

## **IF A RESPONSE TO RED TAPE CHALLENGE: PLANNING ADMINISTRATION**

### **APPENDIX 3: STATUTORY INSTRUMENTS WHICH ARE IMPORTANT FOR THE MANAGEMENT AND PROTECTION OF THE HISTORIC ENVIRONMENT AND SHOULD BE RETAINED**

Those instruments marked with an asterisk might profitably be streamlined / consolidated.

#### **Procedure**

- Compulsory Purchase of Land (Prescribed Forms) (Ministers) Regulations 2004\* (Ref 347)
- Compulsory Purchase of Land (Vesting Declarations) Regulations 1990\* (Ref 349)
- Compulsory Purchase of Land (Written Representations Procedure) (Ministers) Regulations 2004\* (Ref 350)
- Compulsory Purchase (Inquiries Procedure) Rules 2007\* (Ref AR09)

Compulsory purchase powers can be used in the context of the historic environment (for instance, with the purchase of listed buildings in disrepair) and regulations should be retained to facilitate the use of such powers, although there may be scope for streamlining and/or merger.

- Town and Country Planning (Appeals) (Written Representations Procedure) (England) Regulations 2009\* (Ref 472)
- Town and Country Planning (Enforcement) (Determination by Inspectors) (Inquiries Procedure) (England) Rules 2002\* (Ref 518)
- Town and Country Planning (Enforcement) (Written Representations Procedure) (England) Regulations 2002\* (Ref 524)
- Town and Country Planning (Enforcement) (Hearings Procedure) (England) Rules 2002\* (Ref 520)
- Town and Country Planning (Enforcement) (Inquiries Procedure) (England) Rules 2002\* (Ref 522)
- Town and Country Planning (Hearings and Inquiries Procedures) (England) (Amendment) Rules 2009\* (Ref 570)
- Town and Country Planning (Hearings Procedure) (England) Rules 2000\* (Ref 571)
- Town and Country Planning (Inquiries Procedure) (England) Rules 2000\* (Ref 574)
- Town and Country Planning Appeals (Determination by Inspectors) (Inquiries Procedure) (England) Rules 2000\* (Ref 634)
- Town and Country Planning (Determination of Appeal Procedure) (Prescribed Period) (England) Regulations 2009\* (Ref 502)
- Town and Country Planning (Determination of Appeals by Appointed Persons) (Prescribed Classes) (Amendment) (England) Regulations 2006\* (Ref 503)
- Town and Country Planning (Determination of Appeals by Appointed Persons) (Prescribed Classes) (Amendment) (England) Regulations 2008\* (Ref 504)
- Town and Country Planning (Determination of Appeals by Appointed Persons) (Prescribed Classes) (Amendment) (England) Regulations 2009\* (Ref 505)
- Town and Country Planning (Determination of Appeals by Appointed Persons) (Prescribed Classes) Regulations 1997\* (Ref 506)
- Town and Country Planning (Enforcement Notices and Appeals) (England) Regulations 2002\* (Ref 514)

Clear and effective appeal processes and procedures are important in order to ensure that the historic environment is properly managed. The above regulations relating to a variety of appeals might profitably be consolidated and streamlined but should be retained.

- Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2011\* (Ref AR08)
- Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2012\* (Ref AR 26)
- Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2006\* (Ref 553)
- Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2007\* (Ref 554)
- Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2007\* (Ref 555)
- Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2010\* (Ref 556)
- Town and Country Planning (General Permitted Development) (Amendment) (No 2) (England) Order 2008\* (Ref 557)
- Town and Country Planning (General Permitted Development) (Amendment) (No 2) (England) Order 2010\* (Ref 558)
- Town and Country Planning (General Permitted Development) (Amendment) Order 1996\* (Ref 564)
- Town and Country Planning (General Permitted Development) (Amendment) Order 1997\* (Ref 565)
- Town and Country Planning (General Permitted Development) (Amendment) Order 1999\* (Ref 566)
- Town and Country Planning (General Permitted Development) (England) (Amendment) (No 2) Order 2005\* (Ref 567)
- Town and Country Planning (General Permitted Development) Order 1995\* (Ref 568)
- Town and County Planning (General Permitted Development) (Amendment) (England) Order 2001\* (Ref 643)

The operation of the permitted development regime potentially significantly affects the historic environment. However, the above orders would benefit from consolidation.

- Authorisation of Works (Listed Buildings) (England) Order 2001\*(Ref AR13)
- Ecclesiastical Exemption (Listed Buildings and Conservation Areas) (England) Order 2010\* (Ref AR15)
- Planning (Applications for Planning Permission, Listed Buildings and Conservation Areas) (Amendment) (England) Regulations 2006\* (Ref 399)
- Planning (Listed Buildings and Conservation Areas) (Amendment No 2) (England) Regulations 2009\* (Ref 407)
- Planning (Listed Buildings and Conservation Areas) (Amendment No 2) (England) Regulations 2010\* (Ref 408)
- Planning (Listed Buildings and Conservation Areas) (Amendment) (England) Regulations 2004\* (Ref 409)
- Planning (Listed Buildings and Conservation Areas) (Amendment) (England) Regulations 2008\* (Ref 410)
- Planning (Listed Buildings and Conservation Areas) (Amendment) (England) Regulations 2009\* (Ref 411)

- Planning (Listed Buildings and Conservation Areas) (Amendment) (England) Regulations 2010\* (Ref 412)
- Planning (Listed Buildings and Conservation Areas) (Amendment) (No 2) (England) Regulations 2004\* (Ref 413)
- Planning (Listed Buildings and Conservation Areas) (England) (Amendment) Regulations 2003\* (Ref 415)
- Planning (Listed Buildings and Conservation Areas) Regulations 1990\* (Ref 417)
- Planning (Listed Buildings, Conservation Areas and Hazardous Substances) (Amendment) (England) Regulations 2006\* (Ref 418)
- Town and Country Planning (Tree Preservation) (England) Regulations 2012\* (Ref AR02)

The operation of the listed building and conservation area regimes are central to the management and protection of the historic environment.

