watercourses, an appropriately sized buffer zone shall be provided between the development and the watercourse which should function ecologically as riparian habitat and be of landscape and amenity value."*

Modify Paragraph 8.29 of the Proposed Plan by adding the following wording in the final sentence: *"...through works such as de-culverting, provision of adequate riparian buffer zones to watercourses, removal of historic weirs"*

Policy 40: Air Quality

Kirkton Community and Safety Partnership (65)

Modify Policy 40 of the Proposed Plan by replacing 'reduce,' with 'negate' and delete 'to levels acceptable to the Council'.

Modify the Proposed Plan to include the name of the department responsible for judging this.

Policy 42: Development of or next to Major Hazard Sites.

Scottish Environmental Protection Agency (SEPA) (01)

Modify the title of Policy 42 of the Proposed Plan by removing the word 'Major'.

Policy 43: Waste Management Installations

Forth Ports (40)

Modify Paragraph 8.43 of the Proposed Plan to read: *“The Local Development Plan also identifies and safeguards existing waste management installations and ensures that allocation of land on adjacent sites does not compromise waste handling operations. Where alternative development is proposed, (including port related development at the Port of Dundee) and where it can be demonstrated that development proposals have site specific requirements, the safeguard will be removed.”*

Modify Policy 43 of the Proposed Plan so that the first paragraph reads: *“Existing waste management installations are safeguarded unless evidence is presented to demonstrate that the facility is no longer required and that the capacity can be met through an alternative facility. Where alternative development is proposed (including operational port uses at the Port of Dundee) and where it can be demonstrated that development proposals have site specific requirements, the safeguard will be removed.”*

Policy 45: Energy Generating Facilities

Scottish Government (06)

Modify Policy 45 of the Proposed Plan so that the second paragraph reads: *‘Proposals for small scale energy generating facilities outwith Principal or General Economic Development Areas, other than in connection with an existing land use or domestic appliances, will only be acceptable where their primary function is the production of heat or combined heat and power for residential and business consumption.’*

Scottish Environmental Protection Agency (SEPA) (01)

Modify the Proposed Plan to include a reference to anaerobic energy generation from non-waste materials.

Policy 46: Delivery of Heat Networks

Scottish Natural Heritage (02)

Modify the Proposed Plan’s heat networks policy approach to co-locate heat networks with other networks such as green infrastructure where appropriate, and identify areas of opportunity in relation to the green network map (Figure 7).

Scottish Environmental Protection Agency (SEPA) (01)

Modify the Proposed Plan so that Figure 10: Heat Network Opportunity Map identifies the additional commitments to heat networks, as referenced in Paragraphs 8.49 and 8.50 of the supporting statement of the policy .

Homes for Scotland (08)

Modify the preamble to Policy 46 of the Proposed Plan to include clarification text as to what the “statement” referred to in Policy 46 requires to consider.

Stewart Milne Homes (39)

Modify Policy 46 of the Proposed Plan by removing the requirement for major planning applications to demonstrate the feasibility for their ability to tie into heat networks.

Modify Policy 46 of the Proposed Plan by removing the requirement for developments to be capable of connecting to heat networks and the requirement to put pipe runs in for future connection.

Kirkton Community and Safety Partnership (65)

No modifications are sought.

Policy 47: Wind Turbines

Scottish Environmental Protection Agency (SEPA) (01)

Modify the Proposed Plan to identify carbon rich soils as a constraint for wind turbine development.

Policy 48: Low and Zero Carbon Technology in New Development

Scottish Government (06)

Modify Policy 48 of the Proposed Plan to refer to the 2015 Building Standards.

Homes for Scotland (08)

Modify Policy 48 of the Proposed Plan to refer to prioritising the 'fabric first' approach within new developments as a means to achieve long lasting energy efficiency and thereafter require the installation of low and zero carbon generating technologies only where further improvements in energy efficiency are necessary to meet current Building Standards.

Stewart Milne Homes (39)

Modify Policy 48 of the Proposed Plan by adding "*A comparative saving by passive means will also be acceptable*" or similar to the end of Paragraph 1 of the policy

Policy 52: Scheduled Monuments and Archaeological Sites

Scottish Government (06)

Modify Policy 52 of the Proposed Plan by removing the reference to development '*which would destroy or adversely affect scheduled monuments...*', and add an additional paragraph after Paragraph 8.63 which makes it clear that "*Any works directly affecting a designated Scheduled Monument requires Scheduled Monument Consent (SMC) which is obtained from Historic Environment Scotland. Advice on the SMC process and requirements should be sought at an early stage from the Heritage Directorate, Historic Environment Scotland, Longmore House, Salisbury Place, Edinburgh, EH9 1SH. Telephone: 0131 668 8716. Email: hmenquiries@hes.scot*".

Appendix 3: Allocated Housing Sites (Site H41)

Scottish Natural Heritage (02)

Modify Appendix 3: Allocated Housing Sites of the Proposed Plan to include the following

wording against Site H41:

“Detailed proposals must demonstrate that the development would not adversely affect greylag geese of the Firth of Tay SPA either alone or in combination with other plans or projects.”

Summary of responses (including reasons) by planning authority:

Biodiversity

Kirkton Community and Safety Partnership (65)

Proposed Plan policies designed to protect and enhance Biodiversity are taken seriously and given equal weight to all other policies in the Proposed Plan. These cover a broad range and include specific policies related to the Green Network, National, International and Local Nature Conservation Designations, Protected Species, Trees and Woodland and The Water Environment. Other policies which offer particular protection and support for biodiversity include those related to Economic Development Areas, Tourism and Leisure development and Visitor Accommodation. The range of policies with a biodiversity element extend beyond those relating to open space. This clearly demonstrates that there is no confusion between the two.

No modification is proposed to the Plan.

Chapter 8, Paragraph 8.4

Scottish Natural Heritage (SNH) (02)

Although Appendix 3: Allocated Housing Sites already draws attention to the requirements of the Habitats Regulation Appraisal (CD16) if the Reporter considers that such a modification would add clarity Dundee City Council would have no objection to the addition.

Chapter 8

Kirkton Community and Safety Partnership (65)

Open Space and the green network include a large number of open space ‘use types’ such as allotments, cemeteries, play areas, sports pitches, wildlife sites, streams, sustainable drainage schemes etc. These are protected by generic policies in order to promote flexibility in their use while giving basic protection as a form of open space.

Open space does not necessarily mean public open space eg a number of sites of importance for nature conservation range over private land. Other sites include physical infrastructure such as a car park or changing rooms to facilitate their use as open space or sports grounds. These are directly related to those uses and are located in areas considered to be of lesser importance to the integrity of the main designation. New facilities of this type are also required by policy to enhance the remainder of the site or provide additional ground elsewhere.

All policies in the Proposed Plan affecting open space and green networks will be statutory following adoption.

No modification is proposed to the Plan.

Chapter 8, Paragraph 8.47

Scottish Government (06)

Paragraph 8.47 is intended to relate only to energy generating facilities which emit emissions and not those which don't. Where there are no emissions to be mitigated Paragraph 8.47 will not be relevant. The proposed modification would not alter the outcomes of this policy.

No modification is proposed to the Plan.

Policy 28: Protecting and enhancing the Dundee Green Network, supporting text and Proposed Plan Proposals Map

Scottish Natural Heritage (02)

As the Green Network Planning Advice (CD29) is not a statutory document and attention to the Advice is already drawn by the preamble there would be no additional benefit in including it in the wording of the policy.

An illustration of the green network contained in the Green Network Planning Advice (CD29) is repeated in Figure 7 of the Proposed Plan. The green network links which are contained within it are conceptual rather than geographically precise unlike all other allocations and designations in the Proposals Map. Including undefined elements in the Proposals Map could lead to a lack of clarity.

No modification is proposed to the Plan.

Sportscotland (05)

Outdoor sports facilities have been given a separate paragraph at the foot of Policy 28.

The Policy 28 approach is in line with the Scottish Planning Policy (CD01) approach. If the proposal would not provide an appropriate compensatory facility then the proposal must be consistent with the Dundee Physical Activity Strategy (CD26) and Dundee Pitch Strategy (CD27). This ensures that the sporting impact is assessed and there is no need to repeat the terms of Scottish Planning Policy (CD01).

No modification is proposed to the Plan.

Kirkton Community and Safety Partnership (65)

Planning applications, briefs and masterplans are processed and developed by Dundee City Council as the Planning Authority and the preparation of these documents include opportunities for local and other representative groups to fully engage and contribute to decisions affecting new development and its potential contribution to Dundee's green network. Providing groups with access to specialist advisors is not relevant to the planning policy provision within the Proposed Plan.

Inclusion of "outdoor sports facilities or" in the third paragraph, line 1, reflects the dual

nature of the facilities as both open space and sports facility. The last paragraph is included in Policy 28 as outdoor sports facilities are a particular type of green infrastructure which requires the same basic protection as well as additional restrictions related solely to this open space use-type. There is no need to create an additional policy relating to outdoor sports facilities. Doing so would not alter the outcome of Policy 28 and the ability to protect outdoor sports facilities.

The proposed modification to criterion 2 of Policy 28 would be over-restrictive and hinder the ability to change from one open space use-type to another while remaining as open space. Outdoor sports facilities have been made an exception to the main part of Policy 28 in recognition of particular requirements for this type of infrastructure.

No modification is proposed to the Plan.

Policy 32: National and International Nature Conservation Designations

Scottish Natural Heritage (02) and Scottish Government (06)

This policy wording is carried forward from the Dundee Local Development Plan 2014 (CD03). Given that the Habitats Regulations Appraisal (CD16) includes an assessment of mitigation measures it was not considered necessary to repeat this in Policy 32 however if the Reporter considers that the policy would benefit from the suggested modification Dundee City Council would have no objection. It is also noted that SNH support the wording of Proposed Plan Policy 32 as drafted.

No modification is proposed to the Plan.

Policy 35: Trees and Urban Woodland

Scottish Natural Heritage (02)

Policy 35 carries forward the policy approach from the Dundee Local Development Plan 2014 (CD03) and together with the Tree Preservation Orders in place across the city seeks to protect existing trees, woodland and groups of trees and promotes their establishment and enhancement. The policy as proposed will ensure that where appropriate, new development both expands tree planting and woodland development in Dundee, and also protects existing trees where appropriate. The proposed modification would not alter the outcome of the policy and is considered to be excessive and unnecessary.

No modification is proposed to the Plan.

Scottish Environmental Protection Agency (SEPA) (01)

The potential impact on flood risk and relevant Proposed Plan policies including Policies 36-38 will be taken into account as appropriate when assessing applications for planning approval.

No modification is proposed to the Plan.

Policy 36: Flood Risk Management

Scottish Environmental Protection Agency (SEPA) (01)

Dundee City Council is a lead partner in the delivery and management of flood defences in Dundee. It is therefore in a position to know with a high degree of certainty when flood defences will be constructed and what level of protection they will provide. Therefore in practice planning permission would not be granted prior to adequate flood risk protection being constructed.

Planning conditions are used where necessary to set requirements for the delivery of development proposals including the provision of flood risk infrastructure in advance of construction of the development as part of the planning process. It is therefore considered that the modification is unnecessary.

No modification is proposed to the Plan.

Kirkton Community and Safety Partnership (65)

Dundee City Council is a lead partner in the delivery and management of flood defences in Dundee and has a monitoring role in terms of flood prevention. Dundee City Council City Engineer Division is consulted on planning applications with potential flood risks and in relation to SUDS. SEPA is also contacted where necessary for the latest flood risk and infrastructure information including the existence of any culverts. This ensures that the latest available information is taken into account and avoids the potential for outdated information appearing in a list or map.

No modification is proposed to the Plan.

Policy 37: Sustainable Drainage SystemsScottish Environmental Protection Agency (SEPA) (01)

The preamble to Policy 37 already states what the principal benefits of sustainable drainage systems are. Sustainable drainage systems are all designed to meet current design standards as set by Scottish Water and Dundee City Council. The proposed modification is discursive in nature and would not add to the developer requirements of Policy 37.

No modification is proposed to the Plan.

Policy 38: Protecting and Improving the Water Environment and Paragraph 8.29Scottish Natural Heritage (02)

Reference is made in Policy 37: Sustainable Drainage Systems to the promotion of an ecological approach in their provision. This is supported by Policy 28 which promotes green networks. It was considered that these make sufficient provision for the protection of the important riparian zone along existing watercourses and for the design of a buffer zone of a suitable size to adequately provide the necessary ecological, landscape and amenity functions. Furthermore the Development Site Assessments 2017 (CD07) document details the need for buffer zones to be provided within allocated and non-allocated housing sites and for the Economic Development Areas. The size of each buffer zone is also detailed within Development Site Assessments 2017 (CD07). SEPA

provided the buffer zone information as part of the plan preparation process in order to protect and improve the water environment. The Development Site Assessments 2017 (CD07) document is referred to at pre-application stage, ensuring that developers can design and integrate buffer zones within site layouts.

No modifications are proposed to the Plan however if the Reporter considers that the policy and supporting paragraph would benefit from the suggested modifications Dundee City Council would have no objections.

Policy 40: Air Quality

Kirkton Community and Safety Partnership (65)

Policy 40 carries forward the planning policy approach from the Dundee Local Development Plan 2014 (CD03). The policy seeks to achieve target levels set by the Scottish Government. As discussed in the preamble to Policy 40, the policy approach is one of a number of measures set within the context of the Dundee Air Quality Action Plan which taken together are designed to tackle air pollution. This policy approach enables development to take place within nationally recognised air quality limits.

The planning authority would consult with officers in the Environmental Protection service for advice on air pollution levels and mitigation measures. There is no requirement to state this in the Proposed Plan.

No modification is proposed to the Plan.

Policy 42: Development of or next to Major Hazard Sites.

Scottish Environmental Protection Agency (SEPA) (01)

The policy relates to major hazard sites as defined by the Health and Safety Executive. It is considered that the wording as drafted would not cause confusion, However if the Reporter considers that greater clarity would be provided if the term 'major' is inserted into the first line between 'existing' and 'hazard' to achieve greater clarity Dundee City Council would have no objections.

No modification is proposed to the Plan.

Policy 43: Waste Management Installations

Forth Ports (40)

Policy 43 does not supersede the permitted development rights associated with Port related development. Operations related to the use of the port would in either case be material considerations that could be sufficient to consider setting the terms of the Policy aside. The policy is thereby considered to be suitably flexible to accommodate the specific requirements of the Port of Dundee.

No modification is proposed to the Plan.

Policy 45: Energy Generating Facilities

Scottish Government (06)

It is not clear why the policy would restrict electricity only power generation therefore the need for change has not been demonstrated.

No modification is proposed to the Plan.

Scottish Environmental Protection Agency (SEPA) (01)

The wording of Paragraph 8.46 covers anaerobic energy generation therefore there is no need to alter the policy.

No modification is proposed to the Plan.

