

## Review of DCLG Statutory Duties

Department cited in 2011 Statutory duties list	Unique ref Number as carried over from 2011 Statutory duties lists	Theme	Legislation	Year	Title of duty	Notes
Department for Communities and Local Government	DCLG_144	Local Planning Authorities (LPAs)	Planning (Listed Buildings and Conservation Areas) Act 1990 Section 69	1990	Determine from time to time, which parts of its area should be conservation areas.	To identify those areas of historical and architectural interest that should benefit from the protections in the 1990 Act
Department for Communities and Local Government	DCLG_145	Local Planning Authorities (LPAs)	Planning (Listed Buildings and Conservation Areas) Act 1990 Section 66	1990	In considering whether to grant planning permission affecting a listed building or its setting, have special regard to the desirability of preserving the building or its setting.	To prevent damage to the fabric or setting of a listed building by ensuring that the effects on any such building are a material consideration when considering a relevant planning application.
Department for Communities and Local Government	DCLG_146	Local Planning Authorities (LPAs)	Planning (Listed Buildings and Conservation Areas) Act 1990 Section 71	1990	Local planning authority must formulate and publish proposals for the preservation and enhancement for their conservation areas; any proposals to be considered at a public meeting and the local planning authority must have regard to any views expressed at the meeting.	By definition, conservation areas are places which should be conserved. Without active management they could degrade and lose their reason for existence.
Department for Communities and Local Government	DCLG_147	Local Planning Authorities (LPAs)	Planning (Listed Buildings and Conservation Areas) Act 1990 Section 72	1990	Exercise certain functions paying special attention to the desirability of preserving or enhancing the character or appearance of conservation areas	To ensure that when exercising other functions with respect to buildings or land in a conservation area (particularly the grant of planning permission) special attention is paid to preserving or enhancing the character or appearance of the area.
Department for Communities and Local Government	DCLG_148	Local Planning Authorities (LPAs)	Town and Country Planning Act 1990 (TCPA 1990) Section 65	1990	Duties imposed on Local Planning Authorities by order under this section relating to publicity of planning applications.	Ensures that planning applications given adequate publicity - to give members of the public an opportunity to know about and, if they choose, make representations on planning applications.
Department for Communities and Local Government	DCLG_149	Local Planning Authorities (LPAs)	Town and Country Planning Act 1990 Section 69	1990	Keep register of various applications made under this Act.	Ensures that local authorities maintain a register of planning applications and decisions, this is then freely accessible to members of the public.

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Department for Communities and Local Government	DCLG_150	Local Planning Authorities (LPAs)	Town and Country Planning Act 1990 Section 70(2)	1990	Have regard to development plan and other material considerations in determining planning and other applications.	Sets out principles of decision making for local authorities.
Department for Communities and Local Government	DCLG_151	Local Planning Authorities (LPAs)	Town and Country Planning Act 1990, Section 71	1990	By order not to determine applications for planning permission before end of prescribed period and to consult and further duty to consult other local authority when granting consent for caravans	Sets out that Local Planning Authorities cannot make decisions until consultation is complete
Department for Communities and Local Government	DCLG_152	Local Planning Authorities (LPAs)	Town and Country Planning Act 1990 Section 73	1990	Duties about how to consider application to develop land without compliance with planning condition.	to allow developers to make minor amendments to planning permissions without having to submit a new planning application.
Department for Communities and Local Government	DCLG_153	Local Planning Authorities (LPAs)	Town and Country Planning Act 1990 Section 74	1990	How to determine planning applications.	Sets out principles of decision making for local authorities.
Department for Communities and Local Government	DCLG_154	Local Planning Authorities (LPAs)	Town and Country Planning Act 1990 Section 76A	1990	Refer application for planning permission to Secretary of State for major infrastructure project when directed to by Secretary of State	
Department for Communities and Local Government	DCLG_155	Local Planning Authorities (LPAs)	Town and Country Planning Act 1990 Section 77	1990	Refer application for planning permission to Secretary of State when directed to either in a specific case or because of a general direction.	Ensures that certain types of cases are referred to the Secretary of State for his consideration of whether they should be called in.
Department for Communities and Local Government	DCLG_157	Local Planning Authorities (LPAs)	Town and Country Planning Act 1990 Section 83	1990	Determine from time to time whether to designate any part of their area as a Simplified Planning Zone if regional strategy identifies a need for one (and connected procedures in other sections).	To ensure local authorities consider, from time to time, the case for creating areas where simplified planning arrangements are in place. Simplified Planning Zones remove the requirement for planning permission for specified development

