

## **Broughty Ferry Community Council**

### **Minute of Ordinary Meeting held in Broughty Ferry Library on 5<sup>th</sup> November 2019**

Meeting opened 7:00 pm

#### **1. Community Councillors Present:**

Stan Nutt (Chair), David Easson (Treasurer), Carolyn Forrester, Charlie Delaney, James Doig, Norma McGovern, Anna Robb, Joyce McIntosh, Fiona Lund

#### **In Attendance:**

Natalie Mackland

#### **Ex Officio:**

Bailie Derek Scott, Cllr Philip Scott

**Members of Public Present:** 7 members of the public present

#### **Apologies:**

Hugh Begg, John Watson (Planning Secretary), Adele McGrath, Jing Peng, PC Garrie Watson, PC Susan Morrison, Cllr Craig Duncan

Stan Nutt, chair, welcomed all to the meeting, a special welcome to new community councillors and members of the public in attendance and apologies were noted.

#### **2. Community Councillor Nominations – Confirmation**

Natalie confirmed that 18 nominations had been received within the nominations period, 2 had since been revoked and one nomination required advice to be taken and could not be confirmed at this meeting. This will be concluded in time for the December meeting. The names of 15 candidates, proposers and seconders were read aloud. Subject to confirming proof of residence for 2 not present, the 15 candidates were confirmed.

Names of community councillors are a matter of public record. Discussion required to confirm how best the Community Council ensures that community contact can be made.

Congratulations and thanks expressed to all.

A pack containing DCC scheme of operation, BFCC constitution, standing orders and code of conduct, info on office bearer roles and GDPR statement and member details forms were handed to each of community councillors present. All urged to familiarise themselves with the contents and to raise any queries directly with Natalie Mackland.

Natalie confirmed that she was reassured by the new interest in BFCC and is hopeful that the benefits of a strong community council will continue to be realised.

### 3. Operational Matters

Natalie shared information about the statutory nature of community councils, expectations in relation to process and behaviour and office bearer roles and encouraged all members to consider the need for training to help fulfil their position as community councillor. It was also suggested that time be dedicated to a session outwith the meeting cycle for community councillors to get to know each other, share skills and interests, consider priorities for involvement and collective action.

### 4. Minute of Previous Meeting

Agreed an accurate record, proposed by Carolyn Forrester, seconded by Jim Doig.

#### Matters Arising

Bailie Scott confirmed that the speed limit on Esplanade is 30 mph. Some suggestion from those present that Esplanade would benefit from a 20 mph limit, further suggestion that it be extended to Douglas Terrace. Bailie Scott reported that the Council is implementing 20 mph zones currently and agreed to ask City development to look at those suggested sites in due course.

Re traffic crossing wrong side of road on Claypotts Road, Bailie Scott confirmed that he explained concerns with local Police Scotland Officers and they have agreed to give it some attention.

Bailie Scott confirmed that he has made Tayside Contracts aware of the required road lining at Seafield Road, road lining requests are held until there is an adequate batch of work to ensure value for money.

### 5. Planning Report

Information from John Watson, current Planning Contact, circulated and reported below.

#### Planning Report 30<sup>th</sup> September – 1<sup>st</sup> November 2019

Of the 15 applications examined over this period one deserves attention and that is **19/00799/FULM** validated on the 14<sup>th</sup> October 2019 – **Residential development of 100 dwellings with associated infrastructure, landscaping, drainage and open space – Linlathen Village, Linlathen Road, Broughty Ferry, Dundee.**

The Dundee Local Development Plan (LDP) 2019 identifies site H46 north of the Arbroath Road as an Allocated Housing Site with an indicative capacity of 250 dwellings. The development of this site has a somewhat chequered history as minutes of past meetings of the Community Council record. Applications **12/00830/FULM** for 271 dwellings was withdrawn, **16/00392/FULM** for 150 dwellings was refused and **18/00115/FULM** for 150 dwellings was initially refused but granted on appeal by a Scottish Government Reporter earlier this year and that development has now started. It occupies the western proportion of the H46 site.

Broughty Ferry Community Council objected to each of these applications for reasons well documented at the time. The **16/00392/FULM** was deemed premature as the land had not been released for housing under the 2014 Local Development Plan and the decision to refuse was upheld by the Government Reporter because it was premature and for no other reason. Objections relating to provision of services, schools, medical, dental, car dependency etc., were considered by the planning authority and covered by conditions laid down in its recommendation for approval to the Development Committee in June 2018 and by the content of the 2019 LDP. When the 2019 LDP was adopted earlier this year, site H46, referred to earlier, was released for housing development so the current application for 100 dwellings will now bring the number of dwellings on the site to the indicative 250. The Community Council's historical reasons for objection may be seen to be mitigated within the Supplementary Guidance Developer Contributions included as part of the 2019 LDP.