Policy 46: Delivery of Heat NetworksScottish Environmental Protection Agency (SEPA) (01) and Scottish Natural Heritage (02)

Although clusters of heat demand and supply are considered to be the principal means of identifying heat network opportunities the advantages of co-location with other networks will be considered as part of the implementation process. It is not however considered that the Green Network Map (Figure 7) is the appropriate vehicle to lead the identification of Heat Networks or connecting pipe runs.

The City Council is preparing a Sustainable Energy and Climate Action Plan and a corresponding District Heating Strategy. These are the more appropriate vehicles to lead the detailed identification of Heat Networks. Their preparation is likely to draw on sources including the Proposed Plan and the Green Network (CD29) planning advice in order to determine the location, scale, form and phasing of heat networks in Dundee.

No modification is proposed to the Plan.

Homes for Scotland (08), Stewart Milne Homes (39), Kirkton Community and Safety Partnership (65)

Policy 46: Delivery of Heat Networks seeks to implement the Scottish Planning Policy (CD01) requirement for a policy commitment in Local Development Plans. A proportionate policy approach is proposed targeting developments within the vicinity of planned heat networks or potential sources of heat supply. Although different approaches are emerging as to what a supporting statement should contain, as a minimum it should positively assess whether a heat network is feasible rather than seek to prove why it is not possible by assessing potential sources of existing or proposed heat. This requirement is not considered to be unduly onerous or technical when considered alongside other statements such as Air Quality Assessments.

Dundee City Council is also working with partners in the Scottish Cities Alliance to agree a template for an energy statement that could be used by applicants to demonstrate that they have explored the potential for creating or connecting to a heat network. This may be used to support the use of Policy 46.

No modification is proposed to the Plan.

Policy 47: Wind TurbinesScottish Environmental Protection Agency (SEPA) (01)

There are no carbon rich soils within the administrative boundary of Dundee.

No modification is proposed to the Plan.

Policy 48: Low and Zero Carbon Technology in New DevelopmentScottish Government (06)

While it is recognised that building standards are generally revised with every edition of new Building Standards Handbooks, the 2007 level is a baseline from which future percentage increases in the reduction of carbon emissions are required to rise. Adjusting the baseline to 2015 levels which already includes a Planning policy requirement in Dundee amounting to a 10% increase in the percentage reduction required up to that date would then no longer be expressed as part of future additional increases i.e. the 20% increase suggested by Proposed Policy 48 would instead be expressed as a further reduction of 10%. Although this gives the same outcome it would introduce a greater lack of clarity into the rationale of the policy giving the appearance that a much lower figure is required in the future and that the importance of carbon reduction through low and zero carbon technology is reduced.

Further clarification would be appreciated should the Reporter require this modification as expressed.

No modification is proposed to the Plan.

Homes for Scotland (08), Stewart Milne Homes (39)

Ongoing discussions between the Scottish Government, Local Authorities house builders and other agencies have been considering this question for some time and currently the requirements of Section 3F of the Town and Country Planning (Scotland) Act 1997 (CD58) as inserted through Section 72 of the Climate Change (Scotland) Act 2009 (CD59) remain specific about what should appear in the Proposed Plan. Policy 48 complies with these pieces of legislation and there is no justification to modify the policy.

No modification is proposed to the Plan

Policy 52: Scheduled Monuments and Archaeological SitesScottish Government (06)

Policy 52 seeks to protect Scheduled Monuments and their settings. The term 'destroy' relates in part to the setting of scheduled ancient monuments not just the monuments themselves however if the Reporter considers that greater clarity would be provided by the modification including the additional paragraph Dundee City Council would have no objections.

No modification is proposed to the Plan

Appendix 3: Allocated Housing Sites (Site H41)Scottish Natural Heritage (02)

Proposed Plan Policy 32: National and International Conservation Designations states that development which is likely to have a significant effect on the qualifying interests of any Natura site will only be permitted where certain criteria have been satisfied.

Proposed Plan Policy 34: Protected Species does not support development proposals which are likely to have a significant effect on a European protected species.

Proposed Plan Appendix 3: Allocated Housing Sites notes against Site H41 Dykes of Gray, North West that this is a site where any development within the site should not have an adverse effect, either alone or in combination with other proposals or projects, on the integrity of any Natura site. This wording reflects the wording used in Proposed Plan Policies 3, 7 and 8. This particular wording is carried forward from the Dundee Local Development Plan 2014 (CD03) and has proved to be effective in both highlighting and protecting the Firth of Tay SPA and Natura site.

It must also be noted that the third explanatory note in Appendix 3: Allocated Housing Sites omitted to direct readers of Appendix 3 to the Development Site Assessments 2017 (CD07) document. To correct this omission the Proposed Minor Drafting and Technical Matters paper proposes to add further text to this explanatory note. This text will read: *"Please refer to the Development Site Assessments document for further detail."* This minor wording change to an Appendix of the Proposed Plan is considered to be a non-notifiable modification as it does not add, remove or significantly alter any policy or proposal in the Proposed Plan or change the underlying aims or strategy of the Proposed Plan.

The Development Site Assessments (CD07) document that was prepared to support the review of the local development also highlights under the Environmental Protection Status that the Habitats Regulation Appraisal (CD16) identified a potential impact on the Firth of Tay SPA and Natura site, and then explains that this relates to the avoidance of disturbance of greylag geese. It is intended that the Development Site Assessments (CD07) document is used at pre-planning application stage by developers and council officers to identify site constraints and issues that need to be addressed through the planning application process.

It is considered that this combination of planning policy controls coupled with an Appendix note and the Development Site Assessments (CD07) document will ensure that the potential wildlife issue will both be highlighted and that if required appropriate mitigation measures can be put in place.

Aside from correcting the omission to the explanatory text in Appendix 3: Allocated Housing Sites as requested through the Proposed Minor Drafting and Technical Matters paper no notifiable modification is proposed to the Plan.

Reporter's conclusions:Biodiversity

1. The council has a statutory duty under the Nature Conservation (Scotland) Act 2004

to further biodiversity in exercising its functions. Scottish Government policy on biodiversity is set out in Scotland's Biodiversity, It's in Your Hands, a Strategy for the Conservation and Enhancement of Biodiversity in Scotland, 2004. Paragraphs 196 – 201 of Scottish Planning Policy 2014 outline how this statutory duty and government policy are to be reflected in development plans. The main requirements are to identify and protect international, national and locally designated areas and sites, setting out the factors that will be taken into account in development management, address the potential effects of development on the natural environment, and identify and protect woodlands of high nature conservation value. Policies 28 to 47 of the proposed plan address satisfactorily these requirements of Scottish Government policy. In coming to this conclusion, I note that local development plans are expected by the Scottish Government to be succinct, visionary documents so cannot provide detailed biodiversity proposals. That is the role of local biodiversity action plans.

2. The Dundee Green Network includes sites that link and create wildlife habitats and sites that provide opportunities for leisure and recreation. No doubt, some sites will offer both attributes. This is consistent with paragraph 197 of Scottish Planning Policy which states that local nature conservation sites should seek to accommodate, amongst other things, a “potential contribution to the protection or enhancement of connectivity between habitats or the development of green networks” and the “potential to facilitate enjoyment and understanding of natural heritage”.

3. In relation to the two related points raised in this representation, I would observe, firstly, that the means by which the council obtains biodiversity advice is not a matter for the local development plan and, secondly, that I have no evidence that biodiversity information in the proposed plan is factually incorrect.

4. I do not consider that any modifications are required to address this representation.

Paragraph 8.4

5. Appendix 3 of the proposed plan lists the allocated housing sites in the proposed plan and indicates which sites will require to be subject to a flood risk assessment, noise impact assessment or habitats regulations appraisal. Paragraph 8.4 of the proposed plan provides a cross-reference to Appendix 3 from the Sustainable Natural and Built Environment chapter. The text at paragraph 8.4 refers to flood risk and noise impact assessments but omits to mention habitats regulations appraisals. To address this, I have recommended below a modification based on that proposed by Scottish Natural Heritage (SNH) and supported by the council.

Paragraph 8.6

6. Paragraph 8.6 of the proposed plan advises that, working in partnership with SNH, the council has published non-statutory planning guidance on the Dundee Green Network. This document explains that the network of green infrastructure making up the network comprises a variety of open spaces including nature reserves, parks, footpaths and cycleways. These are divided into four geographical areas, which are mapped in the guidance. The guidance also includes a glossary that explains the various terms used to define the network. This use of non-statutory planning guidance to provide more detail on the Dundee Green Network than would be appropriate to provide in the proposed plan is consistent with paragraph 147 of Circular 6/2013: Development Planning that states that such documents can be useful in providing detailed information. Reading the proposed

plan with the non-statutory planning guidance, I consider that the council has done enough to classify green infrastructure in the city. The individual sites that together make up the green network are also shown on the draft proposals map.

7. I do not have evidence to suggest that the inclusion of any particular open space in the green network is inappropriate and am reassured by the fact that the guidance was prepared with the expert professional input of SNH. I consider it reasonable that, where open space within the green network is linked to built facilities such as car parks and pavilions integral to the effective operation of that open space that these facilities are covered by the green network designation.

The Dundee Green Network

8. The council is required by planning legislation to determine planning applications in accordance with the development plan unless material considerations dictate otherwise. In due course, it is probable that Policy 28: Protecting and Enhancing the Dundee Green Network and Policy 29: Outdoor Access and the Dundee Green Network will become part of the adopted local development plan. As such, they will form the statutory starting point for the council in considering development proposals affecting the green network. This is clear from paragraph 1.2 of Chapter 1. Introduction and it is not necessary to re-iterate the statutory status of policies throughout the plan.

9. I have noted at paragraph 1 above that there is a statutory duty on the council to further biodiversity and that, as far as preparation of the local development plan is concerned, I am satisfied that the authority has fulfilled its responsibilities in that regard. The statutory duty extends beyond preparation of the development plan but issues such as protection for nesting birds on council land are outwith the scope of this examination.

10. I have dealt with the points concerning definition of open space and the green network and whether policies relating to the green network are material considerations in the consideration of planning applications at paragraphs 6 to 8 above. I have dealt with the proposal that the council should employ a biodiversity officer at paragraph 3 above.

11. I note from paragraph 2.5 of the proposed plan that open space issues identified in the city's eight Local Community Plans were used to inform the main issues report and the proposed plan and that the well-regarded Place Standard Tool was also used to capture community concerns and issues. The case for public involvement in extending and improving the green network finds support in paragraph 8.13 of the proposed plan, which indicates that "community-led green infrastructure projects...will be supported where these are appropriately located and managed". Other opportunities for community involvement may be presented where extensions or improvements to the green network come forward through new development, in accordance with paragraph 2 of Policy 28. Weed control is an operational matter for the council and not an issue for the local development plan. As I have noted at paragraph 1 above, the local biodiversity action plan may be a more appropriate focus for addressing some detailed, local issues relating to biodiversity.

12. The promotion of play and exercise, although relying to some degree on open space provision, is not a land use planning policy so not an issue the local development plan should seek to address. This is more likely to be an issue for the Dundee Physical Activity Strategy. Scottish Government Planning Advice Note 65: Planning and Open Space, 2008 sets out the role of development plans in relation to open space at

paragraphs 37 to 39. This is to safeguard open space facilities, identify spaces for improvement and indicate any provision required through new development. This latter role can also be fulfilled through supplementary guidance, master plans and development briefs. The proposed plan addresses these requirements through Policy 20: Funding of On and Off Site Infrastructure Provision and Chapter 3 of the related supplementary guidance and Policies 28 and 29 relating to the Dundee Green Network.

13. The next part of this representation advocates changes to Policy 28 of the proposed plan in relation to decision-making responsibility for proposals potentially affecting the green network. The focus of Policy 28 is on how to deal with development proposals that potentially affect the green network. The policy will be implemented through the determination of planning applications by the council in consultation with community councils and other community organisations as the council sees fit to consult. However, planning legislation requires that decisions on planning applications be taken by the elected members of the planning authority. It would not be legally competent for the council to cede that responsibility to others or share that responsibility with others.

14. The final part of this representation regards presentation of policy on outdoor sports facilities. The suggestion is that policy on outdoor sports facilities is presented as a separate policy as opposed to being part of Policy 28. Scottish Planning Policy deals with outdoor sports provision as an integral part of green infrastructure policy. This reflects the potential additional benefit of many facilities as public open space. Hence, I do not consider a separate policy is required.

15. I do not consider that any modifications to the proposed plan are required to address this representation.

Paragraph 8.47

16. The Scottish Government's National Planning Framework 3, 2014 is clear that planning must facilitate the transition to a low carbon economy. To that end, the minor revision suggested to paragraph 8.47 of the proposed plan is helpful in making clear that mitigation of emissions from energy generating facilities will only be required where necessary. For example, this would not be a requirement in relation to a wind turbine development, as it would not produce greenhouse gas emissions. I have recommended below the modification suggested by the Scottish Government.

Policy 28: Protecting and Enhancing the Dundee Green Network, supporting text and Proposed Plan Proposals Map

17. The Dundee Green Network Planning Guidance is non-statutory planning guidance. As such, Scottish Government Circular 6/2013: Development Planning (paragraph 147) does not require a policy hook in the local development plan. Consequently, I consider that the existing references to the guidance at paragraphs 8.6 and 8.11 of the proposed plan are sufficient to alert users of the plan to its existence and significance.

18. The draft proposals map shows the sites comprising the green network that are subject to the provisions of Policy 28 of the proposed plan. However, the map does not include the six green network links shown on Figure 7: Dundee's Green Network, which precedes Policy 28 and the area-based plans in the non-statutory planning guidance. Regulation 8 of The Town and Country Planning (Development Planning) (Scotland) Regulations 2008 requires the proposals map to illustrate the plan's policies and

proposals spatially and allow the specific locations to be identified accurately. I accept that, as the green network links are shown diagrammatically and the proposals map is geographically precise, combining the two approaches could be confusing and detract from the clarity required by the regulations.

19. As a general approach, the proposed plan does not include hyperlinks to key documents. I agree that a link to the non-statutory planning guidance on the green network would be helpful. I have not recommended a modification to this effect as, to do so, would be out of step with the rest of the plan but this is an approach the council may wish to consider as consequential modifications prior to adoption.

20. I do not consider any modifications are required to address this part of Scottish Natural Heritage's representation.

21. As it stands, the policy on outdoor sports facilities can be read as not being fully consistent with paragraph 226 of Scottish Planning Policy, which sets out what is expected of development plans in dealing with outdoor sports facilities. This is because the final paragraph of the policy, read with criterion 2) of the policy could be taken to mean that a proposal to change the use of an outdoor sports facility to other green infrastructure use could be approved without an assessment of sporting impact. Consequently, I have recommended below modifications to the existing proposed policy to ensure consistency with Scottish Planning Policy.

Policy 32: National and International Nature Conservation Designations

22. Notwithstanding the support of SNH, proposed policy 32 does not accord fully with Scottish Planning Policy 2014 policy on Natura 2000 sites. Therefore, I have recommended below the modification proposed by the Scottish Government to ensure that development likely to have a significant effect on any Natura site will only be permitted if suitable compensatory measures have been identified and agreed, in addition to the criteria already stated being met. I note that the council does not oppose this recommended change.

