

REPORT TO: CITY DEVELOPMENT COMMITTEE – 22 SEPTEMBER 2014

REPORT ON: DUNDEE LOCAL DEVELOPMENT PLAN SUPPLEMENTARY GUIDANCE ON DEVELOPER CONTRIBUTIONS

REPORT BY: DIRECTOR OF CITY DEVELOPMENT

REPORT NO: 329-2014

1 PURPOSE OF REPORT

- 1.1 This report summarises the representations received to the proposed Supplementary Guidance on Developer Contributions from the period of public consultation. It also seeks approval of the proposed modifications to the wording of the guidance in response to the representations.
- 1.2 The summary of issues raised and proposed modifications are attached as Appendix 1. Associated documents have been circulated to the Group Leaders, Bailie Scott, Councillor Macpherson and Bailie Borthwick.

2 RECOMMENDATION

- 2.1 It is recommended that the Committee:
- a notes the summary of the issues raised in the representations received to the proposed Supplementary Guidance. The response to these by the Council and approves the proposed modifications as set out in Appendix 1
 - b agrees to the adoption of the Supplementary Guidance following completion of the required pre-adoption procedures.
 - c remits the director of City Development to submit a copy of the proposed Supplementary Guidance to Scottish Ministers together with the relevant statements as required by the Town and Country Planning (Development Planning) (Scotland) Regulations 2008 notes the summary of the issues raised in the representations received to the proposed Supplementary Guidance and the response to these by the Council (Appendix 1);

3 FINANCIAL IMPLICATIONS

- 3.1 There are no financial implications arising from this report.

4 BACKGROUND

- 4.1 Reference is made to Item III – (Report 184-2014) to the City Development Committee on 21 April 2014, where it was agreed to issue the draft supplementary guidance document on Developer Contributions for public consultation.
- 4.2 Interested parties including other statutory bodies, private and public parties, community groups and the general public were invited to consult on the document which was made available to view from 12 May to 30 June 2014. Representations were received to the draft supplementary guidance from Historic Scotland, Homes for Scotland, Scottish Environment Protection Agency, Tactran, Scottish Water, Scottish Natural Heritage, Springfield Properties and Scottish Property Federation.
- 4.3 All of the respondents welcomed the provision of the proposed supplementary guidance on the subject of Developer Contributions. No changes to the guidance were requested from Historic Scotland. Some rewording of sections of the guidance and clarification of the document were requested from the other respondents. The points raised in the representations and the responses to these are set out in Appendix 1. The representations received have helped to clarify particular sections of the proposed guidance. Where

suggested changes have not been accepted the explanation for this has been provided. Where the requested amendments to the guidance have been accepted, the proposed modifications to the wording are set out in Appendix 1.

5 POLICY IMPLICATIONS

- 5.1 This Report has been screened for any policy implications in respect of Sustainability, Strategic Environmental Assessment, Anti-Poverty, Equality Impact Assessment and Risk Management. The major issues identified are.
- 5.2 Strategic Environmental Assessment (SEA) is a legal requirement under the Environmental Assessment (Scotland) Act 2005 that applies to all qualifying plans, programmes and strategies, including policies (PPS).
- 5.3 The matters presented in this report were considered under the Environmental Assessment (Scotland) Act 2005 and the required pre-determination screening has been undertaken under section 9 of the Act. The screening identified that the PPS will have no significant environmental effects and the SEA Gateway is in agreement. The SEA Determination Statement of Reasons has been circulated to the Lord Provost, Depute Lord Provost and all Group Secretaries.
- 5.4 A Habitats Regulations Appraisal in accordance with the Conservation (Natural Habitats) Regulations 1994, as amended requires that an Appropriate Assessment be undertaken where a land use plan is likely to have significant effects on a European Site (either alone or in combination with other plans or projects). The Developer Contributions Supplementary Guidance is concerned with the financial arrangements associated with development but does not in itself lead to development or other changes. It is therefore considered that the Supplementary Guidance will have no significant effect on any European Site. Accordingly Appropriate Assessment has not been undertaken during the preparation of the Supplementary Guidance

6 CONSULTATIONS

- 6.1 The Chief Executive, the Director of Corporate Services and Head of Democratic and Legal Services have been consulted and are in agreement with the contents of this report.

