

TAYplan Strategic Development Plan Authority

Summary of Unresolved Issues (Schedule 4)

Issue 017: POLICY 5 Housing – Policy 5 Part C Areas surrounding Dundee and Perth Core Areas

Contents

1. Summary of Unresolved Issues
2. Copy of actual representations pertinent to this issue (<i>Personal details have been redacted. Full details have been provided to the DPEA separately.</i>) <ul style="list-style-type: none">• All representations include any attachments submitted by the respondent.• Where representations were submitted in hard copy or by email these were entered into TAYplan's online system and all material originally submitted has been attached and appears here with the representation.
3. Library of documents <ul style="list-style-type: none">• All documents and extracts referred to in the representation and/or the Schedule 4 are either contained in the library attached to this Schedule or where over 50 pages within the Core Library (separate folders).

1. Summary of Unresolved Issues

Issue: 017 POLICY 5 Housing – Policy 5 Part C Areas surrounding Dundee and Perth Core Areas		
Development plan reference:	Page 17 Policy 5 Part C and related areas of Page 16 Supporting Text	Reporter: [Note for DPEA use only]
Body or person(s) submitting a representation raising the issue and Representation references		
Seeking a change		
Id Number	Person/Organisation	Response Reference
548151	Andrew McCafferty for GD Strawson & J Farquharson	PLAN454
335193	Broughty Ferry Community Council	PLAN07
547625	DG Coutts Associates for Morris Leslie Group	PLAN290
445201	Emac Planning for A&J Stephen	PLAN708
445204	Emac Planning for Angus Estates Ltd	PLAN626
548523	Emac Planning for Bett Homes Ltd	PLAN772
445203	Emac Planning for James Keiller Estates	PLAN721
548360	Emac Planning for M Batchelor (B)	PLAN533
543112	GS Brown Construction	PLAN87
346689	Karen Clark for Discovery Homes	PLAN203
548055	Mr Ian Fowler	PLAN393
442871	Smiths Gore for Errol Park Estate	PLAN677
539251	Stewart Milne Homes	PLAN342
546491	TMS Planning for Champion Homes	PLAN230
345005	TMS Planning for Mr James Thomson	PLAN243
345007	TMS Planning for Mr Simon Wilson	PLAN401
345006	TMS Planning for Mr Tim Esparon	PLAN199
346675	TMS Planning for Muir Homes Ltd	PLAN363
Support as written		
Id Number	Person/Organisation	Response Reference
423150	Braes of the Carse Conservation Group	PLAN24
443912	Montagu Evans for Inverarity Farms Ltd	PLAN362
Provision of the development plan to which the issue relates:	Policy 5 Part C and associated supporting text, which requires Local Development Plans to have a presumption against land releases in areas surrounding the Dundee and Perth Core Areas, including the Carse of Gowrie, where it would prejudice the delivery of Strategic Development Areas or regeneration within the core areas or conflict with other parts of the Proposed Plan.	
Planning Authority's summary of the representation(s):		
SUMMARY OF REPRESENTATIONS SEEKING A CHANGE		
<u>OPERATING POLICY 5 PART C</u>		
<i>Broughty Ferry Community Council (335193)</i> seeks clarity on the relationship between the house building targets in Policy 5 Part A/Proposal 2 for Dundee City Council and how this relates to the Dundee Core Area with regard to South Angus and Perth and Kinross.		
<u>EXPAND THE POLICY</u>		
<i>Mr Ian Fowler (548055)</i> proposes that there is no 'lineal Creepage' between villages, coalescence of villages will not be allowed, and, all developments must not exceed 15% of		

houses in the settlements.

OPPOSE RESTRICTING HOUSING DEVELOPMENT TO PRINCIPAL SETTLEMENTS

A. Carse of Gowrie

TMS Planning for (Campion Homes (546491), Mr James Thomson (345005), Mr Simon Wilson (345007), Mr Tim Esparon (345006) and Muir Homes Ltd (346675)): consider the support for development outwith principal settlements to be vague and left to the Local Development Plans giving rise to potential inconsistencies and risk of failing to deliver the overall strategy. A modification is proposed that does not restrict development to principal settlements in order to facilitate choice and supply of effective sites and also to support local communities/small settlements and aid the delivery of new beneficial development.

