

*Status: Point in time view as at 21/05/2016.*

*Changes to legislation: There are currently no known outstanding effects for the Enterprise and Regulatory Reform Act 2013, Cross Heading: Planning (Listed Buildings and Conservation Areas) Act 1990 (c. 9). (See end of Document for details)*

## SCHEDULES

### SCHEDULE 17

#### HERITAGE PLANNING REGULATION

*Planning (Listed Buildings and Conservation Areas) Act 1990 (c. 9)*

7 The Planning (Listed Buildings and Conservation Areas) Act 1990 is amended as follows.

8 (1) Section 1 (listing of buildings of special architectural or historic interest) is amended as follows.

(2) In subsection (5) after “shall” insert “, subject to subsection (5A)(a),”.

(3) After subsection (5) insert—

“(5A) In a list compiled or approved under this section, an entry for a building situated in England may provide—

- (a) that an object or structure mentioned in subsection (5)(a) or (b) is not to be treated as part of the building for the purposes of this Act;
- (b) that any part or feature of the building is not of special architectural or historic interest.”

9 (1) Section 6 (issue of certificate that building not intended to be listed) is amended as follows.

(2) Before subsection (1) insert—

“(A1) The Secretary of State may, on the application of any person, issue a certificate stating that the Secretary of State does not intend to list a building situated in England.”

<sup>F1</sup>(3) .....

(4) In subsection (2) for “such a certificate” substitute “ a certificate under subsection (A1) or (1) ”.

(5) In subsection (3) after “subsection” insert “ (A1) or ”.

#### Textual Amendments

**F1** Sch. 17 para. 9(3) omitted (21.5.2016) by virtue of [Historic Environment \(Wales\) Act 2016 \(anaw 4\), ss. 27\(4\), 41\(2\)](#)

#### Commencement Information

**I1** Sch. 17 para. 9 in force at 25.6.2013 by [S.I. 2013/1455, art. 2\(d\)](#) (with [art. 4\(2\)](#))

10 In section 32(1)(a) (purchase notice on refusal or conditional grant of consent)—

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- (a) for “listed building consent in respect of a building” substitute “ on an application for listed building consent in respect of a building, consent ”;
- (b) before “is revoked” insert “ such consent granted on an application ”.

**Commencement Information**

**I2** Sch. 17 para. 10 in force at 1.10.2013 by S.I. 2013/2227, art. 2(m)

- 11 In section 62(2) (validity of certain orders and decisions), after paragraph (a) insert—
- “(aa) any decision to approve or reject a local listed building consent order or part of such an order;
  - (ab) any decision on an appeal under section 26K;”.

**Commencement Information**

**I3** Sch. 17 para. 11 in force at 6.4.2014 by S.I. 2014/416, art. 3(e)

- 12 (1) Section 74 (control of demolition in conservation areas) is amended as follows.
- (2) In subsection (1) after the first “area” insert “ in Wales ”.
- (3) After subsection (2) insert—
- “(2A) Sections 56, 66(1) and 90(2) to (4) have effect in relation to buildings in conservation areas in England as they have effect in relation to listed buildings, subject to such exceptions and modifications as may be prescribed by regulations.”
- (4) In subsection (3) after “areas” insert “ in Wales ”.
- (5) In subsection (4) for “Any such regulations” substitute “ Regulations made under subsection (3) ”.

**Commencement Information**

**I4** Sch. 17 para. 12 in force at 1.10.2013 by S.I. 2013/2227, art. 2(m)

- 13 In section 75 (cases in which section 74 does not apply) in subsection (11)—
- (a) for “that section”, in both places those words appear, substitute “ section 74 ”, and
  - (b) after “43” insert “ or section 196D of the principal Act (offence of failing to obtain, or comply with, planning permission for demolition of unlisted etc building in conservation area in England) ”.

**Commencement Information**

**I5** Sch. 17 para. 13 in force at 1.10.2013 by S.I. 2013/2227, art. 2(m)

- 14 In section 82(3) (application of Act to land and works of local planning authorities) for “to 29” substitute “ to 26, 28, 29 ”.

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**I6** Sch. 17 para. 14 in force at 6.4.2014 by S.I. 2014/416, art. 3(e)

- 15 In section 82A(2) (application to the Crown), after paragraph (c) insert—  
“(ca) section 26J;”.

**Commencement Information**

**I7** Sch. 17 para. 15 in force at 6.4.2014 by S.I. 2014/416, art. 3(e)

- 16 In section 88(2)(c) (rights of entry) after “11” insert “ , 26J ”.

**Commencement Information**

**I8** Sch. 17 para. 16 in force at 6.4.2014 by S.I. 2014/416, art. 3(e)

- 17 In section 92(2)(b) (application to Isles of Scilly), after “Schedules 1, 2” insert “ , 2A ”.

**Commencement Information**

**I9** Sch. 17 para. 17 in force at 6.4.2014 by S.I. 2014/416, art. 3(e)

- 18 (1) Section 93 (regulations and orders) is amended as follows.  
(2) In subsection (4) after “8(5),” insert “ 26C, ”.  
(3) In subsection (5A) after “section” insert “ 26C or ”.

**Commencement Information**

**I10** Sch. 17 para. 18 in force at 6.4.2014 by S.I. 2014/416, art. 3(e)

- 19 (1) Schedule 3 (determination of certain appeals by person appointed by Secretary of State) is amended as follows.  
(2) In paragraph 1(1), 2(8)(a) and 3(3) after “20” insert “ , 26K ”.  
(3) In paragraph 2(1) after paragraph (a) (before “and” at the end) insert—  
“(aa) in relation to an appeal under section 26K, as the Secretary of State has under section 26K(4) to (6);”.

**Commencement Information**

**I11** Sch. 17 para. 19 in force at 6.4.2014 by S.I. 2014/416, art. 3(e)

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