

2013 No. 2145

TOWN AND COUNTRY PLANNING, ENGLAND

**The Town and Country Planning General (Amendment)
(England) Regulations 2013**

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

The Secretary of State makes the following Regulations in exercise of the powers conferred by sections 316 and 333(1) and (2A) of the Town and Country Planning Act 1990(a).

Citation, commencement and application

1.—(1) These Regulations may be cited as the Town and Country Planning General (Amendment) (England) Regulations 2013 and come into force on 1st October 2013.

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

Amendment of the Town and Country Planning General Regulations 1992

2.—(1) The Town and Country Planning General Regulations 1992(b) are amended as follows—

(2) In regulation 3 (applications for planning permission) for the words “Subject to regulation 4” substitute “Subject to regulations 4 and 4A”.

(3) After regulation 4 insert—

“Applications for planning permission: relevant demolition

4A—(1) Regulation 3 does not apply in relation to an application made by an interested planning authority which relates solely to development which is relevant demolition within the meaning of section 196D of the 1990 Act(c).

(2) Any such application shall be made to the Secretary of State.

-
- (a) 1990 c 8. Section 316 was substituted by section 20 of the Planning and Compensation Act 1991 (c. 34); see section 336(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, and Schedule 1 to, the National Assembly for Wales (Transfer of Functions) Order 1999, S.I. 1999/672; see entry in Schedule 1 for the Town and Country Planning Act 1990 (c. 8) as substituted by article 4 of and Schedule 3 to, the National Assembly for Wales (Transfer of Functions) Order 2000 (S.I. 2000/253). By virtue of paragraphs 30 and 32 of Schedule 1 to the Government of Wales Act 2006 (c. 32), these powers were transferred to the Welsh Ministers.
- (b) S.I. 1992/1492; amended by SI 1992/1892 and S.I. 1998/2800. There are other amendments to S.I. 1992/1492 but none are relevant to these Regulations.
- (c) Section 196D was inserted into the 1990 Act by paragraph 6 of Schedule 17 to the Enterprise and Regulatory Reform Act 2013 (c. 24).

(3) Any such application shall be in the form of an application to the interested planning authority.

(4) Before determining such an application the Secretary of State shall, if the interested planning authority wishes, give them an opportunity of appearing before, and being heard by, a person appointed by the Secretary of State for the purpose.

(5) Where an interested planning authority have made an application under paragraph (2) they shall, before sending it to the Secretary of State—

- (a) publish in a local newspaper circulating in the locality in which the building is situated a notice indicating the nature of the development which is the subject of the application and naming a place within the locality where a copy of the application, and of the plans and other documents which it is intended to submit to the Secretary of State 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
- (b) for not less than 21 days display on or near the 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) above; and
- (c) for not less than 21 days publish on a website maintained by the interested 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.

(6) An application by an interested planning authority to the Secretary of State under paragraph (2) above shall be accompanied by a copy of all representations duly made in relation to the application.

(7) An application by the county planning authority to the Secretary of State under paragraph (2) above, together with any accompanying documents required by this regulation, shall be made to the district planning authority who shall forthwith send it on to the Secretary of State.

(8) The Secretary of State may serve any notice authorised to be served by an interested planning authority in relation to a building in a conservation area.”

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

29th August 2013

Nick Boles
Parliamentary Under Secretary of State
Department for Communities and Local Government

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend, in relation to England, the Town and Country Planning General Regulations 1992 (S.I. 1992/1492). They make provision for the Secretary of State to determine applications for planning permission made by an interested local planning authority for the development of land which relates solely to the demolition of an unlisted building in a conservation area and provide for the procedure to be followed on such applications.

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

© Crown copyright 2013

Printed and published in the UK by The Stationery Office Limited under the authority and superintendence of Carol Tullo, Controller of Her Majesty's Stationery Office and Queen's Printer of Acts of Parliament.

£4.00

UK201308296 09/2013 19585

<http://www.legislation.gov.uk/id/uksi/2013/2145>

ISBN 978-0-11-110332-6



9 780111 103326