7 BACKGROUND PAPERS

- 7.1 None

Mike Galloway
Director of City Development

Gregor Hamilton
Head of Planning

GH/SP/EC

11 September 2014

Dundee City Council
Dundee House
Dundee

APPENDIX A**SUMMARY OF COMMENTS RECEIVED FROM CONSULTATION ON DRAFT SUPPLEMENTARY GUIDANCE ON DEVELOPER CONTRIBUTIONS**

Comment Received – Administrative Procedures
<p><u>Homes For Scotland</u></p> <p>Monitoring developer contributions (page 3). There should be a timescale for the spend of contributions rather than for it to be open ended or open to interpretation/challenge. It should also be set out that if developer contributions have not been spent within the requisite timescale, say 10 years, they will be returned to the developer with the appropriate interest.</p> <p><u>Springfield Properties</u></p> <p>Monitoring Development Contributions: Springfield Properties support the monitoring of developer contributions to assess how and when these are spent to ensure they meet the requirements identified as part of the development. However, we would wish the statement at the last sentence of this section reviewed to ensure that not only are the payments spent in a timely manner, that this manner is appropriate to the timescales associated with the project and if not they can be returned within an identifiable timescale.</p>
DCC Response
<p>The need for clarity on the monitoring and implementation of contributions is accepted. However, it is considered that this is more appropriately dealt with on a case by case basis and in agreement with the developer rather than setting specific timescales in the guidance.</p>
Action
<p>Page 3 – last paragraph. Delete last two sentences and replace with text to read: “The timings, monitoring of spend and any reimbursement clauses will be set out in obligations, agreements or conditions.”</p>
Comment Received – Administrative Procedures
<p><u>Springfield Properties</u></p> <p>Springfield Properties recognises and commends the Supplementary Guidance for actively encouraging pre-application discussion and early engagement.</p> <p><u>Scottish Property Federation</u></p> <p>Our members welcome this guidance which should go a long way to provide more certainty about the likely level of developer contributions that need to be taken into account in considering the viability of future development projects in Dundee.</p>
DCC Response
<p>Comment noted.</p>
Action
<p>No change.</p>
Comment Received – Administrative Procedures
<p><u>Springfield Properties</u></p> <p>Delivery Mechanisms: the recognition of the impact that the timing of obligations have on the viability of a project is paramount and Springfield Properties support this statement set out by Dundee City Council in the draft SG.</p>

DCC Response
Comment noted. The flexibility offered within the supplementary guidance with regard to phasing and timescales is viewed as a useful tool to permit the achievement of solutions which best fit the viability of developments balanced with the need to provide the right facilities at the right time.
Action
No change.

Comment Received – Administrative Procedures
<u>Scottish Property Federation</u> Members would appreciate some clarification on what is meant by the use of model obligations to speed up the process.
DCC Response
The use of the term model obligations refers to the use of standard formatting and wording of planning obligations. This approach has been used effectively in the past in dealing with developments that have similar requirements. This can assist in speeding up the process and reduce costs for all parties involved when preparing planning obligations.
Action
No change.

Comment Received – Qualifying Developments
<u>Homes For Scotland</u> There is no reason why the site which comes forward first for development, whether it be windfall or an LDP site, should be prevented from developing because infrastructure capacity is allocated to something else. It is our view that this indeed would not be legal. The very nature of a windfall site is that it is unexpected. However, it may be a far better site than an allocated LDP site and be able to come forward first contributing to the housing supply. To prevent it because of an artificial infrastructure constraint is considered bad planning and unreasonable. Page 4, third paragraph, the last sentence should be removed: “The development of a windfall site should not utilise infrastructure capacity required to enable an allocated Local Development Plan Site.”
DCC Response
It is recognised that windfall sites do contribute towards the housing land supply within Dundee and the Local Development Plan supports the development of such sites where they are considered acceptable in planning terms. Wording to be amended to clarify the intention of that statement.
Action
Page 4, third paragraph – delete last sentence and replace with text to read: “Windfall developments will require careful consideration and investigation to ensure they do not cause unacceptable impacts elsewhere nor prevent the delivery of the strategy of the Local Development Plan.”

