



# Edinburgh Airport Rail Link Act 2007

## 2007 asp 16

### PART 3

#### MISCELLANEOUS AND GENERAL

#### 45 Planning agreements

- (1) Section 75 of the 1997 Act shall, in its application to the relevant planning authorities, have effect in accordance with the following provisions of this section.
- (2) A relevant planning authority shall not be precluded from entering into a section 75 agreement which includes provision for developer contributions in respect of 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.
- (3) Subject to subsections (4) to (10), in any section 75 agreement made pursuant to this section, financial provisions relating to the authorised works may include the payment of developer contributions towards the cost of providing the authorised works.
- (4) 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.
- (5) No section 75 agreement made pursuant to this section shall—
  - (a) have effect; or
  - (b) be made,after the expiry of ten years beginning on the date on which this Act comes into force.
- (6) No requirement for payment of a developer contribution under subsection (3) shall be included in any section 75 agreement relating to development (including the erection or alteration of an operational building) on operational land of Edinburgh Airport.
- (7) Where—
  - (a) a person with an interest in land has made a contribution towards the cost of providing the authorised works or any development relating to, supporting or otherwise connected with the authorised works;
  - (b) development on that land is or may be the subject of a section 75 agreement;and

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*Status: This is the original version (as it was originally enacted).*

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- (c) a requirement for a developer contribution under subsection (3) might be included in the section 75 agreement,  
the value of the developer contribution which might be required shall be reduced by the value of the contribution referred to in paragraph (a).
- (8) Subsection (7)(a) applies to any contribution of the sort described in that subsection, whether made before or after the passing of this Act and whether or not pursuant to a section 75 agreement.
- (9) For the purposes of this section and section 46 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, loan charges and sums payable under or in consequence of any financial support contract.
- (10) Accordingly, during the period specified in subsection (5) developer contributions may be required at any time during the currency of a loan agreement or a financial support contract.
- (11) 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 \(asp 1\)](#).