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STATUTORY INSTRUMENTS

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**2010 No. 948**

**The Community Infrastructure Levy Regulations 2010**

**PART 11**

**PLANNING OBLIGATIONS**

**Limitation on use of planning obligations**

**122.**—(1) This regulation applies where a relevant determination is made which results in planning permission being granted for development.

(2) A planning obligation may only constitute a reason for granting planning permission for the development if the obligation is—

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

(3) In this regulation—

“planning obligation” means a planning obligation under section 106 of TCPA 1990 and includes a proposed planning obligation; and

“relevant determination” means a determination made on or after 6th April 2010—

- (a) under section 70, 76A or 77 of TCPA 1990(1) of an application for planning permission which is not an application to which section 73 of TCPA 1990 applies; or
- (b) under section 79 of TCPA 1990(2) of an appeal where the application which gives rise to the appeal is not one to which section 73 of TCPA 1990 applies.

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(1) Section 70 was amended by paragraph 14 of Schedule 7 to the [Planning and Compensation Act 1991 \(c. 34\)](#). Section 76A was inserted by section 44 of the [Planning and Compulsory Purchase Act 2004 \(c. 5\)](#). Section 77 was amended by section 40(2) (d) of the [Planning and Compulsory Purchase Act 2004](#), paragraph 18 of Schedule 7 to the [Planning and Compensation Act 1991](#) and paragraph 2 of Schedule 10 to the [Planning Act 2008 \(c. 29\)](#).

(2) Section 79 was amended by section 18 of the [Planning and Compensation Act 1991](#) and paragraph 4 of Schedule 10 to the [Planning Act 2008](#).