

By email: localdevplan@dundeecity.gov.uk

Our ref: A19046461

9 October 2017

Dear Development Plan Team,

Dundee Proposed Local Development Plan Consultation

Thank you for the opportunity to comment on the Proposed Dundee Local Development Plan highlighted in your correspondence of 24 August 2017. Please find below the formal representations from the Scottish Government (SG). This includes the representations from Transport Scotland.

Housing

Policy reference

Site reference

Chapter - 6

Page number – 31 to 42

Paragraph number - 6.4-6.8

Change sought - The plan should identify the appropriate split between private and affordable housing relevant to Dundee.

Reason – The HST is not split into market and affordable (although TayPlan does suggest that across the region there should be a 75% to 25% split between market and affordable). The split for Dundee City should be made clear).

SPP 115 states “Plans should ... set out the housing supply target (separated into affordable and market sector) for each functional housing market area, based on evidence from the HNDA. The housing supply target is a policy view of the number of homes the authority has agreed will be delivered in each housing market area over the periods of the development plan and local housing strategy, taking into account wider economic, social and environmental factors, issues of capacity, resource and deliverability, and other important requirements such as the aims of National Parks. The target should be reasonable, should

properly reflect the HNDA estimate of housing demand in the market sector, and should be supported by compelling evidence”.

Policy reference

Site reference

Chapter - 6

Page number – 31 to 42

Paragraph number – 6.4 - 6.8

Change Sought - The plan should be clear about the affordable housing requirements for Dundee and the plan’s role in delivering these.

Reason - There is no specific reference to affordable housing, numbers or type. SPP 126 states “Affordable housing is defined broadly as housing of a reasonable quality that is affordable to people on modest incomes. Affordable housing may be provided in the form of social rented accommodation, mid-market rented accommodation, shared ownership housing, shared equity housing, housing sold at a discount (including plots for self-build), and low cost housing without subsidy.

SPP 128 states “Local development plans should clearly set out the scale and distribution of the affordable housing requirement for their area. Where the HNDA and local housing strategy process identify a shortage of affordable housing, the plan should set out the role that planning will take in addressing this. Planning authorities should consider whether it is appropriate to allocate some small sites specifically for affordable housing. Advice on the range of possible options for provision of affordable housing is set out in PAN 2/2010.”

Policy reference - Policy 14 – Residential accommodation for particular needs

Site reference

Chapter - 6

Page number – 31 to 42

Paragraph number – 6.19 – 6.23

Change sought - The plan should clearly set out its position on provisions for Gypsy/Travellers and other specialist forms of housing required in the area. If there is no need to address this, the plan should clarify this.

Reason - The need for specialist housing is covered only at a very high level in the Plan, but does not include the needs of Gypsy/Travellers or Travelling Showpeople.

SPP 133 states “HNDAs will also evidence need for sites for Gypsy/Travellers and Travelling Showpeople. Development plans and local housing strategies should address any need identified, taking into account their mobile lifestyles ... If there is a need, local development plans should identify suitable sites for these communities. They should also consider whether policies are required for small privately-owned sites for Gypsy/Travellers, and for handling applications for permanent sites for Travelling Showpeople (where account should be taken of the need for storage and maintenance of equipment as well as accommodation). These communities should be appropriately involved in identifying sites for their use.”

Climate change

Policy reference

Site reference

Chapter - 8

Page number - 72

Paragraph number – 8.47

Change sought - Technical correction. This paragraph states 'all energy generating facilities will be expected to mitigate emissions by installation of appropriate abatement technology.'

The paragraph should be modified 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.'

Reason - It would not be appropriate to request emissions abatement technology for energy generating facilities that don't have emissions, such as solar panels, wind turbines and technologies such as heat pumps which rely on electricity generated from elsewhere but nonetheless are considered renewable technologies. Paragraph 154 of Scottish Planning Policy is clear that the planning system should enable development at appropriate locations that contributes to electricity and heat from renewable sources; and electricity and heat from non-renewable sources where greenhouse gas emissions can be significantly reduced.

Policy reference – Policy 45

Site reference – Second Paragraph

Chapter - 8

Page number - 72

Paragraph number

Change sought – The following changes should be made: '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.'

