



# Waverley Railway (Scotland) Act 2006

## 2006 asp 13

### PART 3

#### MISCELLANEOUS AND GENERAL

#### **39 Planning agreements**

- (1) Section 75 of the 1997 Act, section 69 of the Local Government (Scotland) Act 1973 (c. 65) and Part 3 of the [Local Government in Scotland Act 2003 \(asp 1\)](#) shall, in their application to the relevant planning authorities, have effect in accordance with the following provisions of this section.
- (2) Subject to subsections (5) to (8) below, a relevant planning agreement may include provision relating to, or to development supporting, or otherwise connected with, the authorised works.
- (3) A relevant planning authority shall not be precluded from entering into a relevant planning agreement which includes provision relating to, or to development supporting, or otherwise connected with, the authorised works by reason only of the fact that all or some of the authorised works are located outwith the local government area of the planning authority concerned.
- (4) Subject to subsections (5) to (8) below, in any relevant planning agreement made pursuant to this section financial provisions relating to the authorised works may require the payment of developer contributions towards the cost of providing the authorised works or any development relating to, supporting or otherwise connected with the authorised works.
- (5) The developer contributions obtained by the relevant planning authorities towards the cost of providing the authorised works shall not in aggregate exceed the total of the sums necessary for the purpose of providing the authorised works.
- (6) No developer contribution under subsection (4) above shall be required more than 30 years after the opening of the railway works for public use.
- (7) For the purposes of this section and section 40 below the sums necessary for the purpose of providing the authorised works include all sums from time to time payable for that purpose, and (without prejudice to that generality) include interest payments,

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*Status: This is the original version (as it was originally enacted).*

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loan charges and sums payable under or in consequence of any financial support contract.

- (8) Accordingly, developer contributions may be required at any time during the currency of a loan agreement or a financial support contract.
- (9) A requirement for developer contributions does not amount to the raising of money by making a levy or imposition within the meaning of section 22(7) of the [Local Government in Scotland Act 2003 \(asp 1\)](#).