

# Broughty Ferry Community Council

Minute of Ordinary Meeting held in Broughty Ferry Library on Tuesday  
6h February 2024.

Meeting opened at 7.00pm

## 1. Community Councillors Present

Neil Cooney (Chair) Doreen Phillips (Vice-Chair), James Doig (Secretary), John Watson (Planning Secretary), David Easson (Treasurer), Fiona Potton, Lorna Murray, Kenny Matheson, Isobel Mclean, Norma McGovern, Charlie Delaney.

### In Attendance

Nil

### Ex-Officio

Bailie Derek Scott.

### Apologies

Tara Javed, Stan Nutt, Chris Johnston, Doug McLaren, Christine Rea, Joanne Kelly, PC. Steven Wallace, Cllr Craig Duncan, Cllr Kevin Cordell, Cllr Pete Shears.

### Members of the Public Present

Eight members of the public were present.

## 2. Minute of Previous Meeting (5th December 2023)

The draft minute of 5th December 2023 was agreed as a true minute, proposed by Doreen Phillips seconded by Fiona Potton and agreed by the members present.

Lack of toilet facilities in central Broughty Ferry; discussions still ongoing ?.  
The Library toilet is considered unsuitable for general public use.

Joint Forum of Community Councils across Scotland. Update ?. Chair Neil intimated, Community Councils in Edinburgh and East Lothian shared information and highlighted the benefits of a collective forum across Scotland. To date, 77 Community Councils across Scotland have agreed to join the forum (with 2 being in Dundee). It is thought that as joining would be beneficial with shared information, facilities and meetings, members agreed to joining the Scotland forum.

New driving restrictions around Eastern Primary school. Update report available ?. John Berry indicated at the LCPP meeting; the restrictions seemed to be working well with no adverse comments. Some vehicles still using the roads during restriction times. Better signage is required at the Queen Street / Church Street junction as the present ones are mainly visible coming up Church Street from Brook Street. PC Steven Wallace to contact John Berry regarding the problem. Fisher's buses still sit in Claypotts Road with engines running when waiting for Grove Academy pupils.

Short Term Lets; It was agreed at the December meeting to invite a representative of the Planning Department to the March meeting to update members on the new regulations regarding 'short term lets.

**4. Chairs Report**

Nothing further to report, joint forum for Community Councils discussed in 2 above.

**5. Matters raised by Members of the Public (Previously intimated)**

Breach of planning; 26 Westfield Road, Broughty Ferry, received 5/2/2024.  
It was agreed to discuss this under Planning Report (8).

**6. Police Report**

Nil Report

**7. Secretary's Report (Previously Distributed)**

**Correspondence**

11/12 From Christine Rea; The Scottish Civic Trust – My Place Awards;  
Celebrate projects and people that work to improve places and communities in Scotland, in two categories;  
1. Community-led Projects, 2. Community Champions.  
Entries via the My Place Scotland website, deadline for entries is 14/01/2024.

13/12 From Craig Duncan, The NCN1 path including the Dighty Bridge will re-open to the public at 7am - 14/12/2023.

**8. Planning Report 4th December 2023 – 31st January 2024 (Previously Distributed)**

Of the 16 planning and 7 tree applications validated and examined during the above period, one required attention. Attention is also drawn to Dundee City Council initiating the second of two 8-week periods of public consultation on the proposed amendments to the **Councils Scheme for the Establishment of Community Councils** advertised in the local press on Monday 29th January 2024.

Letter sent to Planning Officer Craig Swankie 14/12/2023;

**[Planning Application 23/00789/FULM;** An initial examination of the above application indicates that this Community Councils **Preliminary** view will be to **Object to this application.**

Please consider this as a holding letter to allow its detailed response to be provided soon after the closure of comments date 4th January 2024].

Letter sent to Planning Officer Craig Swankie 8/1/2024;

**23/00789/FULM – Land to South of Linlathen Grove, Arbroath Road, Broughty Ferry, Dundee. [Residential Development with associated infrastructure and landscaping].**

BFCC understands that its response to this application is governed by its role as a mandatory consultee in land use planning matters, which, until February 2023, relied mainly upon its view of whether policies adopted in Dundee City Council's Local Development Plan 2019 as they impacted upon a local application were being satisfied. Regard too was had for the content of Tayplan 2017 and all the guidance notes available. Since 13th February 2023 this is no longer straightforward for the time being.

On the 11th January 2023 the Scottish Parliament approved its National Planning Framework 4 (NPF4). From 13th February 2023, having been adopted and published by Scottish Ministers, NPF4 will now form part of the statutory development plan, along with the Local Development Plan (LDP) applicable to the area at that time and its supplementary guidance. This information is contained in correspondence from the Chief Planner published on 8th February 2023 – *Transitional arrangements for National Planning Framework 4*.