Emac Planning for (A&J Stephen (445201), Angus Estates Ltd (445204), Bett Homes Ltd (548523) and James Keiller Estates (445203)): suggest removing the 'negative tone' to ensure that any development takes cognisance of the strategic aims of the plan. If Strategic Development Areas cannot deliver an effective housing land supply and alternatives can demonstrate earlier and less costly development potential, then they suggest that the Strategic Development Plan should not prevent this through the Local Development Plan.

Stewart Milne Homes (539251) consider that Policy 5 Part C should be deleted as it presumes against land releases in these areas. The respondents consider it a "catch all" to control land releases and future consents in more favourable market areas. They consider that if the Strategic Development Areas cannot deliver an effective housing land supply and a site is brought forward that can demonstrate an earlier and less costly development potential, then the Strategic Development Plan should not prevent this through the Local Development Plan.

DG Coutts Associates for Morris Leslie Group (547625) propose deleting the presumption against development in the Carse of Gowrie because previously consented development e.g. in the villages and at Errol Airfield, should not be deleted.

Smiths Gore for Errol Park Estate (442871) consider that physical, social, and environmental improvements need to be made in Dundee to stem population decline and that limiting development in the Carse of Gowrie will not achieve this. They also suggest that development here would 'actively support Perth Core Area' given the proximity to it and the excellent transport links, without having a harmful impact on the surrounding environment. They assert that 'the Plan aims to stem Dundee's population decline by having minimal land allocations at Errol and the Carse of Gowrie (p17)' [Proposed Plan]. They also consider that the present approach would contribute to stagnation in services in the Carse of Gowrie. Consequently they propose that the Carse of Gowrie be excluded from Policy 5 Part C.

GS Brown Construction (543112) considers there is too much focus on principal settlements preventing the 'natural growth' of small settlements. They consider that the Carse of Gowrie should not be the subject of an outright presumption against 'ANY development'. They also assert that flooding is 'not a problem of sufficient importance to justify such a restriction and the density of population in the corridor is actually a positive factor to be harnessed in encouraging a switch from private to public transport.'

Andrew McCafferty for GD Strawson & J Farquharson (548151) suggest the deletion of Policy 5 Part C altogether as wording in a policy which states a presumption against development is inappropriate and 'contrary to national planning guidance'. The phrase "...in areas" is considered to be undefined and void for uncertainty.

B. Areas North and East of Dundee

Karen Clark for Discovery Homes (346689) suggests urban fringe areas are influenced by both rural and urban areas and have substantial development pressure because they are popular and desirable places to live. It is suggested that such areas are presently treated as part the wider more rural countryside area. A *'blanket restriction on all development'* in areas around the Core Areas, *'which presumably includes any redevelopment of brownfield land'*, is considered inappropriate and to conflict with Scottish Government policy and those of the Proposed Plan.

They propose specific guidance for urban fringe areas around Dundee with a focus on making best use of brownfield land within the urban fringe areas. They consider that this would provide a choice of housing land release, minimise traffic movement, and support strategic economic land release ensuring sustainable access to jobs within all parts of the principal settlements. They also consider that without this development pressures may lead to inappropriate and ad hoc development to the detriment of the prime agricultural land. They further assert that *'it is clear that considered land release to the east of Dundee will not effect the strategic development at the Western Gateway'*. Reference is also made to the Angus Local Plan (2000) and the Angus Local Plan Review (2009).

Emac Planning for M Batchelor (B) (548360): TAYplan should encourage the release greenfield land to North and North East of Dundee including Ballumbie North. They conclude that this would support other Plan objectives and provide for flexibility, pending the delivery of Strategic Development Areas because this site has a proven market interest, is on available greenfield land and has a clear association with the *'successful Ballumbie Castle development'* and with Dundee.

SUMMARY OF REPRESENTATIONS IN SUPPORT

Braes of the Carse Conservation Group (423150) support Policy 5 Part C presumption against land releases around the Core Areas including the Carse of Gowrie. They consider that development there would increase travel demand by car and associated carbon emissions as there are limited local services and public transport. They also consider existing roads infrastructure in the Carse of Gowrie, and in particular in the Braes of the Carse, to be *'totally inadequate for any significant development'*.

