

TAYplan Strategic Development Plan Authority

Summary of Unresolved Issues (Schedule 4)

Issue Number 6: Policy 3: Managing TAYplan's Assets – General & Text

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		
Issue Number 6: Policy 3: Managing TAYplan's Assets – General & Text		
Development plan reference:	Page 12: Managing TAYplan's Assets Supporting Text Page 13: Policy 3 (Whole Policy)	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	Representation Reference
548169	DPP LLP for Shell UK Limited	PLAN444
445201	Emac Planning for A & J Stephen Limited	PLAN698
548522	Emac Planning for A & J Stephen Limited/Bett Homes Limited	PLAN743
445204	Emac Planning for Angus Estates Limited	PLAN612
548523	Emac Planning for Bett Homes Limited	PLAN766
445206	Emac Planning for J G Lang & Son	PLAN537
445203	Emac Planning for James Keiller Estates Limited	PLAN716
548383	Emac Planning for L Porter	PLAN566
548301	Emac Planning for M Batchelor (K)	PLAN520
548301	Emac Planning for M Batchelor (K)	PLAN521
445205	Emac Planning for Mr R Watson	PLAN511
548524	Emac Planning for Stewart Milne Homes	PLAN782
329236	Forth Ports PLC	PLAN678
539251	Stewart Milne Homes	PLAN325
Support as written		
ID Number	Person / Organisation	Representation Reference
419429	Auchterarder & District Community Council	PLAN82
337727	Colliers International for Gleneagles Hotel	PLAN55
445299	Inchture Area Community Council	PLAN802
442806	Loch Lomond and The Trossachs National Park Authority	PLAN103
547710	NHS Tayside	PLAN299
344939	Scottish Enterprise	PLAN425
548745	Scottish Wildlife Trust Angus & Dundee Members Centre	PLAN807
548745	Scottish Wildlife Trust Angus & Dundee Members Centre	PLAN805
441235	Tactran Regional Transport Partnership	PLAN122

Provision of the development plan to which the issue relates:

Relates to general points raised on Page 12 (Supporting Text) and Page 13 (Policy 3).

Planning Authority's summary of the representation(s):

SUMMARY OF REPRESENTATIONS SEEKING A CHANGE

Emac Planning (for A & J Stephen Limited (445201); A & J Stephen Limited / Bett Homes Limited (548522); Angus Estates Limited (445204); Bett Homes Limited (548523); James Keiller Estates Limited (445203); L Porter (548383); M Batchelor (K) (548301 – PLAN520); M Batchelor (K) (548301 – PLAN521); Mr R Watson (445205); J G Lang & Son (445206); Stewart Milne Homes (548524)); and Stewart Milne Homes (539251)

Six of the above respondents ***Emac Planning (for James Keiller Estates Limited (445203); M Batchelor (K) (548301 – PLAN520); M Batchelor (K) (548301 – PLAN521); Mr R Watson (445205); and J G Lang & Son (445206)*** have requested a modification to the second sentence of the second paragraph on Page 12 because it is felt the Action Programme does not identify how the Strategic Development Plan Authority will ensure deliverability of development infrastructure. The identification of this together with a lead role being taken by the Strategic Development Plan Authority is essential to the effective delivery of infrastructure within the Plan period, through public and private partnership where appropriate.

Five of the above respondents ***Emac Planning (for A & J Stephen Limited (445201); A & J Stephen Limited / Bett Homes Limited (548522); Angus Estates Limited (445204); Bett Homes Limited (548523); and Stewart Milne Homes (548524)*** have requested a modification to the final sentence of the fourth paragraph on Page 12 because it is felt the Action Programme does not identify how the Strategic Development Plan Authority intends to deliver development infrastructure. This is vital to ensure that development is delivered within the plan period and that a programme is in place which can be implemented and monitored. The insertion of the suggested sentence would reflect the importance of the Strategic Development Plan Authority's position in being able to co-ordinate deliverability in-association with the private sector where appropriate.

