
STATUTORY INSTRUMENTS

2003 No. 2048

TOWN AND COUNTRY PLANNING, ENGLAND

The Planning (Listed Buildings and Conservation Areas) (England) (Amendment) Regulations 2003

<i>Made</i>	- - - -	<i>6th August 2003</i>
<i>Laid before Parliament</i>		<i>14th August 2003</i>
<i>Coming into force</i>		
<i>All regulations except regulations 2 and 3</i>		<i>5th September 2003</i>
<i>Regulations 2 and 3</i>		<i>5th December 2003</i>

The First Secretary of State, in exercise of the powers conferred on him by sections 10, 21, 82, 84 and 93 of the Planning (Listed Buildings and Conservation Areas) Act 1990⁽¹⁾, and of all other powers enabling him in that behalf, hereby makes the following Regulations:

Citation, commencement, interpretation and extent

1.—(1) These Regulations may be cited as the Planning (Listed Buildings and Conservation Areas) (England) (Amendment) Regulations 2003.

(2) Regulations 2 and 3 of these Regulations shall come into force on 5th December 2003 and all other regulations thereof shall come into force on 5th September 2003.

(3) These Regulations apply in England only.

(4) In these Regulations “the 1990 Regulations” means the Planning (Listed Buildings and Conservation Areas) Regulations 1990⁽²⁾.

Amendment to regulation 3: Applications for listed building consent or for conservation area consent

2. For regulation 3(5) of the 1990 Regulations substitute—

(1) 1990 c. 9; to which there are amendments not relevant to these Regulations. The functions of the Secretary of State under sections 10, 21, 82, 84 and 93 were, so far as exercisable in relation to Wales, transferred to the National Assembly for Wales by article 2 of and Schedule 1 to the National Assembly for Wales (Transfer of Functions) Order 1999, S.I.1999/672: see the entry in Schedule 1 for the Planning (Listed Buildings and Conservation Areas) Act 1990 (c. 9); see section 91(1) for the definition of “prescribed”.

(2) S.I. 1990/1519 to which there are amendments not relevant to these Regulations.

“(5) Every such notice of decision or reference to the Secretary of State shall be in writing and where the local planning authority decide—

- (a) to grant listed building consent or conservation area consent subject to conditions or to refuse it, the notice shall state the full reasons for the decision and shall be accompanied by a notification in the terms (or substantially in the terms) set out in Part II of Schedule 1 hereto; or
- (b) to grant listed building consent or conservation area consent without conditions, the notice shall state a summary of the reasons for the decision.”.

Amendment to regulation 4: Applications to vary or discharge conditions attached to listed building consent or conservation area consent

3. In regulation 4(2) of the 1990 Regulations, for the second reference to “regulation 3(5)” substitute “regulation 3(5)(a)”.

Amendment to regulation 8: Appeals

4. In regulation 8(1) of the 1990 Regulations, for “six months” substitute “three months”.

Amendments to Schedule 1

5. In Parts I, II and III of Schedule 1 to the 1990 Regulations, for “six months” substitute “three months”.

Transitional Provisions

6. The amendments made to the 1990 Regulations by—
- (a) regulations 4 and 5, shall not apply to applications for listed building consent or conservation area consent made before those regulations come into force;
 - (b) regulation 2, shall not apply to applications for listed building consent or conservation area consent made before that regulation comes into force, which are decided or determined within a period of three months from that date.

Signed by authority of the First Secretary of State

6th August 2003

Keith Hill
Minister of State
Office of the Deputy Prime Minister

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations, which apply in England only, amend the Planning (Listed Buildings and Conservation Areas) Regulations 1990. The changes are the introduction of a requirement for the local planning authority to provide a summary of the reasons for a grant of listed building consent or conservation area consent where no conditions are attached to such consent (regulation 2) and an amendment altering the time limit for appeals from six to three months (regulations 4 and 5). The Regulations make one other consequential change and include transitional provisions.

A Regulatory Impact Appraisal has been prepared in relation to the Regulations. It has been placed in the Library of each House of Parliament and copies may be obtained from PD3B, Office of the Deputy Prime Minister, Eland House, Bressenden Place, London SW1E 5DU (Telephone 020-944-3945).