Montagu Evans for Inverarity Farms Ltd (443912) welcome being bold and clear on shaping better quality places, location emphasis and on 'being ready' for recovery and growth from 2012.

Modifications sought by those submitting representations:

NOTE TO REPORTER: The text in italics in this section has been lifted directly from the each individual/organisation's representation with minor typographical errors corrected.

OPERATING POLICY 5 PART C

Broughty Ferry Community Council (335193) No modifications proposed.

EXPAND THE POLICY

Mr Ian Fowler (548055) proposes modifications to require that no *'lineal Creepage between villages, coalescence of villages will not be allowed and all developments must not exceed 15% of houses in the settlements'*.

OPPOSE RESTRICTING HOUSING DEVELOPMENT TO PRINCIPAL SETTLEMENTS

A. Carse of Gowrie

TMS Planning for (Campion Homes (546491), Mr James Thomson (345005), Mr Simon Wilson (345007), Mr Tim Esparon (345006) and Muir Homes Ltd (346675)): propose to add to **Page 16, Paragraph 8, Bullet Point 3:** '*Land identified through the local development plan process should be informed by, but not restricted to, those settlements identified as principal settlements in order to ensure an adequate range/choice and supply of effective development sites*'.

Emac Planning for (A&J Stephen (445201), Angus Estates Ltd (445204), Bett Homes Ltd (548523) and for James Keiller Estates (445203)); DG Coutts Associates for Morris Leslie Group (547625); Smiths Gore for Errol Park Estate (442871); Stewart Milne Homes (539251); and, GS Brown Construction (543112): propose deletion of the '*presumption against development in the Carse of Gowrie*' from Policy 5 Part C.

Andrew McCafferty for GD Strawson & J Farquharson (548151) and Stewart Milne Homes (539251) propose deletion of Policy 5 Part C altogether.

B. Areas North and East of Dundee

Karen Clark for Discovery Homes (346689) proposes modifications to provide specific guidance for urban fringe areas around Dundee with a focus on making best use of brownfield land within the urban fringe areas.

Emac Planning for M Batchelor (B) (548360): No proposed modifications identified.

Summary of responses (including reasons) by Planning Authority:

RESPONSE TO REPRESENTATIONS SEEKING A CHANGE

Proposed Plan's spatial strategy is covered in Policies 1, 3, 4, 5, 6 and 7. Policy 5 Part C expresses the how elements of Policy 1 Part A relating to development outside of Principal Settlements should be considered with regard to housing and the region's two core areas, also defined in Policy 1 Part A. The thinking behind Policy 5 Part C and relating to the wider approach in Policy 1 Part A is covered by Topic Paper 2: Growth Strategy (2011) (CL/Doc31) and in Topic Paper 6: Spatial Strategy (June 2011) (CL/Doc35) respectively. Related dimensions are also covered in Topic Paper 3: Resources and Climate Change (June 2011) Sections 5 and 7 (CL/Doc32).

The Proposed Plan responds to the requirements of sustainable development and recent trends of population leaving the principal settlements, particularly the Dundee Core Areas, for their surroundings. This is illustrated in the TAYplan Monitoring Statement (2010) Figure 5.4, Page 51 (017/SL/Doc14). As part of a strategy which recognises the roles of both quality of place and scale of development in the choices made by people within the housing market the Proposed Plan focuses development within principal settlements as the largest concentrations of people, jobs, services and infrastructure. This contributes to reducing the need to travel, increasing accessibility and protecting the countryside. However, in recognition that the countryside is a living and working place with needs of its own, Policy 1 Part A and Policy 5 Part C set out a framework to manage development, but do not prevent it. The Proposed Plan sets out locations where development, including housing, should and should not be and the quality that is expected. This provides clarity and certainty for users of the Plan.