Forth Ports PLC (329236) have requested a modification to paragraph three on Page 12 as they consider that ports are occupied by cargo handling and manufacturing / industrial operations. The term port-related could therefore be interpreted in a restrictive manner, and it is important to promote economic growth opportunities in industry / manufacturing within Ports.

The respondent has also requested a modification to paragraph seven on Page 12 to note that managed realignment and habitat creation should be considered in the context of the overall economic development of the region, to minimise conflict between important species and habitats and economic growth areas. The respondent considers that there is potential to increase risk to economic development if habitat creation is encouraged in proximity to core development areas.

DPP LLP for Shell UK Limited (548169) have requested the inclusion of an appropriate strategic policy which recognises the importance of the existing oil and gas pipelines which run through the TAYplan area and that all new development is in accordance with the Health and Safety Executive's Planning Advice for Developments near Hazardous Installations (PADHI) Guidelines.

SUMMARY OF REPRESENTATIONS SUPPORTING AS WRITTEN

Auchterarder & District Community Council (419429); Loch Lomond and The Trossachs National Park Authority (442806); Scottish Wildlife Trust Angus & Dundee Members Centre (548745 - PLAN805); and Tactran (441235) have all expressed support for Policy 3 with ***Colliers International for Gleneagles Hotel (337727); NHS Tayside (547710); and Scottish Enterprise (344939)*** expressing support for sustainable economic growth / development.

Inchture Area Community Council (445299) and ***Scottish Wildlife Trust Angus & Dundee Members Centre (548745)*** have indicated their support for the intention of TAYplan to respect regional distinctiveness and scenic value, maintain the integrity of NATURA 2000 sites and to safeguard habitats, sensitive green spaces and wetlands.

Modifications sought by those submitting representations:

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

Emac Planning (for A & J Stephen Limited (445201); A & J Stephen Limited / Bett Homes Limited (548522); Angus Estates Limited (445204); and Bett Homes Limited (548523));

- *Page 12 states "It also requires the public and private sectors to work jointly to deliver infrastructure". It is considered that this sentence should be replaced by: "The SDPA will lead and co-ordinate the delivery of an infrastructure programme, through the proposed Action Programme and will encourage private and public partnership where appropriate."*

Emac Planning (for J G Lang & Son (445206); James Keiller Estates Limited (445203); L Porter (548383); M Batchelor (K) (548301 – PLAN520); M Batchelor (K) (548301 – PLAN521); Mr R Watson (445205); and Stewart Milne Homes (548524)):-

- *Page 12 states that "It also requires the public and private sectors to work jointly to deliver infrastructure". It is considered that this sentence should be replaced by: "The SDA will encourage private and public partnership where appropriate to deliver infrastructure. The SDA will take a proactive approach and through the Action Programme lead and co-ordinate the delivery of an infrastructure programme."*

Forth Ports PLC (329236):-

- *Paragraph 3 on page 12 should be amended, to add industrial as well as port-related uses.*
- *Paragraph 7 on page 12 should be altered to note that managed realignment and habitat creation should be considered in the context of the overall economic development of the region, to minimise conflict between important species and habitats and economic growth areas.*

DPP LLP for Shell UK Limited (548169):-

- *Need for Appropriate Pipeline Policy
Inclusion of an appropriate strategic policy which recognises the importance of the existing oil and gas pipelines which run through the TAYPlan area and that all new development is in accordance with the HSE PADHI Guidelines.*

Summary of responses (including reasons) by Planning Authority:

RESPONSES TO REPRESENTATIONS SEEKING A CHANGE

Emac Planning (for A & J Stephen Limited (445201); A & J Stephen Limited / Bett Homes Limited (548522); Angus Estates Limited (445204); Bett Homes Limited (548523); J G Lang & Son (445206); James Keiller Estates Limited (445203); L Porter (548383); M Batchelor (K) (548301 – PLAN520); M Batchelor (K) (548301 – PLAN521); Mr R Watson (445205); Stewart Milne Homes (548524)); and Stewart Milne Homes (539251):- This is an issue relevant to the Action Programme rather than the Proposed itself. The Action Programme (CL/Doc37) is there to detail how the Strategic Development Plan will be implemented. Such a change to the Strategic Development Plan text could restrict how the Action Programme is taken forward. Details of a delivery mechanism could be added to the Action Programme it is monitored and updated, and when such information is available. It is considered that the information provided in the deliverability/timing and lead partners/person responsible columns provide the information available to encourage joint working relationships at this stage in the Plan process.