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Department for Communities and Local Government	DCLG_158	Local Planning Authorities (LPAs)	Town and Country Planning Act 1990 Section 97	1990	Have regard to development plan and other material considerations when deciding whether or not to revoke or modify a planning permission (and connected procedures under other provisions to be complied with in order to revoke or modify permission).	Section 97 of the Town and Country Planning Act 1990 enables Local Planning Authorities and Mineral Planning Authorities - in respect of minerals development- to make an order revoking or modifying a planning permission . This section enables the orders to impose restoration conditions on minerals planning consents.
Department for Communities and Local Government	DCLG_159	Local Planning Authorities (LPAs)	Town and Country Planning Act 1990, Section 106A(7)	1990	Give notice of determination of application to vary or discharge planning obligation within prescribed period.	Require authorities to give notice of their decision to the applicant within a period prescribed by the Secretary of State
Department for Communities and Local Government	DCLG_160	Local Planning Authorities (LPAs)	Town and Country Planning Act 1990 Section 107	1990	Pay compensation for revocation or modification of planning permission.	To compensate applicants for removal or change to right to develop which has already been granted
Department for Communities and Local Government	DCLG_161	Local Planning Authorities (LPAs)	Town and Country Planning Act 1990 Section 108	1990	Pay compensation for withdrawal or modification of planning permission granted by development order	Applies s107 where planning permission is refused where it is normally granted by a development order. In practice, where the Local Planning Authority makes an article 4 direction removing permitted development rights and a subsequent planning application is refused, compensation is payable
Department for Communities and Local Government	DCLG_162	Local Planning Authorities (LPAs)	Town and Country Planning Act 1990 Section 109	1990	Apportion compensation under section 107.	Procedural provision for s107. If practicable, the Local Planning Authority shall apportion any compensation for depreciation in value to various parts of the land.

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Department for Communities and Local Government	DCLG_163	Local Planning Authorities (LPAs)	Town and Country Planning Act 1990 Section 110	1990	Give notice to Secretary of State where compensation includes compensation for depreciation	Procedural provision under s107. The Local Planning Authority must notify the Secretary of State of any compensation for depreciation and any apportionment under s109.
Department for Communities and Local Government	DCLG_164	Local Planning Authorities (LPAs)	Town and Country Planning Act 1990 Section 115	1990	Pay compensation where discontinuance order made	Fairness to landowners, whose legal development are required to be removed by a discontinuance notice.
Department for Communities and Local Government	DCLG_165	Local Planning Authorities (LPAs)	Town and Country Planning Act 1990 Section 139	1990	Respond to purchase notice	fairness to affected landowners. It requires the Local Planning Authority to respond to a purchase notice within 3 months: either to accept it, gain the agreement of another Local Authority or statutory undertaker to accept it or to refer it to the Secretary of State for determination.
Department for Communities and Local Government	DCLG_166	Local Planning Authorities (LPAs)	Town and Country Planning Act 1990 Section 191	1990	To issue certificates of lawful existing use or development or refuse applications	To establish the lawfulness of development
Department for Communities and Local Government	DCLG_167	Local Planning Authorities (LPAs)	Town and Country Planning Act 1990 Section 192	1990	To issue certificates of lawful proposed use or development or refuse applications	To establish the lawfulness of development
Department for Communities and Local Government	DCLG_168	Local Planning Authorities (LPAs)	Town and Country Planning Act 1990 Section 197	1990	Include appropriate provision for the protection of tree in a planning permission.	

