

Local Government and Communities Directorate  
Planning and Architecture Division



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Peter Wheelan  
Highland Council  
Development Plans

By Email:  
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Our ref: A22540286  
1 November 2018

Dear Peter

**TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997  
NOTICE OF INTENTION TO ADOPT SUPPLEMENTARY GUIDANCE –  
DEVELOPER CONTRIBUTIONS**

I refer to your correspondence of 16 August 2018 certifying notice of Highland Council's intention to adopt the above Supplementary Guidance.

Scottish Ministers give notice that the Supplementary Guidance 'Developer Contributions' may not be adopted until modifications specified in Annex A to this notice have been made.

These modifications are required to remove references to the payment of charges where there is no provision for making such charges. Charges in relation to the exercise of planning functions are set out in the current regulations made under section 252 of the Town and Country Planning (Scotland) Act 1997.

Yours sincerely

**Robin Campbell**  
**Senior Planner**

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## **ANNEX A – HIGHLAND COUNCIL - SUPPLEMENTARY GUIDANCE – DEVELOPER CONTRIBUTIONS**

### **MODIFICATIONS TO BE MADE**

#### **Paragraph 1.40**

*Following receipt, Viability Assessments require to be independently reviewed by the District Valuer Service (DVS) or an alternative independent third party advisor agreed by, and acting on behalf of, the Council. This is required to corroborate any commercial non-viability and this advisor shall be appointed by the Council ~~at the developer's expense.~~*

#### **Paragraph 2.21**

*Where new school sites have already been secured by the Council and land costs are therefore already known, these actual cost will be used to calculate proportionate developer contributions. In all other areas, the prevailing estimated land costs will apply. Where land values are disputed, external advice may be sought to undertake a review of land values. This independent third party advisor would be appointed by the Council ~~at the developer's expense.~~*

#### **Paragraph 3.29**

*Where Road Traffic Orders are required in order to facilitate development, the developer will be required to pay ~~the Council's administration costs in addition to~~ paying for the infrastructure to support the Order. This may include bollards, road markings and signage. ~~The cost per order is around £2,520 which must be paid regardless of whether the Order is successful or not.~~ The developer is also required to fund the costs associated with undertaking the works.*