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Planning and Architecture Division

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Dear Euan

**PERTH AND KINROSS COUNCIL - SUPPLEMENTARY GUIDANCE –
DEVELOPER CONTRIBUTIONS AND AFFORDABLE HOUSING**

I refer to your correspondence of 29 March 2016 certifying notice of Perth and Kinross Council's intention to adopt the above supplementary guidance, and to subsequent notifications from Scottish Ministers extending the period of their consideration.

Scottish Ministers give notice that the supplementary guidance 'Developer Contributions and Affordable Housing' may not be adopted until modifications specified in Annex A to this notice have been made.

These modifications are required to improve alignment with national planning policy.

Yours sincerely

Simon Pallant
Senior Planner

ANNEX A

PERTH AND KINROSS COUNCIL - SUPPLEMENTARY GUIDANCE – DEVELOPER CONTRIBUTIONS AND AFFORDABLE HOUSING

MODIFICATIONS TO BE MADE

1. Amend paragraph 2.1 of the Supplementary Guidance ‘Developer Contributions and Affordable Housing’ so that it reads as follows :

2.1

‘The most widely used legislation for managing developer contributions is Section 75 of the Town and Country Planning (Scotland) Act 1997 (as amended). This section of the act states that:

(1) A person may, in respect of land in the district of a planning authority—

(a) by agreement with that authority, or

(b) unilaterally,

enter into an obligation (referred to in this section and in sections 75A to 75C as a “planning obligation”) restricting or regulating the development or use of the land, either permanently or during such period as may be specified in the instrument by which the obligation is entered into (referred to in this section and in those sections as the “relevant instrument”).’

2. Amend paragraph 2.4 of the Supplementary Guidance ‘Developer Contributions and Affordable Housing’ so that it reads as follows :

2.4

‘It is a legitimate planning objective to utilise Section 75 Planning Obligations to achieve contributions towards the provision of services and facilities within Perth and Kinross. However, current guidance makes it clear that Obligations should only be sought where they are required to make a proposal acceptable in land use planning terms and that the use of a planning condition is not appropriate. Planning Conditions, including suspensive conditions, will be used wherever possible.’

3. Amend paragraph 6.4 of the Supplementary Guidance ‘Developer Contributions and Affordable Housing’ so that it reads as follows :

6.4

‘The Transport Infrastructure contributions collected through this mechanism will only be used for the identified packages outlined in Paragraph 6.2. This contribution shall be considered as being additional to any other cumulative or site specific transport contribution required in relation to the development. Following appropriate assessment, proportionate contributions or mitigation may be sought for work to the strategic transport network, for example at the A9 Broxden and Inveralmond junctions.’