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Department for Communities and Local Government	DCLG_169	Local Planning Authorities (LPAs)	Town and Country Planning Act 1990 Section 203	1990	Pay compensation arising under tree preservation orders.	To make provision for the payment of compensation for loss or damage caused or incurred as a result of refusal of consent or granting consent subject to conditions.
Department for Communities and Local Government	DCLG_170	Local Planning Authorities (LPAs)	Town and Country Planning Act 1990 Section 204	1990	Pay compensation where requirement to replant trees.	To make provision for the payment of compensation for loss or damage caused or incurred in complying with a replanting direction in a woodland, where the Forestry Commission decide not to make a grant under the Forestry Act 1979.
Department for Communities and Local Government	DCLG_171	Local Planning Authorities (LPAs)	Town and Country Planning Act 1990 Section 223	1990	Pay compensation for expense of removing prohibited advertisements	The payment of compensation where in order to comply with the 2007 Regulations, works are carried out to remove any advertisement which was being displayed on 1 August 1948 or for discontinuing the use of a site for the display of advertisements that was used on that date
Department for Communities and Local Government	DCLG_207	Building Act - not covered by separate review of Building Regulations	Building Act 1984 s78(2)	1984	Dangerous building-emergency measures: Notice of intention to take action under 78 (1) where reasonably practicable	Prevention of risk to safety.
Department for Communities and Local Government	DCLG_208	Building Act - not covered by separate review of Building Regulations	Building Act 1984 s91	1984	Duties of Local Authorities: Local Authorities must carry out duties imposed on them in the Building Act and the Building Regulations	

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Department for Communities and Local Government	DCLG_216	Local Planning Authorities (LPAs)	Town and Country Planning Act 1990 (TCPA 1990) Schedule 9	1990	i) Paragraphs 5 and 6 enables Mineral Planning Authorities to make suspension orders in respect of sites where minerals development has taken place but which has been temporarily suspended.ii) Paragraph 3 enables an Mineral Planning Authority to prohibit the resumption of working on a mineral site	To suspend minerals workings to deal with an environmental problems on the site. To prohibit minerals extraction if it is unlikely to be worked in the future.
Department for Culture Media and Sport	DCMS_001	Planning	Public Statues (Section 5) (Metropolis) Act 1854 (the "PS(M)A 1854")	1854	No public statue can be erected without written consent of Secretary of State	The purpose of s5 was to stop the proliferation of statues in London. The Public Statues (Metropolis) Act 1854 was introduced before modern planning laws. Current statutory planning legislation - in particular the requirements that planning permission be obtained for building or other operations under the Town and Country Planning Act 1990 – make s5 of the Public Statues (Metropolis) Act 1854 redundant
Department for Culture Media and Sport	DCMS_002	Monuments	Ancient Monuments and Archaeological Areas Act 1979 ("AMAAA 1979") Sections 12 and 13	1979	To maintain any monument which is under that local authority's guardianship by virtue of the Ancient Monuments and Archaeological Areas Act 1979	Maintenance of ancient monuments
Department for Culture Media and Sport	DCMS_003	Monuments	Ancient Monuments and Archaeological Areas Act 1979 - Section 14	1979	To consult with the Secretary of State (and authority must be satisfied as to certain conditions) before entering into any agreement to exclude any part of a monument from guardianship or renounce guardianship of the monument under s14(2) Ancient Monuments and Archaeological Areas Act 1979	Secure preservation of ancient monuments

