

2010 No. 2185

TOWN AND COUNTRY PLANNING, ENGLAND

**The Planning (Listed Buildings and Conservation Areas)
(Amendment No. 2) (England) Regulations 2010**

<i>Made</i>	- - - -	<i>8th September 2010</i>
<i>Laid before Parliament</i>		<i>9th September 2010</i>
<i>Coming into force</i>	- -	<i>1st October 2010</i>

The Secretary of State, in exercise of the powers conferred by sections 10(3), (4) and (5), 91(1) and 93 of the Planning (Listed Buildings and Conservation Areas) Act 1990(a), makes the following Regulations:

Citation, commencement and application

1.—(1) These Regulations may be cited as the Planning (Listed Buildings and Conservation Areas) (Amendment No. 2) (England) Regulations 2010 and shall come into force on 1st October 2010.

(2) These Regulations apply in relation to England only.

Amendment of the Planning (Listed Buildings and Conservation Areas) Regulations 1990

2.—(1) The Planning (Listed Buildings and Conservation Areas) Regulations 1990(b) are amended as follows.

(2) In regulation 3 (applications for listed building consent or for conservation area consent) in paragraph (1A)(b) for “article 10B(1)(b) of the Town and Country Planning (General Development Procedure) Order 1995” substitute “article 18(1)(b) or (c) of the Town and Country Planning (Development Management Procedure) (England) Order 2010(c)”.

(3) In regulation 3A (design and access statements), in paragraph (1), for “, except where paragraph (1A) applies” substitute “, except where regulation 3(1A) applies”.

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

8th September 2010

Greg Clark
Minister of State
Department for Communities and Local Government

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- (a) 1990 c. 9. Subsection 3(a), (aa) and (ab) of section 10 and subsections (4) and (5) were substituted by section 42 of the Planning and Compulsory Purchase Act 2004 (c.5). Section 93(6A) was inserted by paragraph 26 of Schedule 6 to that Act. These powers are now vested in the Welsh Ministers so far as they are exercisable in relation to Wales. They were previously transferred to the National Assembly for Wales by article 2 of the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672); see the entry in Schedule 1 for the 1990 Act. By virtue of paragraphs 30 and 32 of Schedule 11 to the Government of Wales Act 2006 (c.32), they were transferred to the Welsh Ministers.
- (b) S.I. 1990/1519. Relevant amendments were made by S.I. 2006/1063, 2008/551, 2009/2262 and 2010/568.
- (c) S.I. 2010/2184.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend, in relation to England, regulations 3 and 3A of the Planning (Listed Buildings and Conservation Areas) Regulations 1990 (S.I. 1990/1519) which relate to applications for listed building and conservation area consent.

Their effect is to modify certain procedural requirements for consent applications which are related to planning applications to which article 18 of the Town and Country Planning (Development Management Procedure) (England) Order 2010 (“the DMPO”) refers.

The DMPO consolidates and revokes, in relation to England, the Town and Country Planning (General Development Procedure) Order 1995 (“the GDPO”). Article 18 of the DMPO replaces article 10B of the GDPO which similarly provided for consultation in relation to applications for planning permission for development without compliance with conditions previously attached, and to applications for development not begun but for which planning permission was granted on or before 1st October 2009 subject to a statutory time limit, which has not expired. Article 18 now extends to certain outline permissions where development has begun. Regulation 2(2) amends the reference to article 18 in consequence of this and regulation 2(3) makes a minor correction.

An impact assessment has been prepared in relation to this instrument. The assessment has been placed in the Library of each House of Parliament and copies may be obtained from the Planning Directorate, Department for Communities and Local Government, Eland House, Bressenden Place, London, SW1E 5DU or <http://www.communities.gov.uk>.