Policy 35: Trees and Urban Woodland

23. Policy 35 of the proposed plan requires that proposed development must ensure the survival of healthy, mature trees. Healthy, mature trees are more likely than other trees to be of high nature conservation and landscape value. However, other trees, either individual specimens or groups of trees, and hedgerows, can also be of significant biodiversity and amenity value, would not necessarily be protected by a tree preservation order and are not specifically protected by the policy as drafted. I have recommended a modification below that seeks to address this point. The proposed modification incorporates the proposed wording offered by the Scottish Government and brings the local development plan policy into line with Scottish Planning Policy 2014, paragraphs 216 and 218.

Policy 36: Flood Risk Management

24. Criterion 1) of Policy 36 seeks to provide that proposed development may be acceptable where adequate flood defences exist, are under construction or are planned. The wording does not require that the relevant infrastructure has to be completed prior to the proposed development coming into use. As the council points out, this can be

controlled through the development management process. However, if this dependency is overlooked, there is a risk that the proposed development could be exposed to a medium to high flood risk in the period following completion but prior to completion of the necessary flood protection measures. To address this point, I have recommended below the modification requested by SEPA. This will provide a helpful prompt for council engineers and planners, developers and third parties. The proposed modification goes slightly further than the requirement in Scottish Planning Policy 2014 that any planned measure be included in a current flood risk management plan but I accept SEPA's advice that the revised wording will also make the policy compliant with the duties imposed on the local authority by the Flood Risk Management (Scotland) Act 2009.

25. There is no requirement for the local development plan to include a map of sustainable urban drainage systems or a list of culverts. The role of the development plan is to set out the council's policy on flood risk management and managing surface water in new development. This the council does through Policies 36 and 37. Guidance on the requirements for individual development sites, including on culverts and sustainable urban drainage is contained in the council's document, Development Site Assessments 2018. Scottish Planning Policy also recognises there is a role for development management (paragraph 264 to 268) which includes taking into account culverted watercourses and proposed arrangements for sustainable urban drainage systems which should be adequate for the development and include long-term maintenance arrangements

26. As the council points out, its development management planners are supported in this process by expert, up-to-date advice from the City Engineer Division and SEPA. I also take the council's point that this information would quickly become out of date in a planning document designed to guide development in the city up to 2029.

27. I do not consider that any modification to the plan is required to address the representation on this matter by the Kirkton Community and Safety Partnership.

Policy 37: Sustainable Drainage Systems

28. Paragraph 8 of Scottish Government Circular 6/2013: Development Planning charges planning authorities with the preparation of succinct plans with the emphasis on the written material explaining the spatial strategy and policies and proposals. Paragraph 8.26 sets out the principal purpose of sustainable drainage systems. The proposed change is factually accurate but, in my view, would introduce a level of background detail incompatible with the preparation of a concise plan. My comments about the role of development management at paragraph 25 above are also relevant here.

29. I do not consider that any modification to the plan is required to address SEPA's representation.

Policy 38: Protecting and Improving the Water Environment and Paragraph 8.29

30. The second paragraph of Policy 38: Protecting and Improving the Water Environment requires that, where development sites are in close proximity to a watercourse, an appropriately sized buffer strip is to be provided between proposed development and the watercourse. The proposed changes to the policy, which substitute the word "zone" for "strip" and outline what this area should be designed to achieve in ecological, landscape and amenity grounds would strengthen the proposed policy in two

ways. They provide greater guidance on what any riparian zone should be designed to achieve and also indicate that these outcomes are more readily delivered in an area that is sufficiently wide. The associated proposed change to paragraph 8.29 would put these changes in the context of the preamble to the policy, which sets out the key justification for good planning in the water environment.

31. The council indicates that its document Development Site Assessments 2018 includes advice on where riparian zones require to be established but I note that some of these references are to buffer strips next to watercourses, not buffer zones. Examples are sites H03, Land at Clatto and H11, Former Downfield School. Therefore, I do consider the proposed change helpful in ensuring that new riparian zones are effective and note that the council does not oppose the change.

32. I have recommended both modifications below, incorporating the wording proposed by SNH.

Policy 40: Air Quality

33. The council notes at paragraph 8.34 of the proposed plan that it is required to meet national air quality objectives. These objectives are set by the Scottish Government through regulation. The objectives do not allow for the negation of air pollution from proposed development, rather that specified standards are met for a range of pollutants. I am of the view that the wording of Policy 40 in the proposed plan reflects this duty.

34. The national air quality objectives are set out in the city council's Air Quality Action Plan 2011, which is referred to in paragraph 8.35 of the proposed plan. It is not necessary to extend the length of the proposed local development plan by also including them in chapter 8.

35. The council advises that its planners take expert advice from the council's environmental protection (environmental health) officers on matters of air quality. This is good practice across Scotland's local authorities. It is not necessary to reference all the council's statutory and other consultees in the local development plan. This would be at odds with the direction from Scottish Government to prepare a concise plan.

36. I do not consider that any modifications to the proposed plan are required to address this representation by Kirkton Community and Safety Partnership.

Policy 42: Development of or Next to Major Hazard Sites

37. The Health and Safety Executive (HSE) notifies the council of sites within the city where toxic, highly reactive, explosive or inflammable substances are present and identifies an area around these sites within which the HSE is to be consulted on planning applications for housing and retail, office and industrial development above a specified floor area. The HSE calls these sites major hazard sites. This is the description of such sites used in the last sentence of paragraph 8.40 and the title of Policy 42. However, the reference in the third sentence of paragraph 8.40 and in the text of Policy 42 is to "hazard sites".

38. I consider that removal of the word "major" would make this part of the plan less clear. Rather, I consider that introduction of the word "major" prior to the two references to hazard sites I have identified above will ensure consistency with HSE terminology. I

note that the council does not oppose the change to the policy. With these changes, I do not consider that this part of the plan is likely to give rise to a view that it relates only to major planning applications.

39. I have recommended these minor modifications below.

Policy 43: Waste Management Installations

40. Paragraph 184 of Scottish Planning Policy 2014 (SPP) requires that development plans safeguard existing waste management installations and ensure that the allocation of land on adjacent sites does not compromise waste handling operations, which may operate 24 hours a day and be located partly outwith buildings. The proposed plan does this through the first paragraph of Policy 43, read with paragraph 8.43. SPP does not allow for any exemptions to this policy, including for the port authority. Nonetheless, if the Port of Dundee could provide evidence to the council that demonstrates the facility in question either is not required or that capacity can be met elsewhere, this would satisfy the terms of Policy 43. As the council also points out, there is nothing in Policy 43 that takes away from the port authority's permitted development rights under Class 35 of The Town and Country Planning (General Permitted Development) (Scotland) Order 1992. Removal of the existing provisions in the proposed plan would mean it does not conform to SPP.

41. I do not consider that it is appropriate to modify the plan in response to the representation by Forth Ports.

Policy 45: Energy Generating Facilities

42. Paragraph 154 of Scottish Planning Policy 2014 (SPP) supports the development of a diverse range of electricity generation from renewable energy technologies. Paragraph 154 also requires the planning system to guide development to appropriate locations and advise on the issues that will be taken into account when proposals are being assessed. Paragraph 157 of SPP requires local development plans to support development which delivers energy efficiency and the recovery of energy that would otherwise be wasted. Local development plans are also required to set out the factors to be taken into account in considering proposals for energy developments. The SPP notes that these will depend on the scale of the proposal and its relationship with the surrounding area and are likely to include considerations set out in paragraph 169 of SPP. This paragraph identifies a number of considerations for the development management process including impact on communities and individual dwellings, landscape and cumulative impact.

43. This representation was the subject of Further Information Request (FIR) 01, dated 11 April 2018. The council responded on 2 May 2018. The Scottish Government did not comment on the council's response. The response explains that the purpose of proposed Policy 45 is to provide support for energy generating appliances serving single commercial or domestic users whilst directing other appliances to the city's economic development areas. The council, helpfully, provides an example of an approach it received for an electricity generation and storage system housed in shipping containers which was to be located outwith the economic development areas. This was considered inappropriate in the proposed location. The response goes on to explain that, potentially, the council may support a larger-scale facility designed for local community or business benefit outwith economic development areas, provided that it meets tests 1) and 2) outlined at the end of Policy 45.

44. Paragraph 154 of the SPP not only requires support for a diverse range of electricity generation from renewable energy technologies, it also requires the planning system to guide development to appropriate locations and advise on issues that will affect the assessment of proposals. Paragraph 157, read with paragraph 169, provides similar policy guidance. I consider that proposed Policy 45 seeks to balance the requisite support for energy generating facilities with appropriate guidance on location and development criteria. Paragraph 8.46 of the proposed plan provides useful background in indicating that the main issue lies with facilities that require to be supplied with large quantities of materials which give rise to transportation issues. Such facilities are seen to be more suited to employment areas whilst some smaller scale facilities may be acceptable elsewhere. Overall, I find that proposed Policy 45 complies with SPP.

45. I do not consider that a modification to the plan is required to address the Scottish Government's representation.

46. The support of SEPA for the proposed wording of proposed plan paragraph 8.46, as set out in Appendix A of the agency's letter to the council dated 6 October 2017, is noted. No modification to the plan is required, therefore.

Policy 46: Delivery of Heat Networks

47. Paragraph 159 of Scottish Planning Policy 2014 (SPP) states that local development plans should support the development of heat networks in as many locations as possible and identify where heat networks, heat storage and energy centres exist or would be appropriate and include policies to support their implementation. Figure 10: Heat Network Opportunity Map in the proposed plan shows heat network opportunity clusters in three locations within the city. The council advises that it is preparing a Sustainable Energy and Climate Action Plan and District Heating Strategy and that these will lead the detailed identification of heat networks. Pending completion of this work, I am of the view that the proposed plan complies with SPP as far as possible, at the present time. It would be reasonable, however, to expect the replacement (third) local development plan to include more detailed, map-based information on heat network opportunities. Meantime, as the council highlights in the third paragraph of the proposed policy, Scotland's Heat Map can provide some information on opportunities.

48. Similarly, it would be better not to identify any areas of opportunity linked to Green Network infrastructure pending completion of the Sustainable Energy and Climate Action Plan and District Heating Strategy. The council advises that this work will take account of sources such as the Green Network non-statutory planning advice.

49. I have not recommended any modification to the proposed plan to address these representations but do consider that the next local development plan should be fully compliant with Scottish Government policy on delivery of heat networks.

50. The second paragraph of Policy 46 requires that, in certain circumstances, planning applications will require to be accompanied by an assessment of the viability of creating or linking into a heat network. The planning authority advises that it is working with the Scottish Cities Alliance to agree a template for this statement. The finalised template could usefully be issued as non-statutory planning guidance. Paragraph 148 of Scottish Government Circular 6/2013: Development Planning indicates that non-statutory planning guidance can be used to address "issues...in relation to an emerging technology which the authority wants to provide some planning guidance on". I have recommended below

a modification to paragraph 8.53 of the proposed plan to refer to the proposed template.

51. Paragraph 159 of Scottish Planning Policy 2014 (SPP) sets out a number of requirements in relation to heat networks that the planning authority is required to address in preparing the local development plan. These include support for the development of heat networks in as many locations as possible, policies to safeguard pipe runs within developments for later connection, provision of pipework to the curtilage of development and, where a district network exists, policies requiring new development to include infrastructure for connection in order to provide the option to use heat from the relevant network. The proposed plan restricts application of these policies to major planning applications, proposals that would cumulatively exceed major planning application thresholds and proposals for residential or commercial development that are close to an existing, significant heat supply or planned heat network. This recognises that microgeneration and heat recovery technologies may be more appropriate for individual properties and small-scale development.

52. Removal of the policy requirements in relation to larger scale development would mean the proposed plan would not comply with SPP. Much of what is being sought is to ensure future-proofing of proposed development. Even if there is a question mark over current viability, significant changes could take place in relation to technology and energy markets in the coming years. The policy modifications sought would run the risk that an opportunity for future major development in the city to reduce greenhouse gas emissions would be missed.

53. The proposed template referred to in paragraph 46 above has the potential to ensure that any heat network statement submitted in support of an application for planning permission is both specific and meaningful. The specific case at Caird referred to in the representation from the Kirkton Community and Safety Partnership does not appear to be the basis of a request for a change to the proposed plan so I am not able to draw any conclusions from that part of the representation.

54. I do not consider that any modifications to the proposed plan are required to deal with the representations from Stewart Milne Homes or the Kirkton Community and Safety Partnership.

Policy 47: Wind Turbines

55. Paragraph 157 read with paragraph 169 of Scottish Planning Policy 2014 requires local development plans to set out the factors to be taken into account in considering proposals for energy developments, including in relation to impacts on carbon rich soils. The council advises that there are no carbon rich soils in the local authority area but does not evidence this opinion. Given SNH's concern, I consider it would prudent to add a reference at proposed paragraph 8.54 to carbon rich soils as one of the potential negative effects to be considered in assessing wind turbine proposals. I have suggested wording below.

Policy 48: Low and Zero Carbon Technology in New Development

56. Section 3F of the Town and Country Planning (Scotland) Act 1997, which was added to the Act by Section 72 of the Climate Change (Scotland) Act 2009, requires the council to include in the local development plan policies requiring all developments to be designed so as to ensure that all new buildings avoid a specified and rising proportion of

the projected greenhouse gas emissions from their use, calculated on the basis of the approved design and plans for the specific development, through the installation and operation of low and zero-carbon generating technologies. This is explained in paragraph 8.56 of the proposed plan and is one of the general duties set out in legislation with which planning authorities must comply when preparing development plans.

57. The representation from the Scottish Government was the subject of Further Information Request 05, dated 20 June 2018. The Scottish Government replied on 12 July 2018. The response states that carbon emission targets are set out in section 6.1 of the building regulations technical handbooks, which were last updated in October 2015. It goes on to say that the Scottish Government would expect local development plan policy to be allied to the current target as superseded targets could not be applied at the building warrant stage and the associated calculation methodology may no longer be accessible. The response concludes by advising that the request to refer to the “latest” standards could be achieved by referencing “current building regulations”.

58. The council provided comments on the Scottish Government’s response on 23 July 2018. The response agrees that the baseline should be updated to reflect the 2015 building regulations technical handbooks but states that simply changing the baseline from the 2007 standards referred to in proposed Policy 48 to the 2015 standards without changing the percentage target would disproportionately inflate the required level of reduction from the level sought in the proposed plan. The council is also concerned that setting a percentage reduction against a general reference to “current building regulations” would mean that, if the regulations are amended, the required use of low and zero carbon technologies would again be disproportionately inflated from the levels in the proposed plan. Therefore, the council suggests reducing the percentage reduction in the policy to 5% in relation to the 2015 standards as opposed to the existing 15% of the 2007 standards and advises that this would achieve the same level of emissions reduction. The council also recommends a revision to the proposed policy to show that the percentage will increase to 10% of the 2015 baseline from the beginning of 2020 with a review in 2024.

