

Mrs Elaine McKinney  
per Ferguson Planning  
54 Island Street  
Galashiels  
Scottish Borders  
TD1 1NU

**Please ask for :** Julie Hayward  
01835 825585

**Application Ref :** 22/01937/MOD75

**E-Mail:** jhayward2@scotborders.gov.uk

**Date :** 21st February 2023

Dear Sir/Madam

**Applicant Name:** Mrs Elaine McKinney  
**Application Number:** 22/01937/MOD75  
**Location:** Sites at Whiteburn Farm Lauder Scottish Borders

The Council has now considered your application for the modification or discharge of a planning obligation entered into under Section 75 of the Town and Country Planning (Scotland) Act 1997 at the above mentioned site and has determined that:

the proposed modification or discharge of a planning obligation be approved subject to an informative.

It should be noted that:

The area of land to be removed from the Section 50 legal agreement is shown outlined in red on Figure 2 of the agent's Planning Statement and comprises of 1,000 square metres.

The Notice of Determination is attached to this letter.

You are advised to contact the Council's Legal Services Department for further advice in respect of the formal recording of this Notice.

If you have any queries regarding the decision taken by the Council, please contact the case officer directly.

Yours faithfully

John Hayward

Planning & Development Standards Manager

**NOTICE OF DETERMINATION**

**Application for Modification or Discharge of Planning Obligation**

**Reference : 22/01937/MOD75**

**To : Mrs Elaine McKinney per Ferguson Planning 54 Island Street Galashiels Scottish Borders TD1 1NU**

This Notice relates to your application validated on **13th December 2022**, whose details are set out below, for the modification or discharge of a planning obligation at the undernoted site, which was entered into under the Town and Country Planning (Scotland) Act 1997 in connection with the original planning permission described below :-

**at : Sites at Whiteburn Farm Lauder Scottish Borders**

**Modification of planning obligation pursuant to planning permission B290/91 and E389/91**

The Scottish Borders Council hereby described and set out in the particulars given in your application and in accordance with Section 75A of the Town and Country Planning (Scotland) Act 1997.

**REASON FOR DECISION**

The proposal to modify this Section 50 Agreement is accepted as it no longer satisfies the advice contained within Circular 3/2012 (as amended). Any proposal for future development of housing in this location would be assessed against prevailing development plan policies.

**Dated 17th February 2023  
Planning and Regulatory Services  
Environment and Infrastructure  
Council Headquarters  
Newtown St Boswells  
MELROSE  
TD6 0SA**

**NOTE**

If the applicant is aggrieved by the decision of the planning authority to refuse to modify or discharge a planning obligation, the applicant may appeal to the Scottish Ministers under section 75B of the Town and Country Planning (Scotland) Act 1997 within three months from (and including) the date of this notice. The notice of appeal should be addressed to the Directorate for Planning and Environmental Appeals, 4 The Courtyard, Callendar Business Park, Callendar Road, Falkirk, FK1 1XR