EXPLANATORY MEMORANDUM TO THE

PLANNING (LISTED BUILDINGS AND CONSERVATION AREAS) (AMENDMENT) (ENGLAND) REGULATIONS 2005

2005 No.1085

1. This explanatory memorandum has been prepared by the Department for Culture, Media and Sport and is laid before Parliament by Command of Her Majesty.

2. Description

2.1 These Regulations amend the Planning (Listed Buildings and Conservation Areas) Regulations 1990 to update the prescribed forms of notice to be served by local authorities on owners and occupiers of buildings that have been included or excluded from one of the statutory lists of buildings of special architectural or historic interest compiled by the Secretary of State for Culture, Media and Sport under the Planning (Listed Buildings and Conservation Areas) Act 1990.

3. Matters of special interest to the Joint Committee on Statutory Instruments

3.1 None.

4. Legislative Background

4.1. Section 1 of the Planning (Listed Buildings and Conservation Areas) Act 1990 provides that the Secretary of State for Culture, Media and Sport shall compile or approve lists of buildings of special architectural or historic interest and may amend any list so compiled or approved. Section 2(3)(b) gives local authorities a statutory responsibility to notify every owner and occupier of a building that the building has been included in or excluded from a list compiled or approved under section 1. The Planning (Listed Buildings and Conservation Areas) Regulations 1990 provide local authorities with a prescribed form of words on which they must base this notification.

5. Extent

5.1 These Regulations apply to England.

6. European Convention on Human Rights

Not applicable.

7. Policy background

7.1 The Planning (Listed Buildings and Conservation Areas) Regulations 1990 are being amended following an internal Department review of listing policies and procedures in light of the transfer of the administration of the listing system from the Department to English Heritage (EH) on 1 April 2005.

7.2 The transfer of listing administration is part of the Government's ongoing Heritage Protection Review. In 2003, the Department carried out a consultation about proposed reforms to the system for protecting historic assets in England. The outcome of that consultation was published in June 2004. The transfer of listing administration to EH is designed to make the listing process simpler and more streamlined and to reduce the double-handling of listing cases between the Department and EH. Other important changes will be made to the listing system throughout 2005/06, including: new notification and consultation arrangements for owners and local authorities, better information for the owners of listed buildings, and a more formal review process for listing decisions.

7.3 The current Regulations were drafted in 1990 and are now slightly out of date. Two main changes have been made to the Regulations:

- references to the Secretary of State for Environment, Transport and the Regions have been removed and replaced with references to the Secretary of State for Culture, Media and Sport; and

- EH rather than the Department has been identified as the first point of contact for listing enquiries.

8. Impact

8.1 A Regulatory Impact Assessment has not been prepared for this instrument as it has no impact on business, charities or voluntary bodies.

8.2 The impact on the public sector is that this instrument will not impose any additional regulatory burdens on local authorities.

9. Contact

Claudia Kenyatta at the Department for Culture, Media and Sport Tel: 020 7211 2347 or e-mail: claudia.kenyatta@culture.gsi.gov.uk) can answer any queries regarding th**e** instrument.