59. The local development plan sets out planning policy for the city up to 2029 and will be reviewed in five years time. Proposed policy 48 refers to the Scottish Building Standards (2007). These have been superseded by the 2015 regulations. It is possible that the regulations as they relate to low and zero carbon technology will be revised again before the plan is replaced. This makes the inclusion of detailed guidance on the reduction of greenhouse gas emissions from future development difficult. The Scottish Government’s suggestion of simply referring to the current regulations helps in overcoming the need to be tied to any specific iteration of the standards. However, to comply with the legislation, the council has to plan for a specified and rising reduction. It is difficult to apply appropriate percentage reductions in the proposed plan without knowing the detail of any future building regulations.

60. I consider this is best dealt with by modifying Policy 48 so that it reflects in general terms the council’s statutory responsibility to meet the terms of section 3F of the Act but relies on supplementary guidance to specify the methodology for calculating the reduction in carbon emissions to be met through the installation and operation of low and zero carbon generating technologies. This will enable the council more readily to adjust the methodology for calculation to reflect changes in building standards than if it has to rely on a review of the local development plan. It will also make it easier to reflect developments in technology and the authority’s own ambition. This approach would be

consistent with paragraph 139 of Circular 6/2013: Development Planning. I have recommended wording below.

61. Given the statutory nature of this requirement, there is no opportunity to revise the plan in the manner sought by Homes for Scotland or Stewart Milne Homes, either by prioritising a fabric-first approach or by indicating that this is an acceptable alternative to the installation of low and zero carbon technologies. I have not recommended any modification to the plan to address these representations.

Policy 52: Scheduled Monuments and Archaeological Sites

62. Policy 52, as proposed, gives the impression that the council controls the consent process for proposed development which would have a direct impact on a scheduled monument. However, in these circumstances, in addition to any other permissions, the separate written consent of Scottish Ministers, through Historic Environment Scotland, is required. The council's authority extends to proposed development which would potentially affect the setting of a scheduled monument and to the protection of unscheduled archaeological assets. In order to address this representation and ensure the proposed plan complies with paragraph 145 of Scottish Planning policy 2014, I have recommended below modifications to paragraph 8.63 and section a) of Policy 52. I note that the council does not oppose this change.

63. I have not recommended inclusion of contact details for Historic Environment Scotland as that would be out of step with the style of the proposed plan but, if it so wished, the council would be able to add these as a consequential modification in line with paragraph 95 of Circular 6/2013: Development Planning.

Appendix 3: Allocated Housing Sites (Sites H41, H42 and H43)

64. The planning authority has proposed a non-notifiable modification to the proposed plan in relation to Appendix 3: Allocated Housing Sites which will direct users of the plan to the supplementary planning guidance on Development Site Assessments 2018. This is a helpful change in relation to this representation as the supplementary guidance in relation to the three proposed housing sites referred to indicates that contributions to the green network are to be considered by prospective developers. The guidance also provides a link to the non-statutory planning guidance on The Dundee Green Network 2016. The non-statutory planning guidance, in turn, shows how existing core paths, aspirational core paths and opportunities to extend the Green Circular route relate to the three sites. Provision of this missing link will ensure that the green network requirements are taken into account by any developer formulating proposals for the sites at Dykes of Gray North West, Western Gateway Liff and Dykes of Gray North East.

65. I note the council's comments on provisions in the plan through Policy 32, Appendix 3 and the Development Site Assessments to avoid disturbance to grazing frequented by geese which roost on the Firth of Tay and Eden Estuary Special Protection Area. This does not appear to be a specific focus of the representation but I consider that the provisions referred to provide appropriate protection in terms of Scottish Planning Policy paragraphs 207 and 208 on Natura 2000 sites.

66. I do not consider that any additional modifications to the proposed plan are required to address this representation.

Reporter's recommendations:

The local development plan should be modified by:

1. revising the first sentence of paragraph 8.4 to read as follows:

"To help developers address environmental and infrastructure issues early in the development process, Appendix 3 highlights which of the allocated housing sites require a Flood Risk Assessment and/or Noise Impact Assessment and/or consideration of requirements from the Habitats Regulations Appraisal".

2. amending Policy 28: Protecting and Enhancing the Dundee Green Network by deleting the words "outdoor sports facilities or" from paragraph 3 and changing the final paragraph to read as follows:

"Proposals affecting outdoor sports facilities will be safeguarded from development except where: the proposals affect only a minor part of the site or are ancillary to the principal use of the site as an outdoor sports facility and either improve or do not affect its use and potential for sport, training and amenity use; or the facility which would be lost is to be replaced by a new or upgraded compensatory facility of equal benefit and accessibility in, or adjacent to, the community most directly affected; or the proposals are consistent with the Dundee Physical Activity Strategy or Dundee Pitch Strategy and supported through consultation with sportscotland."

3. amending the first sentence of paragraph 8.47 to read as follows:

"All energy generating facilities which produce greenhouse gas emissions when used will be expected to mitigate emissions by installation of appropriate abatement technology".

4. revising the second criterion relating to International Sites at Policy 32: National and International Nature Conservation Designations to read as follows:

"2) there are no alternative solutions and there are imperative reasons of overriding national public interest, including those of a social or economic nature and suitable compensatory measures have been identified and agreed".

5. revising the second sentence of Policy 35: Trees and Urban Woodland to read as follows:

"New development...must ensure the survival of woodland, hedgerows and individual trees, especially healthy mature trees, of nature conservation or landscape value through sensitive site layout both during and after construction, unless removal has been approved in advance by the council" and that the third sentence of Policy 35 be modified to read as follows: "Where appropriate, development proposals must be accompanied by...maintenance arrangements and justification for the removal of any trees or hedgerows".

6. amending criterion 1) under the Medium to High Risk Areas section of Policy 36: Flood Risk Management to read:

"1) sufficient flood defences already exist or a Flood Protection Scheme or flood defence, designed and constructed to a standard of 0.5% annual probability plus climate change

allowance, will be in place prior to occupation of the proposed development;”.

7. revising the final sentence of paragraph 8.29 by inserting the words *“provision of adequate riparian buffer zones to watercourses”* after *“de-culverting,”* and the second paragraph of Policy 38: Protecting and Improving the Water Environment be modified by substituting the word *“zone”* for *“strip”* and adding the following words at the end of the paragraph: *“...watercourse, which should function ecologically as riparian habitat and be of landscape and amenity value”.*

8. revising the third sentence of paragraph 8.40 by inserting the word *“major”* before *“hazard”* and that Policy 42 be modified by inserting the word *“major”* before *“hazard”*.

9. adding a new final sentence to paragraph 8.53 to read as follows:

“The council will issue planning guidance on the required content of the statement required by Policy 46: Delivery of Heat Networks to demonstrate that consideration has been given to creation of, or link to, a heat network”.

10. adding an additional criterion to paragraph 8.54 to read as follows: *“iii) Carbon rich soils.”* Existing points iii) to vi) should be renumbered accordingly.

11. revising the first paragraph of Policy 48: Low and Zero Carbon Technology in New Development to read as follows:

“Proposals for all new buildings will be required to 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. The supplementary guidance will be kept under review to ensure the proportion of the carbon emissions reduction standard to be met by these technologies will increase over time.”

12. adding a new paragraph after existing paragraph 8.63 to read as follows:

“8.64. Any proposed development which would have a direct impact on a designated Scheduled Monument requires Scheduled Monument Consent (SMC) from Historic Environment Scotland (HES). Advice on the SMC process and requirements should be sought at an early stage from HES’s Heritage Directorate.”

13. amending section a) Scheduled Monuments of Policy 52: Scheduled Monuments and Archaeological Sites to read as follows:

“Where a proposed development potentially has a direct impact on a scheduled monument, the written consent of Historic Environment Scotland is required, in addition to any other necessary consents. The council will not permit developments which would destroy or adversely affect the setting of scheduled monuments.”

and, re-numbering existing paragraph 8.64 as 8.65.

Issue 14	Sustainable Transport & Digital Connectivity	
Development plan reference:	Chapter 9; Policy 54: Safe and Sustainable Transport; Policy 57: Transportation Interchanges; Policy 58: Digital Connectivity; Other Transport Matters.	Reporter: Steve Field
Body or person(s) submitting a representation raising the issue (including reference number):		
Scottish Natural Heritage (02) Scottish Government (06) Tayside and Central Scotland Transport Partnership: Tactran (07) Hugh Levins (11) Dundee Civic Trust (13) Network Rail (37) Stewart Milne Homes (39) Forth Ports (40) Dundee Cycling Forum (50) Kirkton Community and Safety Partnership (65)		
Provision of the development plan to which the issue relates:	Chapter 9 contains policies relating to transport and also digital connectivity.	
Planning authority's summary of the representation(s):		
Chapter 9		
<u>Scottish Government (06)</u>		
The Plan does not contain proposals for an exemplar walking and cycling friendly settlement to demonstrate how active travel networks can be significantly improved as required by National Planning Framework 3, paragraph 5.14.		
<u>Tayside and Central Scotland Transport Partnership: Tactran (07)</u>		
In reference to paragraph 9.2 the Regional Transport Strategy Refresh 2015-2036 (CD61) strategic infrastructure projects most relevant to Dundee Local Development Plan are: Aberdeen to Central Belt rail improvements; rail electrification; improvements to A90 through/around Dundee; improvement to rail and road links to Port of Dundee and support for improved facilities and route development at Dundee Airport. All of these projects are contained within Strategic Transport Projects Review, TAYplan SDP (with A90 through/around Dundee also in NPF3) and are highly relevant to Dundee Local Development Plan. Improving the A90 through or around Dundee and Rail Connectivity are also included within the Tay Cities Deal.		
<u>Dundee Cycling Forum (50)</u>		
Paragraph 9.7: Encourage the provision of physical cycling infrastructure through the addition of text.		

Paragraph 9.11: Remove the 'get out' clause in the paragraph for actually doing something to improving active travel in the city.

Dundee Civic Trust (13)

Tay Bridge Rail Station (Dundee Rail Station). Concerned that parking provision on Riverside Drive at station is insufficient. It is unrealistic to expect travellers to use public transport to get there. Park & Ride would help and discounted parking for rail passengers should be considered.

Network Rail (37)

Notification Zone: Need to Safeguard future rail line improvements

Forth Ports (40)

Does not support the reference in paragraph 9.24 to intermodal rail freight facilities being located within the Port of Dundee due to a lack of identified demand.

Policy 54: Safe and Sustainable Transport

Scottish Natural Heritage (02)

Clarify the strong hierarchy and promotion of active travel necessary to promote modal shift, and encourage new and connected walking and cycling infrastructure.

Tayside and Central Scotland Transport Partnership: Tactran (07)

Need to reinforce statement in paragraph 9.8 that new developments should be located and designed to accommodate and encourage and prioritise active travel over motorised means. Paragraph 9.10 states that developers may be required to prepare travel plans. However there is no reference to travel plans within Policy 54.

Although Policy 54 (3) requires that all development proposals should incorporate measures to permit public transport access, there may need to be funding provided to ensure that public services do serve the new development, as noted in the Draft Supplementary Guidance on Developer Contributions.

Network Rail (37)

The approach to funding the effects of development on transport corridors is welcomed however the Proposed Plan should include the requirement that development must be accountable for resultant requirements to railway infrastructure and facilities.

Stewart Milne Homes (39)

Accept that sometimes there is a need for on and off site transportation improvements however these should be fully justified through an agreed Transport Assessment in line with Circular 3/2012 (Planning Obligations and Good Neighbour Agreements) (CD36).

Seeks flexibility with regards to the completion of walking and cycling routes prior to first occupation citing issues with regards to ongoing construction and health safety reasons

why this may not always be possible.

Dundee Cycling Forum (50)

The policy lacks ambition in promoting active travel. The policy encourages 'predict and provide' of capacity for motorised traffic. The roads need to be safe for motorised traffic, but if the development is going to cause motor traffic capacity issues, then measures taken should be to reduce the demand for motor traffic such that it is no longer a capacity issue.

Policy 57: Transportation Interchanges

Hugh Levins (11)

Plans should be reconsidered due to changed circumstances since 2009/2010 and the possible impacts of future driverless technology. Better access to Dundee's main assets can be achieved by road improvements and road junction improvements

Dundee Civic Trust (13)

Sceptical that the relocation of Invergowrie station is justifiable. An alternative bus service would be sufficient and improved train services are expected from next year.

Policy 58: Digital Connectivity

Kirkton Community and Safety Partnership (65)

There is a need to promote digital connectivity more.

Other Transport Matters

Dundee Civic Trust (13)

Suggest that the proposals for the redevelopment of the Tay Bridge Rail Station (Dundee Railway Station) should include reduced cost parking for rail travellers, a Park & Ride on approaches to city, provide for better drop off and pick up of passengers.

Network Rail (37)

The Proposed Plan should include a designated notification zone around all operational railway infrastructure within which any development application proposals would be notified to Network Rail and that this would also safeguard the future rail line improvements proposed.

Modifications sought by those submitting representations:

Chapter 9

Scottish Government (06)

Modify the Proposed Plan to include a proposal for an exemplar walking and cycling friendly settlement.

Tayside and Central Scotland Transport Partnership: Tactran (07)

Modify the Proposed Plan by adding a reference in Chapter 9, Paragraph 9.2 to *“strategic infrastructure projects regarding A90 through or around Dundee and Rail Connectivity”*.

Dundee Cycling Forum (50)

Modify the Proposed Plan by adding the following text to the end of Paragraph 9.7: *“Providing good quality physical cycling infrastructure will provide a safe environment to make active travel an attractive option.”*

Modify the Proposed Plan by modifying Paragraph 9.11 to read: *“The Council fully supports sustainable transport and active travel but it is acknowledged that ~~motorised vehicles remain~~ a culture change is required to reduce the dependency on motorised vehicles from being the principal mode of transporting goods and people in use today.”*

Forth Ports (40)

Modify the Proposed Plan by modifying Paragraph 9.24 by inserting additional sentence at the end of the paragraph: *Intermodal rail freight transfer facilities will be welcomed where they are supported by a clear business case.”*

Policy 54: Safe and Sustainable Transport

Scottish Natural Heritage (02)

Modify the Proposed Plan by inserting additional wording into the second sentence *“...should be afforded priority over motorised transport...”*

Modify the Proposed Plan by adding an additional bullet point: *“7) make provision for walking and cycling access, and where possible link to and enhance existing active travel infrastructure, including rights of way and core paths.”*

Tayside and Central Scotland Transport Partnership: Tactran (07)

Modify the Proposed Plan by modifying Policy 54 to include a requirement for the preparation and implementation of travel plans for all significant developments.

Modify the Proposed Plan by modifying Paragraph 9.10 to say that travel plans will be required for significant developments.

Modify the Proposed Plan by modifying Policy 54, bullet point 3 to include: *“consideration should be given to requiring developer funding to divert an existing bus service or “kickstart” a new service or service extension.”*

Network Rail (37)

Modify the Proposed Plan by modifying Policy 54, bullet point 2 to include the text *“upgraded railway infrastructure, upgraded facilities for stations”*.

