

**ITEM No ...3.....**

**REPORT TO:** CITY DEVELOPMENT COMMITTEE – 9 DECEMBER 2019

**REPORT ON:** DUNDEE LOCAL DEVELOPMENT PLAN 2019, DRAFT SUPPLEMENTARY GUIDANCE: LOW AND ZERO CARBON TECHNOLOGY IN NEW DEVELOPMENT

**REPORT BY:** EXECUTIVE DIRECTOR OF CITY DEVELOPMENT

**REPORT NO:** 371-2019

**1 PURPOSE OF REPORT**

1.1 The purpose of the Report is to seek approval of the draft Supplementary Guidance document 'Low and Zero Carbon Technology in New Development' for consultation with interested parties, make alterations following completion of the consultation where these make no significant environment impact and to determine that a Strategic Environmental Assessment will not be undertaken.

**2 RECOMMENDATION**

2.1 It is recommended that the Committee:

- a approves the draft Supplementary Guidance 'Low and Zero Carbon Technology in New Development,' as attached at Appendix B;
- b remits the Executive Director of City Development to undertake a 6 week period of public consultation on the draft Supplementary Guidance and to report back to the Committee on the results of the consultation;
- c approves the Strategic Environmental Assessment screening summary report for the item of draft supplementary guidance, which concludes that the draft guidance document is unlikely to have any significant environmental effects;
- d remits the Executive Director of City Development to send a copy of the screening summary report to each of the Strategic Environmental Assessment consultation authorities;
- e remits the Executive Director of City Development to engage with the consultation authorities with a view to reaching an agreement that the item of draft supplementary guidance is unlikely to have significant environmental effects, and if agreed to make a determination to that effect;
- f if a determination is made remits the Executive Director of City Development to send copies of the determination and statement of reasons to the Strategic Environmental Assessment consultation authorities; and
- g if a determination is made remits the Executive Director of City Development to publish the determinations and any related statements of reasons on the Council's website and to make the public aware of the determination through an advertisement in a local newspaper.

**3 FINANCIAL IMPLICATIONS**

3.1 None.

**4 BACKGROUND**

4.1 The role of supplementary guidance is to provide additional detail on specialist subject areas to support the local development plan. The draft Supplementary Guidance on Low and Zero Carbon Technology in New Development has been written in support of Policy 48 (Low and Zero Carbon Technology in New Development) of the Dundee Local Development Plan 2019.

- 4.3 This requirement to produce Supplementary Guidance has arisen through the Local Development Plan examination process and is designed to reflect in general terms the council's statutory responsibility to meet the terms of section 3F of the Town and Country Planning (Scotland) Act 1997, which was added to the Act by Section 72 of the Climate Change (Scotland) Act 2009.
- 4.4 The purpose of the draft Supplementary Guidance is to meet Scottish Government requirements to establish a percentage contribution of carbon emissions reduction for new buildings which is attributable to low and zero carbon technology. Scottish Building Standards require that buildings are designed and constructed in such a way that the energy performance of the building is capable of reducing carbon dioxide emissions. To further reduce carbon emissions Local Development Plan Policy 48 requires that a proportion of the carbon emissions reduction standard will be met through the installation and operation of low and zero carbon generating technologies. This requirement may be met through incorporation of various existing or new technologies such as photovoltaic panels, ground source heat pumps and wind turbines.
- 4.5 Policy 48 does not set out what this proportion will be, instead it requires that it is set out in supplementary guidance and that the guidance will be kept under review to ensure the proportion of the carbon emissions reduction standard to be met by these technologies will increase over time. The percentage carbon emission reduction required by this draft Supplementary Guidance is 5%. This figure will be reviewed with every new edition of the Building Standards Technical Handbooks.
- 4.6 The draft Supplementary Guidance can be found via the following web link: [www.dundee.gov.uk/localdevplan](http://www.dundee.gov.uk/localdevplan) and is attached as Appendix B.
- 4.7 In preparing supplementary guidance there is the requirement for public consultation and referral of the draft guidance to Scottish Ministers. This report is seeking to bring forward the draft Supplementary Guidance for Low and Zero Carbon Technology in New Development for public consultation. A timescale showing the procedures required for adoption of Supplementary Guidance is attached as Appendix A.
- 4.8 In parallel to the preparation of the supplementary guidance the council is required to comply with the requirements and procedures of the Environmental Assessment (Scotland) Act 2005. The preliminary stage requires the council as the responsible authority to prepare a summary of its views as to whether or not the items of supplementary guidance are likely to have significant environmental effects.
- 4.9 A draft screening summary report has been prepared and published on the website via the following web link: <https://tinyurl.com/seascreening>
- 4.10 The procedures require the Council to send copies of the screening summary reports to each of the Strategic Environmental Assessment consultation authorities (e.g. SEPA, SNH) and allow them 28 days in which to respond.
- 4.11 If the Council and the consultation authorities agree that none of the draft items of supplementary guidance are likely to have significant environmental effects then the Council shall reach a determination to that effect.
- 4.12 The Council is then required to publicise this determination and a statement of reasons by publishing it on the website and advertising it in at least one local newspaper.
- 4.13 Should the Council and the consultation authorities not reach agreement then the matter will be referred to Scottish Ministers for their determination.

## 5 POLICY IMPLICATIONS

- 5.1 This report has been subject to an assessment of any impacts on Equality and Diversity, Fairness and Poverty, Environment and Corporate Risk. The major issues identified are;

a the 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; and

b 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 draft Supplementary Guidance will have no significant environmental effects.

