

2006 No. 1283

TOWN AND COUNTRY PLANNING, ENGLAND

**The Planning (Listed Buildings, Conservation Areas and
Hazardous Substances) (Amendment) (England) Regulations
2006**

<i>Made</i> - - - -	<i>10th May 2006</i>
<i>Laid before Parliament</i>	<i>17th May 2006</i>
<i>Coming into force</i> - -	<i>7th June 2006</i>

The Secretary of State, in exercise of the powers conferred by section 82B(8) of the Planning (Listed Buildings and Conservation Areas) Act 1990(a) and by section 30B(2), (3) and (8)(b) of the Planning (Hazardous Substances) Act 1990(b), makes the following Regulations:

Citation, commencement and application

1.—(1) These Regulations may be cited as the Planning (Listed Buildings, Conservation Areas and Hazardous Substances) (Amendment) (England) Regulations 2006 and shall come into force on 7th June 2006.

(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(c) are amended as follows.

(2) After regulation 5A (publicity for applications affecting setting of listed buildings) insert—

“Advertisement of applications for urgent works relating to Crown development

5B.—(1) Subject to paragraph (2), where an application under section 82B(2)(d) (urgent works relating to Crown development) of the Act is made to the Secretary of State in respect of any building the Secretary of State shall—

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- (a) 1990 c. 9. Section 82B was inserted by the Planning and Compulsory Purchase Act 2004 (c. 5), section 83(1). See section 91 for the meaning of “prescribed”. The functions of the Secretary of State under the Planning (Listed Buildings and Conservation Areas) Act 1990, except the Treasury function under section 83(8), 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 Act.
- (b) 1990 c. 10. Section 30B was inserted by the Planning and Compulsory Purchase Act 2004, section 79(3). See section 39(2) for the meaning of “prescribed”. The functions of the Secretary of State under the Planning (Hazardous Substances) Act 1990, except section 12(2) and 31(6), 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 Act.
- (c) S.I. 1990/1519. Relevant amendments were made by S.I. 2004/2210.
- (d) Section 82B was inserted by the Planning and Compulsory Purchase Act 2004 (c. 5), section 83(1).

- (a) publish in a local newspaper circulating in the locality in which the building is situated a notice indicating the nature of the works which are the subject of the application and—
 - (i) naming a place within the locality where a copy of the application, and of all plans and other documents submitted with it, will be open to inspection by the public at all reasonable hours during the period of 21 days beginning with the date of publication of the notice; and
 - (ii) stating the address of the website where a copy of the application, and of all plans and other documents submitted with it, will be open to inspection by the public during the period of 21 days beginning with the date of publication of the notice, and the place on the website where such documents may be accessed, and how they may be accessed; and
- (b) for not less than 7 days display on or near the said building a notice containing the same particulars as are required to be contained in the notice to be published in accordance with sub-paragraph (a).

(2) Paragraph (1) shall not apply to any application for listed building consent to carry out works affecting only the interior of a building which, when last notified to the authority by the Secretary of State as a building of special architectural or historic interest, was classified as a Grade II (unstarred) listed building.”.

Amendment of the Planning (Hazardous Substances) Regulations 1992

3.—(1) The Planning (Hazardous Substances) Regulations 1992(a) are amended as follows.

(2) In regulation 14 (claim for deemed consent) in paragraph (1), after “section 11” insert “or 30B”.

(3) In regulation 15 (conditions on deemed consent), after “section 11(7)(b)” insert “and section 30B(8)(b)”.

(4) In Schedule 2 (prescribed forms, notices and certificates) in Form 8—

- (a) in the heading, after “Section 11” add “and 30B”;
- (b) in the notes to Part 2, at the end of note (c) insert “or, in the case of applications for deemed consent under section 30B, June 7, 2006”; and
- (c) in the note to Part 5, after “section 11(7)” insert “, or section 30B(8) as the case may be”.

Signed by authority of the Secretary of State

10th May 2006

Kay Andrews
Parliamentary Under Secretary of State
Department for Communities and Local Government

(a) S.I. 1992/656. Relevant amendments were made by S.I. 1999/981.

EXPLANATORY NOTE

(This note is not part of the Regulations)

Section 83 of the Planning and Compulsory Purchase Act 2004 (“the 2004 Act”) amended the Planning (Listed Buildings and Conservation Areas) Act 1990 by inserting a new section 82B. This makes provision for urgent applications for works to buildings on Crown land which are listed or which are in conservation areas and provides for such applications to be made directly to the Secretary of State. Section 82B(8) imposes a duty on the Secretary of State to publicise the application in accordance with any prescribed requirements. These Regulations amend the Planning (Listed Buildings and Conservation Areas) Regulations 1990 to prescribe those publicity requirements (*regulation 2*).

Section 79 of the 2004 Act amended the Planning (Hazardous Substances) Act 1990 by inserting a new section 30B. This makes transitional provision for hazardous substances consent to be deemed to be granted in relation to hazardous substances present on Crown land before the date on which Part 7 of the 2004 Act (which applies the planning Acts to the Crown) is commenced. Section 30B requires a claim to be made for deemed hazardous substances consent in the prescribed form and contain the prescribed information. It also provides that any deemed consent will be subject to certain conditions - including any condition which is prescribed. These Regulations amend the Planning (Hazardous Substances) Regulations 1992 to prescribe the form and content of the claim and the conditions to which a deemed consent will be subject (*regulation 3*).

A full regulatory impact assessment has not been produced for this instrument as it has no impact on the costs of business, charities, voluntary bodies or the public sector.

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