Stewart Milne Homes (39)

Modify the Proposed Plan by modifying Policy 54, bullet point 2 by adding “*where a need is demonstrated*” or similar text at the end of the sentence in brackets.

Modify the Proposed Plan by modifying Policy 54, final sentence to read: “*Walking and cycle routes should be useable as early as practically possible in a development taking account of health and safety issues through discussion with the Planning Authority.*”

Dundee Cycling Forum (50)

Modify the Proposed Plan by modifying Policy 54, bullet point 1 to read:

“*1) minimise reduce the need to travel by private car. The layout will encourage walking and cycling, cater for the requirements of public transport if required and incorporate design features which will effectively restrict traffic speeds to a maximum of 20mph.*”

Modify the Proposed Plan by modifying Policy 54, bullet point 1 to read:

“*4a) have no detrimental effect on the capacity or safe functioning of the existing road or rail networks;*

4b) have no detrimental effect on the safe functioning of the existing road networks;

4c) where the development has a detrimental effect on the capacity of the existing road network, these are addressed by reducing the demand for motorised traffic either within the development or the surrounding area, not by increasing the capacity of the road network for motorised traffic.”

Policy 57: Transportation Interchanges

Hugh Levins (11)

Modify the Proposed Plan by halting plans for the relocation of Invergowrie station and park and ride until the effect of driverless technology is known.

Dundee Civic Trust (13)

Modify the Proposed Plan by modifying Paragraph 9.24 to remove the reference to relocating Invergowrie station.

Policy 58: Digital Connectivity

Kirkton Community and Safety Partnership (65)

Modify the Proposed Plan to include a requirement for all major developments to provide free public Wi-Fi.

Other Transport Matters

Dundee Civic Trust (13)

Modify the Proposed Plan by including proposals for Tay Bridge Rail Station (Dundee Railway Station) to implement reduced cost parking for rail travellers, implement Park & Ride on approaches to city, provide for better drop off and pick up of passengers.

Network Rail (37)

Modify the Proposed Plan by provide a designated notification zone around all operational railway infrastructure within which any development application proposals would be notified to Network Rail and that this would also safeguard the future rail line improvements proposed.

Summary of responses (including reasons) by planning authority:**Chapter 9**Scottish Government (06)

National Planning Framework 3 (CD02) requires the Scottish Government to provide encouragement to local authorities to develop at least one walking and cycling exemplar. It does not require local authorities to include this in a Local Development Plan. As yet the Scottish Government have not provided any identifiable direct support for such an exemplar and as a result it would be inappropriate to divert already limited resources to one specific area of the city. Currently investment in cycle infrastructure is guided by a city-wide cycling strategy (CD28) which was adopted in June 2016 following consultation with cycling groups and the general public. The cycling strategy is noted in Policy 29. The Council and its partners have also prepared a Physical Activity Strategy (CD26) a key element of which is an active living theme. Both strategies are supported by physical and promotional activities which seek to increase levels of walking and cycling.

With a cycling strategy and a physical activity strategy in place and physical and promotional activities to achieve the strategy's aims there is no need to identify all or part of the city as a walking and cycling exemplar.

No modification is proposed to the Plan.

Tayside and Central Scotland Transport Partnership: Tactran (7)

Paragraph 9.2 highlights strategic infrastructure projects that are likely to be implemented within the lifetime of the Plan and makes reference to the content of the Regional Transport Strategy Refresh (CD61). It is accepted that the Local Development Plan must conform to the Strategic Development Plan and take direction from the Regional Transport Strategy. Whilst it may be useful to repeat elements of the Regional Transport Strategy in the Local Development Plan there is no requirement to do so. The Proposed Plan instead signposts readers to the Regional Transport Strategy Refresh 2015-36 (CD61). Furthermore, as no specific dates for implementation are known, nor design detail available it is considered inappropriate to include these regional projects within formal policies or proposals.

No modification is proposed to the Plan.

Dundee Cycling Forum (50)

Paragraph 9.7 is concerned with the activity of active travel whilst paragraph 9.8 deals with physical infrastructure. The wish to encourage the provision of physical cycling infrastructure is supported. However, it is necessary to acknowledge that a balanced strategy for promotion and management of all transportation facilities is required and this

should not be limited to the promotion of a single means of transport (i.e. the bicycle).

Paragraph 9.8 requires all new development to be located and designed to accommodate and encourage and prioritise active travel over motorised means. This has the same outcome as the proposed modification to paragraph 9.7.

In response to the comments regarding Paragraph 9.11, Dundee City Council is committed to the provision of a balanced transport provision which promotes active travel, but it would be an error to not recognise motorised transport as an existing dominant transport mode and the principal mode of transporting goods and people. It is necessary to acknowledge this fact to help explain why the Proposed Plan is planning for this and other modes of transport.

The Proposed Plan acknowledges in Policy 54 the National Roads Development Guide which states (part 1.3): *“A locally appropriate balance should be struck between the needs of different user groups. Traffic capacity will not always be the primary consideration in designing individual roads and road layout. However, it is recognised many journeys will still require to be made via vehicular traffic (including buses). As the movement of goods and services is paramount to sustaining and growing a successful national economy”*

The reduction of reliance on private cars is also acknowledged and supported by Proposed Plan Policy 1 and Appendix 1 (Section: Easy To Move Around and Beyond).

No modification is proposed to the Plan.

Forth Ports (40)

The local development plan must conform to the strategic development plan. The strategic development plan identifies the Port of Dundee as the preferred location and was approved by Scottish ministers in October 2017. The Proposed Plan therefore conforms to the Strategic Development Plan by having included this statement.

No modification is proposed to the Plan.

Policy 54: Safe and Sustainable Transport

Scottish Natural Heritage (10) and Dundee Cycling Forum (50)

Paragraph 9.8 highlights the need to encourage and prioritise active travel over motorised means and this has been reflected quite clearly in the first paragraph of Policy 54. The policy also clearly states the need to minimise the need to travel by private car in item 1 and there is no need to repeat that requirement. The policy makes direct reference to the National Roads Development Guide (CD32) as a method for design compliance: the Guide (part 1.3) makes it clear that a user hierarchy exists which places pedestrians first. Policy 1 of the Proposed Plan and its associated Appendix 1 also makes direct reference to Scottish Planning Policy's (CD01) six qualities of successful place: the second quality (Safe & pleasant 1) highlights the need to cater for foot, bicycle and public transport. The third quality (Easy to move around and beyond) clearly states that development should consider place and the needs of people before the movement of motor vehicles.

Although Policy 54 refers to “walking and cycling networks”, and makes no direct

reference to the term Core Paths, they are referred to in paragraph 9.9 and in Appendix 1. Within Dundee all rights of way are also designated as Core Paths. Modifying the policy to include the term Core Paths would not alter the outcome of the policy.

Policy 54 aims to accommodate a wide range of developments, both in terms of type and location and as such must be general in nature, allowing developments to be assessed appropriately and on their own merits when a planning application is submitted. Whilst it is a desirable design standard for many developments, it would be inappropriate to specify that all roads in the City should be designed to a 20mph standard. This policy will be used to consider developments on major distribution roads and trunk roads where such speed limits may not be appropriate. For this reason the policy requires compliance with the National Roads Development Guide (CD32) and the Dundee City Council Roads Standards (CD31). The National Roads Development Guide does not promote a blanket 20mph standard or standard road types but instead promotes that the design of roads should fit the context of the location, this policy therefore allows for the appropriate consideration to be given to proposed developments in terms of both traffic speed and design capacity.

No modification is proposed to the Plan.

Tayside and Central Scotland Transport Partnership: Tactran (07)

It is acknowledged that the use of Travel Plans is mentioned in Paragraph 9.10 but not subsequently stated in the policy. No definition of what constitutes a “significant” development is given and as such it is suggested that the decision of whether or not to require a Travel Plan is best left to be considered as part of the planning application process

Policy 54 primarily concentrates on physical infrastructure and design matters but includes reference to potential developer contributions for such items. The full scope of developer contributions is dealt with by Policy 20 and the associated supplementary guidance (CD18 & CD21). No requirement to repeat this in terms of this Policy.

No modification is proposed to the Plan.

Network Rail (37)

Point 2 of Policy 54 includes reference to provision of facilities for public transport. Rail services are a method of public transport and as such there is no need to expand the terminology used.

No modification is proposed to the Plan.

Stewart Milne Homes (39)

The provision of facilities for the full range of transportation modes is considered justifiable given the predominantly urban nature of the entire Local Development Plan area. It is accepted that any requirement for developer contributions should meet the aims of Circular 3/2012: Planning Obligations and Good Neighbour Agreements (CD36) and this is adequately dealt with in Policy 20: Funding Of On and Off Site Infrastructure Provision. Proposed Plan Policy 54 highlights this method as a possible means of delivery but it would be for the detailed consideration of a development proposal the

planning application process to decide if such an approach were appropriate.

It is acknowledged that some housing developments are constructed on a phased basis and Dundee City Council will take a practical approach where site specific constraints suggest it to be appropriate to delay provision of certain elements of infrastructure. However if a home is to be occupied then it is considered reasonable that an occupant would expect their new property to have the full range of services to enable it to function. This would include a safe means of access for all modes of transportation. This is a matter of detailed phasing that would be considered on a case by case basis and covered through and appropriate planning condition. It is not considered necessary to include it in the wording of the Policy.

No modification is proposed to the Plan.

Policy 57: Transportation Interchanges

Hugh Levins (11) and Dundee Civic Trust (13)

The proposal for the relocation of the station is promoted by the TAYplan Strategic Development Plan which was approved by Scottish Ministers in 2017, the Regional Transport Strategy Refresh 2015 – 36 (CD61) and the Dundee Local Development Plan 2014 (CD03). This proposal follows studies which have evaluated the constraints and opportunities presented by Invergowrie Station. The local development plan is required to comply with the TAYplan SDP (CD04). The Local Development Plan supports investment in such rail facilities where a detailed appraisal and business case supports such interventions.

The existing station at Invergowrie is located outwith the Dundee City Council administrative area being located within Perth & Kinross Council administrative area. The provision of improved facilities, road access or bus services serving Invergowrie would be welcome but is outwith the remit of the Dundee Local Development Plan.

The impacts of driverless technologies are unknown at this stage but should this technology develop further then implementation and widespread take up will most likely occur at a time beyond the scope of this local development plan. Whilst there is a need to be aware of technology advances it would be inappropriate for the local development plan to base decisions on an as yet unproven technology which may or may not be adopted by society at some point in the future. Dundee City Council maintains that it is appropriate to support this transport intervention on the basis of business case being presented, and which takes account of future forecast demand.

No modification is proposed to the Plan.

Policy 58: Digital Connectivity

Kirkton Community and Safety Partnership (65)

Policy 58 refers to the physical infrastructure related to digital connectivity. The provision of a free digital wireless service would be welcome, but is ultimately a commercial decision for a developer or occupant of a building. It would be outwith the remit of the Local Development Plan to impose the provision of a free public service.

No modification is proposed to the Plan.

Other Transport Matters

Dundee Civic Trust (13)

Dundee Tay Bridge Station is currently undergoing redevelopment due for completion in early 2018. It is acknowledged that the current temporary arrangement with access via the layby on Riverside Drive. This is a temporary measure whilst construction takes place and not a matter for the Local Development Plan.

When complete the Rail Station will be equipped with a new additional surface level car park adjacent to the Station with a capacity of 35 vehicles, including electric charging and disabled bays plus cycle parking. The existing lay-by will be retained and a further loading bay and separate drop-off/pick-up bays are to be included at Greenmarket East. This is in addition to the 665 existing car park spaces provided by the car parks at: Discovery Quay, Greenmarket (multi storey), Dundee Science Centre and Dundee Contemporary Arts

Given the proximity of the station to the urban centre of Dundee it is very realistic to assume that a significant number of passengers will use modes other than the private car to travel to/from the station. A multi-transport solution is therefore being implemented with good pedestrian access, new cycle parking facilities, a new bus stop at the main entrance and retention of the existing taxi bay in addition to increased private car parking and access. Such matters were considered following the submission of the planning application for the station and are not a matter for the local development plan.

The cost of parking is not a matter for the local development plan and Park & Ride (park & choose) facilities serving the city centre are supported in Policy 57. The delivery of Park & Choose facilities is being enabled through partnership working with Tactran as this will include delivery of facilities outwith the Dundee City Council administrative area.

No modification is proposed to the Plan.

Network Rail (37)

Dundee City Council already maintains a designated notification zone around all railway infrastructure (10 metre distance) for planning application notification purposes. There is no need to include this within a Local Development Plan as it is for notification purposes only. If it were to be included it could be misinterpreted to mean development proposals and cause public concern for expansion of services where none are planned. A similar notification arrangement exists for Trunk Roads, the airport area and sites notifiable to the Health and Safety Executive.

Network Rail identifies that there is potential for an alteration/addition to the existing facilities in the Camperdown area but that this would be on existing operational land. As the date of this and commitment to it is unknown and unlikely to cause effects outwith the boundary of their existing land, it is not considered appropriate to add this to the Plan.

Dundee has only two level crossings, one of which is private. There are no development proposals in the Local Development Plan which would impact on the frequency of their use nor require additional crossings. Whilst the Council recognises the sensitivities

associated with the use of level crossings it is noted that Network Rail's representation refers to improving the rail service within East Lothian where the situation may be substantially different, but is in any case outwith the remit of the Dundee Local Development Plan.

No modification is proposed to the Plan.

Reporter's conclusions:

Chapter 9

1. National Planning Framework 3, 2014 (NPF3) states that the Scottish Government "will encourage local authorities to develop at least one exemplar walking- and cycling-friendly settlement to demonstrate how active travel networks can be significantly improved in line with meeting [its] vision for increased cycling" (paragraph 5.14). Scottish Planning Policy 2014 requires that spatial strategies set out in development plans should "support developments in locations that...are accessible by cycling and public transport" and "identify active travel networks and promote opportunities for travel by more sustainable modes in the following order of priority: walking, cycling, public transport, cars" (paragraph 273). Neither national policy document requires the council to identify an exemplar settlement in the local development plan. Whilst I can see the advantage of identifying such a settlement in the proposed plan as a source of best practice and a benchmark which other communities would be encouraged to meet, I appreciate the council's concerns about potential resource implications, especially were the exemplar settlement to include retro-fitting cycling and walking facilities in an existing community, and the potential knock-on implications for its capital programme. As paragraph 5.14 of NPF3 is worded as an encouragement rather than a direction, I do not consider that any modification to the plan is required to address the Scottish Government's representation.

2. The proposal to upgrade the A90, either through or around Dundee, is included in the Regional Transport Strategy Refresh 2015-2036 (RTS). This is clearly an infrastructure project of considerable significance for the future successful development of the city. However, it is evident from the RTS, as well as the national planning framework and strategic development plan, that work requires to be done to establish the preferred option and that there is no programmed financial commitment to the upgrade at the present time. The proposed plan is required to have regard to the RTS, as described in paragraph 57 of Scottish Government Circular 6/2013: Development Planning. However, because of the lack of detail about the land use implications of the proposed upgrade, I do not consider that inclusion of a reference in this local development plan is appropriate.

