

Appendix 4

Planning Guidance Note Planning Obligations

Policy Overview

The National Planning Policy Framework states that planning obligations should only be used when it is not possible to address unacceptable impacts through a planning condition and they should only be used when all the following tests are met:-

- It is necessary to make the development acceptable in planning terms;
- It is directly related to the development; and
- It is fairly and reasonably related in scale and kind to the development.

The Benefits of Effective Planning Obligations

A simple and effective approach to delivering planning obligations ensures that the momentum created by improving the front end of the planning application process is maintained through to the end of the process when the decision notice is issued. The following key principles help to ensure that this can be achieved.

Key Tasks for the Local Planning Authority

1. Pre-application discussions should identify likely areas of contribution that will be required, and explore the possibility of avoiding the need for a planning obligation by the use of compliance Conditions.
2. Following the conclusion of the 21 day consultation period or an agreed timescale and assuming there are no in-principle objections to the application, the planning officer should begin negotiations to agree the form and contents of the planning obligation in accordance with an agreed programme which includes a deadline for engrossment.
3. To reduce delays tripartite S106 Agreements should be avoided where possible. Instead, the planning obligation should either be between the applicant and the local planning authority or completed by the applicant alone (a unilateral undertaking).
4. Local Planning Authorities within the Greater Birmingham and Solihull LEP should consider working together to produce and maintain a library of 'standard' draft planning obligations. This should speed up the decision making process, ensure a consistent approach and save resources currently spent preparing new planning obligations for each individual planning application.

Key Tasks for the Applicant

1. The applicant should submit a draft planning obligation with the planning application or at the least detailed Heads of Terms identifying anticipated parties, contributions in name if not actual figures and trigger dates for payments together with an agreement that commits the applicant to paying the costs of preparing the obligation.