
STATUTORY INSTRUMENTS

2010 No. 948

The Community Infrastructure Levy Regulations 2010

PART 2

DEFINITION OF KEY TERMS

Meaning of “planning permission”

- 5.—(1) For the purposes of Part 11 of PA 2008, “planning permission” means—
- (a) planning permission granted by a local planning authority under section 70, 73 or 73A of TCPA 1990(1);
 - (b) planning permission granted by the Secretary of State under the provisions mentioned in sub-paragraph (a) as applied by sections 76A(10), 77(4) and 79(4) of TCPA 1990(2) (including permission so granted by a person appointed by the Secretary of State in accordance with regulations made under Schedule 6 to TCPA 1990);
 - (c) planning permission granted or modified under section 177(1) of TCPA 1990(3) (grant or modification of planning permission on appeals against enforcement notices);
 - (d) modification of a planning permission under section 97 or 100 of TCPA 1990(4);
 - (e) planning permission granted by an order made under section 102 or 104 of TCPA 1990(5) (orders requiring discontinuance of use or alteration or removal of buildings or works);
 - (f) development consent granted by an order made under section 114(1)(a) of PA 2008; or
 - (g) a general consent.
- (2) But planning permission does not include planning permission granted for a limited period.
- (3) In paragraph (1)(g) “general consent” means—
- (a) planning permission granted—
 - (i) by a development order made under section 59 of TCPA 1990,
 - (ii) by a local development order adopted under section 61A of TCPA 1990(6),

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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 73 was amended by sections 42(2) and 51(3) of the [Planning and Compulsory Purchase Act 2004 \(c. 5\)](#). Section 73A was inserted by paragraph 16 of Schedule 7 to the Planning and Compensation Act 1991.
 - (2) Section 76A was inserted by section 44 of the Planning and Compulsory Purchase Act 2004. 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 \(c. 29\)](#). 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.
 - (3) Section 177(1) was amended by paragraph 24(1) of Schedule 7 to the Planning and Compensation Act 1991.
 - (4) Section 97 was amended by paragraph 4 of Schedule 1 to the Planning and Compensation Act 1991. Section 100 was amended by paragraph 5 of Schedule 1 to the Planning and Compensation Act 1991.
 - (5) Section 102 was amended by paragraph 6 of Schedule 1 and paragraph 21 of Schedule 7 to the Planning and Compensation Act 1991.
 - (6) Section 61A was inserted by section 40(1) of the Planning and Compulsory Purchase Act 2004 and amended by the Planning Act 2008, sections 188 and 238 and Schedule 13.

- (iii) by a simplified planning zone scheme within the meaning of sections 82 and 83(7) of TCPA 1990,
 - (iv) in accordance with section 90 of TCPA 1990(8) (development with government authorisation), or
 - (v) by an enterprise zone scheme adopted under Schedule 32 to the Local Government, Planning and Land Act 1980(9); or
- (b) development authorised by an Act of Parliament or an order approved by both Houses of Parliament which designates specifically the nature of the development authorised and the land on which it may be carried out.

(7) Section 83 was amended by section 45 of the Planning and Compulsory Purchase Act 2004 and paragraph 2 of Schedule 5 to the [Local Democracy, Economic Development and Construction Act 2009 \(c. 20\)](#).

(8) Section 90 was amended by paragraph 12 of Schedule 6 to the Planning and Compensation Act 1991, section 16(1) of the [Transport and Works Act 1992 \(c. 42\)](#) and paragraph 32(4) of Schedule 10 to the [Environment Act 1995 \(c. 25\)](#).

(9) 1980 c. 65.