

2010 No. 566 (C. 39)

**TOWN AND COUNTRY PLANNING
COMMUNITY INFRASTRUCTURE LEVY**

**The Planning Act 2008 (Commencement No. 5 and Saving)
Order 2010**

Made - - - -

3rd March 2010

The Secretary of State, in exercise of the powers conferred by section 241(8) and (10) of the Planning Act 2008(a), makes the following Order:

Citation and interpretation

1.—(1) This Order may be cited as the Planning Act 2008 (Commencement No. 5 and Saving) Order 2010.

(2) In this Order—

“the Act” means the Planning Act 2008, and

“direction” means a direction under article 4 of the Town and Country Planning (General Permitted Development) Order 1995(b).

Provision coming into force on 6th April 2010

2. Section 224(3) of the Act shall come into force on 6th April 2010.

Provisions coming into force on 6th April 2010 in relation to England and Wales

3. The following provisions of the Act (so far as they are not yet in force) shall come into force, in relation to England and Wales, on 6th April 2010—

(a) section 189;

(b) section 190(4);

(c) section 206; and

(d) section 238 and Schedule 13, so far as they give effect to the repeals specified in the Schedule to this Order.

Saving

4. The coming into force of section 189 of the Act shall have no effect in relation to any direction given before 6th April 2010.

(a) 2008 c.29.

(b) S.I. 1995/418; relevant amendments were made by S.I. 1996/528, 2005/2935, 2006/124, 2006/1282 and 2006/1386.

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

Ian Austin

Parliamentary Under Secretary of State

3rd March 2010

Department for Communities and Local Government

SCHEDULE

Article 3

Repeals (England and Wales)

<i>Reference</i>	<i>Extent of repeal</i>
Planning and Compulsory Purchase Act 2004 (c.5)	Section 122(5)(a). In section 122(6), “(a),”.

EXPLANATORY NOTE

(This note is not part of the Order)

Article 2 of this Order brings into force section 224(3) of the Act (Community Infrastructure Levy: amendments) on 6th April 2010.

Article 3 of this Order brings into force, on 6th April 2010, the following provisions of the Act in relation to England and Wales, so far as they are not already in force—

section 189 (compensation where development order or local development order withdrawn);

section 190(4) of the Act (power to make non-material changes to planning permission – register of applications etc);

section 206 (community infrastructure levy: the charge); and

section 238 and Schedule 13 (repeals as specified in the Schedule to this Order).

Article 4 provides a saving, in relation to the coming into force of section 189, for directions under article 4 of the Town and Country Planning (General Permitted Development) Order 1995, given before 6th April, 2010.

NOTE AS TO EARLIER COMMENCEMENT ORDERS

(This note is not part of the Order)

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Sections 1 to 4 and Schedule 1 (so far as not already in force)	1st October 2009	2009/2260
Paragraphs 24 to 27 of Schedule 1	1st October 2009	2009/2573
Sections 5 to 12 (so far as not already in force)	6th April 2009	2009/400
Section 14 partially (so far as not already in force)	1st March 2010	2010/101
Sections 15 to 20 as to England and Wales	1st March 2010	2010/101
Section 21	1st March 2010	2010/101
Sections 22 to 26 as to England and Wales	1st March 2010	2010/101

Sections 31 to 35	1st March 2010	2010/101
Section 36 and Schedule 2	1st March 2010	2010/101
Sections 37 to 40 (so far as not already in force)	1st October 2009	2009/2260
Sections 41 to 50 (so far as not already in force)	1st October 2009	2009/2260
Sections 51 to 54 (so far as not already in force)	1st October 2009	2009/2260
Section 55	1st March 2010	2010/101
Sections 56 to 59 (so far as not already in force)	1st October 2009	2009/2260
Sections 60 to 117 and Schedule 3	1st March 2010	2010/101
Section 118 as to England and Wales	1st March 2010	2010/101
Section 119 and Schedule 4	1st March 2010	2010/101
Section 120 to 121 and Schedule 5	1st March 2010	2010/101
Sections 122 to 132	1st March 2010	2010/101
Section 133 as to England and Wales	1st March 2010	2010/101
Sections 134 to 138	1st March 2010	2010/101
Sections 139 to 149 as to England and Wales	1st March 2010	2010/101
Sections 150 to 152	1st March 2010	2010/101
Sections 154 to 159	1st March 2010	2010/101
Sections 160 to 174	1st March 2010	2010/101
Section 175 partially as to England and Wales, (so far as it is not already in force)	6th April 2009	2009/400
Section 175 partially as to England and Wales, (so far as it is not already in force)	1st March 2010	2010/101
Section 176 partially as to Scotland	6th April 2009	2009/400
Section 176 partially as to Scotland	1st March 2010	2010/101
Section 177 as to England and Wales	6th April 2009	2009/400
Section 178 as to Scotland	6th April 2009	2009/400
Section 179 as to England and Wales	6th April 2009	2009/400
Section 180 to 182 as to England and Wales (so far as not already in force)	6th April 2009	2009/400
Section 183 as to England	6th April 2009	2009/400
Section 184 as to England and Wales	6th April 2009	2009/400
Section 185 as to England	6th April 2009	2009/400
Section 187 and paragraphs 1, 2(1) and (2), 3(1), (2) and (4) and 4 to 6 of Schedule 7 as to England	6th April 2009	2009/400
Paragraphs 2(3) and (4) and 3(3) of Schedule 7 as to England and Wales	6th April 2009	2009/400
Section 188 as to England	23rd June 2009	2009/1303
Section 190 partially as to England and Wales	1st October 2009	2009/2260
Section 191(1) and (3) as to England	6th April 2009	2009/400
Section 191(2) as to Wales	6th April 2009	2009/400
Section 194 and paragraphs 1 to 4 and paragraph 6 of Schedule 9 as to England and Wales	6th April 2009	2009/400
Section 195 as to England and Wales	6th April 2009	2009/400
Section 196 and paragraphs 1, 3 to 6, and 10 to 14 of Schedule 10 partially as to England and Wales	6th April 2009	2009/400
Section 197 and Schedule 11, section 198 and		

199 as to England	6th April 2009	2009/400
Section 200, as to England (so far as not already in force)	1st October 2009	2009/2260
Section 206 partially as to England and Wales	6th April 2009	2009/400
Section 211(7) as to England and Wales	6th April 2009	2009/400
Section 224(1) and (4) as to England and Wales	6th April 2009	2009/400
Section 224(1) and (4) as to England and Wales	6th April 2009	2009/400
Section 238 and Schedule 13 partially as to England and Wales	6th April 2009	2009/400
Section 238 and Schedule 13 partially as to England	6th April 2009	2009/400
Section 238 and Schedule 13 partially as to England	23rd June 2009	2009/1303

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