

Local Government and Communities Directorate  
Planning and Architecture Division

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Our ref: A12961184  
12 March 2018

Dear Pam,

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

I refer to your correspondence of 19 and 22 December 2017 certifying notice of Fife Council's intention to adopt the above supplementary guidance.

Scottish Ministers, under section 22(8) of the Town and Country Planning (Scotland) Act 1997, hereby direct Fife Council not to adopt and issue the supplementary guidance 'Planning Obligations'.

This direction is given on the basis that neither the supplementary guidance itself nor the information which was put out to consultation was sufficient to enable an informed view to be reached, by Ministers or consultees, as to whether the proposals are consistent with Circular 3/2012: Planning Obligations and Good Neighbour Agreements.

We would therefore request that the new supplementary guidance is prepared, following statutory procedures and for information regarding the approach taken (the justification and methodology) for the developer contribution zones to be made available as part of the consultation process. In preparing new supplementary guidance, we would also re-iterate the need to consider:

- The tests set out in Circular 3/2012;
- The need to adhere to principles of 'good public involvement' in supplementary guidance as required by Circular 6/2013; and
- The fact that there is no provision in legislation to update supplementary guidance in future without carrying out the necessary consultation.

Yours sincerely,

**Carrie Thomson**  
**Principal Planner**