Comment Received – Qualifying Developments
<p><u>Springfield Properties</u></p> <p>Concern about the treatment of windfall sites. These sites will not have been previously assessed, but could make contributions based on the requirement for the area they are in.</p> <p>In the Western Gateway. If windfall sites come forward for residential development, these would put additional pressure on the infrastructure (such as drainage, sewerage, Dykes of Gray Road and Swallow junction) that Springfield Properties would be funding to facilitate the land that we have under our control. If these sites are taken forward by Springfield Properties, then the windfall issue is less detrimental as Springfield Properties can take advantage of the upsized infrastructure and services in place as part of the initial proposals that we have funded. However, if these are developed by a third party, then they will be taking advantage of the services and infrastructure upsized and facilitated by Springfield Properties which would not be acceptable to us.</p> <p>Springfield Properties may wish to seek “windfall sites” at the Western Gateway and will have facilitated the infrastructure to support these. If further unplanned opportunities were to be acceptable in this area out-with the development plan process, we would wish to see the infrastructure protected for the longer term or at the very least, the financial investment that had been made for this purpose refunded, proportionately and accordingly.</p>
DCC Response
<p>If additional capacity is put in place, it would not be possible to protect that from acceptable windfall sites on the basis that there may be other future windfall sites brought forward by a specific developer. Future development may benefit from any capacity that exists beyond that required by the initial development without the necessity of making a financial contribution to it. There is no mechanism for reimbursing costs as it is assumed that, in accordance with Circular 3/2012, any past payments will have been necessary to make the developments acceptable in planning terms.</p>
Action
<p>No change.</p>
Comment Received – Qualifying Developments
<p><u>SEPA</u></p> <p>We take note of Section 3, “Qualifying Development”, which outlines what developer contributions are most likely to be sought. We would highlight that additional demands from new development on water supply and disposal of waste water may require the upgrade and extensions to existing infrastructure. The potential limited capacity of existing water treatment works and waste water treatment facilities can be detrimental to not just the water environment but the natural environment as a whole. As such we consider that greater recognition should be given in the SG that a requirement for contributions to both committed infrastructure and those currently under construction may be required.</p>
DCC Response
<p>Scottish Water in their comments to the supplementary guidance have not requested any alterations in this respect. They have also provided no indication that there are any limitations on existing water or drainage infrastructure that would require upgrades or extensions, beyond that which is currently planned.</p> <p>Developer contributions must meet the policy tests offered in circular 3/2012 and in line with the purpose of the supplementary guidance. It would not be appropriate to include requirements for developments to potentially contribute to possible future upgrading works.</p>
Action
<p>No change.</p>

Comment Received – Qualifying Developments
<p><u>SEPA</u></p> <p>Table 1, on page 4, provides an indicative list of what contributions would be required if development were to be approved in strategic locations across the area. There may be scope here to include reference to strategic drainage infrastructure (including SUDS) within the requirements; this may allow this strategic issue to be dealt with in a more holistic strategic manner prior to individual developments coming forward.</p> <p>Where it is identified that there may be opportunities for Dundee City Council to develop flood protection schemes that serve a dual purpose as regional SUDS facilities then this should be acknowledged within the SG as a potential requirement for developer contributions.</p>
DCC Response
<p>The supplementary guidance indicates that contributions to off-site SUDs may be required (Appendix: Green Network). The exact location of such facilities and their status as local or strategic is not a matter for consideration within the developer contributions Supplementary Guidance.</p> <p>Should the need for a strategic facility be identified, it is expected that this would be identified through the Local Development Plan or a Masterplan for an area. For clarity the statement within the Dundee Western Gateway referring to drainage facilities should be enhanced to include the flood prevention role of the SUDs scheme.</p>
Action
<p>Page 4, Contributions table: Include text to state “flood protection and drainage facilities” within the requirements for the Dundee Western Gateway.</p>

