



· INSTITUTE · OF · HISTORIC ·  
BUILDING · CONSERVATION

*Making Heritage Work*

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Dear Sirs

## **SECTION 106 PLANNING OBLIGATIONS – SPEEDING UP NEGOTIATIONS**

The Institute of Historic Building Conservation (IHBC) is the professional body for building conservation practitioners and historic environment experts working in England, Northern Ireland, Scotland and Wales, with connections to the Republic of Ireland. The Institute exists to establish, develop and maintain the highest standards of conservation practice, to support the effective protection and enhancement of the historic environment, and to promote heritage-led regeneration and access to the historic environment for all.

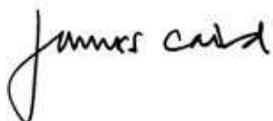
Thank you for inviting us to participate in this consultation. We have completed the questionnaire which is attached but we would like to offer a synopsis of our thoughts here.

We commend the thoughtful analysis of the consultation paper with two comments:

1. tactical, procedural or resource-related delay should always be considered completely unacceptable, whether it is caused by the LPA or the applicant;
2. in cases of differences of opinion about the extent of the "ask" we ask that the Government adheres to some guiding principles:
  - Continued recognition that the purpose of s106 is to render unacceptable proposals acceptable and that the underlying backdrop of all s106 agreements is that planning permission will otherwise be refused.
  - Emphasising the importance of front-loading and the fact that a well-prepared application should have anticipated the need for a s106 agreement and may well have provided one in the form of a unilateral undertaking.
  - Irrespective of the degree of front-loading, all decisions (including any s106 component) should be based on policy and evidence and that this should be informed by properly qualified and experienced professional advice.

- We support the proposed amendments to current guidance suggested at paragraph 13 of the consultation.
- We are against any completely new mechanism for resolving disputes. The planning system is complicated enough already. Because the content of s106 agreements is (or should be) closely connected to the acceptability of the proposal as a whole, the terms of the agreement should not be considered outside the totality of the scheme, unless they are quantifiable and the degree of disagreement is agreed in advance in a statement of common ground.
- We advocate that the dispute mechanism be a PINS appeal with procedural and timescale tweaks if these are considered necessary.

Yours faithfully

A handwritten signature in black ink that reads "James Caird". The signature is written in a cursive style with a large initial 'J'.

James Caird  
Consultant Consultations Co-ordinator