3. The RTS flags up issues of train capacity, long journey times, fare levels and overcrowding as issues limiting the attractiveness of rail services in the region as an alternative to car and air travel. Specifically of relevance to Dundee, section 5.1.2 of the strategy highlights a commitment to work with Transport Scotland to deliver projects including Aberdeen – Central Belt rail improvements and rail electrification. Section 5.1.5 highlights support for improved rail links to the port of Dundee. This latter project is referenced in paragraph 9.2 of the proposed plan. However, it is not clear that other rail projects in the RTS that affect Dundee have land use implications and a commitment that requires support through the proposed plan or warrants a reference in paragraph 9.2. The same is true of the aspirational new rail station for Dundee and the potential relocation of Invergowrie rail station to Dundee West identified in the TAYplan Strategic Development Plan 2016 – 2036.

4. I do not consider any modification to the plan is required to address Tactran's representation.

5. Paragraph 9.8 of the proposed plan indicates that larger proposed developments may be expected to provide segregated cycle routes and linkages to off-site facilities and that even the smallest of developments may afford an opportunity to provide through routes for cyclists and to install cycle parking or storage. This provides a good indication of the council's support for the provision of cycling infrastructure to support active travel. I do not consider that adding the proposed sentence to the preceding paragraph, paragraph 9.7, strengthens the plan in this regard. Paragraph 9.7 sets out a range of benefits provided by active travel. Paragraph 9.8 illustrates some of the practical means by which the plan can provide the physical infrastructure to encourage active travel. The proposed change would blur the distinctive role of each paragraph.

6. The local development plan is a land use planning document. The council is not charged with promoting culture change through the plan. Rather, it has a responsibility to set out practical measures to promote sustainable transport and active travel. It does this by, amongst other things, supporting a development strategy and associated infrastructure provision that reduce the need to travel and by facilitating walking, cycling and use of public transport as alternative modes of travel to the private car. This is consistent with paragraph 273 of Scottish Planning Policy 2014 (SPP). The statement at paragraph 9.11 of the proposed plan that motor vehicles are the principal mode of transport for goods and people in the city is a recognition of the current position. It does not compromise the strategic objective of encouraging sustainable movements through careful consideration of land use, planning and the promotion of active and sustainable travel, set out on page 13 of the proposed plan. However, if this strategic objective is to be realised, it is important that the plan is realistic about the starting point.

7. I do not consider that paragraph 9.11 provides a get-out clause for improving active travel. Policy 54: Safe and Sustainable Transport is clear about the practical contributions to active travel required of developers and does not provide any exceptions. Proposed paragraph 9.4 summarises the role of the local development plan well. On the other hand, I consider that the proposed change to highlight a need for culture change to reduce dependency on motorised vehicles would give the reader a false impression of what the plan can achieve.

8. Paragraph 273 of Scottish Planning Policy 2014 (SPP) requires development plans to promote development which maximises the extent to which travel demands are met first through walking, then cycling, then public transport and finally through use of private cars. In this context, the requirement in Policy 54: Safe and Sustainable Transport on developers to minimise, rather than reduce, the need to travel by private car is appropriate and consistent with national policy.

9. The second part of the proposed change to Policy 54 that relates to encouraging walking and cycling and catering for the requirements of public transport does not add clarity to the existing wording at requirement 2) of the policy.

10. The request for design features which would restrict traffic speeds to a maximum of 20 mph is already covered by requirement 6) of Policy 54, which demands conformity with Dundee Streets Ahead (2005), the council's road standards document. The standards require that the absolute maximum design speed for access roads is 30 kph (18.6 mph) and the suggested appropriate design speed for general roads is 30 kph.

Access roads and general roads are defined as roads for local traffic serving small numbers of well-defined areas of residential development. Requiring conformity with the road standards document is preferable to including detailed requirements in the proposed plan as it helps to keep the plan concise and allows for regular updating of standards, if appropriate. The council's roads standards are consistent with the National Roads Development Guide, which also advocates a design speed of 30 kph in residential streets.

11. Requirement 6) of Policy 54 requires that new development complies with the National Roads Development Guide. As the council highlights, this document seeks to balance the needs of road user groups and, in so doing, recognises many journeys will still require to be made by vehicular traffic. The proposed change to requirement 4) of the policy could result in failure to address this reality, which may have a detrimental impact on economic development in the city and the ability of the council to maintain an effective housing land supply. It is also not clear how a prospective developer could reduce demand for motorised traffic in the area surrounding the proposed development site. Requirements 1), 2) and 3) of Policy 54 ensure that proposed development conforms to the SPP travel hierarchy I have summarised in paragraph 8 above.

12. I do not consider that any modification to the plan is required to address the representation from Dundee Cycling Forum.

13. Policy 10 B of the TAYplan Strategic Development Plan 2016-2036 requires local development plans to safeguard business land with rail/wharf access to promote potential rail/sea freight operations. It is stated on page 59 of the strategic development plan that Dundee Port has the potential to connect directly into the East Coast mainline. Map 10 of the strategic development plan shows a proposed inter-modal regional freight facility at Dundee Port. I note that, in coming to this policy position, TAYplan considered the position of Forth Ports that it does not support the provision of a rail link to the port. Given this strategic policy context and given that the local development plan is required to conform to the strategic development plan, I consider it appropriate for the local development plan to indicate at paragraph 9.24 that the preferred location for intermodal rail freight transfer facilities would be at the Port of Dundee.

14. I do not consider that any modification to the plan is required to address the representation from Forth Ports.

Policy 54: Safe and Sustainable Transport

15. The proposed change to the second sentence of Policy 54 to state that “sustainable modes of walking, cycling and public transport should be afforded priority over motorised transport” does not, in my view, provide the greater clarity sought for the reason that public transport is also motorised. In any case, requirement 1) of Policy 54 requires that development proposals must minimise the need to travel by private car so the policy intent of the plan is explicit. This is supported by the proposed text at paragraph 9.8 which requires that “all new development should be located and designed to accommodate, encourage and prioritise active travel over motorised means” and Policy 1 of the proposed plan, read with Appendix 1: High Quality Design and Placemaking, which requires that “development should consider place and the needs of people before the movement of motor vehicles”.

16. Requirement 2) of proposed Policy 54 states that development proposals must

provide facilities for walking, cycling and public transport networks and that developments without high-quality, safe and convenient links to adjacent walking and cycling networks will not be supported. I do not consider that the proposed insertion of an additional seventh requirement regarding walking and cycling access adds anything essential to the existing policy. The proposed modification includes a specific reference to provision of access to core paths and rights of way but this is addressed satisfactorily in the preamble to the policy at paragraph 9.8. The council points out that all rights of way in the city are core paths.

17. I do not consider that any modifications are required to address the representation on Policy 54 by Scottish Natural Heritage. I have dealt with the representation on Policy 54 from the Dundee Cycling Forum at paragraphs 8 to 12 above.

18. Paragraph 279 of Scottish Planning Policy 2014 (SPP) requires that development plans indicate when a travel plan will be required to accompany a proposal for a development which will generate significant travel. This national policy requirement is picked up in the final sentence of proposed plan paragraph 9.10 which states that developers may be required to prepare travel plans in order to mitigate transport impacts and improve the accessibility of developments. There is no mention of travel plans in proposed Policy 54. I am of the view that Policy 54 would reflect more fully the requirements of SPP and the council's own transport objectives, as expressed in paragraph 9.10, if a reference to the requirement for travel plans is incorporated in the proposed policy. Consequently, I have recommended below a modification to Policy 54 that adds a requirement for proposed development that would generate a significant amount of travel to be supported by a travel plan. I have also recommended a commensurate change to paragraph 9.10 to indicate that this requirement only applies where significant travel will be generated. What constitutes significant travel will depend on the circumstances of each individual site so it would be for the council to provide guidance on any requirement at pre-planning application stage.

19. Requirement 2) of proposed Policy 54 states that development proposals will be required to provide facilities for public transport networks, amongst other things, through developer contributions or by direct delivery. The council's draft supplementary guidance on Developer Contributions, 2017 requires, under paragraph 3 of the Roads and Transportation section that, "where a development is delivered in phases over an extended period of time, it may be necessary to financially support a bus service from the point in time when part of a development is first occupied. The intention would be that such funding would cease when the development has progressed to a scale that a commercially viable bus service is sustainable." I consider that Policy 54, read with the draft supplementary guidance, provides for the circumstances where developer funding is required to divert an existing bus service or "kick-start" a new service or service extension. The supplementary guidance is intended to be just that: the full content of the guidance does not also have to be included in the plan, provided an adequate policy hook is in place. Policy 54 requirement 2) provides that hook in this case.

20. I do not find that any modification to the plan is required to address this representation from Tactran.

21. Requirement 2) of Policy 54 requires that developers provide on-site and off-site facilities for public transport networks. The term public transport network is not defined in the policy but it is clear from paragraph 9.12 that precedes the policy that this includes rail infrastructure. In the interests of producing a concise plan, I do not think it is necessary to

provide additional wording expressly to indicate that public transport networks include rail infrastructure.

22. I consider that my conclusions at paragraph 4 of Issue 11 – Funding of On and Off-Site Infrastructure address the request for the plan to recognise the potential public transport benefits of a new station at Dundee West.

23. I do not consider that any modification to the plan is required to address Network Rail's representation on this matter.

24. Policy 54 sets out the requirements on developers to provide safe and sustainable transport to support new development. Policy 20: Funding of On and Off-Site Infrastructure Provision outlines the general circumstances when the council will seek developer contributions. The first paragraph of Policy 20 states specifically that the city council will seek developer contributions towards the cost of infrastructure "where necessary and appropriate". I find that, reading Policy 20 and 54 together addresses the suggestion that a change is needed to requirement 2) of Policy 54 to indicate that transportation infrastructure will only be required where a need is demonstrated.

25. The final paragraph of Policy 54 requires that walking and cycling routes should be fully useable prior to the first occupation of a new development. It is reasonable for the council to suggest that, if a new home is considered suitable for occupation, the new householder can expect safe and sustainable transport provision to be in place. Occasionally, phasing considerations may prompt a request from the developer to the authority to consider an interim solution but this would require to be dealt with on a case-by-case basis through the development management process. It does not detract from the council's overall objective to provide easy access to local facilities and services from the date a new house is occupied. Phasing proposals should be designed at the outset to address this. I also note that principle 3) of Policy 20 provides for flexibility to ensure that development can be brought forward in varied economic circumstances while ensuring that the development has no net detriment. Taking these two considerations together, I consider that there is enough flexibility in the proposed plan to allow for any extraordinary issues in relation to timing of walking and cycling provision to be dealt with satisfactorily between the developer and planning authority when they arise.

26. I do not consider that any modification to the plan is required to address the representation by Stewart Milne Homes.

Policy 57: Transportation Interchanges

27. Policy 10 Connecting People, Places and Markets of the TAYplan Strategic Development Plan 2016-2036 (SDP) requires local development plans to safeguard land for future infrastructure provision that is integral to the delivery of SDP Strategic Development Areas, is identified in the National Planning Framework, Strategic Transport Projects Review or the Regional Transport Strategy and for other locations and routes, as appropriate. Strategic infrastructure projects are identified on Map 10 of the SDP. This includes project 18, the potential relocation of Invergowrie rail station to Dundee West. Policy 3 of the SDP identifies Dundee Western Gateway as a Strategic Development Area and requires local development plans to support the development of the strategic development areas set out in associated Map 3. Dundee Western Gateway is shown as area 8 on Map 3.

28. Section 16(6) of the Town and Country Planning (Scotland) Act 1997 requires that the local development plan is consistent with the strategic development plan. It is appropriate, therefore, that paragraph 9.24 of the proposed plan refers to the potential establishment of a new station at Dundee West as a replacement for Invergowrie Station and that this is supported in general terms by the second paragraph of Policy 57 which also notes that any such development would require a detailed appraisal, including the preparation of a business case. This appraisal could take account of the five issues that Mr Levins suggests have changed since 2009/2010, including the potential impact from the further development of driverless technology.

29. The appraisal would also be able to take account of the implications of potential alternative bus services and improved train services mentioned in Dundee Civic Trust's representation. Indeed, paragraph 9.24 of the proposed plan notes that further investigation will only take place following implementation of timetable improvements between Dundee and Glasgow.

30. I do not consider that any modifications to the plan are required to address the representations from Mr Levins or Dundee Civic Trust.

Policy 58: Digital Connectivity

31. Paragraph 297 of Scottish Planning Policy 2014 (SPP) indicates that local development plan policies should encourage developers to explore opportunities for the provision of digital infrastructure to new homes and business premises as an integral part of development. The SPP also states that this should be done in consultation with service providers so that appropriate, universal and future-proofed infrastructure is installed and utilised. This does not provide Scottish Government policy support for the provision of free public wi-fi in all major developments but I do find it requires an addition to proposed Policy 58 to ensure compliance with SPP. I have suggested a suitable form of words below, which, I believe, address this representation, as fully as possible, given the terms of SPP.

Other Transport Matters

32. The council advises that levels of car parking provision at Dundee Tay Bridge Station were considered in determination of the planning application for the station redevelopment. The level of parking charges at the station is not a land use planning matter. As such, these are not issues for the local development plan. The council also points out that the station is well positioned in relation to the city centre and that proposed plan Policy 57: Transportation Interchanges supports the establishment of Park and Choose facilities on the main approaches to the city. It is reasonable to conclude, therefore, that travel to the station by public transport will become an increasingly attractive option for many travellers.

33. I do not consider it is appropriate to modify the plan in order to address Dundee Civic Trust's comments on matters relating to the station redevelopment.

34. Requirement 4) of proposed Policy 54: Safe and Sustainable Transport states that development proposals must have no detrimental impact on the capacity or safe functioning of the existing rail network. Policy 20: Funding of On and Off-Site Infrastructure Provision provides for developer contributions towards the cost of infrastructure provision arising from both allocated and windfall sites. It is clear from the

draft Supplementary Guidance: Developer Contributions, 2017 that such contributions can include funding of public transport infrastructure. The council also advises that, for development management purposes, it maintains a designated 10 metres notification zone around all railway infrastructure.

35. The council advises that none of the development allocations in the proposed plan will have an impact on level crossings in the city. I am satisfied that, should any windfall proposals come forward that impact on a level crossing, taken together, the local development plan and development management provisions that I have summarised above, the council, in consultation with Network Rail, has the tools at its disposal to ensure that the requisite mitigation in terms of potential impact on rail infrastructure is dealt with satisfactorily. I assume the reference to East Lothian in Network Rail's representation is an error. Reading this reference as "Dundee" does not change my conclusion.

36. I do not consider that any modification to the plan is required to deal with this aspect of Network Rail's representation.

Reporter's recommendations:

The local development plan should be modified by:

1. amending the final sentence of paragraph 9.10 to read:

"Where the proposed development has the potential to generate significant travel, developers may be required to prepare travel plans in order to mitigate transport impacts and improve the accessibility of developments."