Comment Received – Qualifying Developments
<p><u>SNH</u></p> <p>The discussion of qualifying developments and the contributions required in section 3 (page 4) clearly identifies specific developments and situations in which contributions will be expected. However, we believe that some clarification would be useful in the list:</p> <p>For all areas – references to <i>connections and associated infrastructure</i> should include situations where the contribution is likely to be required for improvements to <i>existing</i> infrastructure.</p>
DCC Response
<p>All contributions should be directly related to, and a consequence of a proposed development. The information shown here is in summary form. The additional text is not considered necessary as the appendices set out in greater detail how such matters are to be addressed. As an example the Green Network appendix indicates “Provision of open space or equivalent contributions to upgrading existing open space such as community woodlands that serve the development area.”</p>
Action
<p>No change.</p>

Comment Received – Qualifying Developments
<p><u>SNH</u></p> <p>City-wide area – reference to ‘<i>all development should seek to encourage and promote active travel methods</i>’ should be amended to ‘<i>all development should seek to encourage and promote active travel, such as via Dundee’s multi-functional green network</i>’. This would further support the modal shift that Dundee City Council has supported in other documents, including the LDP Action Programme.</p>

DCC Response
Dundee City Council is promoting modal shift towards active travel in all forms and in all locations. To prioritise green networks within the context of a largely urban local authority may draw attention towards the provision of off-road and remote facilities at the expense of other valid options. Simple measures such as ensuring footways and road surfaces are built to a high quality standard may have benefit in an urban location for active travel methods.
Action
No change.

Comment Received – Qualifying Developments
<u>Springfield Properties</u> Springfield Properties offer their full support to the Council in not requiring contributions to affordable housing.
<u>Scottish Property Federation</u> The SPF welcomes the assessment of housing need, demand and affordability and the exemption of contributions from developers towards the provision of affordable housing.
DCC Response
Comment Noted
Action
No change.

Comment Received – Qualifying Developments
<u>Scottish Property Federation</u> In relation to qualifying developments, some members have suggested that private rented sector build to rent projects should also be exempt from most developer contributions to support their viability and enhance affordable housing.
DCC Response
The guidance makes provision to exempt Social Rented Housing from most but not all developer contributions. The guidance also states that the majority of new housing in Dundee will be on brownfield land which will be unlikely to require a significant level of developer contribution. It is not considered necessary or practical to exempt only certain private rented housing from the developer contributions required by the supplementary guidance.
Action
No change.

Comment Received – Qualifying Developments
<u>Springfield Properties</u> Springfield Properties questions why the list of items provided in the SG is suggested as not being exhaustive in its completeness, allowing the Council through pre application discussions to flush out any additional issues. The uncertainty that is built into the open ended nature of the statement does not take cognisance on the economic realities of development. Springfield Properties would wish to see the research published that underpins the guidance, in tandem with a comprehensive list of requirements for either individual developments or areas of the Council where these would be necessary. Unknown elements need to be eliminated as much as possible to facilitate the timeous build of new homes.

In determining where additional infrastructure capacity is required to enable development, it is stated that research was undertaken during the preparation of the LDP. It would be helpful if this was shared in the public domain to allow a full understanding of the evidence base from which the items are requested.

DCC Response

Dundee City Council is very supportive of the need to improve certainty in decision making. The listings shown in the table on page 4 are based on the information available at the time and the terms of the Local Development Plan.

Where developments are built in accordance with the Local Development Plan it would be reasonable to expect that no additional items would be required beyond that identified. The text will be amended to highlight and clarify the intention.

