

East Lothian Council

FOI Ref: 2018/523724

Does your Council have a policy or practice regarding time limits for parties to negotiate a S75 agreement under the Town and Country Planning (Scotland) Act 1997?

Is there a time period beyond which such an application would be referred back to committee for ratification to take account of changed policies, prior to the consent being issued?

What is the longest running period for a current application from the resolution to grant planning permission subject to a S75 agreement, to no agreement having yet been signed?

East Lothian Council Response

East Lothian Council does have an established practice for time limits for finalising Section 75 agreements after a minded to grant decision has been made. Paragraph 4.20 of the Proposed Supplementary Guidance Developer Contributions Framework sets out that "It is East Lothian Council policy that any required S75 legal agreement should be concluded within 6 months of any minded to grant decision from the Council on a planning application, or planning permission could be refused. Any delay in these timescales may impact on the timescales or way in which a planning application will be determined."

The longest current period is 96 months for Crowhill Steading (06/01098/FUL), which was minded to grant on July 2010 but still does not have a signed S75 agreement. However, this is an outlier because this practice of potentially refusing applications where the Section 75 has not been signed six months after minded to grant decision did not come in until September 2010, two months after this application was minded to grant in July 2010. Therefore, the Council has not chosen to refuse the application because of delay in signing the Section 75 agreement as the practice was not in place when this application was minded to grant.