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Planning Secretary  
39 Elie Avenue  
Broughty Ferry  
Dundee DD5 3SF

**Planning Application 20/00534/FULL – New shared foot/cycleway – The Esplanade,  
Broughty Ferry, Dundee. – The Community Councils View.**

**Introduction**

This application was validated by the Planning and Economic Development Department of Dundee City Council on the 28<sup>th</sup> August 2020. Covid restrictions limited the scope of consultation by the planning secretary when investigating what the community's view on the application might be. It was established early that the application was much wider than its heading suggested and after immediate examination of the detail it was concluded that Broughty Ferry Community Council (BFCC), while supporting the principle of the development, required greater clarity on issues relating to car parking and traffic management before it could provide an opinion. In its letter to the Case Officer dated 15<sup>th</sup> September it provided its *preliminary view* that the application be withdrawn to allow greater clarity to be provided to the two issues concerning BFCC.

Craig Swankie  
Planning Officer  
Dundee City Council  
50 North Lindsay Street  
Dundee  
DD1 1LS

15<sup>th</sup> September 2020

Dear Craig Swankie,

**20/00534/FULL – The Esplanade, Broughty Ferry, Dundee  
New shared foot/cycle way**

Broughty Ferry Community Council welcome the principle of the proposed development and suggest that it has a much wider application than its title suggests. It is unhappy that in these times of Covid restrictions consultation schedules do not allow those consulted time to provide the authority with proper opinions. The application was validated on Friday 28<sup>th</sup> August and was made

public during that same day. The Neighbourhood Consultation letter is dated the same day but would not have been received by those involved before 31st August to 2<sup>nd</sup> September. With an expiry date of Friday 18<sup>th</sup> September and many to be consulted in that regard the expiry date, although dictated by a legal framework, is considered to be unreasonably short and cannot be construed as providing the opportunity for the broader community to have a proper say.

The *Design & Conservation Statement* is most useful and provides an overview of what the proposal hopes to achieve. However, its focus is entirely on the subject matter and ignores the need to provide clarity on vehicular traffic management and car parking in the whole area. This is important to the whole community but particularly to the residents of the properties adjacent to the proposed development. The current on-street parking enjoyed by some residents, in the absence of greater clarity, appears to be at risk. The current south west bound traffic flow from Brook Street to the south east and south west of Windmill Gardens will no longer be possible but there is no information in any of the supporting documents on how this flow will be managed in future. For example, Castle Lane is currently one-way traffic north west to south east with on-street parking used by the residents of that lane. Drawing L(90)01 notes the junction Castle Street/Castle Lane will be subject to 'New Road Layout & Designated Cycle Path around Windmill Gardens'. The drawing also shows Castle Lane retaining the existing footway paths. How traffic is to be managed in this area is therefore an open question because it is likely if Castle Lane was to become a two-way traffic system it would need to be justified on health and safety grounds.

Drawing number 18641/064 states, *due to the reconfiguration of the road network approximately 90 spaces have been removed*. This is a stand-alone statement and needs to be clarified. It is a very large number and could have a direct impact on visitors to the area. It introduces the need for a why and where question to be answered to allow consultees to respond to the issue after due consideration.

**Broughty Ferry Community Council, while supporting the principle of the development, requests that this application be WITHDRAWN to allow greater clarity to be provided to the points aforementioned in this its *preliminary* view of the application.**

It realises that its request may be at variance with what is provided in planning law when dealing with such an application in requesting that it be withdrawn. However, the documentation provided in support of the application does not allow BFCC to clearly decide on behalf of its community whether it should support or object to the proposal as it currently stands. It has no wish to provide any impediment to the eventual success of the project but it has an obligation to express its whole community's view properly. Its request, whether or not it is supported in planning law, should be considered as reasonable in the circumstances since it reflects BFCC's opinion on the matter.

## **Consultation**

A paper written by the planning secretary dated 21<sup>st</sup> September containing observations to assist BFCC reach a decision on its view of the application was circulated among members.

The Case Officer acknowledged the receipt of BFCC's *preliminary* view dated 15<sup>th</sup> September as its representative comments and facilitated a meeting between the applicant, other stakeholders and BFCC to discuss its concerns. This meeting took place on the 28<sup>th</sup> September and resulted in

the applicant agreeing to revisit the areas of concern voiced by BFCC. This enabled the planning secretary to provide the Case Officer with its formal *preliminary* view on the application dated 30<sup>th</sup> September 2020, which view was ratified by BFCC at its meeting on 6<sup>th</sup> October 2020.