OPERATING POLICY 5 PART C

Broughty Ferry Community Council (335193): The Dundee Core Area will be the focus for new development as a tier 1 principal settlement (Policy 1). The red Core Area in Policy 1 Map is not a 'free for all' for house building. The vast majority of the Dundee Core Area's housing development will be in Dundee City Council's part (610 per year) as set out in Policy 5 Part A Proposal 2. Clearly some of Dundee City Council's area will also be protected for open space, agriculture and other land uses as at present. This will be a matter for the Local Development Plan. The parts of the Dundee Core Area outside of Dundee City Council (Muirhead/Birkhill, Monifieth, Invergowrie and Tayport/Newport/Wormit) may accommodate a proportion of the house building rates for their respective housing market areas (also set out in Policy 5 Part A Proposal 2). It will be for Local Development Plans to determine how the house building rates in these housing market areas are shared between their parts of the Dundee Core Area, other principal settlements and any other settlements under Policies 1 Part A and 5 Part C.

EXPAND THE POLICY

Mr Ian Fowler (548055): A blanket growth proportion for small settlements may divert an inappropriate scale of development to locations which are not capable of supporting it. This would inadvertently undermine the locational and quality aspects of the Proposed Plan. The present approach is appropriate.

OPPOSE RESTRICTING HOUSING DEVELOPMENT TO PRINCIPAL SETTLEMENTS

- A. Carse of Gowrie; and,**
- B. Areas North and East of Dundee**

TMS Planning for (Campion Homes (546491), Mr James Thomson (345005), Mr Simon Wilson (345007), Mr Tim Esparon (345006) and Muir Homes Ltd (346675)); Emac Planning for (A&J Stephen (445201), Angus Estates Ltd (445204), Bett Homes Ltd (548523) and James Keiller Estates (445203); M Batchelor (B) (548360)); DG Coutts Associates for Morris Leslie Group (547625); Smiths Gore for Errol Park Estate (442871); GS Brown Construction (543112); Stewart Milne Homes (539251); Andrew McCafferty for GD Strawson & J Farquharson (548151); and, Karen Clark for Discovery Homes (346689): The TAYplan Monitoring Statement (2010) data for migration (Figure 5.4, Page 51) (017/SL/Doc14) shows that there has been a movement out of the region's principal settlements, particularly Dundee and Perth. Continuation of this does not reflect the Proposed Plan's vision and objectives, in particular those reflecting Scottish Planning Policy (2010) paragraphs 37 to 39 (017/SL/Doc21). These, amongst other things, seek a pattern of development which contributes to reducing carbon emissions in line with targets set out in the Climate Change (Scotland) Act 2009 Part 1 Sections 1 and 2 (017/SL/Doc16). These factors point towards focussing the majority of development within principal settlements to improve access and opportunities and to reduce travel demand and carbon emissions; as set out in Topic Paper 6: Spatial Strategy (June 2011) paragraph 5.12 (017/SL/Doc15).

Policy 1 Part A focuses most new development, including housing, in principal settlements and this is reflected by the distribution of house building amongst housing market areas in Policy 5 Part A/Proposal 2. However, there is also recognition of the need to balance protecting the countryside with supporting rural communities. As such, there is not a blanket restriction on development outside of principal settlements, Policy 1 Part A allows for some development in non-principal settlements and rural areas where it genuinely contributes to the objectives of the Plan and meets specific local needs or supports regeneration of the local economy. Local Development Plans will consider the appropriate scale and location of any development outside of principal settlements based on strategic and local policy considerations.

Policy 5 Part C clarifies this for housing development. The presumption against housing land releases in the areas surrounding the Dundee and Perth Core Areas, including the Carse of Gowrie, is not a blanket restriction on housing development as some have suggested. Instead it places the onus on developers/land owners to demonstrate that housing proposals would not prejudice the delivery of Strategic Development Areas or regeneration within the core areas or conflict with other parts of the Strategic Development Plan. However, given the parameters of Policy 1 Part A, the scale of any development in such locations will be small.

This approach helps to preserve the integrity of the Plan and its objectives whilst managing, rather than preventing, development. This approach continues one advocated in the Dundee and Angus Structure Plan (2002) (CL/Doc45) but in recognition that these issues apply in all locations surrounding (and in between) the two Core Areas. No alternative framework for urban fringes is necessary as Policy 5 and Policy 1 adequately consider these matters along with the parameters set out in Policies 2 and 3.