2. revising Policy 54: Safe and Sustainable Transport by including the following text:

"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."

3. revising Policy 58: Digital Connectivity by adding the following paragraph at the end of the existing proposed policy:

"The council will encourage developers to explore, in consultation with service providers, opportunities to provide digital infrastructure to new homes and business premises as an integral part of proposed development."

Issue 15	Other Issues	
Development plan reference:	Proposed Plan Introduction; Vision and Strategy; Community Planning and Consultation; Community Facilities; Housing Site Priority; Supplementary Guidance; Development Site Assessments.	Reporter: Andrew Sikes
Body or person(s) submitting a representation raising the issue (including reference number):		
Scottish Environmental Protection Agency (SEPA) (01) Scottish Natural Heritage (SNH) (02) Historic Environment Scotland (03) Tayside and Central Scotland Transport Partnership (Tactran) (07) Homes for Scotland (08) CWP Dundee Ltd (15) Broughty Ferry Community Council (20) David Hewick (22) Kirkton Community and Safety Partnership (65) Aldi Stores Ltd (71) Doug McLaren (76)		
Provision of the development plan to which the issue relates:	Several other issues were raised that have resulted in unresolved representations.	
Planning authority's summary of the representation(s):		
Proposed Plan Introduction <u>Tayside and Central Scotland Transport Partnership: Tactran (07)</u> It is important that the reader understands from the outset which statutory documents have been considered in developing the local development plan. Vision and Strategy <u>Homes for Scotland (08)</u> Considers there to be new opportunities through the Tay Cities Deal (CD56) with significant investment in infrastructure. Would support the local development plan to adopt a positive and ambitious outlook that reflects these opportunities. Concerns that there is a significant industrial land legacy and social regeneration sites with relatively limited greenfield land that will flavour the potential response to these opportunities. Indicated a reduced confidence from private sector housing developers they consider there to be limited opportunity to deliver a full range of housing products to meet market demand. Therefore consider it to be essential that the plan avoids a situation where housing need goes unmet.		

Aldi (71)

Supports the current position set out under the Spatial Strategy on pages 10-13 but requests additional information is also included within the policy wording and refers to Policy 21 of the Proposed Plan.

Reference to the findings of the Council's Retail Study 2015 (CD13) and considered that there would be value in referencing any deficiencies within this section, to give sufficient prominence.

Community Planning and ConsultationBroughty Ferry Community Council (20)

The Community Council are concerned that the links between the Broughty Ferry Community Planning Partnership Plan and the Local Development Plan are very limited.

Kirkton Community and Safety Partnership (65)

The contributor has made several comments across several consultation response forms that do not relate to the preparation of a Local Development Plan.

Of relevance is a suggestion that the proposed plan should include a policy setting out how to find the views of communities and that Community Officers supporting Community Councils & NRSs should be knowledgeable of the planning system as it affects the groups they work with. There is a concern they are being ignored by the council in planning matters. The contributor considers that the Local Community Planning Partnership is not effective and that Local Plans are not fit for purpose. Also concerned over low response to consultations and suggests that the plan should include reference to respecting the views of the community and taking their opinions into account through the planning process with details of how this will be done.

Doug McLaren (76)

The contributor regards the whole local development process as being far too complex and obtuse.

Community FacilitiesScottish Natural Heritage (SNH) (02)

Offsetting requirements for development of surplus land that is currently used and valued by communities should clearly set out how loss of open space, for example, should be informed by the Open Space Strategy and Green Network planning guidance.

Kirkton Community and Safety Partnership (65)

The contributor has made several comments relating to community facilities that do not relate to the preparation of a Local Development Plan. Of relevance to the Proposed Plan is a comment that community facilities should be classified by use, noting that if they are not used by the community they cannot be claimed to be community facilities.

Housing Site PriorityKirkton Community and Safety Partnership (65)

Need to use the audited housing sites for development before windfall sites.

Supplementary GuidanceBroughty Ferry Community Council (20)

The existing Conservation Area appraisals are appreciated. It would be good practice to issue further guidance directly related to implementing Policy 51: Development in Conservation Areas. Drawing together valuable guidance which is currently dispersed in the various Conservation Appraisals city-wide would be helpful in bring to attention of developers, residents and other parties which is expected by the planning authority.

David Hewick (22)

Considers that to follow on from the excellent Householder Guidance (CD20) Breaches in Boundary Walls Guidance (CD54) and the Replacement Windows and Doors Guide (CD55) should be updated and expanded. Within these, it should no longer be acceptable to allow replacement plastic doors in conservation areas.

A guide on the preservation and installation of traditional shop frontages would also be welcome. Another option may be to combine the separate guidance on conservation areas into a fuller composite version that also gives additional information on how to retain original external features that contribute to the character and appearance of these areas.

Development Site AssessmentsScottish Environmental Protection Agency (SEPA) (01)

The existing paragraph 1.5 which discusses the Development Site Assessment document (CD07) does not clearly identify the legal status of the document and the developer requirements contained within it which are highly influential on the proposed planning applications. The provision of additional wording in the paragraph is required by SEPA to provide further certainty to prospective applicants as to what is required as part of a planning application for the site and what the key issues are.

It is the Proposed Plan that should require a flood risk assessment and not SEPA when a planning application is made.

The inclusion of additional developer requirements within the Proposed Plan would ensure that requirements are adopted formally as part of the plan and provides certainty for developers as to what is required as part of a planning application for the site and what the key issues are.

Identify the requirement of buffer strips and or SUDS for allocated sites within Appendix 3 table of the Proposed Plan. This would also apply to the Employment sites table as requested elsewhere.

Scottish Natural Heritage (02)

The Development Site Assessments (CD07) contains important information on the land use allocations in the Proposed Plan, but it is provided as a supporting document. While we support text in Section 1.5 stating that: *“Developers are asked to refer to the Development Site Assessments document at the pre-application stage,”* we request additional text is inserted in those policies applicable to development site allocations. This will provide a policy link and a more prominent steer for developers for site specific information and requirements, including those for the natural heritage.

More specific and consistent considerations, clear identification of developer requirements and need for development briefs/masterplans will help ensure elements such as green infrastructure are implemented, and provide more certainty to developers in advance of planning applications.

Historic Environment Scotland (HES) (03)

As a result of presenting the Development Site Assessments (CD07) as a supporting document the individual site information in the Plan is reliant on baseline information and policy position as opposed to a robust consideration of the effects with tailored mitigation responding to the individual attributes of each allocation. Mitigation is not transferred into developer requirements.

CWP Dundee Ltd (15)

The Proposed Plan and the Development Site Assessments (CD07) document do not include the submission previously put forward by CWP Dundee Ltd client. Acknowledge that this was a drafting error in the Proposed Plan and indeed note that this has since been amended on 18 September 2017, however this was not the plan presented to the committee when the document was approved for consultation, potentially leading to lack of clarity to what is being requested for the site.

Modifications sought by those submitting representations:**Proposed Plan Introduction**Tayside and Central Scotland Transport Partnership (Tactran) (7)

Proposed Local Development Plan Introduction: Figure 1 Introduction (page 7), setting out links between the Proposed Plan and other Plans should include reference to Tactran Regional Transport Strategy Refresh 2015 – 2036 (SD04).

Vision and StrategyHomes for Scotland (08)

Local Development Plan to set out how the private sector will be engaged as a key partner in the delivery of the plan.

Local Development Plan should highlight opportunities that will arise due to City Deal funding and the potential for leveraging in further private sector investment as a result of this.

Aldi (71)

No modifications proposed or requested but support for the strategy.

Community Planning and ConsultationBroughty Ferry Community Council (20)

Seek stronger relationship between the documents

Kirkton Community and Safety Partnership (65)

The contributor has made comments across several consultation response forms, but it is not clear what modifications are being sought. Of relevance to the preparation of a local development plan is a request for the Proposed Plan to be modified to include a reference to respecting the views of the community and taking their opinions into account throughout the planning process – including details of how that will be done. The plan should also include a policy setting out how to find the views of communities.

Community FacilitiesScottish Natural Heritage (SNH) (02)

Offsetting requirements for development of surplus land that is currently used and valued by communities should clearly set out how loss of open space, for example, should be informed by the Open Space Strategy (CD26 & CD27) and Green Network planning guidance (CD29)

Kirkton Community and Safety Partnership (65)

The contributor has made comments, but it is not clear what modifications are being sought. Of relevance to the preparation of a local development plan is a request that the Proposed Plan is modified to include details of community facilities classified by use.

Also requests that the Policy 18 of the Proposed Plan is modified to enable the community to have their say in the future use of surplus facilities.

Supplementary GuidanceBroughty Ferry Community Council (20)

Suggest addition of the following text in the section after paragraph 8.57:

“Within the life of this Local Development Plan 2 it may be appropriate to provide further guidance on meeting planning policy requirements. That possibility will be kept under review. Thus, for instance, Supplementary Guidance in support of the application of Policy 51: Development in Conservation Areas may be brought forward to assist in ensuring that, within designated conservation areas, all proposals for development will preserve or enhance the character of the surrounding area.”

David Hewick (22)

Additional/updated supplementary guidance on matters relating to Householder Guidance

(CD20) Breaches in Boundary Walls Guidance (CD54) and the Replacement Windows and Doors Guide (CD55) and possibly a guide on the preservation and installation of traditional shop frontages.

Another option may be to combine the separate guidance on conservation areas into a fuller composite version that also gives additional information on how to retain original external features that contribute to the character and appearance of these areas.

Development Site Assessments

Scottish Environmental Protection Agency (SEPA) (01)

Modify the Proposed Plan by expanding the description status of the Development Site Assessments (CD07) document in relation to the Proposed Plan and including a clear statement which identifies that further detailed information related to the site requirements which are identified in the appendices to the Proposed Plan can be found in the Development Site Assessments document.

Modify the Proposed Plan by removing the reference to SEPA from the first note at the foot of page 94 to read '*Sites where a Flood Risk Assessment is required*'.

Modify the Proposed Plan by amending the table in Appendix 3 to include requirements for buffer strips and SUDS. This modification would also apply to an employment sites table if it were added as requested elsewhere.

Scottish Natural Heritage (02)

Request a policy link between the Proposed Plan and Development Site Assessments (CD07) identifying specific developer requirements. For example, where reference is made to development site allocations (such as Policy 9), and at the start of Appendix 3 (Allocated Housing Sites). Suggested wording is: "*Developers should refer to the accompanying Development Site Assessments 2017 at pre-application stage to identify the key environmental and infrastructure requirements and considerations for each allocation.*"

More specific requirements on a site by site basis should be provided in the Development Site Assessments (CD07) rather than the generic catch-all statements e.g. Proposed allocation H08 could contribute to the Ardler Link (Dundee Green Network link '1a') by replacing the generic statement in the DSA with "*Protect and extend the existing trees by creating woodland edge in the south of the site to reinforce the green corridor from Birkdale Place and St Leonard Place as a part of the Ardler Green network.*"

Historic Environment Scotland (HES) (03)

Improve links with the Environmental Assessment and integrate mitigation measures into development requirements.

CWP Dundee Ltd (15)

Amend site boundary and assessment of site.

Summary of responses (including reasons) by planning authority:**Proposed Plan Introduction**Tayside and Central Scotland Transport Partnership (Tactran) (7)

Scottish Planning Policy (CD01) does not require local development plans to include a list of the statutory documents which have been used to prepare the plan. These are contained within the legislation and regulations governing the preparation of the local development plan.

No modification is proposed to the Plan.

Vision and StrategyHomes for Scotland (08)

The Proposed Plan's vision and strategy sets out a coherent strategy for the future development of Dundee. The preamble to each chapter and policy then further explains how the plan will help to deliver the vision and strategy.

The Action Programme sets out how the private sector will be engaged as a key partner in delivering the Plan, particularly housing delivery.

The Tay Cities Deal (CD56) has not been agreed and it would therefore be premature for the local development plan to include details of the proposed City Deal projects.

No modification is proposed to the Plan.

Aldi (71)

The comments in the representation are noted. The Proposed Plan's vision and strategy sets out a coherent strategy for the future development of Dundee. The preamble to each chapter and policy then further explains how the plan will help to deliver the vision and strategy.

The findings of the Dundee Retail Study 2015 (CD13) have been taken into consideration preparing the Proposed Plan and it is considered that the findings and conclusions of the Study have been adequately reflected in the Plan.

No modification is proposed to the Plan.

Community Planning and ConsultationBroughty Ferry Community Council (20)

The representation from Broughty Ferry Community Council is noted. Paragraphs 2.4 – 2.6 of the Proposed Plan set out how the approach taken during the preparation of the Proposed Plan sought to better integrate the Local Community Plans and the Local Development Plan. The 360 degree approach adopted to support the preparation of the Proposed Plan was considered to be effective and it has meant that the recently produced City Plan – the Local Outcome Improvement Plan – for Dundee (CD24) and the

associated Local Community Plans better align with the Proposed Plan.

No modification is proposed to the Plan.

Kirkton Community and Safety Partnership (65)

The requirements for consulting with the community are set out in legislation and regulation of the development management system. There is no requirement to repeat this in a local development plan.

No modification is proposed to the Plan.

Mclaren (76)

The contributor's comments are noted. The process for the review of the local development plan is set out in statute. As stated in paragraphs 2.4 and 2.5 of the Proposed Plan the consultation process has at every stage sought to engage with the public and increase the level of response. The statement of conformity with the participation statement also discusses the form and level of consultation.

No modification is proposed to the Plan.

Community Facilities

Scottish Natural Heritage (SNH) (02)

Criteria governing the loss of designated land uses is spread throughout the Plan. Open Space and Green Networks are protected through dedicated policies.

No modifications are proposed to the Plan.

Kirkton Community and Safety Partnership (65)

The Proposed Plan Policy 18 supports the development of new community facilities, and the appropriate redevelopment of community facilities that become surplus to current or future anticipated requirements.

Any new facilities would be subject to planning permission and there would be an opportunity for engagement as part of the development management application process.

The term community facilities is widely recognised to mean facilities used to deliver public sector services such as education, health, social services, leisure, libraries and other cultural experiences. It not considered necessary to list all of the community facilities in the Local Development Plan.

No modifications are proposed to the Plan.

Housing Site Priority

Kirkton Community and Safety Partnership (65)

The housing strategy is discussed in detail in the Schedule 4 covering Housing Strategy

(Issue 3). Although this is a plan led system due to the urban nature of Dundee brownfield housing sites make an important contribution to the delivery of housing across the city. They make good sustainable use of existing infrastructure and services. Restricting development to only audited or allocated sites would not help to deliver the number of homes required to be built in Dundee over the plan period.

No modifications are proposed to the Plan.

Supplementary Guidance

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

The comments from the two contributors are noted. Both suggest the preparation of additional planning guidance. Whilst the Proposed Plan does not contain any specific requirement for Supplementary Guidance to be prepared in relation to the implementation of Policy 51 and the protection of Conservation Areas, this does not prevent the Council from preparing non-statutory planning guidance.

No modification is proposed to the Plan.

