

John Hayward
Planning & Development Standards Manager

Mr Mark Graham
per PD Architecture
16 Riverside View
East Broomlands
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Scottish Borders

Please ask for: Euan Calvert
☎ 01835 826513
Our Ref: 20/01327/FUL
Your Ref:
E-Mail: ecalvert@scotborders.gov.uk
Date: 4th November 2020

Dear Sir/Madam

DEVELOPMENT CONTRIBUTIONS

PLANNING APPLICATION AT: Land Adjacent Carnlea Main Street Heiton Scottish Borders

PROPOSED DEVELOPMENT: Erection of dwellinghouse

I refer to the Planning Application for the above site registered on 3rd November 2020.

Please be advised that, in terms of current Planning Policy, it would provisionally appear that the following Development Contributions are required in respect of your Planning Application:

- Education and Lifelong Learning

This requirement currently totals **£2,978**, though the amount to be settled may change over time as some contributions are indexed annually with effect from 1 April.

Applicants for developments exceeding 16 residential units will be required to provide a proportion of them as Affordable Housing in compliance with Scottish Borders Council's Affordable Housing Policy Guidance.

Please note that this comprises a provisional indication of contribution requirements. Additional service provision, such as for play facilities or road improvements for example, may also be sought, these being identified in the course of processing the application. The necessity for and level of contributions required may change. I will write to you again should that be the case.

A Legal Agreement to govern the terms of contribution settlement will therefore need to be concluded, in the event that the application is approved. Please find below Summary Guidance notes to assist you with this matter.

Please contact me within the next 21 days to confirm:

- **The type of Legal Agreement (i.e. Section 69 or Section 75) the applicants will enter into**
- **The applicant'(s)' full name, including all middle names, and current address if different to the address stated on the planning application form**
- **Contact details of the applicant'(s)' solicitor (if a Section 75 agreement)**
- **If on-site affordable housing is a requirement noted above, then please confirm the mechanism the applicant(s) propose for delivering affordable housing and its location within the site.**

A Planning Processing Agreement will also be required to cover the additional time required to process the Legal Agreement, unless a PPA has been entered into for this application to cover other matters.

I will contact you again in due course, depending on the progress of the Planning Application, to advise you further on the need for a PPA. The Planning Authority will only instruct a Legal Agreement where a Planning Processing Agreement is in place which specifies agreed timescales that cover the processing and conclusion of the Legal Agreement.

In the meantime, I would be grateful if you could provide the information required above within 21 days of the date of this letter.

To view Planning Application information on-line visit:
<http://eplanning.scotborders.gov.uk/online-applications/>
To view other Planning information visit: www.scotborders.gov.uk

Yours faithfully

John Hayward

Planning & Development Standards Manager

Development Contributions

Introduction

This note provides brief guidance on Development Contributions which Scottish Borders Council (SBC) may require Planning Applicants to agree to settle in respect of their development proposals. More detailed information can be found in [Guidance Notes](#) on the Council website, hard copy supplied upon request, and applicants are encouraged to access and familiarise themselves with them accordingly.

Before submitting any Application for Planning Permission you should check whether it complies with all relevant planning policies and guidance. A development proposal that does not satisfy Planning Policy and guidance will not be supported just because a Development Contribution is agreed to be settled.

The need for Development Contributions

Development Contributions help the Council to provide proper, and necessary, infrastructure, services and facilities. They can allow developments to proceed that might otherwise have to be refused Planning Permission were there insufficient existing infrastructure, service and facility capacity to support the development proposal.

Where there is no identified infrastructure, service or facility expansion requirement, Development Contributions will not be sought.

Examples of infrastructures, services and facilities for which contributions may be required include, but are not restricted to, Affordable Housing, Waverley Line Project, school extension or new provision, transport projects, access provision, play facility enhancement and open space.

SBC Development Contribution policy reflects Scottish Government (SG) policy. The main document setting out SG policy on this matter is [Planning Circular 3-2012](#) - Planning Obligations and Good Neighbour Agreements.

More details on SBC Development Contribution policy, including current Waverley Line and School contribution rates, are published in [Supplementary Planning Guidance](#)

Complying with Development Contribution Policy

Where a Planning Application is identified to generate a requirement for Development Contributions a Legal Agreement shall need to be concluded between the Applicant, Landowner if different, the Council and any other party with an interest. The Legal Agreement will set out what contributions shall be paid and when. It will also specify for what purpose the Council can spend the contributions and within what timeframes. The consequences of not conforming with the associated obligations for parties to the Legal Agreement will also be detailed.

Planning Permission will not be released by the Authority until the Legal Agreement process is completed. Where a necessary Legal Agreement is not concluded within 3 months of the commencement of negotiations, the Planning Authority will review its decision.

The Council offers applicants two Legal Agreement options to settle Development Contributions - Section 69 (s69) and Section 75 (s75) Legal Agreements. Links to more information on the differences between, and implications of, these Legal Agreement types are detailed below. **All potential Planning Applicants are strongly encouraged to read and consider these Guidance Notes accordingly.**

Essentially, s69s are quicker and cheaper to conclude than s75s and do not attract SBC Legal Fees or Recording Dues. However, the Applicant is required to make **full** settlement of identified contributions **prior** to the release of Planning Permission and the commencement of the proposed development.

S75s allow contribution settlement to be **deferred** to a mutually agreeable point in the future e.g. upon completion, occupation, habitation or sale of houses. The contributions can therefore be settled once cash-flow is realised from the proposed project or borrowing capacity achieved. However, these are more complex legal documents than s69s, need to be registered as a burden against title, and consequently attract SBC Legal Fees (£315 - £525) and Recording Dues (£60). They also take longer to complete than s69s therefore potentially impacting on the time taken to release Planning Permission, this authorising the development to start.

As a result, SBC encourages the drafting of Legal Agreements prior to the Application's determination and Applicants are asked to enter into an associated Processing Agreement. Although not legally binding, these will set out the dates by which key actions necessary to conclude the Legal Agreement process will be undertaken by the respective parties to it. Where appropriate, these target dates can, by mutual agreement, be amended.

SBC only seeks settlement of Legal Fees where the associated Planning Application is approved.

Information Resources

Scottish Borders Council's Website provides a wide range of information to assist your decision making should you consider applying for Planning Permission for a development proposal.

Internet

Information on the Website is available free of charge.

http://www.scotborders.gov.uk/info/161/planning-and_building_standards

More detailed information on SBC Development Contribution policy, Legal Agreements and Affordable Housing policy can be obtained from the SBC Website.

http://www.scotborders.gov.uk/directory/14/supplementary_planning_guidance/category/28

Planning Briefs provide information on SBC's guidelines and requirements, including Developer Contributions, of a particular key site or collection of sites.

http://www.scotborders.gov.uk/directory/15/planning_briefs/category/30

If you do not have access to a computer at home, internet accessible computers are available to use free of charge in all SBC libraries. Booking of this service is advisable. Contact Library Headquarters for more information. Tel: 01750 726400.

Hard copies of the Structure Plan, Local Plan and Supplementary Planning Guidance notes may be obtained from:

Planning and Regulatory Services
Council Headquarters
Newtown St Boswells
Melrose
TD6 0SA

Tel: 0300 100 1800

Email: localplan@scotborders.gov.uk

There will normally be a charge for these documents.

Hard copies of these documents are available for inspection at SBC libraries as well as Council HQ – contact Library Headquarters for more information.