



Community and Enterprise Resources
Executive Director **Michael McGlynn**
Planning and Economic Development

Mr Robert Freel
By email: robfreel@btinternet.com

Our ref: FOI/6519306
Your ref:
If calling ask for: Lesley Campbell
Date: 10 July 2018

Dear Mr Freel

Freedom of Information (Scotland) Act 2002 (FOISA)
Environmental Information (Scotland) Regulations 2004 (the EI(S)Rs)
Request for environmental information

I refer to your information request dated 10 June 2018 received by the Council on 11 June 2018 in which you request the following information:

- a) How long it takes to agree a section 75 agreement and if there comes a point when agreement cannot be met that the permission in principle is withdrawn and what that timescale is. Please advise if any permissions have been withdrawn due to non agreement.
- b) If an when a Section 75 agreement is reached when does the planning permission start. Is it the date of the agreement or the date of the agreement.
- c) Please advise how many section 75 agreements have been under discussion for
 - i) 0-up to 6 months and no agreements have been reached
 - ii) 6 months to 12 months and no agreements have been reached
 - iii) where over 12 months. please indicate planning application numbers and number of months in negotiation.

Freedom of Information (Scotland) Act 2002 (FOISA)

The Council has considered that the information requested is exempt from the provisions of FOISA. The relevant exemption is that the information is subject to the Environmental Information (Scotland) Regulations 2004 (section 39(2) of FOISA).

The Council will go on to respond to your request in terms of EI(S)Rs.

Information released

In response to your request for information, I can advise the following.

- a) The time taken in negotiating a Section 75 agreement varies with every application. Generally, the planning application is assessed and presented to Committee with a recommendation to approve, subject to a Section 75 Agreement. The decision notice will not be issued until the agreement has been concluded. The timing thereafter is dependent on the complexity of the agreement and how far discussions have already progressed. However the Council seeks to conclude this matter within six months of the date of

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approval of the Committee Report or Report of Handling (if it is a delegated planning application) unless an alternative timescale is agreed with the applicant. Should a point be reached and no progress has been made and the applicant is unwilling to participate further in discussions, or where agreement cannot be reached on the terms of the agreement, the application can be reported back to committee to seek authority to refuse the application on the basis that, without the planning control/developer contribution to be secured by the Planning Obligation, the proposed development would be unacceptable. This matter has been reported to Planning Committee on one occasion and I enclose a copy of the Planning Committee Report and associated Appendices for your information.

- b) The decision notice for the approved development is not issued until the Section 75 Agreement has been signed by all the relevant parties and registered with the Keeper of the Register of Scotland. Following registration of the document, the decision notice is then issued and the planning permission starts on the date the decision notice is issued.
- c) Details of current outstanding S75 agreements:
 - i) 0-up to 6 months and no agreements have been reached - 7
 - ii) 6 months to 12 months and no agreements have been reached - 4
 - iii) where over 12 months – 20. Please indicate planning application numbers and number of months in negotiation.

Application number	No. of months
CL/13/0042	39
EK/14/0301	36
CL/15/0231	29
CL/14/0371	39
CL/15/0445	26
CL/12/0042	41
CL/13/0368	48
CL/14/0448	22
CL/16/0051	24
EK/17/0080	13
HM/15/0470	20
HM/15/0471	20
HM/15/0487	26
HM/15/0261	32
HM/15/0466	15
EK/15/0217	31
HM/15/0130	36
CR/16/0138	19
CR/15/0046	28
EK/11/0202	75

Request for review

We have an internal panel (the Review Panel) to deal with complaints from people who are not happy about the way that we have handled their request. Staff not involved in the original decision will handle any review.

If you want to complain, you can ask the Review Panel to look at the way that we have dealt with your request. It will consider whether we have complied with the requirements of the EI(S)Rs. Please note that if you wish to complain, you must do so by 5 September 2018. You must explain why you are not happy when requesting a review.

Please note that the Review Panel cannot look at any decisions taken by the Council or actions of the Council or any of its employees or a service provided by it that are not connected to the handling of your request for information.

You should send your request for a review to:

Mr. W. Dunn
Information Compliance Manager
Finance and Corporate Resources
Floor 13
Council Offices
Almada Street
Hamilton
ML3 0AA

Alternatively, you can request a review at foi.reviews@southlanarkshire.gov.uk

Appeal to the Scottish Information Commissioner

If you are not happy with the outcome of the review, you can appeal to the Scottish Information Commissioner. The Commissioner will decide whether we have dealt with your request properly. Please see the Commissioner's website at www.itspublicknowledge.info for further details.

Yours sincerely



Lesley Campbell
Area Manager