

2013 No. 2146

TOWN AND COUNTRY PLANNING, ENGLAND

**The Enterprise and Regulatory Reform Act 2013 (Abolition of
Conservation Area Consent) (Consequential and Saving
Provisions) (England) Order 2013**

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|--------------------------|---------|---------------------------|
| <i>Made</i> | - - - - | <i>29th August 2013</i> |
| <i>Laid</i> | | <i>4th September 2013</i> |
| <i>Coming into force</i> | - - | <i>1st October 2013</i> |

The Secretary of State makes the following Order in exercise of the powers conferred by sections 99 and 100 of the Enterprise and Regulatory Reform Act 2013(a).

Citation and commencement

1. This Order may be cited as the Enterprise and Regulatory Reform Act 2013 (Abolition of Conservation Area Consent) (Consequential and Saving Provisions) (England) Order 2013 and comes into force on 1st October 2013.

Interpretation

2. In this Order—

“the 2013 Act” means the Enterprise and Regulatory Reform Act 2013.

Amendments to enactments

3. Subject to article 4, the amendments specified in the Schedule to this Order (in so far as they apply to England) shall have effect.

Saving provisions - conservation area consent applications already submitted

4.—(1) The amendments made by article 3 shall not have effect in relation to—

- (a) an application for conservation area consent submitted to a local planning authority(b) or (where applicable) to the Secretary of State, before 1st October 2013; or
- (b) any appeal, enforcement or other proceedings in respect of such an application.

(2) Notwithstanding the commencement of paragraphs 1 to 6, 12 and 13 of Schedule 17 to the 2013 Act and section 63 of that Act in so far as it relates to those paragraphs, the amendments made by those provisions to—

(a) 2013 c. 24.

(b) See section 1 of the Town and Country Planning Act 1990 for the definition of local planning authority.

- (a) the National Heritage Act 1983^(a),
 - (b) the Town and Country Planning Act 1990^(b), and
 - (c) the Planning (Listed Buildings and Conservation Areas) Act 1990^(c),
- shall not have effect in relation to an application mentioned in paragraph (1).

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

Nick Boles

Parliamentary Under Secretary of State

29th August 2013

Department for Communities and Local Government

SCHEDULE

Article 3

Abolition of Conservation Area Consent: Consequential Amendments

The Planning (Listed Buildings and Conservation Areas) Regulations 1990

1. In the Planning (Listed Buildings and Conservation Areas) Regulations 1990^(d)—
- (a) in regulation 3 (applications for listed building consent or for conservation area consent)—
 - (i) in the heading omit “or for conservation area consent”;
 - (ii) in paragraph (1) omit “or conservation area consent”; and
 - (iii) in paragraph (7) omit “or conservation area consent”
 - (b) in regulation 4 (applications to vary or discharge conditions attached to listed building consent or conservation area consent)—
 - (i) in the heading omit “or conservation area consent”; and
 - (ii) in paragraph (1) omit “or conservation area consent”
 - (c) in regulation 8 (appeals)—
 - (i) in paragraph (1)(a)(i) omit “or conservation area consent” and “either”; and
 - (ii) in paragraph (1)(a)(ii) omit “or a conservation area consent”
 - (d) in regulation 8A (use of electronic communications)—
 - (i) in paragraph (1)(a) omit “or conservation area consent”;
 - (ii) in paragraph (1)(b) omit “or conservation area consent”;
 - (iii) in paragraph (6)(a) omit “or conservation area consent”; and
 - (iv) in paragraph (6)(b) omit “or conservation area consent”
 - (e) for regulation 12 (demolition of unlisted buildings in conservation areas) substitute—

“**12.** In their application to buildings in conservation areas, the provisions of the Act referred to in section 74(2A)^(e) and which are set out in column 1 of Schedule 3 to these Regulations shall have effect as they have effect in relation to listed buildings subject to the exceptions and additional modifications (if any) set out opposite such provisions in column 2 of that Schedule.”
 - (f) in regulation 13 (applications by local planning authorities)—

(a) 1983 c 47.

(b) 1990 c 8.

(c) 1990 c 9.

(d) S.I. 1990/1519; amended by S.I. 1996/525, 2003/956, 2003/2048, 2004/2210, 2004/3341, 2006/1282, 2008/551, 2009/2262, and 2010/568. There have been other amendments to S.I. 1990/1519 but none are relevant to this Order. This S.I. has been revoked in Wales with savings (see S.I. 2012/793).