Among the arrangements Tayplan 2017 and its associated guidance will cease to have an effect and will no longer be part of the development plan. LDP's already adopted (Dundee's was adopted in 2019) will continue to be part of the development plan and land allocations will be maintained.

Whether an LDP has been adopted prior to or after the adoption and publication of NPF4, legislation states that in the event of any incompatibility between a provision of NPF and a provision of an LDP, whichever of them is the later in date is to prevail. The Planning Secretary opines that this arrangement would appear to provide an opportunity whereby some content of a current LDP could be amended by a provision of the NDP and reduce local power of control to provide advantage to a developer for example in regards to land use.

Dundee City Council is in the process of reviewing its LDP with particular emphasis on the content of NPF4. The result will be a 'new style' LDP that is likely to be adopted during quarter 4 of 2028.

The foregoing is for the benefit of members of BFCC and contains reference to selective but not all the *Transitional Arrangements* referred to earlier.

In regards to planning application **23/00789/FULM** now before BFCC for its consideration, it includes an area of ground that was subject to two separate planning applications during 2020. Each application was refused and the decisions upheld by Reporter after appeals to the Scottish Government. While **23/00789/FULM** must be treated as a separate issue, BFCC find it useful to revisit the Scottish Government Reporter's overall conclusions when upholding the decisions as it leans to the opinion that they may have an impact upon its ultimate view of **23/00789/FULM**.

**20/00823/FULL – Development of 16 dwellings with associated infrastructure, Former Walled Garden, Linlathen Grove, Broughty Ferry, Dundee.**

*'It conflicts with LDP policies 31 (Development within the open countryside. Ed.) and 54 (Safe and sustainable Transport. Ed.), and their objectives, lie in the stimulus that – primarily as a result of its location in relation to the facilities for everyday life – the project would give an additional car travel. That runs counter to the fundamental thrust of the development plan. There would be conflict, too, with LDP policy 9 (Housing and land release. Ed.). I have some concerns, also, about the operation of the Balgillo roundabout.*

*The project would be located on land not allocated for housing development in the LDP. That is a vital difference from the ongoing Balgillo Heights development. Nothing has been put to me to indicate a need for the houses proposed as a result of any general deficiency in land supply.'*

**20/00824/FULL – Development of 16 dwellings with associated infrastructure  
Land to North of 1 – 19 Linlathen Grove, Broughty Ferry, Dundee**

*‘.. It conflicts with the LDP policies 31 and 34 and/or their objectives, lie in the stimulus that – primarily as a result of its location in relation to the facilities of everyday life – the project will give an additional car travel. This runs counter to the fundamental thrust of the development plan. I have some concern, also, about the operation of the Balgillo roundabout.’*

*‘The project would be located on land not allocated for housing development. Nothing has been put to me to indicate and need for the houses proposed as a result of any general deficiency in land supply.’*

The two main negative factors contained in the Reporter’s overall conclusions common to both proposed developments were;

Additional car travel

Located on land not allocated in the current LDP for housing development

Returning to application **23/00789/FULM**. The site of the proposed development includes land with historic planning permission, land within that included in the LDP for housing development and land not allocated for housing development. The proposed 38 dwellings would create additional car travel and some are located in land not allocated in the current LDP for housing development. These two factors alone would tend to provide reasonable cause to object if the criteria upon which this application is to be considered is the same as that of the 2020 applications referred to earlier. It is not.

The adoption of NPF4 in 2023 and the result of the review of the current LDP will impact upon BFCC’s consideration of this application. That land not allocated for housing within the current LDP could be considered derelict and therefore sympathetic to development under NPF4, provides an example of the dilemma faced. The evidence provided by the applicant of the intended operation of a bus service by Stagecoach to the Balgillo Heights development could, to an extent, mitigate additional car travel. However, it is noted that a legal agreement was being prepared in October 2023 but no public announcement has been made of the start of the service since then.

BFCC after due consideration feel unable to justify its **preliminary decision to object to the application** contained in its response to the Case Officer dated 14th December 2023. It therefore withdraws that response.

**Members are asked to consider whether this response to the Case Officer should stand or otherwise.** Members unanimously agreed with the response.