There are however factors which could influence change to the requirements for a site – for example, a developer proposing a larger number of houses than stated in the Local Development Plan. The Council would therefore need to reassess the implications of any such development to ensure that the requirements remain appropriate.

The preparation of a Local Development Plan involves input from a wide variety of sources including advice from Key Agencies as well as research and analysis undertaken directly by Dundee City Council.

Should a developer wish further clarification on the assessment of need for any specific item then Dundee City Council would be happy to make that information available during pre-application discussions.

Action

Page 4, paragraph 4 amended to read: “The following list is indicative of what contributions would be *required if development in accordance with the Local Development Plan* were to be approved in that location.”

Comment Received – Qualifying Developments

Springfield Properties

Springfield Properties are of the view that Green infrastructure/open space provision is fundamental to the functioning of any community and should be designed into development to create a sense of place and allow real opportunity for active transport and recreation. The SG should make clear that if these elements are appropriately designed into a scheme then contributions will not be sought over and above this, thus avoiding duplication of the payment for such items.

DCC Response

All developer contributions are required to meet the policy tests indicated in circular 3/2012 which ensures that contributions are directly related to, and a necessary consequence of a development.

Having open space provision within a development would normally be expected, and would usually offer the best opportunity to deliver quality of place. It is evident that due to the urban nature of Dundee, particularly with the development of brownfield sites that such on site provision is not always possible and that provision of or improvement to off site facilities may be required.

Action

No change.

Comment Received – Education ContributionsSpringfield Properties

Springfield Properties have long term aspirations for growth of the Western Gateway. High quality, local primary education is a priority. Springfield Properties would be required to pay £4,680 per new home built. We would question what the money will pay for as the SG states it will not be for maintenance, staffing or preschools. Is it to be assumed then the money is for additional facilities only to accommodate pupils at the relevant catchment school? If then this is the case and there is a different level of capacity at all the primary schools across the city, why would the level of requirement for each greenfield development be the same if they feed into different primary schools, some of which clearly have existing capacity?

DCC Response

The guidance does not impose the same requirement across all developments but is based on the capacity available in the catchment school and considers the options available which may require contributions from the developer. The guidance indicates where contributions are required, what the level of contribution would be and what it would cover.

Action

No change.

Comment Received – Education ContributionsHomes For Scotland

Appendices – Education Provision (page 8 and 9).

For reasons of clarity and transparency it would be beneficial to give the background to how the figures for both the “Primary Provision Costs” have been arrived at.

DCC Response

This figure is calculated based on actual construction costs of school accommodation completed within Dundee and a survey of the number of pupils resident in greenfield developments. Within Whitfield the figure is derived from the costs associated with Ballumbie Primary School. Text to be amended to clarify.

Action

Page 8, paragraph 4 to read: “The above figures reflect the costs of providing new school accommodation”. Page 9, footnote to Whitfield Brownfield Housing contribution table (level of contribution based on the costs of providing new school accommodation at Ballumbie Primary School”.

Comment Received – Education ContributionsHomes For Scotland

Exemptions from Education Contributions.

This section needs further clarification. Are all potential developments likely to be required to contribute to these additional items (sheltered housing and care homes; purpose built student housing)? What is the relationship between the development and the additional items? It is difficult to follow the logic of the relationship, and how detriment from a housing development is being mitigated through developer contributions to sheltered housing and care homes, or purpose built student housing.

Is it only that developments which are exempt from education contributions because they do not create the detriment/need which are to be required to contribute to these additional developer contributions? If so - why? We request this is removed as it does not conform to Circular 03/2012 (Planning Obligations and Good Neighbour Agreements) as it is currently written.

