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STATUTORY INSTRUMENTS

2010 No. 568

TOWN AND COUNTRY PLANNING, ENGLAND

**The Planning (Listed Buildings and Conservation Areas)
(Amendment) (England) Regulations 2010**

<i>Made</i> - - - -	<i>3rd March 2010</i>
<i>Laid before Parliament</i>	<i>9th March 2010</i>
<i>Coming into force</i> - -	<i>6th April 2010</i>

The Secretary of State, in exercise of the powers conferred by sections 10(3), 67(1), 73(1), 74, 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) (England) Regulations 2010 and shall come into force on 6th April 2010.

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

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

2. The Planning (Listed Buildings and Conservation Areas) Regulations 1990(b) are amended in accordance with the following regulations.

Amendments relating to site notices

3.—(1) In regulation 5 (advertisement of applications)—

- (a) in paragraph (1) for “7” substitute “21”; and
- (b) in paragraph (2) for “7” substitute “21”.

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

- (a) in paragraph (2) for “seven” substitute “21”; and
- (b) in paragraph (6) for “seven” substitute “21”.

(a) 1990 c.9. Sections 67(1) and 73(1) were substituted respectively by paragraphs 23 and 24 of Schedule 6 to the Planning and Compulsory Purchase Act 2004 (c.5). *See* section 91(1) for the definition of “prescribed”. 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. 2004/2210.

(3) In regulation 13 (applications by local planning authorities) in paragraph (4)(b) for “7” substitute “21”.

Amendments relating to website publicity

4. In regulation 5—

(a) in paragraph (1)—

(i) at the end of sub-paragraph (b) for the full stop substitute “; and”;

(ii) after sub-paragraph (b) insert—

“(c) for not less than 21 days publish on a website maintained by the local planning authority the following information—

(i) the address or location of the proposed works;

(ii) the nature of the proposed works;

(iii) the date by which any representations about the application must be made, which shall not be before the last day of the period of 21 days beginning with the date on which the information is published;

(iv) where and when the application may be inspected; and

(v) how representations may be made about the application.”;

(b) omit paragraphs (1A) and (1B);

(c) in paragraph (2)—

(i) for “both” substitute “each” in each place where it occurs;

(ii) at the end of sub-paragraph (b) insert “and”;

(iii) after sub-paragraph (b) insert—

“(c) the period of 21 days beginning with the date on which the information required by sub-paragraph (c) of the said paragraph (1) was first published;” and

(d) in paragraph (3) omit “(1A), (1B)”.

(2) In regulation 5A—

(a) for paragraph (2) substitute—

“(2) The local planning authority shall—

(a) publish in a local newspaper circulating in the locality in which the land is situated a notice indicating the nature of the development in question and naming a place within the locality where a copy of the application, and of all plans and other documents submitted to 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;

(b) for not less than 21 days display on or near the said building a notice containing the same particulars as are required to be published in accordance with sub-paragraph (a); and

(c) for not less than 21 days publish on a website maintained by the local planning authority the following information—

(i) the address or location of the development in question;

(ii) the nature of the development;

(iii) the date by which any representations about the application must be made, which shall not be before the last day of the period of 21 days beginning with the date on which the information is published;

(iv) where and when the application may be inspected; and

(v) how representations may be made about the application.”;

- (b) in paragraphs (3) and (4) omit “Subject to paragraph (7)”;
 - (c) in paragraph (4)—
 - (i) for “both” substitute “each” in each place where it occurs;
 - (ii) at the end of sub-paragraph (b) insert “and”; and
 - (iii) after sub-paragraph (b) insert—
 - “(c) the period of 21 days beginning with the date on which the information required by sub-paragraph (c) of the said paragraph (2) was first published,”; and
 - (d) omit paragraphs (5), (6) and (7).
- (3) In regulation 13 (applications by local planning authorities)—
- (a) in paragraph (4) at the end of sub-paragraph (b) for the full stop substitute “; and”; and
 - (b) in paragraph (4) after sub-paragraph (b) insert—
 - “(c) for not less than 21 days publish on a website maintained by the local planning authority the following information—
 - (i) the address or location of the proposed works;
 - (ii) the nature of the proposed works;
 - (iii) the date by which any representations about the application must be made, which shall not be before the last day of the period of 21 days beginning with the date on which the information is published;
 - (iv) where and when the application may be inspected; and
 - (v) how representations may be made about the application.”.

Transitional provision

5. The amendments made by regulation 4 do not apply in respect of any application made before 1st October 2010.

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

Ian Austin

Parliamentary Under Secretary of State

Department for Communities and Local Government

3rd March 2010

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Planning (Listed Buildings and Conservation Areas) Regulations 1990 (“the 1990 Regulations”) in relation to the publicity of certain applications in England.

These Regulations amend regulations 5, 5A and 13 of the 1990 Regulations, which require local planning authorities to publicise applications for listed building and conservation area consent; planning applications which affect the setting of listed buildings or the character or appearance of a conservation area; and applications by the local planning authority for listed building and conservation area consent. The period for displaying a site notice is extended in each case from seven to 21 days, and information about applications must be published on the local planning authorities’ websites. The amendments relating to websites apply only to applications made on or after 1st October 2010.

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 0303 444 1726).

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