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Department for Culture Media and Sport	DCMS_004	Monuments	Ancient Monuments and Archaeological Areas Act 1979 - Section 19	1979	To grant public access to any monument under the ownership or guardianship of the local authority by virtue of Ancient Monuments and Archaeological Areas Act 1979	Secure public access to ancient monuments - e.g. the authority's power to exclude public from accessing monument shall only be exercised with Secretary of State consent; and any regulations made by the local authority to regulate public access do not take effect unless submitted to and confirmed by the Secretary of State
Department for Culture Media and Sport	DCMS_005	Monuments	Ancient Monuments and Archaeological Areas Act 1979 - Section 30(2)	1979	A local authority shall only dispose of an ancient monument situated in England which has been acquired by agreement, gift or transfer (i.e. under s11 or 21 Ancient Monuments and Archaeological Areas Act 1979) after consulting with the Secretary of State	Secure preservation of ancient monuments
Department for Culture Media and Sport	DCMS_006	Monuments	Ancient Monuments and Archaeological Areas Act 1979 - Section 33(2) and Sch 2	1979	A local authority must notify English Heritage ("EH") of an intention to designate by order an area of archaeological importance within its area if area is in England	Ensure full and consistent records are kept by English Heritage and that procedure for designation is orderly. NB designation orders made by a local authority must follow procedure set out in Sch 2, e.g. requirement to consult other Local Authorities and to submit order to Secretary of State for confirmation
Department for Culture Media and Sport	DCMS_007	Listed Buildings	Planning (Listed Buildings and Conservation Areas) Act 1990 - 2(5)	1990	to make copies of the list, as it pertains to buildings statutorily listed in the council /LPA area, available to for public inspection free of charge at reasonable hours and at a convenient place (s2(5))	Ensure local records are maintained and available to the public
Department for Culture Media and Sport	DCMS_007	Listed Buildings	Planning (Listed Buildings and Conservation Areas) Act 1990 - Section 2(3)(b) and 2(5)	1990	To inform owners and occupiers when building is listed or delisted in their area (s2(3)(b)); and to make copies of the local list available to the public (s2(5))	Ensure interested parties are aware of listing and local records are maintained and available

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Department for Culture Media and Sport	DCMS_008	Listed Buildings	Planning (Listed Building Conservation Area) Act 1990 - Section 3	1990	If a local authority chooses to serve a building preservation notice ("BPN") (takes effect as temporary listing) on a building in their area, they must request the Secretary of State to consider the building for listing under the P(LBCA)A 1990.	Ensures that building preservation notice leads to an assessment of the building's special interest by English Heritage
Department for Culture Media and Sport	DCMS_009	Listed Buildings	Planning (Listed Building Conservation Area) Act 1990 - Section 13	1990	To notify Secretary of State where application is made for listed building consent and authority intends to grant the consent. The local planning authority shall not grant listed building consent until conditions in s13(3) are satisfied	Regulate giving of consent and ensure proper records are kept. Authority has to give particulars of works etc.
Department for Culture Media and Sport	DCMS_010	Listed Buildings	Planning (Listed Building Conservation Area) Act 1990 - Section 14	1990	Where a London borough council receives application for listed building consent and authority intends to grant consent, it must notify Historic England. The authority shall not grant the consent unless they are authorised or directed to do so under s 14(2)(a).	Regulate giving of consent and ensure proper records are kept. Authority has to give particulars of works etc.
Department for Culture Media and Sport	DCMS_010	Listed Buildings	Planning (Listed Building Conservation Area) Act 1990 - Section 16	1990	Where the local planning authority is considering to grant listed building consent for any works they shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historical interest which it possesses.	Regulate giving of consent and ensure proper records are kept. Authority has to give particulars of works etc. To prevent damage to the fabric of a listed building by ensuring that the effects on any such building are a material consideration when considering a relevant planning application.
Department for Culture Media and Sport	DCMS_011	Listed Buildings	Planning (Listed Building Conservation Area) Act 1990 Sections 23-25	1990	Procedure to be followed by a local authority which makes an order to revoke or modify listed building consent	Regulate procedure
Department for Culture Media and Sport	DCMS_012	Listed Buildings	Planning (Listed Building Conservation Area) Regulations 1990 Section 28	1990	To pay compensation where listed building consent revoked or modified and an interested person has incurred expenditure or suffered damage etc	Compensate persons who have suffered financial loss because authority modified consent
Department for Culture Media and Sport	DCMS_013	Listed Buildings	Planning (Listed Building Conservation Area) Regulations 1990 - Section 33	1990	Action by local authority on whom listed building purchase notice served	Regulate procedure
Department for Culture Media and Sport	DCMS_013	Listed Buildings	Planning (Listed Building Conservation Area) Regulations 1990 Section 29	1990	To pay compensation, where claimed in the prescribed time and manner, if a building preservation notice ceases to have effect without the building having been listed, for any loss or damaged directly attributable to the effect of the notice.	Compensate persons who have suffered financial loss because authority modified consent