DCC Response
<p>The intention of the text is to highlight that developers of Sheltered Housing, Care Homes or student housing will not be required to contribute towards education provision as they are unlikely to generate new pupils and therefore create any demand for such services.</p> <p>The Guidance does not require new developments to contribute towards sheltered housing, care homes or student housing.</p> <p>Developers of Sheltered Housing, Care Homes and Student Housing may however be required to contribute to other items (eg road improvements) where these are necessary for that particular development to be acceptable in planning terms. This complies with the policy tests in Circular 03/2012 by ensuring contributions are related to the scale and nature of development proposed</p> <p>Text will be amended to improve the clarity of the statement.</p>
Action
<p>Page 9, last paragraph deleted and replaced with:</p> <p>“It is acknowledged that some housing developments are unlikely to create an additional demand for education, or that the demand created is so small as to be negligible. Accordingly, the development of sheltered housing, care homes and purpose built student accommodation will be exempt from providing financial contributions towards education provision.”</p>
Comment Received – Education Contributions
<p><u>Springfield Properties</u></p> <p>Springfield Properties support the Council’s position that there should be exemption from education contributions for certain house types. As well as sheltered housing and care homes, we suggest this is extended to in perpetuity later life housing and apartments which are an integral part of community development and life but do not contribute in bringing children to school.</p>
DCC Response
<p>Where a proposed development could demonstrate that there is no likelihood of children being present then it may be appropriate to apply that exemption and this could be explored through pre-application discussions. This is already covered by the policy tests in Circular 3/2012 which ensure that contributions relate to the nature and scale of proposed development.</p>
Action
<p>No change.</p>
Comment Received – Roads and Transportation Contributions
<p><u>Tactran</u></p> <p>Tactran broadly supports the approach proposed in the Consultation Draft Supplementary Guidance on Developer Contributions. It is requested that the Developer Contributions SG should include reference to the funding of strategic transport infrastructure including Park & Ride and the potential relocation of Invergowrie Station to Dundee West.</p>
DCC Response
<p>The broad support is welcomed.</p> <p>Planning Circular 3/2012 (Planning Obligations and Good Neighbour Agreements) requires that Obligations must “relate to the proposed development either as a direct consequence of the development or arising from the cumulative impact of development in the area”</p>

Whilst it is acknowledged that funding for strategic transport infrastructure is a valid consideration, it is unclear which specific developments within the Dundee City Council area should contribute towards Park & Ride or the relocation of Invergowrie Station as a result of a direct consequence or cumulative impact. It is noted that neither of the examples given have planning permission and therefore their inclusion in this Supplementary Guidance would be premature and not assist with offering the increased confidence to the development industry.

Action

No change.

Comment Received – Roads and Transportation Contributions

Springfield Properties

Active travel: Springfield Properties have been very mindful of designing in active travel to the parts of the Western Gateway that we are responsible for and this will be clearly evidenced through the TA that is submitted in support of the applications. It is our preference that such measures are incorporated within the proposal rather than contributions being sought to facilitate this, beyond borders, in the Western Gateway.

DCC Response

Whilst it would be the intention to incorporate measures within a development site it must be recognised that the influence of a development regardless of location can extend beyond its boundaries. Therefore it is considered appropriate to investigate the scale of off-site effects when determining a planning application.

Action

No change.

Comment Received – Roads and Transportation Contributions/Green Network Contributions

SNH

The subject area appendices for Roads and Transportation and Green Networks both include cycle routes. While these are respectively on-road and off-road, there is a strong relationship between them. Therefore, while it may be obvious that these should connect, we believe it would be useful to state this. The Green Network subject area is specific in requiring off-road routes to connect to core paths while the requirement in Roads and Transportation is for cycle routes. To align with policy principles at paragraph 189 of the revised Scottish Planning Policy (SPP) that *safe and convenient opportunities* are provided, we suggest that:

Reference to *Cycle routes and cycle parking facilities* on page 10 is amended to refer to *Cycle routes which connect with off-road, shared routes*. With cycle parking facilities identified as a separate bullet point as shown on page 11. Coupled with the approach to the role of the multi-functional green network outlined above, the explicit requirement that a genuinely connected network is created will make a significant contribution to the vision of Dundee as a place where quality of life makes it a first choice to live, work and visit.