Craig Swankie  
Planning Officer  
Dundee City Council  
50 North Lindsay Street  
Dundee  
DD1 1LS

30<sup>th</sup> September 2020

Dear Craig Swankie,

**20/00534/FULL – New shared foot/cycle way – The Esplanade, Broughty Ferry, Dundee.**

Our response of 15<sup>th</sup> September seeking the withdrawal of the above application is hereby cancelled.

After further consideration and with due regard to those within the community who have expressed opposition to this application, Broughty Ferry Community Council (BFCC) is mindful that it represents the interests of its whole community and is charged *to take such action in the interest of the community as appears to it to be desirable and practicable.*<sup>i</sup>

With that in mind, it focused its assessment on the object of the application, that is to construct a new foot/cycle way from Broughty Ferry to Monifieth which complements the Broughty Ferry Flood Protection Scheme currently under construction. It welcomes this long overdue investment which will improve Broughty Ferry's waterfront and provide residents and visitors alike with an attractive and safe environment for future generations to enjoy well-being activities. It also notes with gratitude that Sustrans has provided £8m to cover the cost, which spend should not be put at risk.

In its initial assessment BFCC provided its preliminary view that it supported the principle of the development but needed greater clarity on the two issues that precluded it from taking a definitive view. These were the reference to the loss of 90 on-street parking spaces to be removed and in relation to traffic management within the application boundary. However, after discussions with the stakeholders, it now takes the view that these two issues form part of the detail of the application which, in the final analysis, will fall within the remit of DDC's Roads and Transport Department to resolve and should not deter BFCC from providing its definitive view on the object of the application now.

### **Parking Spaces**

The approach to the provision of parking spaces in the detail of the application is that roadside parking should be removed from the south-east side of the Esplanade carriageway from a point

north east of the Glass Pavilion, south-west to near Panmure Street. Beyond this stretch of carriageway lies that part of Broughty Ferry Beach most frequented by locals and visitors during times of holidays, good weather and local events; car parking near the beach is one of the advantages provided. On a peak day evidence can show that very large numbers of cars can be parked along the Esplanade. Where are they going to go should the facility be removed? Residential car parking in surrounding streets is already at saturation point and this proposal could result in conflict that must be avoided. The carriageway is wide enough to allow an innovative approach to providing parking spaces on both sides of the carriageway with suitable passing places that would continue to allow a two-way traffic flow without interfering with the development of the proposed segregated foot/cycle way.

Another point to be considered when developing the thinking on parking spaces is the emergence of the inextricable link between the car and the cycle in that one is used to transport the other to places far from whence they came. Rather than the proposed foot/cycle way catering only for those in the near locality, its attraction will bring in users from further afield. The emergence of this expansion in leisure pursuits dictates that planners should be proactive in dealing with the needs of those involved. Increasing the spaces in the carpark north east of the Glass Pavilion from 40 to the original 80 as it was in the past would demonstrate that proactive approach while at the same time provide a reason to reduce on-street parking to the north east of the current entrance to that car park.

## **Traffic Management**

The approach to traffic management in the area of Windmill Gardens proposed in the application is that the foot/cycleway should be established with the least interference from vehicular traffic. This is influenced by the Scottish Government's Policy on Active Travel. However, the site lends itself to be developed according to a recently built Dutch Style roundabout in Cambridge, albeit in a mini version of that example. It caters for pedestrians, cyclists and vehicular traffic, cyclists and pedestrians given priority over vehicular traffic. The Windmill Gardens provides an island around which such a traffic management solution would be an ideal. The proposal that Mill Street in the vicinity of Windmill Gardens should cater for cyclists and pedestrians only and be altered to provide new featured seating and green space linking Castle Green with the Gardens is, by itself, attractive if vehicular traffic could be safely routed elsewhere. The question of Castle Lane being open to two-way traffic has been visited a number of times in the past according to two local residents who shared their response to the application under Neighbourhood Consultation with BFCC as follows:

*The new road lay-out which makes Castle Street/Castle Lane a two way system has been investigated more than once in the past and, to the best of our knowledge, was rejected variously because: (a) of the tortuous configuration of Castle Street/Castle Lane roadway in that vicinity; (b) the loss of parking spaces for adjacent houses which, because of the circumstance prevalent when many were built, cannot have alternative arrangements put in place without violating irrevocably the appearance of the Conservation Area; (c) the inadequate vehicle sight lines only remedied if the amenity of some properties to the north is infringed by removal of hedgerow facing north and/or partial demolition of the stone wall around Windmill Gardens in that vicinity.*