The Carse of Gowrie is specifically named in Policy 5 Part C because it forms part of the surroundings of both Core Areas and has a history of development pressure; due to its location between both Core Areas, fast road links to both and beyond, and its attractive setting. Proposed modifications to delete the whole of Policy 5 Part C, remove the 'Carse of Gowrie' or allow expansion of small settlements around Dundee and Perth Core Areas and/or major house building in the Carse of Gowrie are a recipe for increased travel demand, congestion and unsustainable development patterns focused in locations without an adequate service base to support it. There are also potential risks to future resilience given present and anticipated flood risk in the Carse of Gowrie highlighted in the Environmental Report (2010) Appendix F (017/SL/Doc18).

The Carse of Gowrie was explored as one of the spatial strategy options at Main Issues Report stage. TAYplan opted not to pursue this following the conclusions from the Environmental Report (2010) page 95 paragraph 7.37 (017/SL/Doc19). This concluded, following a series of different criteria that a strategy focussing development along the Carse of Gowrie was the least environmentally beneficial of the two spatial strategy options in the Main Issues Report (2010) (CL/Doc38. Similarly the TAYplan Monitoring Statement (2010), Figure 8.10, Page 142 (017/SL/Doc20) illustrates the relative inaccessibility by public transport of the Carse of Gowrie with Dundee and Perth city centres being 30 minutes to an hour or more by bus.

Policy 5 Part C is not negative or inconsistent as some suggest. Policies 1, 3, 4, 5, 6 and 7 collectively form a clear and strong spatial strategy explaining where development should and should not go, but with the flexibility to deal with variations in local circumstances. Policies 2 and 8 ensure that the location, design and layout of development leads to better quality places.

Andrew McCafferty for GD Strawson & J Farquharson (548151): Nowhere does Policy 5 Part C advocate deleting extant planning consents. However, if the Policy is approved by Scottish Ministers then proposals for new or lapsed consents would be considered based on the Strategic Development Plan.

Karen Clark for Discovery Homes (346689): An urban fringe policy would repeat Policy 1 and Policy 5 Part C which adequately cover land release outside of Core Areas. Promoting major land releases outside of the Dundee Core Area which does not meet the conditions set out in Policies 1 and 5 is contrary to the Proposed Plan and its objectives and would undermine other policies. It will be for Local Development Plans to identify any land to be allocated and for Local Authorities to decide whether or not circumstances warrant granting planning consent.

RESPONSE TO REPRESENTATIONS IN SUPPORT

Braes of the Carse Conservation Group (423150) and Montagu Evans for Inverarity Farms Ltd (443912): TAYplan welcomes the support for Policy 5 Part C as presently written.

CONCLUSIONS

Policy 5C brings consistency in applying this approach to the entirety of Dundee Core Area and its hinterland – previously the domain of three separate Structure Plans. Any strategy which explains where it expects to focus development must also explain where it does not. Policy 1 focuses development in principal settlements and recognises that other locations can have a role in accommodating some development provided that certain conditions are met. This is translated into the housing context in Policy 5C which provides clarity where otherwise it may not (even if some disagree with the outcome). The proposed modifications would lead to a clear failure to translate Policy 1 into Policy 5C and would lead to a higher proportion of development, particularly housing development, outside of the Core Areas in the surrounding countryside and small settlements. This would result in an unsustainable pattern of development and compromise regeneration objectives within the Core Areas undermining the intentions of Policy 1 and potentially of Policy 3. Other proposed modifications would repeat Proposed Plan policy or add superfluous text. Doing so would detract from Scottish Ministers expectations that ‘Strategic Development Plans are to be *‘concise visionary documents’* (Circular 1/2009 Page 4 Paragraph 14) (017/SL/Doc22). The approach set out is consistent with meeting the objectives of Scottish Planning Policy (2010) paragraphs 35 to 40 (017/SL/Doc21) and **Scottish Government (443918)** have sought no changes to this. Therefore TAYplan considers that all of the issues raised do not warrant any change to the Proposed Plan (June 2011) and propose that the elements dealt with in this Schedule 4 Summary of Unresolved Issues remain as written and unchanged.

Reporter’s conclusions:
[Note: For DPEA use only]
Reporter’s recommendations:
[Note: For DPEA use only]

2. Copy of representations pertinent to this issue

3. Library of documents and extracts (less than 50 pages) referred to within representations and/or this Schedule