

## Application for the modification or discharge of Planning Obligations

*Town & Country Planning (Scotland) Act 1997, as amended by the Planning etc (Scotland) Act 2006. The Town and Country Planning (Modification and Discharge of Planning Obligations) (Scotland) Regulations 2010.*

Please complete & return to [planning@edinburgh.gov.uk](mailto:planning@edinburgh.gov.uk)

<b>1</b>	<b>APPLICANT OR OTHER PERSON CARRYING OUT WORKS</b>	
	a	Full name
	b	Organisation Elgin Haymarket Limited
	c	Postal address Winston House, 349, First Floor, Regents Park Road
	d	Contact telephone number 01312267225
	e	Email address gd@scotthobbsplanning.com

<b>2</b>	<b>AGENT (IF APPLICABLE)</b>	
	a	Full name Gareth David
	b	Organisation Scott Hobbs Planning
	c	Postal address 24a Stafford Street, Edinburgh, EH3 7BD
	d	Contact telephone number 01312267225
	e	Email address gd@scotthobbsplanning.com

<b>3</b>	<b>APPLICATION TYPE</b>	
	Modification of the planning obligation	<input checked="" type="radio"/>
	Discharge of the planning obligation	<input type="radio"/>

<b>4</b>	<b>ADDRESS OR LOCATION OF SITE</b>
	Address (please include postcode). If the site has no postal address, please describe the location of land.
	20 Haymarket Yards, Newtown, Edinburgh, EH12 5WU

<b>5</b>	<b>DESCRIPTION OF PLANNING OBLIGATION</b>	
	Please provide sufficient details to enable us to identify the Planning Obligation which the applicant wishes to have modified or discharged.	Agreement between the Applicant and the Council dated 30 Aug and 4 Sept 2023 and registered against Land Register of Scotland Title Number MID150873 on 11 Sept 2023 in relation to Planning Permission ref 22/04595/FUL ("2023 PP") issued 13 Sept 2023 (as subsequently amended under S75A of the 1997 Act pursuant to application reference 24/02784/OBL) (the "2023 S75").
	Planning application reference that the obligation relates to.	22/04595/FUL
	Please state the nature of the applicant's interest in the land and why it is enforceable against them.	The Applicant is the heritable proprietor of the Agreement Subjects.

<b>6</b>	<b>APPLICATIONS FOR MODIFICATION OF THE PLANNING OBLIGATION</b>
	If a modification is being applied for, set out the changes which the applicant wishes to be made to the obligation.
	Please see attached Deed of Modification which details the requested changes.

<b>7</b>	<b>ADDITIONAL INFORMATION (attach additional documents if necessary)</b>
	Please state why the modification or discharge of the planning application is being sought
	The 2023 PP approves a development comprising a hotel block and an office block. The 2023 S75 was made on the assumption a single developer would deliver both the hotel and office but it is now anticipated that two developers will be involved - one for the hotel and another for the office). This S75A application seeks to apportion existing 2023 S75 liabilities between two developers. It does not change the requirements in the 2023 S75, it just allocates responsibility for satisfying them to two different parties. A concurrent S42 application is being progressed to split liability for the 2023 PP conditions in the same way.
	Please provide any additional information that you consider relevant to the determination of this application
	Please see attached draft deed of modification, which sets out how the applicant proposes to apportion the 2023 S75 liabilities between two developers.

<b>8</b>	<b>NAME AND ADDRESS OF OTHERS WHO ARE PARTY TO THE PLANNING OBLIGATION</b>
	None - Planning Obligation and modifications impact only the Applicant and CEC.

<b>9</b>	<b>NAME AND ADDRESS OF ANY OTHER INTERESTED PARTIES (IE PARTIES AGAINST WHICH THE APPLICATION IS ENFORCEABLE)</b>
	City of Edinburgh Council Wavely Court, 4 East Market Street, Edinburgh, EH8 8BG

<b>10</b>	<b>APPLICATIONS REQUIREMENTS – CHECKLIST</b>	
	This fully completed application form	
	Location plan: 1:2500 or 1:1250 scale Ordnance Survey plan. This plan must identify with a red line the land to which the application relates and its situation in relation to neighbouring land	
	Copy of the planning obligation to which the application relates	

SIGNATURE OF APPLICANT/AGENT	DATE
Gareth David - Scott Hobbs Planning (Agent)	16/07/2025