Examination of the **Development Layout Plan – Phases 4 & 5 Proposed Residential Layout at Broughty Ferry**, dated 29/08/19, included in the documents supporting application **19/00799/FULM**, provides an early warning of the developer's future intention of creating a further residential development to the east of that now under consideration. The land to the east of site H46 has not been released for housing under the adopted 2019 LDP. However, if the developers past habit is anything to go by then it is possible that it may lodge a planning application to create a residential development to the east of site H46 in the current LDP during 2021 or 2022 in order to put pressure on the Authority to release land during the second 5 year period of the 2019 LDP which runs to 2029.

In the 2019 LDP, Policy 9: Housing Land Release, the final paragraph states: *Progress on the release of housing land will be monitored through the Action Programme and the annual Housing Land Audit. Where the annual Housing Land Audit identifies a shortfall in the effective 5-year land supply the Council will look to bring forward additional housing land with sites that have been allocated within the second 5 year period of the plan to be considered first.*

The 2019 LDP has identified site H46 as an Allocated Housing Site, presumably this became effective in February 2019 and the 5-year period will end in 2024. It is not clear which sites have been allocated within the second 5-year period but if sufficient pressure is brought to bear, land to the east of site H46 could be made available under Policy 9.

It has also been rumoured that land to the west of the Balmossie residential development to the north of Arbroath Road may be used to construct a large number of dwellings. Even though this land along with that to the east of site H46 are not allocated housing sites at this time, if that should ever be contemplated during or even after the end of the 2019 LDP, the implication of that happening raises issues much wider than those that have arisen in the past.

#### **Dundee Local Development Plan 2019 – Supplementary Guidance – Developer Contributions**

This document states that developer contributions are most likely to be sought for; education provision; road junction improvements and other off-site road works; public transport provision; healthcare facilities; waste facilities; open space improvements; green infrastructure and public art.

*The City-wide contributions required from all developments over £1m in construction value will be required to allocate 1% of construction costs for the inclusion of public art projects in a publicly assessable/visible place or places within the development.*

*Each 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 developments should contribute to the Dundee Green Network where appropriate and as determined by Council.*

*In particular; Eastern Dundee (Linlathen etc.). All allocated green field housing sites will be required to make a financial contribution towards enhancing educational 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 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 Path Network and green infrastructure.*

In the case of primary school provision, apart from the City-wide contribution, the site H46 developer will be required to make a contribution of £4,989.68 per house towards primary school provision, i.e., a total £1.248m. While on the surface the 2019 LDP requires the developer to make that contribution it will be factored into the selling price of each dwelling so it will not be a direct contribution from the margins of the developer but a one-off hidden cost to the buyer. This contribution amounts to a fraction of what primary school provision, never mind all other support services, would cost with the balance having to be found from the public purse. Given the state of local authority finances at this time this is an unacceptable additional burden.

The Supplementary Guidance – Developer Contributions where it refers to Eastern Dundee, leaves the door wide open to allow further greenfield housing land to be released during the second 5 year period of the 2019 LDP with the developer(s) only required to contribute in both land and finance, it make no mention of the other support services, such as medical and retail to name but two.

Since no mention is made of the *level* of developer contributions within the guidance the risk of a further huge future financial burden being placed upon the local authority for the provision of the services is very real and must be avoided. In future the developer must include education provision, and all other works, improvements, facilities etc., referred to in the Developer Contributions Guidance, in any planning application and be held wholly responsible for providing same, not by making a contribution but by meeting the whole cost of that provision.

To achieve this the Planning Authority will have to consider each FULM application in a much wider context than before. It may be that new planning legislation should be considered where developer contribution on a whole cost basis becomes mandatory.

It is understood that the content of this report cannot be taken as Broughty Ferry Community Council's opinion on behalf of its community without further discussion on the matter. It is recommended that a small working group, be set up to resolve BFCC's formal opinion on

developer contribution in the context of future FULM applications and report back with a recommendation of what formal opinion this Community Council should adopt. Its report to be presented early in 2020 for consideration.

John J Watson  
Planning Secretary  
1<sup>st</sup> November 2019

## **6. Licensing Report**

Stan Nutt (current licensing contact) reported no new notifications.