Development Site Assessments

Scottish Environmental Protection Agency (SEPA) (01), Scottish Natural Heritage (02), Historic Environment Scotland (HES) (03)

To ensure that the development sites allocated within the Local Development Plan are properly assessed and all constraints and opportunities are considered the approach taken to support the preparation of the Dundee Local Development Plan 2014 (CD03) was to prepare a Development Site Assessments document (CD07). All sites are also assessed under the Strategic Environmental Assessment (CD15) and Habitats Regulation Appraisal (CD16) processes.

As the allocated sites are already listed and mapped in the plan the Development Site Assessments document does not form part of the statutory plan, but is a supporting document to the plan at preparation stage and as it is updated regularly it continues to be a supporting document through the life of the plan.

The Development Site Assessments document is also used at a pre-application stage by applicants and officers to provide details of constraints, specific site developer requirements and any required mitigation that should be considered as part of the development of a site.

Given the current approach and the success of its use and delivery of sites it is proposed to continue this successful approach from the previous plan and for the Development Site Assessments (CD07) document prepared for the Proposed Plan to be a supporting document to the Proposed Plan and the Adopted Plan.

Paragraph 1.5 of the Proposed Plan clearly indicates the purpose of the Development Site Assessments document and places an onus on developers to refer to it and use the information at a pre-application stage to consider constraints and requirements on sites throughout the City. Given that there is no requirement in Scottish Planning Policy to include site constraints within the Plan it is considered that this approach is appropriate.

If the concern from SEPA is that planning applications will be submitted and approved without proper consideration of environmental constraints by applicants or the planning authority then the agency should be satisfied that as with the Dundee Local Development Plan 2014 (CD03) approach, the various policies within the Proposed Plan would allow the planning authority to either request further environmental information or request changes to a proposal; or otherwise refuse the planning application. Further integration of the Development Site Assessments document with the Proposed Plan is unlikely to prevent the small number of planning applications being submitted without the necessary consideration of environmental constraints. These tend to be applications that have not been subject to pre-application discussions, a stage that is positively encouraged and used by Dundee City Council to improve the quality of planning applications.

SEPA (01) have requested that the reference in Appendix 3 to the agency requiring a Flood Risk Assessment be removed is noted. The text in Appendix 3 is carried forward from the Dundee Local Development Plan 2014 (CD03). It helps to highlight the basis on which a Flood Risk Assessment is required. There is no need to modify the plan to remove this reference.

In terms of the SEPA (01) requirement for buffer strips, these have been incorporated into the relevant Development Site Assessments document (CD07) on a site specific basis for all development allocations including housing, economic development areas, commercial centres and leisure parks. This and the clear link in paragraph 1.5 of the Proposed Plan is considered adequate to address this requirement.

The Proposed Plan through Policy 37: Sustainable Drainage Systems sets out the policy requirement for SUDS and will be considered on a site by site basis as part of a planning application.

The inclusion of developer contributions within the Plan is covered through Policy 20: Funding of On and Off Site Infrastructure Provision and the corresponding draft Supplementary Guidance (CD18) which sets out where and when developer requirements may be sought. This policy approach is carried forward from the Dundee Local Development Plan 2014 (CD01) and is considered adequate and appropriate.

No modifications are proposed to the Plan.

CWP Dundee Ltd (15)

The site boundary error was noted and the Development Site Assessments document (CD07) was updated. The plan in the updated document reflects the site proposed by contributor. This has had no effect on the consideration of the Proposed Plan by elected members.

No modifications are proposed to the Plan.

Reporter's conclusions:

Proposed Plan Introduction

1. The Tactran Regional Transport Strategy Refresh 2015-2036 (RTS) identifies several infrastructure projects that aim to improve strategic connectivity throughout the region. The projects, including the development of the airport and docks, park and ride proposals

and improvements to transport interchanges, are referred to in Chapter 9 (sustainable transport and digital connectivity) of the proposed plan. It is clear that the RTS has played an important role in informing and shaping the policies and proposals of the proposed plan.

2. I note that the corresponding figure in the extant local development plan (2014) includes a reference to then extant RTS. Despite the council's position on this matter, and given the comparable status of the RTS with other documents cited, I agree that the RTS should be referred to in Figure 1. A modification is recommend below.

Vision and Strategy

3. The commentary of chapters two (vision) and three (strategy) of the proposed plan describe the collaborative working and consultation with key agencies and others undertaken in the preparation of the Plan. Figure 2 (integrating the LDP with community planning) indicates that the development industry has been part of that process, whilst Figure 3 (cross-cutting themes) notes the importance of high quality, innovative and sustainable design in the construction of new development to shaping future places.

4. The commentary also suggests that the proposed plan by itself cannot make development happen and that investment will be required from private sector developers and a range of public sector organisations to bring forward development proposals and supporting infrastructure. The action programme that accompanies the proposed plan describes how the plan will be implemented. In this regard, it includes a list of those responsible for each action and a timescale for its conclusion; chapter two sets out actions required to deliver the allocated housing sites and chapter three those related to economic development areas, commercial centres and leisure parks.

5. Overall, I consider that the proposed plan adequately describes the involvement of the private sector in its preparation and, through the proposed action programme, where responsibility lies for the delivery of its policies and proposals.

6. Finally, whilst the successful conclusion of the Tay Cities Deal will create investment and development opportunities in Dundee, it has yet to be agreed by the UK and Scottish governments and constituent councils. I therefore agree with the council that it would be premature to refer to the projects that form part of the proposed Tay Cities Deal.

Community planning and consultation

7. The council considers that the proposed plan has successfully integrated land use planning and community planning (paragraph 2.6). This view is not shared by Broughty Ferry Community Council, which believes that the links between the two are limited. In addition, the Kirkton Community and Safety Partnership considers the consultation undertaken in the preparation of the proposed plan to have been ineffective and unsatisfactory.

8. Before proceeding with the examination of the proposed plan, I examined the council's Statement of Conformity, which incorporates a Participation Statement. In doing so, I concluded that the council had met its statutory obligations with regard to publishing a proposed plan and making it available for the submission of representations. I arrived at this conclusion, in part, due to the council's use of its network of Local Community Planning Partnerships (LCPPs) to engage with local communities and its use of the well-

regarded 'Place Standard' tool as part of a range of engagement activities.

9. Noteworthy is that the LCPPs comprise elected members, community and third sector representatives and partner agencies, and appear well-placed to engage with, and influence, the plan-making process. In addition, I noted the steps taken in the preparation of the proposed plan to ensure that it aligned with community planning partnership plans, and vice versa. On this basis, whilst noting the concern of Broughty Ferry Community Council, I was satisfied that the council had sought to engage meaningfully with its stakeholders and communities to establish relevant links between the two plans.

10. I note the criticism regarding the effectiveness of the LCPPs as a means of engagement with communities, the suitability of local development plans to address community concerns and the observations of the collated Place Standard exercise (figure 4) expressed in the representation of the Kirkton Community and Safety Partnership. I also note the comment of Mr McLaren who considered the consultation process to be complex and obtuse. Whilst these criticisms, comments and observations are not matters for this examination to consider, I note that the council recognises the need to improve how it engages and consults with communities and that this is a matter addressed by the City Plan for Dundee 2017-2026 – The Dundee Partnership (section 4).

11. Finally on this matter, a modification is sought that would introduce a policy setting out how the council would seek the views of communities and consider those views in the planning process. The council states in response that the requirements for consultation and engagement with communities in the development management process are set out in legislation and regulation and that there is no need repeat this in local development plans. In addition, Planning Advice Note 3/2010: Community Engagement contains information on the obligations placed upon prospective applicants before a planning application is submitted. I agree with the council on this matter and do not support a modification to the proposed plan as sought.

Community facilities

12. Policy 18 (community facilities) of the proposed plan addresses, among other things, the alternative use of community facilities which have, or are due, to become surplus to requirements. Scottish Natural Heritage (SNH) seeks a modification to the policy to introduce criteria that must be satisfied if such facilities are to be lost to development, for example, the council's Open Space Strategy and Green Network planning guidance should inform the loss of open space.

13. As the council notes, Policy 28 addresses the prospect of development on all forms of open space defined on the proposed plan proposals map and requires proposals to be assessed against strategies and programmes approved by the council. This would include the Dundee Green Network Plan. In using the proposed plan, those assessing planning proposals are required to consider it 'in the round', that is, with reference to all the policies that may be relevant. On this basis, and given the provisions of Policy 28, I do not consider it necessary to modify the proposed plan. With regard to other land use designations that feature on the proposals map, the proposed plan similarly contains criteria against which development proposals should be considered.

Housing site priority

14. A representation from the Kirkton Community and Safety Partnership argues that

audited housing sites should be developed before allowing the development of 'windfall' sites.

15. Firstly, on this matter, paragraph 117 of Scottish Planning Policy (2014) recognises that the housing land requirement may be met from a number of sources, including sites outwith the established housing land supply. Secondly, the overall conclusion of this examination is that the proposed plan broadly strikes the right balance between the requirement to provide a generous land supply and a range of attractive housing sites, with the need to give due priority to the re-use of brownfield land in the City. Thirdly, this examination also concludes that the council has adopted a realistic and evidence based approach regarding assumed completions from windfall sites. Given the importance of windfall sites to the housing land supply, I do not propose to modify the plan in response to this representation.

Supplementary guidance

16. The representations on this topic do not seek a specific modification to the proposed plan. Instead, they invite the council to agree that there would be merit in providing some further guidance to support the application of Policy 51 (development in conservation areas). The representations also suggest that the possibility of preparing such guidance should be noted in Appendix 9: Supplementary Planning Guidance.

17. Although the proposed plan does not identify a need for guidance to support the application of Policy 51, the council indicates that this does not mean that it is prevented from preparing guidance should a need arise. Accordingly, the council does not propose to modify the Plan.

18. With regard to conservation areas in general, I note that Policy 51 describes the statutory duty placed upon the council to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area. In addition, the preamble to the policy (paragraph 8.67) notes the importance of positive management of conservation areas if their character and appearance is to be protected and enhanced. A series of appraisals have been prepared for the City's conservation areas, including Broughty Ferry, which describe their character and appearance.

19. In conclusion on this matter, I consider that the concerns of the community council and Mr Hewick are capable of being addressed by the council with recourse to the proposed plan as it stands and reference to the Broughty Ferry Conservation Area Appraisal. Moreover, I have no evidence highlighting a particular issue or need for further guidance at the present time. As such, I do not consider it necessary to modify the proposed plan.

Development Site Assessments

20. The representations on behalf of the Scottish Environment Protection Agency (SEPA), Scottish Natural Heritage (SNH) and Historic Environment Scotland (HES), variously seek additions and clarifications to the Development Site Assessments (DSA) document, including confirmation of its status, purpose and links to the proposed plan.

21. I consider that the status and purpose of the council's Development Site Assessments (DSA) document is clearly set out in paragraph 1.5 of the proposed plan; it supports the proposed plan, has informed the selection of allocated sites and is a source

of information for those preparing planning applications. Furthermore, paragraph 8.4 notes that the DSA contains site or area specific information on environmental issues and constraints on allocated housing sites and within economic development areas, commercial centres and leisure parks. No further clarification is required on these two matters.

22. I do, however, consider that it would be helpful to the reader of the Plan to highlight the availability of the DSA and the information contained therein by adding an introductory paragraph to Appendix 3, similar to that of other appendices. It would also provide a further link between the proposed plan and the DSA, as sought in representations. I recommend suitable wording below. In doing so, I note the council's intention in any event to modify the explanatory notes at the end of the appendix to make reference to the DSA (proposed plan supporting document: proposed minor drafting and technical matters).

23. A modification is sought by SEPA requiring the introduction of site information and environmental considerations that relate to the proposed plan's allocated economic development areas, commercial centres and leisure parks. It is suggested that this information, principally advice relating to the management of flood risk, could be contained in a table, similar to that at Appendix 3, and provided in an appendix. The council considers the link between the proposed plan and the DSA to be sufficiently clear to direct prospective developers of such sites to the DSA and the advice provided by SEPA, which I note is comprehensive and extends to over 40 sites.

24. I broadly agree with the council on this matter and do not accept the suggestion that a failure to rehearse site information/environmental considerations in an appendix to the proposed plan could lessen its importance. Nonetheless, it be helpful to direct the reader of the proposed plan to the information and considerations contained in the DSA. This could be achieved by adding a short paragraph to the end of Chapter 2 (sustainable economic growth). I recommend suitable wording below.

25. SEPA and SNH seek modifications to the DSA to provide a more consistent level of detail and clarity on developer requirements. Similarly, HES considers that the DSA should be explicit in identifying mitigation measures where development has the potential to impact on conservation interests. However, the DSA does not form part of the proposed plan and, accordingly, any changes to the form and content of the DSA is a matter for the council. On this matter, I note the council's intention to keep the information contained in the DSA under review and to update it when necessary.

Other matters

26. With regard to Mr McLaren's comment that the term 'sustainable' is used throughout the proposed plan without definition, the proposed plan makes clear that its design-approach aligns with the principal policies of Scottish Planning Policy 2014 on Sustainability and Placemaking. Those policies are rehearsed at paragraph 4.2 of the proposed plan and can be described in short as 'development that meets the needs of the present without compromising the ability of future generations to meet their own needs' (SPP Glossary page 71). Elsewhere, the introductory paragraphs of subsequent chapters describe in general terms what sustainability means for each topic, for example, paragraphs 5.9 (sustainable economic growth), 6.2 (quality housing and sustainable communities), 7.3 (town centre first), 8.2 (sustainable natural and built environment) and 9.1 (sustainable transport and digital connectivity). I do not consider it necessary to

modify the proposed plan in response to this representation.

27. Finally, a number of representations raise issues that are more appropriately dealt with elsewhere in this report. Firstly, SEPA's representations seeking modifications to Appendix 3 in respect of flood risk assessments are considered in Issue 5 at paragraphs 60 and 61. Secondly, representations regarding the development of land at Myrekirk Road are considered in Issue 2 at paragraphs 21 to 27 and Issue 12 at paragraphs 11 to 13. I note here, however, the administrative error on the part of the council in initially omitting the site from the DSA. That error was subsequently corrected and the matters raised in the representations have been fully considered in the examination of the proposed plan. Thirdly, the regeneration of the Blackness area is considered in Issue 2 at paragraphs 80-91.

Reporter's recommendations:

The local development plan should be modified by:

1. adding reference to the Tactran Regional Transport Strategy Refresh 2015-2036 to the 'Tayplan Strategic Development Plan 2016-2046' box in Figure 1: Local Development Plan 2 timetable and links to national plans, policies and strategies.

2. adding the following sentence to the beginning of Appendix 3: Allocated Housing Sites:

"The allocation of the sites referred to in this appendix has been informed by a Development Site Assessments document. The document contains physical, environmental, infrastructure and other site information and should be referred to by prospective developers."

3. add the following paragraph after 5.42 / Policy 8:

"Further information on the economic development areas, commercial centres and leisure parks referred to in this chapter is contained in the Development Sites Assessment document. Development proposals for each site will be required to be supported by the information contained in the table at section 4."