Reply from Planning Officer Craig Swankie regarding;

**Residential development 23/00789/FULM – Land to South of Linlathen Grove.**

*[Thank you for your representation comments relating to the above development, received on 10<sup>th</sup> January 2024. Your letter has been copied to the Ward Members of the City Council; within whose area the development is proposed.*

*Consideration will be given to the valid points raised in your letter, when a written report and decision are made in respect of the application. It is possible to check the progress of the application and whether the application will be considered by the Development Management Committee or under delegated powers by contacting me on the above telephone number.*

*For full information about how the Council will process this application, whether it is likely to be one of the few applications determined by the Development Management Committee and if so how to request the opportunity to address the Committee can be found in the document 'Public Participation and Applications for Planning Permission on the Council's Website.'*

*You will be informed of the decision by the Council on this proposed development within 7-10 working days of a decision being made.*

*Should you require any further information or advice on the progress of the application please contact me at the office number].*

### **Dundee City Council Proposed Amendments to the Council's Scheme for the Establishment of Community Councils – Second Consultation.**

Members are reminded that BFCC provided a response to the first consultation that related to complaints procedures.

This second consultation relates to amendments proposed to the narrative of the Scheme over that adopted in 2010. Since the consultation was only announced at the end of January there has been no opportunity to examine the content of the proposed amended version. This will be done before the regular meeting in March with the result reported then.

**Planning Breach, 26 Westfield Road, Broughty Ferry;** Raised by members of the public, some of whom were in attendance. A number of breach of planning issues were highlighted including the height of the new structure and the demolition of the Victorian wall, all of which have been highlighted to the Planning Officer and Head of Planning, Gregor Hamilton. Planning Department have stated the department are looking into it and the site has been visited by enforcement officers.

A retrospective planning application may be applied for, but may not be automatically approved as objections are substantial.

Objections to the 2021 planning application were not deemed strong enough.

The Victorian wall had previously been rendered; members of the public present stated it had only been rendered on the south side. The building roof had been substantially raised beyond the agreed plan to enable an additional area for private use.

BFCC, note the objections and will inform the case officer of the meeting discussions and respond accordingly.

#### **9. Licensing Report.**

No Licence applications received.

#### **10. Public Relations Report**

No approaches to BFCC for comment.

#### **11. Treasurers Report (Previously distributed)**

Treasurer David Easson highlighted the Income & Expenditure Report for the period 6/4/2023 to 2/2/2024; (Income; grant from DCC £570.00. Expenditure; Living Streets, Scotways, Marine Conservation, Secretary Expenses; Total of £137.40).

(Admin A/C £963.05, BFCC own funds £193.74, BFCC Beach fund £54.16, Special Projects £79.02, giving a Total Balance of £1289.97).

**12. Beach Management Report**

Meeting held in Castle Green; Some street lamp location highlighted previously to be moved. The harbour slipway was cleaned prior to the New Year Dook.

The proposed completion date for the Windmill car park is now March 2024.

The recent damaged sewage pipe is to be repaired.

New signs are to be installed in the Castle Green play park and there is concern that the new cycle route is being routed through the play park, especially where young children are concerned.

The Tay water quality is presently good with no problems.

**13. Matters Raised by Community Councillors**

A regular pedestrian on Nursery Road has complained regarding the overgrown leylandii, West of Campfield Square.

Items highlighted and noted were; street lights out in the Albany Road area, Fallen leaves & debris blocking gutters.

The article in today's Courier regarding cuts to services etc, Bailie Scott highlighted the savings required by DCC over the next year may lead to (The closing of Broughty Castle, the introduction of street parking charges in central Broughty Ferry, cuts to school crossing patrol officers, the closing of Charleston & Arthurstone Libraries which may have an effect on Broughty Ferry Library).

He has requested relevant information with regard to proposed cuts and will keep us informed.

**14. Contributions from Elected Members**

**Bailie Derek Scott's Report (Previously distributed)**

**Schools Streets;** At an earlier meeting I said I would provide an update from the Pupil Safety and School Parking Working Group regarding the schools streets scheme. The Sustainable Transport & Roads team are pausing the roll out of new school street zones in the short term and during 2024 will be focusing on the post-launch period, supporting the schools that already have the restrictions in place to achieve greater levels of community buy-in and improve compliance. Data will be shared when it becomes available. The scheme at Eastern has been well received by the school community.

**December 2023 train timetable changes;** The 16.20 train from Dundee to Broughty Ferry has been cancelled and the alternatives are now 15.27 or 17.25, with Carnoustie being prioritised for this afternoon slot. Overall, the connectivity from Broughty Ferry station has been improved with more direct trains to Perth, Glasgow, and Aberdeen. I raised the issue with the Council's transportation team and they were to be contacting Scotrail to ask that they review the 'two hour' gap that has been identified.