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Department for Culture Media and Sport	DCMS_014	Listed Buildings	Planning (Listed Building Conservation Area) Act 1990 Section 38	1990	Issue of listed building enforcement notice requires Local Authorities to certain follow procedures	Regulate procedure
Department for Culture Media and Sport	DCMS_015	Listed Buildings	Acquisition of Land Act 1981 and Section 47(2) Planning (Listed Building Conservation Area) Act 1990	1981	Local Authorities must submit a draft compulsory purchase order for a listed building in need of repair to the Secretary of State for confirmation	Regulate procedure - and in line with other compulsory acquisition legislation
Department for Culture Media and Sport	DCMS_016	Listed Buildings	Planning (Listed Building Conservation Area) Act 1990 - Section 52(1)(b)	1990	To obtain confirmation from Secretary of State if authority wishes to acquire by agreement any land that is necessary for preserving a building acquired under s52 of P(LBCA)A 1990 or necessary for preserving amenities or for affording access to it or for its control or management	Acquisition of land under these circumstances, unlike the acquisition of the building itself, requires the authority (in England) to obtain the confirmation of the Secretary of State
Department for Culture Media and Sport	DCMS_017	Listed Buildings	Planning (Listed Building Conservation Area) Act 1990 - Section 56	1990	Dangerous structure orders in respect of listed buildings - local authority must consider use of sections 47 and 48 or section 54 before exercising certain powers under the Building Act 1984 or the London Building Acts (Amendment) Act 1939	To consider appropriate powers
Department for Culture Media and Sport	DCMS_019	Conservation Area	Planning (Listed Building Conservation Area) Act 1990 Sections 70	1990	To give notice of designation of Conservation Areas to Secretary of State and (in respect of designations in England) to the Commission, the London Gazette and a local newspaper	Regulate procedure and maintain records. Ensure public awareness
Department for Culture Media and Sport	DCMS_021	Conservation Area	<del>Planning (Listed Building Conservation Area) Regulations- 1990 Section 74</del>	<del>1990</del>	<del>To obtain Secretary of State consent to demolish a building in a conservation area (NB under s75, requirement for consent does not apply to all classes of buildings, e.g. does not apply to listed buildings - see Section 82)</del>	Repealed for England in Enterprise and Regulatory Reform Act 2013, extant in Wales.
Department for Culture Media and Sport	DCMS_022	Conservation Area	Planning (Listed Building Conservation Area) Act 1990 Sections 76 and 54	1990	If a local authority wishes to apply s54 to undertake urgent works to preserve an unoccupied building in a conservation area, it must obtain a direction from Secretary of State under s76 that s54 applies	
Department for Culture Media and Sport	DCMS_023	Conservation Area	Planning (Listed Building Conservation Area) Act 1990 Section 82	1990	Application of P(LBCA)A 1990 to land and works of local planning authorities: Local authority required to seek listed building consent. Application for listed building consent to demolish their listed buildings, or to alter or extend them must be made to the Secretary of State	