(e) Subsection (2A) of section 74 was inserted by paragraph 12(3) of Schedule 17 to the Enterprise and Regulatory Reform Act 2013 (c. 24).

- (i) in paragraph (1) omit “or for the demolition of unlisted buildings in conservation areas”;
 - (ii) in paragraph (2) omit “or conservation area consent for the demolition of a building within a conservation area in their area”; and
 - (iii) in paragraph (8) omit “, or a building in a conservation area,” and “or a building in a conservation area”
- (g) in regulation 15 (application for listed building or conservation area consent in respect of Crown land)—
- (i) in the heading omit “or conservation area”;
 - (ii) before paragraph (a) omit “and conservation area consent”; and
 - (iii) in paragraph (1A) omit “or conservation area”
- (h) in Part 2 of Schedule 1 (notification to be sent to applicant on refusal of listed building consent or conservation area consent, or grant of consent subject to conditions (to be endorsed on notices of decision))—
- (i) in the heading omit “or Conservation Area Consent.”;
 - (ii) in paragraph (1) omit “or conservation area consent”; and
 - (iii) in paragraph (2) omit “or conservation area consent”
- (i) in Part 3 of Schedule 1 (notification to be sent to applicant on refusal to vary or discharge conditions attached to listed building consent or conservation area consent, or on the addition of new conditions consequential upon variation or discharge)—
- (i) in the heading omit “or Conservation Area Consent.”; and
 - (ii) in paragraph (a) omit “or a conservation area consent”
- (j) in Part 2 of Schedule 2 omit “[conservation area consent]” in both places it appears; and
- (k) for Schedule 3 substitute—

“SCHEDULE 3

| <i>Provisions of the Act relating to listed building control</i> | <i>Exceptions and additional modifications (if any)</i> |
|--|--|
| Section 56 | For the words “sections 47 and 48 or section 54”, substitute the words “section 54 where a direction has been made in respect of that building under section 76(1)”. |
| Section 66(1) | Omit |
| Section 90(2) to (4) | None.” |

The Town and Country Planning (Determination of Appeals by Appointed Persons) (Prescribed Classes) Regulations 1997

2. In the Town and Country Planning (Determination of Appeals by Appointed Persons) (Prescribed Classes) Regulations 1997(a), in regulation 3—

- (a) in paragraph (2)(a) omit “, including appeals under that section as having effect by virtue of section 74 of that Act (conservation areas)”;
- (b) in paragraph (2)(b) omit “, including appeals under that section as having effect by virtue of section 74 of that Act”.

(a) S.I. 1997/420. There have been amendments to this instrument but none are relevant.

The Town and Country Planning (Inquiries Procedure) (England) Rules 2000

3. In the Town and Country Planning (Inquiries Procedure) (England) Rules 2000(a)—
- (a) in rule 2 (interpretation) in paragraph (1) omit the definition of “conservation area consent”; and
 - (b) omit rule 3(1)(c) (application of rules).

The Town and Country Planning Appeals (Determination by Inspectors) (Inquiries Procedure) (England) Rules 2000

4. In the Town and Country Planning Appeals (Determination by Inspectors) (Inquiries Procedure) (England) Rules 2000(b)—
- (a) in rule 2 (interpretation) in paragraph (1) omit the definition of “conservation area consent”; and
 - (b) in rule 3 (application of rules) in paragraph (1)(b) omit “or in relation to conservation area consent under that section as applied by section 74(3) of that Act”.

The Town and Country Planning (Hearings Procedure) (England) Rules 2000

5. In the Town and Country Planning (Hearings Procedure) (England) Rules 2000(c), in rule 3 (application of rules) omit paragraph (1)(c).

The Local Authorities (Functions and Responsibilities) (England) Regulations 2000

6. In the Local Authorities (Functions and Responsibilities) (England) Regulations 2000(d), in Schedule 1—
- (a) omit paragraph 25; and
 - (b) in paragraph 26 omit “and conservation area consent”.

The Town and Country Planning (Enforcement Notices and Appeals) (England) Regulations 2002

7. In the Town and Country Planning (Enforcement Notices and Appeals) (England) Regulations 2002(e), in regulation 9 (statement by local planning authority) in paragraph (1)(b) omit “or conservation area consent” and “or conservation area enforcement notice”.