## **6 CONSULTATIONS**

6.1 The Council Management Team were consulted in the preparation of this report.

## **7 BACKGROUND PAPERS**

7.1 None.

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27 November 2019



**APPENDIX A****SUPPLEMENTARY GUIDANCE – ADOPTION PROCESS**

| <b>Phase</b>                                    | <b>Activity</b>  | <b>Estimated Timescale</b>                     |
|---|--|--|
| Preparation of Draft Guidance                   | Prepare Draft.   | September-December 2019                        |
|   | Strategic Environmental Assessment screening requirements undertaken.  | October/December 2019                          |
|   | Draft Supplementary Guidance reported to City Development Committee.   | December 2019                                  |
| Consultation                                    | Commence period of public consultation on draft Supplementary Guidance, including key stakeholders.  | 16 December-31 January 2020                    |
| Preparation of finalised Supplementary Guidance | Prepare finalised Supplementary Guidance, taking account of responses received to the public consultation.   | February 2020                                  |
|   | Final Supplementary Guidance reported to City Development Committee together with a report on the outcome of public consultation.  | March 2020                                     |
| Adoption  | Dundee City Council submits the guidance to Scottish Ministers, together with a statement setting out the publicity measures undertaken, the comments received and an explanation of how these comments were taken into account. | Submit to Ministers March 2020                 |
|   | If no comments are received within 28 days of submission to Scottish Ministers, the guidance can be adopted as Supplementary Guidance and forms part of the Dundee Local Development Plan.                                       | 4 weeks after submission to Scottish Ministers |



**APPENDIX B****SUPPLEMENTARY GUIDANCE – LOW AND ZERO CARBON TECHNOLOGY IN NEW DEVELOPMENT**

Dundee City Council  
Dundee Local Development Plan 2019  
Supplementary Guidance  
Low and Zero Carbon Technology in New Development







## 1. Introduction

Scottish Building Standards are regularly reviewed through the Scottish Building Standards Handbooks to express increasing requirements for carbon reduction in new development. Local Authorities are required through Section 72 of the Climate Change (Scotland) Act 2009 to include Policies in the Local Development Plan that ensure a regularly increasing proportion of the carbon reduction savings required by Building Standards is met through the installation and operation of low and zero carbon technologies. In other words an increasing proportion of the increasing carbon savings should be through these technologies.

Dundee City Council has met the Act's requirements by adopting Policy 48 in the Dundee Local Development Plan 2019, as follows:

## 2. Policy 48: Low and Zero Carbon Technology in New Development.

Proposals for all new buildings will be required to demonstrate that a proportion of the carbon emissions reduction standard set by Scottish Building Standards will be met through the installation and operation of low and zero carbon generating technologies. The relevant Building Standards and percentage contribution required is set out in supplementary guidance. The supplementary guidance will be kept under review to ensure the proportion of the carbon emissions reduction standard to be met by these technologies will increase over time.

This requirement applies to all new buildings with the following exceptions:

1. Alterations and extensions to buildings.
2. Change of use or conversion of buildings.
3. Ancillary buildings that stand alone and cover an area less than 50 square metres.
4. Buildings which will not be heated or cooled, other than by heating provided solely for frost protection.
5. Buildings which have an intended life of less than two years.

A statement will be required to be submitted with an application for planning permission to demonstrate compliance with this requirement.

### 3. Percentage Contribution Requirement

The proportion of the carbon emissions reduction standard set by Scottish Building Standards Technical Handbooks, 2019, to be met through the installation and operation of low and zero carbon generating technologies will be 5% calculated on the basis of the approved design and plans for the specific development. Carbon emission targets are set out in section 6.1 of the building regulations technical handbook focusing on the reduction of carbon dioxide emissions arising from the use of heating, hot water, lighting, ventilation and cooling systems in a new dwelling. This proportion will be kept under review to ensure that the proportion of the standard to be met by these technologies will increase over time and in line with each new Building Standards Technical Handbook.

## 4. Low and Zero Carbon Generating Technology

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Installed low and zero carbon generating technologies cover a wide array of different types of equipment including: biomass, solar power, air source heat pumps, fuel cells, photovoltaics, combined heat and power, micro-hydro, ground source heat pumps, heat exchange recovery systems, micro-wind, water source heat pumps, geothermal, solar thermal, passive flue gas heat recovery devices and district heating. The equipment may be attached to the building or within the site boundary as shown on the planning application.

Applicants should consider how to meet the requirements of this guidance at an early stage of planning. It will be the responsibility of applicants to provide the necessary technical calculations in support of planning applications to demonstrate how the proposed development will satisfy the requirements of this guidance. It is recommended that the calculation method is agreed with the Building Standards Division prior to submission of proposals in order to avoid unnecessary delay in processing an application for planning permission. It is further recommended that applicants consider whether proposed works may affect the interests of other agencies such as Scottish Environment Agency, Scottish Natural Heritage or Historic Environment Scotland.

### Contact Details

Dundee City Council Planning Division  
For general advice and information, telephone 01382 433105 or  
email [development.management@dundeecity.gov.uk](mailto:development.management@dundeecity.gov.uk)

Website: <http://www.dundeecity.gov.uk/citydevelopment/planningdivision/>

| This information is made available in large print or in an alternative format that meets your needs. |  |
|--|--|
| <b>Chinese</b>   | 欲知詳情，請致電：01382 435825  |
| <b>Russian</b>   | Более подробную информацию можно получить позвонив по телефону: 01382 435825 |
| <b>Urdu</b>  | مزید معلومات کے لئے برائے مہربانی 01382 435825 پر فون کریں۔                  |
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