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Department for Culture Media and Sport	DCMS_024	Crown Land	Planning (Listed Building Conservation Area) Act 1990 Section 82(D)	1990	To obtain consent of appropriate authority before taking any step for the purposes of enforcement in relation to Crown land	Require Crown authority if Crown land
Department for Culture Media and Sport	DCMS_025	Listed Buildings	Planning (Listed Building Conservation Area) Act 1990 Schedule 1	1990	Treatment as listed buildings certain buildings formerly subject to building preservation orders - To give notice under para 2(2)	Regulate procedure
Department of Energy and Climate Change	DECC_004	Planning	Electricity Act 1989 - Schedule 8	1989	Notification of relevant planning authority of applications under s36 and s37 of the Electricity Act 1989	Local planning authority to give its views on applications for new generating stations and overhead lines - objection will trigger a public inquiry
Department for Environment, Food and Rural Affairs	DEFRA_016	Biodiversity	Hedgerow Regulations 1997 (Made under section 97 of the Environment Act 1995)	1997	Administered by local planning authorities in England and Wales. In England these are usually in county areas: District or Borough Councils, or in non-county areas the unitary authority except: <ul style="list-style-type: none"> <li>• In a National Park, it is the National Park Authority;</li> <li>• In the Norfolk Broads, it is the Broads Authority;</li> <li>• In the Isles of Scilly, it is the Council of the Isles of Scilly</li> </ul>	The protection of important countryside hedgerows (on or adjoining land used for agriculture or forestry; breeding or keeping of horses, ponies or donkeys; common land; village greens; Sites of Special Scientific Interest or Local Nature Reserves) by controlling their removal (in whole or in part) through a system of notification. Land managers/utility operators are required to notify the local planning authority of intention to remove a hedgerow setting out reasons for this. The LPA has 42 calendar days from receipt of notification to decide if the hedgerow is deemed to be 'important' and meets the criteria set out in the Regulations. If so, consent for removal may be refused.

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Department for Environment, Food and Rural Affairs	DEFRA_170	Marine	Marine and Coastal Access Act 2009, Section 58.	2009	Duty on public authorities to take any authorisation or enforcement decisions in accordance with appropriate marine policy documents, unless relevant policy considerations indicate otherwise. Duty on public authorities when taking other types of decisions that relate to the exercise of any function capable of affecting the marine area to have regard to appropriate marine policy documents in taking any decisions.	Marine Plans include consideration of historical and archaeological factors. To ensure relevant decisions by all public authorities are guided by the Marine Policy Statement and relevant Marine Plan(s) in order to contribute to the achievement of sustainable development. The Marine Management Organisation is a source of advice.
Department for Transport	DFT_015	Bridges	Transport Act 1968 Section 118	1968	To maintain bridges over railways and inland waterways in a safe condition	
Ministry of Justice	MOJ_050	Burial Regulations	Burial Act 1857	1857	Duty to obey any regulations made under the Act, requirement to have permission of the Secretary of State to move bodies	To ensure graves, burial grounds and vaults are maintained to an adequate standard
n/a	n/a	Local Act	London Squares Preservation Act 1931	1931	Section 3 (2) states that Any application for consent must be determined within two months. Section 3 (10) provides that an offence is committed if the provisions of the Act are breached and enforcement action can be taken to remedy any such breach. There is a statutory duty under section 3 (11) to enforce the Act.	
n/a	n/a	Building Regulations	The Building Regulations 2010. Section 11.	2010	Power to dispense with or relax requirements in most cases shall be exercisable by the local authority.	Requirement is helpful for historic building fabric
na	na	Listed Buildings	Planning (Listed Building Conservation Area) Act 1990 Section 48	1990	Issue of repairs notice prior to compulsory purchase order	
Not included in original list	Not included in original list		Planning (Listed Building Conservation Area) Act 1990 - Section 10	1990	Applications for listed building consent shall be dealt with by the local planning authority, (except as provided in section 12 and 15)	
Not included in original list	Not included in original list	Listed Buildings	Planning (Listed Building Conservation Area) Act 1990 - Section 4	1990	Temporary listing in urgent cases. Should a local authority affix the notice to the building the notice must explain that as it is so affixed it is treated as being served.	
Not included in original list	Not included in original list	Listed Buildings	Planning (Listed Building Conservation Area) Act 1990 - Section 8	1990	If a local authority authorises works for the alteration or extension of a listed building, written consent is required to be issued, including any conditions.	Ensures clarity in notifications.