**Traffic Camphill Road;** I was asked by residents if the section of Camphill Road between Gray Street and Queen Street could be made one way in the interests of road safety. I received the following response from the council's traffic team: 'Camphill Road has been considered in the past and the reason it was not taken forward was that existing speeds were already low at about 20mph and to change to a one-way system would likely increase speed as drivers would know that there are no vehicles travelling in the opposite direction. The traffic patterns in the area would

also change and traffic would re-route to other roads to adjust to the new arrangements and therefore traffic volumes may increase elsewhere. The accidents records reveal that there are no injury accidents in the last 5 years on this section of Camphill Road. This indicates that the current arrangements for Camphill Road is performing well in road safety terms. There are no plans to convert this road to a 'one-way.'

**Park issues;** The wet weather in December/January, which was persistent and long running, resulted in the build-up of groundwater to the extent that many city parks were showing evidence of considerable flooding and existing ponding issues at many locations was exacerbated, including Gillies Park, Orchar Park and the nature reserve. A temporary fix was attempted at Orchar Park, but it was unable to withstand the scale of the flooding so plans are being drawn up for a capital project to alleviate the problem, costed options are being looked at for Gillies Park and city engineers were investigating the issue of the nature reserve.

**Road repair;** A section of carriageway that has been brought to my attention by many residents is due to be resurfaced w/c 5 February. Abercromby Street between Hamilton Street and Panmure Terrace.

**St. Vincent Street;** Flooding again under the railway bridge at St. Vincent Street. I asked for the location to be cleared of leaves and debris which was actioned very quickly.

**No dogs signs;** I am often asked about the need for additional no dog signs at the Castle Green play area. The council was to be sourcing more robust fixings to see if it can prevent their repeated removal. These should be replaced presently.

**Winkie;** The information panel I requested has been installed.

**New Dighty Bridge;** Formal opening of the new Dighty Bridge, Sunday 3rd March 2024 from 11am, with a ribbon cutting ceremony on the bridge at midday.

#### **Cllr Craig Duncan's Report (Previously distributed)**

**Esplanade New Bins;** As mentioned in my report last December some residents had complained about the lack of bins on the new Esplanade immediately east of the castle and I am pleased to see that new bins have been installed as well as new benches.

**Overgrown Foliage;** I deal routinely with requests from residents to have foliage cut back which is obstructing access, hampering sightlines or simply looks untidy and such requests are usually dealt sooner or later for example, Rowanbank Gardens or the foliage which obstructs access to the handrail on Forthill rail bridge and I have also suggested that a new handrail be installed on the other side of the bridge rather than only the west side as is currently the case.

**Strathern Road / Fairfield Road Junction Safety Upgrades;** Substantial safety improvement works are due to commence here on 5th February and are expected to last around 3 weeks. The major feature will be to construct a “raised table” at the junction, plus signage which will hopefully encourage drivers to slow down and reduce the number of vehicle collisions at this spot, some of which I have personally witnessed the aftermath of broken glass etc.

**Orchar Park;** Welcome improvements have been taking place such as repainting the pavilion and cutting back low hanging branches but more is needed and above all, I continue to urge the council to at last see the pavilion and hopefully also its grounds positively repurposed.

**Linlathen Road Speeding Concerns;** I have received several expressions of concern from residents about speeding on this increasingly busy road which I have repeatedly taken up with the council which promises that Mobile Vehicle Activated Speed Warning Signs will be deployed soon and I hope this will make a positive impact.

**West Pitkerro Industrial Estate Fly Tipping;** Unfortunately, certain spots in this estate tend to attract fly tipping and I have as in previous years highlighted this anti-social activity to both the council and the police asking that appropriate measures be taken to clear up and hopefully identify and prosecute those responsible.

**15. AOCB**

Members of the public present, issued a paper at the meeting regarding Westfield Road Traffic Issues; (The background to the problem, including the damage to residents parked vehicles being damaged / written off by delivery lorries using the road out of Broughty Ferry with the aim of a consultation meeting with interested parties to discuss the options which may include calming measures and request supermarket lorries to avoid Westfield Road.

Possible solutions include the prohibition of Marks & Spencer lorries using an alternative route, via Church Street (which is wider), parking permits for residents, waiting restrictions etc). The paper has been distributed to BFCC, Ferry Ward Councillors, DCC, St Stephens & our lady of Good Council Churches, Marks & Spencer, M & S Delivery Company.

A Local Community Planning Partnership (LCPP) meeting is being held on Thursday 15th February 2024 at 6.00pm in Balmossie Fire Station to which members of the public can attend.

**Date of next meeting;**

**The next Ordinary Meeting will be held on Tuesday 5th March 2024 at 7.00pm in Broughty Ferry Library.**