

PLANNING OBLIGATION

between

THE SCOTTISH BORDERS COUNCIL, constituted under the Local Government etc. (Scotland) Act 1994 and having their Council Headquarters at Newtown Saint Boswells, Melrose, the Planning Authority for the Scottish Borders area for the purposes of the Town and Country Planning (Scotland) Act 1997 (hereinafter referred to as the "Planning Authority")

and

GRANTON HOMES LIMITED, a company incorporated under the Companies Acts (Company Number SC477370) and having its Registered Office at c/o George & Co, Melville Crescent, Edinburgh, EH3 7AJ (who and whose successors as heritable proprietors of the Land hereinafter defined are hereinafter referred to as "the Developer")

and with the consent of

BARCLAYS BANK PLC, a company incorporated under the Companies Acts (Company Number 01026167) and having its Registered Office at Head Office, 1 Churchill Place, London (hereinafter referred to as "the Heritable Creditor")

WHEREAS

- A. This Planning Obligation is entered into in terms of Section 75 of the Town and Country Planning (Scotland) Act 1997 ("the Act"), is subject to Sections 75A, 75B and 75C of the Act, and is for the purpose of permanently restricting and regulating the development and use of ALL and WHOLE that area of land to the East and South East of Kingsmeadows House, Kingsmeadows Road, Peebles; which area of land is shown delineated in red on the plan annexed and executed as relative hereto; which area of land forms part and portion of ALL

and WHOLE those subjects known as and forming Kingsmeadows House, Peebles being the subjects registered in the Land Register of Scotland under Title Number PBL5914 ("the Land").

- B. The Developer has lodged with the Planning Authority planning application number 19/00182/PPP (the "Planning Application") seeking planning permission for the development of the Land for residential purposes, comprising the erection of a residential apartment building ("the Development").
- C. The Planning Authority has agreed to grant the planning permission sought under the Planning Application upon certain conditions. These conditions have been agreed between the parties.

NOW THEREFORE THE PARTIES HAVE AGREED AND DO HEREBY AGREE AS FOLLOWS:

- 1. Prior to the implementation of the planning permission sought under the Planning Application, a further application for planning permission will be required to be submitted to the Planning Authority in respect of the entire Development or individual applications for each phase of the Development. Any further application shall be an application for approval of matters specified in conditions (the "AMC Application") or a full application (the "Full Application"). The consent obtained under the said further application will be hereinafter referred to as the "Detailed Consent". For the avoidance of doubt, in the event that the Developers seek the Detailed Consent by lodging a Full Application, the application will be assessed in accordance with planning policy (including but not limited to developer contribution policy) applicable at the time that the Full Application is determined.
- 2. The Developer shall pay to the Planning Authority the following sums in respect to the first flatted dwellinghouse constructed at the Development:
 - a) The sum of SIX HUNDRED AND SIXTY SEVEN POUNDS (£667) Sterling ("the ELL Provided Primary School Contribution"), the sum of TWO HUNDRED AND THIRTY POUNDS (£230) Sterling ("the ELL Provided Secondary School Contribution"), the sum of FIVE HUNDRED POUNDS (£500) Sterling ("the Play Facilities Contribution") and the sum of ONE THOUSAND POUNDS (£1000) Sterling ("the Transport Contribution"), giving a total sum due of TWO THOUSAND THREE HUNDRED AND NINETY SEVEN POUNDS (£2,397) Sterling relative to the first dwellinghouse ("the First Contribution").
 - b) The Developer shall pay to the Planning Authority the First Contribution within 5 days of the date upon which the first dwellinghouse to be constructed as part of the Development achieves any of the Relevant Milestones as hereinafter defined.