- Town and Country Planning (Environmental Impact Assessment) Regulations 2011\* (Ref AR16)
- Town and Country Planning (Environmental Impact Assessment) (Mineral Permissions and Amendment) (England) Regulations 2008\* (Ref 533)
- Infrastructure Planning (Environmental Impact Assessment) Regulations 2009\* (Ref 377)

Environmental impact assessment is central to the management and protection of the historic environment and required by European Directive.

- Town and Country Planning (Development Management) (England) (Amendment) Order 2012 (Ref AR19)
- Town and Country Planning (Development Management Procedure) (England) (Amendment No. 3) Order 2012 (Ref AR22)
- Town and Country Planning (Control of Advertisements) (England) (Amendment) Regulations 2012 (Ref AR24)
- Planning (National Security Directions and Appointed Representatives) (England) Rules 2006 (Ref 420)
- Town and Country Planning (Application of Subordinate Legislation to the Crown) Order 2006 (Ref 467)
- Town and Country Planning (Timetable for Decisions) (England) Order 2005 (Ref 469)
- Town and Country Planning (Churches, Places of Religious Worship and Burial Grounds) Regulations 1950 (Ref 470)
- Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (Ref 488)
- Town and Country Planning (Development Management Procedure) (England) Order 2010 (Ref 507)
- Town and Country Planning (Electronic Communications) (England) Order 2003 (Ref 510)
- Town and Country Planning (Modification and Discharge of Planning Obligations) Regulations 1992 (Ref 594)
- Town and Country Planning (Simplified Planning Zones) (Amendment) Regulations 1994 (Ref 607)
- Town and Country Planning (Simplified Planning Zones) (Excluded Development) Order 1987 (Ref 608)
- Town and Country Planning (Simplified Planning Zones) Regulations 1992 (Ref 609)
- Town and Country Planning General Regulations 1992 (Ref 639)

The above regulations help to underpin the operation of the planning regime without which the historic environment would not be adequately managed and protected.

### Local Planning

- Environmental Assessment of Plans and Programmes Regulations 2004 (Ref 31)
- Town and Country Planning (Development Plan) (England) Regulations 1999 (Ref 508)
- Town and Country Planning (London Spatial Development Strategy) Regulations 2000 (Ref 585)
- Neighbourhood Planning (General) Regulations 2012 (Ref 672)
- Town and Country Planning (Local Planning) (England) Regulations 2012 (Ref 767)

In a plan-led system, regulations relating to the making and operation of plans are fundamental to the management and protection of the historic environment.

### Planning Authorities

- Planning (Application to the Houses of Parliament) Order 2006 (Ref 398)
- Planning (Listed Buildings and Conservation Areas) (Isles of Scilly) Order 1990 (Ref 416)
- Town and Country Planning (Isles of Scilly) Order 2005 (Ref 466)
- Town and Country Planning (Mayor of London) (Amendment) Order 2011 (Ref 588)
- Town and Country Planning (Mayor of London) Order 2008 (Ref 590)
- Urban Development Corporations (Planning Functions) Order 2012 (Ref AR03)
- Milton Keynes (Urban Area and Planning Functions) (Revocation) Order 2012 (Ref AR28)
- London Legacy Development Corporation (Planning Functions) Order 2012 (Ref AR01)

Planning authorities play a crucial role in the operation of the planning regime and the management and protection of the historic environment. Their role should continue to be defined by primary and secondary legislation.

### Planning Infrastructure and Major Projects

- Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (Ref 374)
- Infrastructure Planning (Compulsory Acquisition) Regulations 2010 (Ref 375)
- Infrastructure Planning (Decisions) Regulations 2010 (Ref 376)
- Infrastructure Planning (Examination Procedure) Rules 2010\* (Ref 378)
- Infrastructure Planning (Fees) Regulations 2010 (Ref 379)
- Infrastructure Planning (Interested Parties) Regulations 2010 (Ref 380)
- Infrastructure Planning (Miscellaneous Prescribed Provisions) Regulations 2010 (Ref 381)
- Infrastructure Planning (National Policy Statement Consultation) Regulations 2009 (Ref 383)
- Town and Country Planning (Major Infrastructure Project Inquiries Procedure) (England) Rules 2005\* (Ref 468)
- Town and Country Planning (Major Infrastructure Project Inquiries Procedure) (England) Rules 2002\* (Ref 586)

- Town and Country Planning (Windscale and Calder Works) Special Development Order 1978 (Ref 633)
- Mining Dereliction (Compulsory Works) (Procedure) Regulations 1985 (Ref 648)
- Planning Act 2008 (Railways Designation) Order 2010 (Ref AR14)
- Electronic Communications Code (Conditions and Restrictions) Regulations 2003 (Ref AR18)

The nature and scale of the likely impacts of infrastructure and major projects (including their impacts on the historic environment) necessitate the continued regulation of such projects by primary and secondary legislation.