The Town and Country Planning (Enforcement) (Written Representations Procedure) (England) Regulations 2002

8. In the Town and Country Planning (Enforcement) (Written Representations Procedure) (England) Regulations 2002(f), in regulation 7 (representations) in paragraph (4)(b) omit “or conservation area consent” and “or conservation area enforcement notice”.

The Town and Country Planning (Enforcement) (Hearings Procedure) (England) Rules 2002

9. In the Town and Country Planning (Enforcement) (Hearings Procedure) (England) Rules 2002(g)—

(a) S.I. 2000/1624; amended by S.I. 2002/1223, 2003/956, 2006/1282 and 2009/455.
(b) S.I. 2000/1625; amended by S.I. 2003/956 and 2009/455.
(c) S.I. 2000/1626; amended by S.I. 2003/956 and 2009/455.
(d) S.I. 2000/2853; amended by S.I. 2004/2211. There have been other amendments to S.I. 2000/2853 but none are relevant.
(e) S.I. 2002/2682; amended by S.I. 2003/956 and 2006/1282.
(f) S.I. 2002/2683; amended by S.I. 2003/956 and 2006/1282.
(g) S.I. 2002/2684; amended by S.I. 2003/956 and 2006/1282.

- (a) in rule 3 (application of the rules), in paragraph 1(c) omit “or under that section as applied by section 74(3) of that Act (appeal against conservation area enforcement notice)”; and
- (b) in rule 4 (preliminary information to be supplied by local planning authority), in paragraph (2)(b)(iii) omit “or conservation area”.

The Town and Country Planning (Enforcement) (Determination by Inspectors) (Inquiries Procedure) (England) Rules 2002

10. In the Town and Country Planning (Enforcement) (Determination by Inspectors) (Inquiries Procedure) (England) Rules 2002(a)—

- (a) in rule 3 (application of the rules), in paragraph 1(c) omit “or under that section as applied by section 74(3) of that Act (appeal against conservation area enforcement notice)”; and
- (b) in rule 4 (preliminary information to be supplied by local planning authority) in paragraph (2)(b)(iii) omit “or conservation area”.

The Town and Country Planning (Enforcement) (Inquiries Procedure) (England) Rules 2002

11. In the Town and Country Planning (Enforcement) (Inquiries Procedure) (England) Rules 2002(b)—

- (a) in rule 3 (application of the rules), in paragraph 1(c) omit “or under that section as applied by section 74(3) of that Act (appeal against conservation area enforcement notice)”; and
- (b) in rule 4 (preliminary information to be supplied by local planning authority) in paragraph (2)(b)(iii) omit “or conservation area”.

The Town and Country Planning (Timetable for Decisions) (England) Order 2005

12. In the Town and Country Planning (Timetable for Decisions) (England) Order 2005(c), in article 2 (decisions to which a timetable is not to apply), in paragraph (4)(e) omit “or conservation area consent”.

The Local Government (Best Value) Performance Indicators and Performance Standards (England) Order 2005

13. In the Local Government (Best Value) Performance Indicators and Performance Standards (England) Order 2005(d), in article 1 (citation, commencement and interpretation), in paragraph (2) omit “, conservation area consents” from the definition of “other planning application”.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends secondary legislation as a consequence of the Enterprise and Regulatory Reform Act 2013 (“the 2013 Act”).

Paragraphs 1 to 6, and 12 and 13, of Schedule 17 to the 2013 Act amended sections 74 and 75 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to abolish the system of conservation area consent as it applies to buildings in conservation areas in England (and to provide that planning permission will instead be required) and this Order makes amendments consequential on those changes.

(a) S.I. 2002/2865; amended by S.I. 2003/956.
(b) S.I. 2002/2686; amended by S.I. 2003/956 and 2006/1282.
(c) S.I. 2005/205.
(d) S.I. 2005/598; amended by S.I. 2006/553. There have been other amendments to S.I. 2005/598 but none are relevant to this Order.

The consequential amendments made by this Order are subject to article 4, which makes saving provisions in relation to conservation area consent so that where, prior to 1st October 2013, an application for such consent has already been submitted, that application shall be dealt with under the existing statutory provisions.

A full impact assessment has not been produced for this Order as no impact on the private or voluntary sectors is foreseen.

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