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STATUTORY INSTRUMENTS

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**2002 No. 828**

**TOWN AND COUNTRY PLANNING, ENGLAND**

**The Town and Country Planning (General Development Procedure) (Amendment) (England) Order 2002**

<i>Made</i>	- - - -	<i>26th March 2002</i>
<i>Laid before Parliament</i>		<i>28th March 2002</i>
<i>Coming into force</i>	- -	<i>1st July 2002</i>

The Secretary of State for Transport, Local Government and the Regions, in exercise of the powers conferred on him by sections 59, 69 and 333(7) of the Town and Country Planning Act 1990<sup>(1)</sup> and all other powers enabling him in that behalf, hereby makes the following Order:

**Citation, commencement and extent**

1.—(1) This Order may be cited as the Town and Country Planning (General Development Procedure) (Amendment) (England) Order 2002 and shall come into force on 1st July 2002.

(2) This Order extends to England only.

**Interpretation**

2. In this Order—

“the 1995 Order” means the Town and Country Planning (General Development Procedure) Order 1995<sup>(2)</sup>.

**Changes to article 1: Interpretation**

3. In article 1(2) of the 1995 Order—

(a) after the definition of “outline planning permission” insert—

““planning obligation” means an obligation entered into by agreement or otherwise by any person interested in land pursuant to section 106 of the Act<sup>(3)</sup>”; and

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(1) 1990 c. 8; section 69 was amended by paragraph 13 of Schedule 7 to the Planning and Compensation Act 1991 (c. 34). The functions of the Secretary of State under sections 59, 69 and 333(7) were, so far as exercisable in relation to Wales, transferred to the National Assembly for Wales by article 2 of and Schedule 1 to the National Assembly for Wales (Transfer of Functions) Order 1999, S.I. 1999/672; see the entry in Schedule 1 to the Town and Country Planning Act 1990 (c. 8).

(2) S.I. 1995/419; to which there are amendments not relevant to this Order.

(3) Section 106 was substituted by section 12 of the Planning and Compensation Act 1991 (c. 34).

(b) after the definition of “reserved matters” insert—

““section 278 agreement” means an agreement entered into pursuant to section 278 of the Highways Act 1980(4);”.

#### **Changes to article 25: Register of applications**

4. In article 25 of the 1995 Order—

(1) Delete paragraph (3) and substitute the following—

“(3) Part I of the register shall contain in respect of each such application and any application for approval of reserved matters made in respect of an outline planning permission granted on such an application, made or sent to the local planning register authority and not finally disposed of—

- (a) a copy (which may be photographic) of the application together with any accompanying plans and drawings;
- (b) a copy (which may be photographic) of any planning obligation or section 278 agreement proposed or entered into in connection with the application;
- (c) a copy (which may be photographic) of any other planning obligation or section 278 agreement entered into in respect of the land the subject of the application which the applicant considers relevant; and
- (d) particulars of any modification to any planning obligation or section 278 agreement included in Part I of the register in accordance with sub-paragraphs (b) and (c) above.”

(2) After paragraph (4)(e) insert—

- “(f) a copy (which may be photographic) of any planning obligation or section 278 agreement entered into in connection with any decision of the local planning authority or the Secretary of State in respect of the application;
- (g) a copy (which may be photographic) of any other planning obligation or section 278 agreement taken into account by the local planning authority or the Secretary of State when making the decision; and
- (h) particulars of any modification to or discharge of any planning obligation or section 278 agreement included in Part II of the register in accordance with sub-paragraphs (f) and (g) above and paragraph (5) below.”.

(3) In paragraph (5) after “effect of the Secretary of State’s decision” insert—

“together with a copy (which may be photographic) of—

- (a) any planning obligation or section 278 agreement entered into in connection with the decision; and
- (b) any other planning obligation or section 278 agreement taken into account by the Secretary of State when making the decision.”.

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(4) 1980 c. 66, this section was substituted by section 23 of the New Roads and Street Works Act 1991 (c. 22), there are other amendments not relevant to this Order.

Signed by authority of the Secretary of State for Transport, Local Government and the Regions.

26th March 2002

*Falconer*  
Minister of State,  
Department for Transport, Local Government  
and the Regions

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order amends articles 1 and 25 of the Town and Country Planning (General Development Procedure) Order 1995 (“the 1995 Order”).

The main changes are to article 25 of the 1995 Order so as to require the local planning authority in addition to the detail already recorded in the register of applications to include:

- in Part I, details of any planning obligation, section 278 agreement entered into or proposed in respect of an application for planning permission or application for the approval of reserved matters and of any other relevant planning obligation or section 278 agreement in respect of the land the subject of the application; and
- in Part II, details of any planning obligation and section 278 agreement entered into in connection with a planning decision by a local planning authority or the Secretary of State, and of any other planning obligation or section 278 agreement taken into account when making the decision together with particulars of any modification or discharge of any such planning obligation or section 278 agreement.