

East Renfrewshire Council

Protocol for dealing with Planning Obligations



The Scottish Government's [Scottish Planning Policy](#) states that the planning system plays a vital role in delivering high quality places for Scotland. Where the planning system is efficient and enabling, it can support the economy and make a significant contribution to the quality of life, health and well-being of Scotland's people. The planning system supports the Government's Economic Strategy, including the provision of a supportive business environment to facilitate investment and deliver development on the ground, on time, on budget and to a high standard.

The Scottish Government's purpose of creating a more successful country, with opportunities for all of Scotland to flourish, through increasing sustainable economic growth is set out in the Government's [Economic Strategy](#).

To achieve this, Scottish Ministers expect all planning services to pursue continuous improvement, including the continuous reduction in the time that they take to process planning applications. East Renfrewshire Council's own Planning Performance Framework aims to deliver strong and sustained performance.

Key to all of this is the efficient and effective processing and decision making of planning applications. Delays can occur and this is especially so when there is a planning obligation associated with the planning application and it is important that obligations are concluded as a matter of urgency. Planning obligations are legal agreements between the Council and a developer regarding the use or development of land, and cover matters which cannot be controlled through the use of planning conditions. The Council's Supplementary Planning Guidance on [Affordable Housing](#) and [Development Contributions](#) set out the main circumstances when such obligations will be necessary.

The negotiation of planning obligations clearly takes time, but it should not delay unduly or unnecessarily the development project or the development management process. Both the Council and developers have responsibility to ensure that planning obligations are concluded timeously. All parties should proceed as quickly as possible towards the resolution of the Heads of Terms in an obligation. Discussion of these should commence, where possible, at the pre-application stage. When a planning application is made, further detailed discussion should take place as the application is being processed. Heads of Terms will be expected to be agreed before the recommendation is made on the application. These procedures are also set out in the Council's Processing Agreements Policy available on web page www.eastrenfrewshire.gov.uk/planning-permission.

Applicants will be advised as soon as possible, following consultation with the Council's Project Officer (Affordable Housing), where there is a requirement for a planning obligation. Should the Council be minded to grant planning permission subject to both parties concluding a planning obligation, the developer will be advised accordingly. By that point, it will normally already have been established whether, in principle, the applicant would be prepared to enter into such an obligation to resolve outstanding matters, and also the likely content of the obligation.

Where a planning obligation is being sought, the process of concluding the obligation is integral to the decision-making process and should be given priority by all parties. Lengthy delays in concluding obligations are not acceptable given the adverse impact this has on the delivery of sustainable economic growth and the reputation of the planning system.

To help minimise the time taken to issue the planning permission concerned post-decision, it will be expected that the obligation is concluded within 3 months of the recommendation being made unless exceptional circumstances can be demonstrated by the applicant/developer. Should progress is not made by the applicant/developer on the obligation it is likely that the application will then be recommended for refusal.

NB: This Protocol should be read in conjunction with Council's Supplementary Planning Guidance on [Affordable Housing](#) and [Development Contributions](#).

If you have any questions please contact:-

Email: planning@eastrenfrewshire.gov.uk

Post: East Renfrewshire Council Planning Service,
2 Spiersbridge Way,
Spiersbridge Business Park,
Thornliebank,
East Renfrewshire
G46 8NG

Telephone: 0141 577 3001