This issue is dealt with in more detail in Schedule 4 titled: Issue number 7: Policy 8: Delivering the Strategic Development Plan.

Forth Ports PLC (329236):- It is considered that there is no requirement to modify the Proposed Plan to include the term 'industrial' as well as port-related uses. TAYplan considers that Dundee and Montrose Ports are different in terms of their scale and function and therefore a wider 'industrial' use would be inappropriate. TAYplan's Topic Paper 2 'Growth Strategy' (Page 19, Paragraph 7.16) (CL/Doc31) confirms the flexibility which currently exists and which may apply to other harbours if appropriate. This includes the aim to support freight, economic growth – specifically of the offshore renewable energy industry – and tourism.

In relation to the comment provided that the Proposed Plan should be modified in respect of the managed realignment and habitat creation etc., Policy 3 and the supporting text on Page 12 is consistent with national legislation on habitats (e.g. Nature Conservation (Scotland) Act 2004) (CL/Doc12). Given the ports are adjacent to Natura 2000 sites, it is considered such a change to the Proposed Plan could be inconsistent with national policy.

Although there is no specific reference to habitat creation within the Proposed Plan, Scottish Planning Policy (Page 26, Paragraph 126) (CL/Doc2). indicates that 'Planning authorities should take a broader approach to landscape and natural heritage than just conserving designated or protected sites and species, taking into account the ecosystems and natural processes in their area. A strategic approach to natural heritage in which wildlife sites and corridors, landscape features, watercourses, and areas of open space are linked together in integrated habitat networks can make an important contribution to the maintenance and enhancement of biodiversity and to allowing ecosystems and natural processes to adapt and respond to changes in the climate. Planning authorities should seek to prevent further fragmentation or isolation of habitats and identify opportunities to restore links which have been broken. Where possible, planning authorities should seek benefits for species and habitats from new development including the restoration of degraded habitats.'

The issue of habitat creation is a matter of detail for Local Development Plans or through further supplementary planning guidance to determine (including masterplans and/or development briefs) prior to implementing specific development proposals. In addition, habitat creation may also come through mitigation for planning applications. The text is consistent with Scottish Planning Policy (CL/Doc2). and other legislative requirements. Such a change to the text would be inconsistent. Neither Scottish Government nor Scottish Natural Heritage have sought changes to this text.

DPP LLP for Shell UK Limited (548169):- It is considered that there is no requirement to modify the Proposed Plan to include a strategic policy which recognises the importance of the existing oil and gas pipelines which run through the TAYplan area. The Proposed Plan is compliant with Scottish Planning Policy (CL/Doc2). and the Strategic Development Areas have been assessed against such infrastructure. It is a requirement for Local Development Plan to take account of major hazardous installations and the Proposed Plan does not require to repeat this. If it did so, and be repetitive in other policy areas, a short, concise and visionary Strategic Development Plan would not be possible (Planning Circular 1/2009: Development Planning, Page 4, Paragraph 14) (CL/Doc29). In addition, Policy 6: Energy and Waste Resource Management, Part C (Page 19) considers the effects of oil and gas pipeline exclusion zones. Issue 24 deals with this in more detail.

RESPONSE TO REPRESENTATIONS SUPPORTING AS WRITTEN

TAYplan welcomes the support for these issues.

CONCLUSION

This Policy is consistent with Scottish Planning Policy. TAYplan considers that the issues raised does not warrant any change to the Proposed Strategic Development 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