



## **Catherine Wood - Strategic Planning & Land Director**

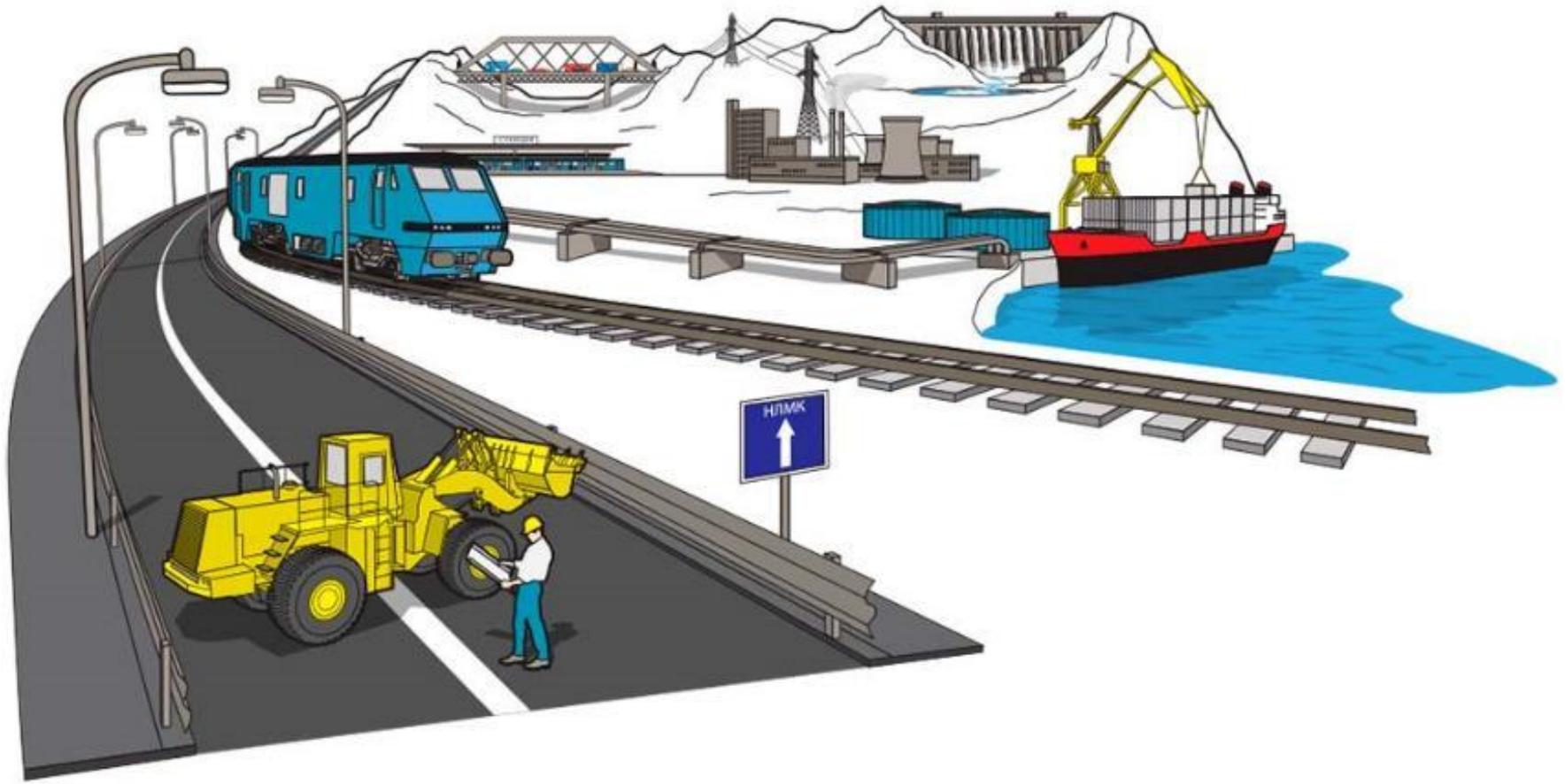
To what extent is there a relentless growth in obligations placed by local government on new development i.e. developer contributions. Is a consistent approach being applied?

The Planning etc. (Scotland) Act 2006 introduced ‘new’ s.75 –

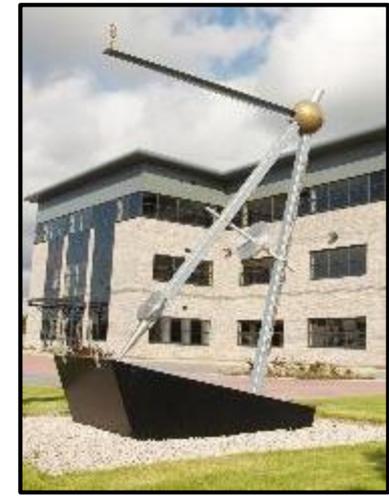
1. Power for person to enter into a planning obligation unilaterally
2. Procedure for modifying/ discharging planning obligations including the right of appeal to Ministers.

