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STATUTORY INSTRUMENTS

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**2009 No. 2262**

**TOWN AND COUNTRY PLANNING, ENGLAND**

**The Planning (Listed Buildings and Conservation  
Areas) (Amendment) (England) Regulations 2009**

*Made* - - - - *1st September 2009*  
*Laid before Parliament* *8th September 2009*  
*Coming into force* - - *1st October 2009*

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<sup>(1)</sup>, makes the following Regulations:

**Citation, commencement and application**

1.—(1) These Regulations may be cited as the Planning (Listed Buildings and Conservation Areas) (Amendment) (England) Regulations 2009 and shall come into force on 1st October 2009.

(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<sup>(2)</sup> are amended as follows.

(2) In regulation 3 (applications for listed building consent or for conservation area consent)—

(a) in paragraph (1)(c)(ii) after “required” insert “or where paragraph (1A) applies”; and

(b) after paragraph (1) insert—

“(1A) This paragraph applies in relation to an application for consent for works that have not yet begun where—

(a) consent for those works has been granted on or before 1st October 2009 subject to a time limit imposed under section 18 of the Act (limit of duration of listed building consent) which has not expired; and

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(1) 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.

(2) S.I. 1990/1519. Relevant amendments were made by S.I. 2006/1063 and 2008/551.

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(b) the consent for which the application is made is necessary to carry out development that is the subject of an application to which article 10B(1)(b) of the Town and Country Planning (General Development Procedure) Order 1995(3) refers.”.

(3) In regulation 3A (design and access statements), in paragraph (1), after “listed building consent” insert “, except where paragraph (1A) applies”.

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

*Bill McKenzie*  
Parliamentary Under Secretary of State  
Department for Communities and Local  
Government

1st September 2009

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## 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.

The effect of the amendments is to remove the requirement to include three copies of the form and a design and access statement with an application for listed building or conservation area consent where the application is related to an application to which article 10B(1)(b) of the Town and Country Planning (General Development Procedure) Order 1995 refers. Article 10B(1)(b) refers to applications for planning permission for development which has not begun and for which planning permission was granted on or before 1st October 2009 subject to a time limit imposed by or under section 91 of the Town and Country Planning Act 1990 (general condition limiting duration of planning permission) or section 92 of that Act (outline planning permission) which has not expired.

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 Department for Communities and Local Government, Eland House, Bressenden Place, London, SW1E 5DU (Telephone 020 7944 3676).