## **7. Treasurer's Report**

Although not on the agenda, David Easson (current Treasurer) shared a note of the BFCC account.

Currently £793.09 in the account available for administration purposes.

Total of £1407.50 including other specific fund

## **8. Matters Raised by Community Councilors**

Previously reported overgrown hedge at Abercromby Street has been cut back. Not a good job but sightlines are clear.

Report of a new street lighting column at Camperdown Street which is still not operational, leaving that area in darkness.

## **9. Contributions from Elected Members (ex- officio members)**

Although not on the agenda this month, Bailie Scott intimated had he had some updates and was invited to speak.

Bailie Scott

Bailie Scott mentioned that, as discussed at a previous community council meeting, he had put forward a historical theme for the naming of the streets in the new housing development at Balgillo Heights. After speaking to a local historian with ties to the fishing community families, he put forward names of vessels with a Broughty Ferry connection that were lost at sea. These were accepted by Dundee City Council. He advised the meeting what the names were and a provided a bit of background about them. The first two to be used will be Mona and Nimrod. In respect of the RNLB Mona he has asked the City Development Department to liaise with RNLB Broughty Ferry to come up with suitable commemorative wording for the street name plate.

Following on from its consultation on the safe public use of fireworks the Scottish Government has set up a review group chaired by Alasdair Hay, the former chief officer of Scottish Fire and Rescue. It is due to report by summer 2020 and might well ask local groups such as the community council for an opinion.

Derek reminded the meeting of the local consultation that was carried out earlier in the year regarding a proposal to upgrade the coastal cycle and footpath

through Broughty Ferry and to improve road crossing points on the main routes between residential areas and the coast. A design option has been prepared and the council will be engaging with local people to get feedback, including the community council. Nat advised that this would happen at December's meeting.

The Transport Bill has completed its passage through the Scottish Parliament and the legislation will make it illegal to park on pavements unless the council has created an exemption order for that pavement. Enforcement will be undertaken by the council's parking attendants. The Scottish Government wants a single date for the ban on pavement parking to come into force across Scotland and this will be in early 2021. The council will be preparing a scheme of operation and exemption and it might well be that the community council will be asked for a view on it.

Derek welcomed that action was being taken by Network Rail to deal with the water ingress at the pedestrian railway underpass in Gray Street, something he has been highlighting for a while. Listed building consent has been given to inject a gel resin behind the existing brickwork that will direct the water away from the surface of the walls and ceilings and redirected to weep holes under the existing false floor. When the project commences the work will be done overnight midweek. On completion the underpass should receive a deep clean.

Councillor Philip Scott

Councillor Scott confirmed that works to replace the balustrade at Pilot Pier is imminent and will be complete within the next few weeks.

Policy & Resources Committee recently approved £160,000 for a new accommodation unit and storage at Barnhill Rock Gardens.

## **10. AOCB**

The opportunity was offered to new community councilors to raise queries and share thoughts about their future role and involvement.

Stan was asked if BFCC licensing notifications also dealt with taxi licensing – no, licensed premises, betting shops body tattooing and piercing.

Concern shared about the general condition of roads across the ward, patching is particularly poor. Specific mention of Balgillo area, esp Menteith Street. Cllr Scott to confirm this is on the capital programme.

Query raised about traffic build up at East Balgillo Road which is expected to worsen as additional homes are built north of the A92. It was reported that DCC are aware of this but a wider/regional solution is required to address this.

Concern raised about impact of green recycling charge on older people in particular.

A question about contact and developing links with young people in the Ferry was asked. Limited contact in recent times although Natalie is happy to work with individual community councilors to take that forward.

A number of individuals said they struggled with the acoustics of the room and the layout didn't help. Agreed next month to trial a horse-shoe layout.

Neil Cooney encouraged new community councilors to attend the Local Community Planning Partnership (LCPP) which next meets on Thursday 28 November at 5:30pm in Broughty Ferry Library. The LCPP is a great network for connecting with DCC and partner agencies who have a Ferry remit and is a valuable forum which can help participants/attendees understand the local and city wide community planning picture.

Publicising BFCC meetings was discussed. Posters are available to take and advertise. Fiona Lund and Natalie Mackland to establish a process to share on Our Broughty Ferry Facebook page.

Natalie reported that the Broughty Ferry Traders Association Christmas light switch on will take place Thursday 14 November from 5:45pm.

**The next meeting of Broughty Ferry Community Council will be held on Tuesday 3<sup>rd</sup> December at 7 pm in Broughty Ferry Library.**