- Planning conditions v s.75
- Circular 3/2012 – where all 5 tests are satisfied
  1. Necessary
  2. Planning purpose
  3. Relationship to proposed development
  4. Scale and kind
  5. Reasonable in all other aspects

# National



# Regional/ Local



# Affordable Housing



# West Lothian



# West Lothian

Planning committee  
minded to approve

Section 75  
agreement signed

Planning permission  
issued

2013  
May

2014  
February

2014  
March

15%  
affordable  
homes

Cemeteries  
£3,045

Education  
£172,521

Public  
Art  
£14,060

**Total contribution = £189,626**

**87 homes (74 market / 13 affordable) in total = £2,180 per home**

# Edinburgh



# Edinburgh

DPEA Notice of  
Intention

Section 75 agreement  
signed – planning  
permission issued

2015  
July

2015  
August

2015  
September

2015  
October

2015  
November

2015  
December

Station  
improvements  
£44,000

Education  
£573,000

Crossroads/  
junction  
contributions  
£120,859

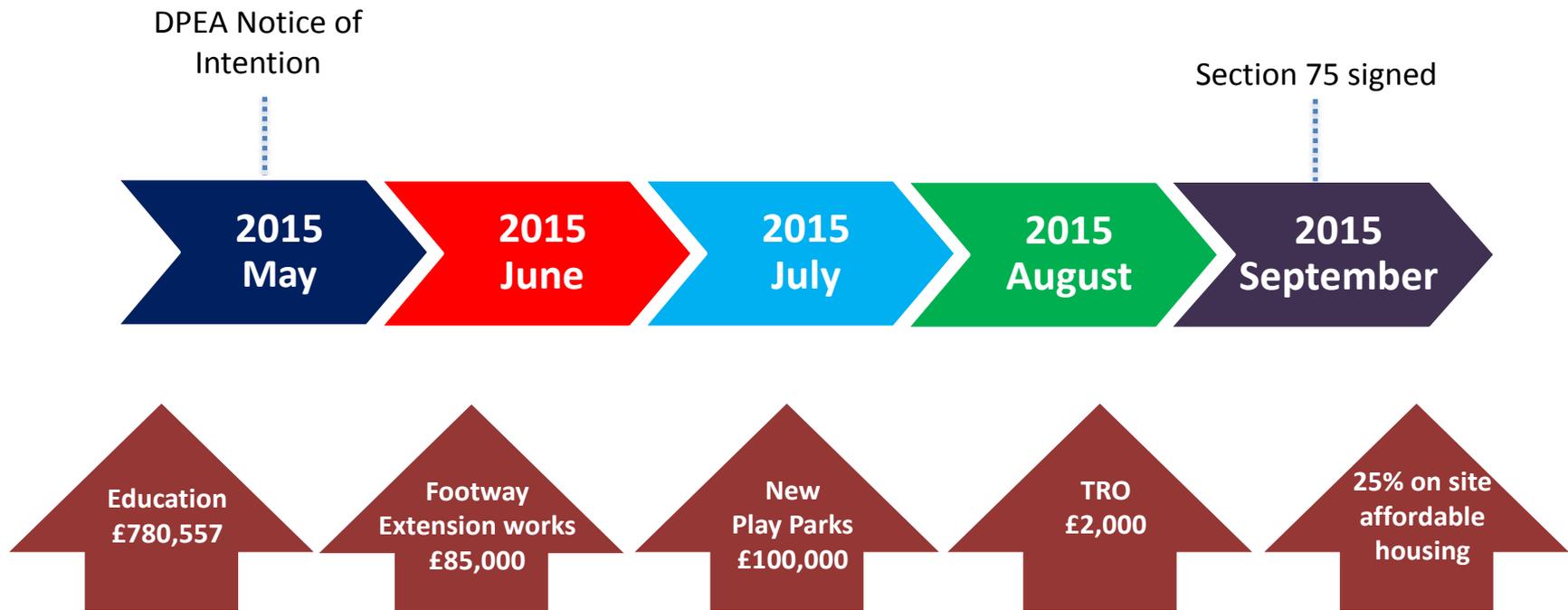
Park  
& Ride  
£120,000

**120 Homes = £7,149 per home**

**Total s.75 contribution = £857,859 + 25% on site affordable housing**

# East Lothian





**120 Homes - total contributions £967,557  
= £8,063 per home plus 25% affordable homes**

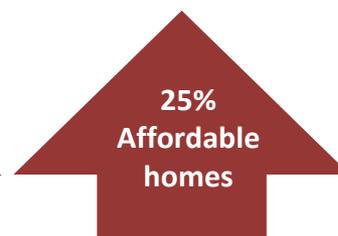
# Midlothian



# Midlothian

DPEA Notice of  
Intention

Section 75 Signed and  
Planning Permission issued



**100 homes - total Contribution = £1.418m  
= £14,188 per home**

# West Lothian



# West Lothian

DPEA Notice of  
Intention No1

DPEA Notice of  
Intention No2

Unilateral Undertaking  
Recorded

Appeal  
Decision

2015  
December

2016  
June

2016  
July

2016  
October

Bus shelter  
Footpath  
Signalised  
crossing

15%  
Affordable  
housing

£297,450  
Education

£5,250  
Cemetery  
provision  
£24,130  
Public Art

Active  
Open space  
£225,000  
Traffic  
Management  
£3,000

**150 homes = total contribution = £554,830 = £3,670 + per home**

# Summary

- Negotiation - 5 tests
- Unilateral undertaking
- Apply to modify / discharge s.75
- Appeal to DPEA - case studies

