

### What will happen to applications pursuant to s.106BA of the Town and Country Planning Act 1990 after 30<sup>th</sup> April 2016?

The provisions within section 106BA of the Town and Country Planning Act 1990, as amended, to enable a person against whom the affordable housing requirement in a planning obligation is enforceable to apply to modify or discharge that affordable housing requirement, is coming to an end **on 30<sup>th</sup> April 2016**. This is because when the Town and Country Planning Act 1990 was amended by the Growth and Infrastructure Act 2013, to include sections 106BA to 106BC, there was a statutory provision stating that sections 106BA to 106BC are repealed at the end of April 2016. It seems that the Government does not intend to extend the lifetime of these provisions.

### What happens to applications still pending at the 30<sup>th</sup> April 2016?

We currently understand that the Government will allow section 106BC appeals made before 1<sup>st</sup> May 2016 to proceed. We don't see how there would be any jurisdiction to deal with ongoing applications or appeals without express transitional provisions being made. We will be keeping a close eye on developments. If you require advice, please contact us. It is worth identifying those applications that would be affected now.

### Free seminar on the Housing and Planning Bill!

We have previously said that we would produce for clients, and others in the region who are interested, a free seminar on the Housing and Planning Bill. We are watching its progress carefully and have delayed setting a date until we feel we have more to tell you than you are able to read in the general media.

We still intend to produce the seminar and please be assured that we will not set a date during the school summer holidays as we understand this will limit the ability of some potential delegates to attend.

For more information, please see our website [www.nplaw.co.uk](http://www.nplaw.co.uk) or contact **Steve Bell** at [steve.bell@norfolk.gov.uk](mailto:steve.bell@norfolk.gov.uk) or on 01603 638209



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