Policy background

The Town and Country Planning (Modification and Discharge of Planning Obligations) Regulations 1992 set out the procedure for applications to amend planning obligations, including standard forms. The principles for modifying an obligation are that it 'no longer serves a useful purpose or would continue to serve a useful purpose in a modified way'.

In considering whether a planning obligation can be justified, the National Planning Policy Framework (NPPF) advises that in all cases, the local planning authority must ensure that the obligation meets the relevant tests for planning obligations in that they are necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind to the development (paragraph 204). Planning obligations should therefore not be sought unless they are necessary to make the development acceptable in planning terms.

The NPPF also advises that to ensure viability, the costs of any requirement to be applied to a development, such as requirements for affordable housing, standards, infrastructure contributions or other contributions, should, when taking into account the normal costs of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable (paragraph 173).