DCC Response

The reference to cycle routes within the Roads and Transportation does not exclusively refer to on-road facilities. A cycle "route" can involve both on and off road facilities including core paths and may be formed by a mix of all of these. The choice of the most suitable provision in any particular case would therefore depend upon the nature and location of the development being proposed.

Similarly the items stated in the Appendix: Green Network are examples of typical items which may require to be considered and is not intended as an exhaustive list to be read in isolation.

SNH

The subject area appendices also include specific reference to pedestrians and walking routes. Page 11 *includes New off road cycle/walking routes to connect with existing core paths* as an item for which contributions may be sought. The recently published National Walking Strategy Let's Get Scotland Walking noted that issues such as quality of paths can act as a physical barrier to people walking more. We therefore suggest that:

The above item is amended to include reference to improvements, eg *New and/or improved off-road cycle/walking routes to connect with existing core paths*.

It is accepted that there is opportunity to alter the text to highlight further diversity in the range of solutions available to developments.

Action

Page 10. Bullet point list: change text to add the word paths to third bullet point (to read: Cycle routes/paths and cycle parking facilities).

Page 11. Bullet point list delete second bullet point and replace with "New and/or improved on or off road cycle/walking routes to connect with existing core paths".

Comment Received – Green Network Contributions**SEPA**

We are pleased to see the requirement that new development should contribute to the enhancement and connectivity of open space and habitats, where appropriate as part of the wider green network and hope that we can assist Dundee Council to develop this network. We would welcome the identification of "blue" network requirements in relation to watercourses as part of the green network strategy within this SG.

DCC Response

Support is noted.

Would confirm that the "blue network" is included within the definition of Green Network used by Dundee City Council. Guidance on the Green Network is currently under preparation and such detail is beyond the scope of this Supplementary Guidance.

Action

No change.

Comment Received – Public Art Contributions**Springfield Properties**

The requirement to allocate at least 1% of construction value for the inclusion of public art projects is excessive, particularly in the case of the Western Gateway where the initial housing of 600 alone would generate a substantial public art contribution. Springfield Properties are happy to accept that public art should, similar to open space and green networks, be a functional and integral part of the design for a proposal but to prescribe the value attached to it, at this scale is inappropriate. We suggest that the Council reviews this figures to reduce the value of the contribution or changes the wording to suggest that requirement is more design, and less financially, led.

DCC Response

The 1% contribution is set out as a requirement of Policy 7 (High Quality Design) of the adopted Local Development Plan. Supplementary Guidance does not seek to adjust any aspect of this policy.

The Council takes account of the need for a design-led approach when considering public art installations. There are occasions where an art installation has been provided at a level less than 1% due to design being a key deciding factor.

Action

No change.

Comment Received – General Comments

Historic Scotland

Welcomes the preparation of this supplementary guidance.

DCC Response

Noted.

Action

No change.

Comment Received – General Comments

Scottish Water

Financial contributions are defined within legislation in accordance with the Water Industry (Scotland) Act 2002, Scottish Water is required to meet the costs of providing strategic capacity required for new developments (Part 4 infrastructure) and Customers are required to meet the costs of providing additional local capacity (Part 2 and 3 infrastructure), subject to a reasonable cost contribution from Scottish Water.

Early discussions with Scottish Water will help to identify the extent of financial contributions required to connect to our network at the design technical audit stage.

DCC Response

Noted – whilst the supplementary guidance is specific to the requirements of Dundee City Council, it is accepted that there is value in highlighting that other approval mechanisms exist and may have an impact on development.

Action

Reference will be added in Section 2: Administrative Procedures to highlight that contributions may be required by other organisations.

Text added to state:

“This supplementary guidance refers to the activities of Dundee City Council only. Developers may require to make contact with other organisations such as Scottish Water to determine any cost implications associated with their requirements.”