

2013 No. 147

TOWN AND COUNTRY PLANNING, ENGLAND

**The Town and Country Planning (Modification and Discharge of
Planning Obligations) (Amendment) (England) Regulations
2013**

<i>Made</i>	- - - -	<i>28th January 2013</i>
<i>Laid before Parliament</i>		<i>31st January 2013</i>
<i>Coming into force</i>	- -	<i>28th February 2013</i>

The Secretary of State, in exercise of the powers conferred by sections 106A(4)(a) and 333(2A) of the Town and Country Planning Act 1990(a), makes the following Regulations:

Citation, commencement and application

1.—(1) These Regulations may be cited as the Town and Country Planning (Modification and Discharge of Planning Obligations) (Amendment) (England) Regulations 2013 and shall come into force on 28th February 2013.

(2) These Regulations apply in relation to England only.

Amendments to the Town and Country Planning (Modification and Discharge of Planning Obligations) Regulations 1992

2. The Town and Country Planning (Modification and Discharge of Planning Obligations) Regulations 1992(b) are amended in accordance with the following regulation.

Relevant period

3. After regulation 2 insert—

“Relevant Period: England

2A.—(1) Subject to paragraphs (2) and (3), this regulation applies in respect of all planning obligations entered into on or before 6th April 2010.

(2) This regulation applies to planning obligations that—

(a) 1990 c. 8. Section 106A was inserted by section 12 of the Planning and Compensation Act 1991 (c. 34). The powers are now vested in the Welsh Ministers so far as they are exercisable in relation to Wales. They were previously transferred to the National Assembly for Wales by article 2 of the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672; see the entry in Schedule 1 for the 1990 Act. By virtue of paragraphs 30 and 32 of Schedule 11 to the Government of Wales Act 2006 (c. 32), they were transferred to the Welsh Ministers. See section 336 of the Town and Country Planning Act 1990 for the definition of “prescribed”.

(b) S.I. 1992/2832, to which amendments have been made which are not relevant to these Regulations.

- (i) identify a local planning authority in England as an authority by whom the obligation is enforceable; and
 - (ii) do not identify a local planning authority in Wales as such an authority.
- (3) This regulation does not apply to planning obligations entered into five years or more before the end of the period prescribed in paragraph (4).
- (4) The period prescribed for the purposes of section 106A(4)(a) of the 1990 Act is the period of one month beginning with the date on which this regulation comes into force.”

Signed by authority of the Secretary of State for Communities and Local Government

28th January 2013

Nick Boles
Parliamentary Under Secretary of State
Department for Communities and Local Government

EXPLANATORY NOTE

(This note is not part of the Regulations)

Section 106A of the Town and Country Planning Act 1990 enables a person against whom a planning obligation is enforceable to apply to the local planning authority to have the obligation modified or discharged.

These Regulations amend the Town and Country Planning (Modification and Discharge of Planning Obligations) Regulations 1992 (“the 1992 Regulations”), in relation to England. These Regulations do not affect the operation of the 1992 Regulations in relation to Wales.

Regulation 3 inserts regulation 2A into the 1992 Regulations. Subject to regulation 2A(3), the new provision prescribes a period of one month, beginning from the date on which regulation 2A comes into force, after which applications to modify or discharge planning obligations entered into on or before 6th April 2010 can be made.

Section 106A(4)(b) sets out a default period after which applications can be made to modify or discharge a planning obligation. Regulation 2A(3) prevents regulation 2A from applying if an earlier application could be made under the default period. The default period continues to apply to planning obligations entered into after 6th April 2010.

An impact assessment has been prepared in relation to these Regulations. It has been placed in the library of each House of Parliament and copies may be obtained from the Planning Directorate, Department for Communities and Local Government, Eland House, Bressenden Place, London, SW1E 5DU (contact: CIL@communities.gsi.gov.uk) or on the website: www.communities.gov.uk.

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