A simple rerouting of the proposed new shared path/cycle route through Castle Green Park at Mill Street to divert cyclists into a clockwise one-way route around the gardens via Castle Street and

Castle Lane should be actively considered. Equally, in order to facilitate a new traffic management system, Castle Street should be altered to one-way between Brook Street and its junction with Castle Lane where a left turn only into the clockwise traffic flow around Windmill Gardens would result. Castle Street between its junction with Mill Street and Castle Lane should be one-way following the clockwise traffic flow referred to. This proposal would allow both cyclists and vehicular traffic to flow in a controlled manner clockwise down south east and then north west along Mill Street. The proposed new seating and green landscaping linking Castle Green and Windmill Gardens should be revised to cater for an altered traffic management system.

### **Scottish Government Policy**

#### ***Promoting Sustainable Transport and Active Travel***

BFCC understands the constraints put upon the applicant, particularly in relation to the £8m provided by Sustrans to cover the cost of this project, that requires the applicant to demonstrate compliance with the object to increase active travel in the local and wider community.

### **View**

Broughty Ferry Community Council, having carefully considered its options regarding this application and, having regard to the substantial secured investment involved, provides its **preliminary view that it supports the application subject to the following conditions:**

- 1. That the proposal to remove 90 on-street parking spaces be deleted from the application.**
- 2. That the plans for the segregated foot/cycle way on the south east of the Esplanade carriageway from a point to the north east of the Glass Pavilion south west to Panmure Street be redrawn to include on-street parking on both sides of the carriageway between these two points using innovative means to maintain the two way traffic flow currently enjoyed.**
- 3. That the plans for the development of the area around Windmill Gardens be reconsidered to include the retention of a controlled vehicular traffic flow around the Gardens and the necessary segregation and movement priority of pedestrian and cycle traffic.**

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<sup>i</sup> BFCC Constitution. Section 3 (c)

### **Conclusion**

As a result of the meeting with the applicant and stakeholders on 28<sup>th</sup> September referred to earlier, the applicant attached an amended Proposed Parking Layout Plan to its application on 30<sup>th</sup> October, which satisfied BFCC's earlier concerns. It also provided an amended Conservation Design Statement along with an amended Proposed Castle Green Layout dated 4<sup>th</sup> November. However, the question of traffic management around Windmill Gardens remained unclear and the Case Officer facilitated a telephone discussion between the applicant and BFCC to resolve the matter. This discussion took place on the morning of 17<sup>th</sup> November 2020 when the content of the

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amended Proposed Parking Layout Plan was brought into further focus. It was explained that the traffic flow in Castle Street and Castle Lane would remain unaltered as would the existing vehicle accesses in Castle Street. The exit from the car park to the south east of Windmill Gardens would have no left turn into Castle Lane but traffic would be directed up the Esplanade to Brook Street and beyond. BFCC considered this to be a fair compromise regarding the traffic management around Windmill Gardens and sent the following letter to the Case Officer dated 17<sup>th</sup> November 2020.

Craig Swankie  
Planning Officer  
Dundee City Council  
50 North Lindsay Street  
Dundee  
DD1 1LS