Reason - Scottish Planning Policy paragraph 154 supports the development of a diverse range of electricity generation from renewable energy technologies. As worded the policy potentially restricts on-site electricity only installations, for which there is no justification in Scottish Planning Policy. Installations on single sites in connection with an existing land use (for example solar panels on the roof) frequently generate power which is sold to the national grid rather than used on-site or locally.

Policy reference – Policy 48

Site reference

Chapter - 8

Page number - 76

Paragraph number

Change sought - As worded, the policy seeks that 15% of the reduction in emissions set by Building Standards to be met by installing and using low and zero carbon generating technologies set by Building Standards 2007. The 2007 standards on energy were revised in 2015 and reference should be made to the latest standards.

Reason - Technical correction. This policy is a requirement of Section 3F of the Town and Country Planning Act 1997.

Developer obligations

Policy reference – Policy 20

Site reference

Chapter - 6

Page number - 42

Paragraph number – 6.39

Change sought - P42 paragraph 6.39 should set out more clearly the areas where contributions will be sought, along with the types of development from which contributions will be sought. At present, the plan mentions that supplementary guidance on developer contributions will set out key areas where contributions are required, including contribution details for Western gateway, Whitfield and Eastern Dundee.

Reason - Circular 6/2013 paragraph 139 sets out that items for which financial or other contributions will be sought and the circumstances (locations, types of development) where they will be sought should not be in supplementary guidance, but rather should be set out in the plan itself. 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.

Policy reference – Policy 15

Site reference

Chapter - 6

Page number - 37

Paragraph number

Change sought – Remove the following text: “A section 75 obligation will be required to restrict occupancy of new student residences to students unless a higher education institution is a partner in the proposed development, in which case, planning conditions may be appropriate”.

Reason - Circular 3/2012, paragraph 50 is clear that imposing restrictions on use is rarely appropriate and so should generally be avoided. A policy like this which requires occupancy restrictions across the board on applications for student housing is contrary to this principle of avoidance.

Policy reference – Policy 16

Site reference

Chapter - 6

Page number - 38

Paragraph number

Change sought – Remove reference in this policy to using section 75 to prevent occupation of mainstream residential developments by 3 or more unrelated people within the central waterfront and in close proximity to higher education institutions.

Reason - Circular 3/2012 paragraph 50 is clear that imposing restrictions on use are rarely appropriate and so should generally be avoided. A policy which requires occupancy restrictions in certain locations rather than on a case by case basis appears to be contrary to this principle of avoidance.

Planning and the Historic Environment

Policy reference – Policy 52

Site reference

Chapter - 8

Page number - 77

Paragraph number

Change sought - Policy 52 - remove the reference to development ‘which would destroy or adversely affect scheduled monuments...’.

An additional paragraph should be added, 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 ”

Reason - Local planning authorities have no remit over direct impacts on scheduled monuments as Historic Environment Scotland are the consenting authority for Scheduled Monument Consent. The local 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.

Natural Heritage

Policy reference – policy 32

Site reference

Chapter - 8

Page number - 61

Paragraph number

Change sought - The paragraph states that: ‘Development which is likely to have a significant effect on the qualifying interests of any Natura site will only be permitted where information to inform a Habitats Regulations Appraisal has been provided to the Council undertaken and if required:

- 1) an Appropriate Assessment has demonstrated that the proposal will not adversely affect the integrity of the site, or
- 2) there are no alternative solutions and there are imperative reasons of overriding national public interest, including those of a social or economic nature.’

The paragraph should be modified to read:

‘Development which is likely to have a significant effect on the qualifying interests of any Natura site will only be permitted where information to inform a Habitats Regulations Appraisal has been provided to the Council undertaken and if required:

- 1) an Appropriate Assessment has demonstrated that the proposal will not adversely affect the integrity of the site, or
- 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.

Reason – To fully reflect the criteria in set out in paragraph 208 of SPP.

Transport

Policy reference

Site reference

Chapter - 9

Page number – 80 to 87

Paragraph number

Change sought - Paragraph 5.14 of NPF3 states that we 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. The planning authority should identify such an example in the plan.

Reason - to comply with NPF3 paragraph 5.14.

I hope this information is helpful. If you would like to discuss any aspect of this letter please get in touch.

Your sincerely,

Lorna Aird
Planner