17<sup>th</sup> November 2020

Dear Craig Swankie,

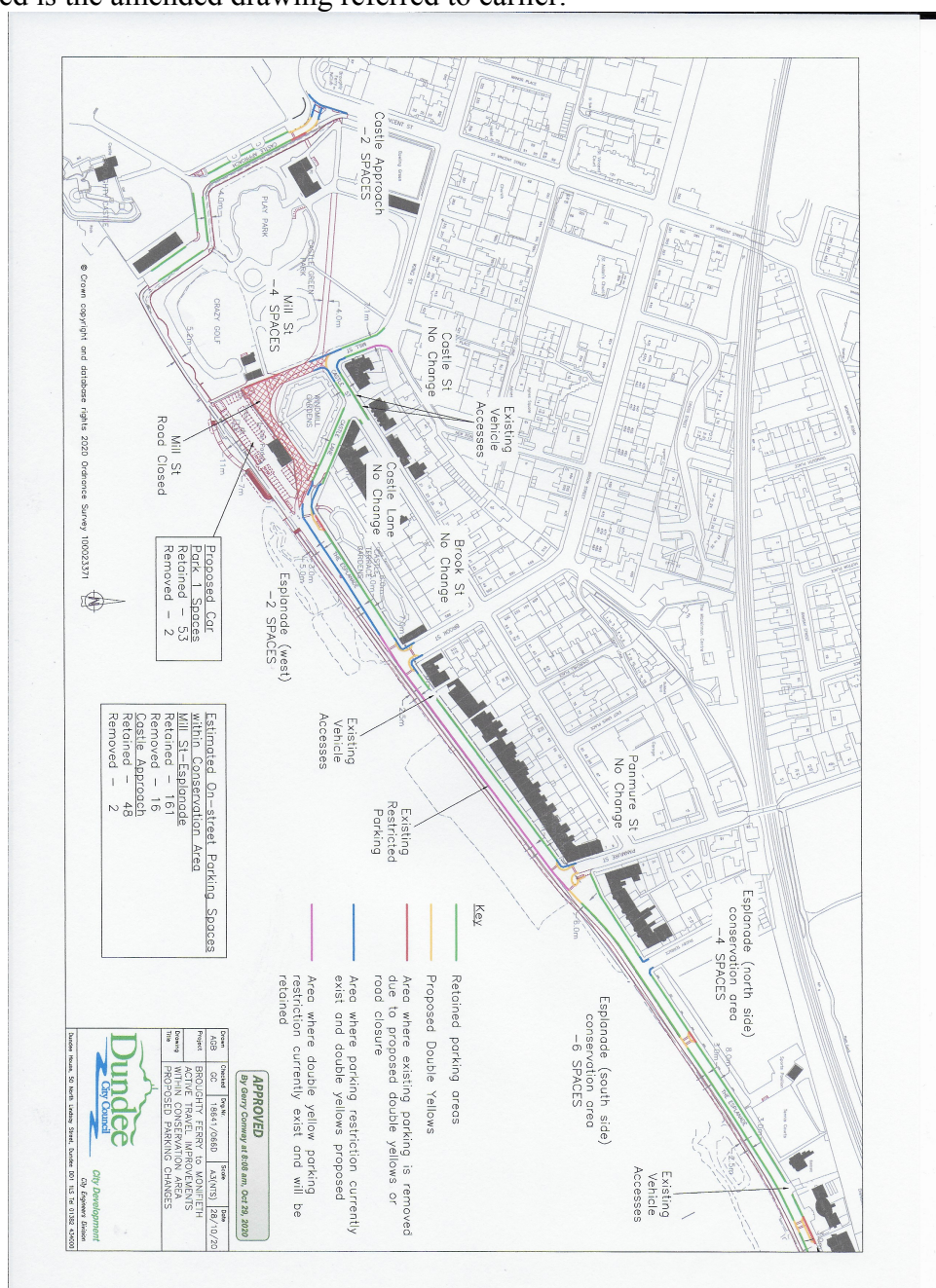
**20/00534/FULL – New shared foot/cycleway – The Esplanade, Broughty Ferry, Dundee.**

Broughty Ferry Community Council's (BFCC) preliminary view on the above application contained in its letter to you dated 30<sup>th</sup> September 2020, which view was ratified at its meeting of 6<sup>th</sup> October 2020, refers.

Previous to that letter, and arranged through your office, a meeting between BFCC, the Applicant's Agent, the Roads and Transport Department and Broughty Ferry Flood Prevention Scheme Manager was held at the latter's offices on 28<sup>th</sup> September when BFCC's concerns relating to the application were discussed. This led to a further document (drawing 18641/066D) dated 28/10/20 being presented by the applicant in support of the application. This drawing referred to new proposed parking changes within the Conservation Area and addressed BFCC's concerns with the original parking proposals to its satisfaction.

The matter of traffic management around Windmill Gardens remained an issue with BFCC. However, after a telephone discussion between BFCC and the Applicant's Agent, again arranged through your offices, at 11 am on Tuesday 17<sup>th</sup> November 2020, it was explained that after consideration the current traffic flow one-way in Castle Lane would remain unaltered as would the existing vehicle accesses in Castle Street. The exit from the car park to the south east of Windmill Gardens to the Esplanade would have no left turn into Castle Lane but traffic would be directed up the Esplanade to Brook Street and beyond. Drawing 18641/066D mentioned above does reflect this but may need to provide better clarity on the traffic flow than it currently demonstrates.

BFCC's concerns about traffic management around Windmill Gardens have therefore been mitigated and it is now content to support the closure of that section of Mill Street south east from Castle Street round Windmill Gardens to where it meets the junction of Castle Lane at the Esplanade.



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