

## Review of DCLG Statutory Duties

Assigned ref Number	Theme	Legislation	Year	Title of duty	Notes
HA_001	Heritage Partnership Agreement	Enterprise and Regulatory Reform Act 2013 section 60, inserting Planning (Listed Buildings and Conservation Areas) Act 1990 Section 26A and 26B	2013	A LPA may make agreement with any owner of a listed building, or part of a listed building, for a Heritage partnership agreement. The agreement must be in writing; must make provision for the parties to review its terms at intervals; make provision for its termination and variation.	
HA_002	Heritage Partnership Agreement	The Planning (Listed Buildings and Conservation Areas) (Heritage Partnership Agreements) Regulations 2014, section 3	2014	If an LPA propose to make a HPA, they must prepare a statement of reasons for proposing listed building consent, including an assessment of the likely effect of proposed works, a reasons justification of the works, details of conditions.	
HA_003	Heritage Partnership Agreement	The Planning (Listed Buildings and Conservation Areas) (Heritage Partnership Agreements) Regulations 2014, section 4	2014	the LPA must consult the Commission before making a HPA in respect of a Grade I or II* building, or any listed building owned by the LPA. The duty further sets out requirements in respect of the consultation.	
HA_004	Heritage Partnership Agreement	The Planning (Listed Buildings and Conservation Areas) (Heritage Partnership Agreements) Regulations 2014, section 5	2014	Requirement and procedure to publicise and take representations from the public on proposed HPAs.	
HA_005	Heritage Partnership Agreement	The Planning (Listed Buildings and Conservation Areas) (Heritage Partnership Agreements) Regulations 2014.	2014	Requirement to notify and submit a copy of the HPA agreement to the Commission once the agreement is made, under specified circumstances.	
HA_006	Advertisement of applications	The Planning (Listed Buildings and Conservation Areas) (Amendment) Regulations 2015, regulation 5A (1)	2015	LPA shall send the Commission a copy of each notice under certain requirements. Requirements outlined amend the P(LBCA)R1990	
HA_007	Local authority applications	The Planning (Listed Buildings and Conservation Areas) (Amendment) Regulations 2015, regulation 13 (2A)	2015	LPA shall consult the national amenity societies when requiring listed building consent for an application made by them in their area	
HA_008	Local Listed Building Consent Orders	Enterprise and Regulatory Reform Act 2013 Schedule 16, inserting Schedule 2A into P(LBCA)A 1990	2013	To prepare a local listed building consent order in accordance with procedure as prescribed by regulations under the Act.	
HA_009	Local Listed Building Consent Orders	Enterprise and Regulatory Reform Act 2013 Schedule 16, inserting Schedule 2A into P(LBCA)A 1990	2013	To comply with a direction under the Secretary of State to revise any local listed building consent order in accordance with a timetable directed by the Secretary of State.	
HA_010	Local Listed Building Consent Orders	Enterprise and Regulatory Reform Act 2013 Section 60, inserting Section 26F into P(LBCA)A 1990	2013	To be directed by the Secretary of State on the non or partial adoption, modification or revocation of a local listed building consent order by the Secretary of State	

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HA_011	Local Listed Building Consent Orders	Enterprise and Regulatory Reform Act 2013 Section 60, inserting Section 26F into P(LBCA)A 1990	2013	In considering whether to make a listed building consent order or local listed building consent order special regard must be paid to the desirability of preserving: listed buildings of a description to which the order applies; their setting, or; any features of special architectural or historic interest which they possess.	
HA_012	Local Listed Building Consent Orders	Enterprise and Regulatory Reform Act 2013 Schedule 16, inserting Schedule 2A 3 into P(LBCA)A 1990	2013	The LPA must adopt by resolution a local listed building consent order, in order to bring it into effect.	
HA_013	Local Listed Building Consent Orders	Enterprise and Regulatory Reform Act 2013 Schedule 16, inserting Schedule 2A 4 (1) into P(LBCA)A 1990	2013	When a local listed building consent order is in force, to prepare reports, at no longer than 12 month intervals, containing such information as is prescribed as to the extent to which a local listed building consent order is achieving its purpose, and make these reports available to the public.	
HA_014	Certificate of Lawfulness	Enterprise and Regulatory Reform Act 2013 Section 61, as amending, Planning (Listed Buildings and Conservation Areas) Act 1990 Section 26H	2013	To issue a certificate of lawfulness of proposed works, or a refusal of application, on receipt of application for the lawful works to a listed building. The certificate must contain the specified details.	
HA_015	Listed Buildings	Housing and Planning Act 2016 schedule 12 section 42, amending Planning (Listed Building Conservation Area) Regulations 1990 Section 66	2016	The addition of 'permission in principle' when deciding to grant planning permission taking into account special regard to the desirability of preserving the building for development which affects a listed building or its setting	
HA_016	Sustainable Development	Localism Act 2011 section 110, inserting section 33 A into the Planning and Compulsory Purchase Act 2004	2011	Duty to co-operate in relation to planning of sustainable development, including in the preparation of development and local plan documents, marine plans, etc.	
HA_017	Neighbourhood Development Order	Localism Act 2011 Schedule 10, inserting, Town and Country Planning Act 1990 Schedule 4B section 3 (1)	2011	Advice or assistance must be given facilitating the making of proposals for neighbourhood development orders (NDO), to qualifying bodies.	As a NDO must have special regard to the setting and special interest of listed buildings and preserving or enhancing the character or appearance of any applicable conservation area, therefore access to suitably qualified advice should be made available by the LA.

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HA_018	Neighbourhood Development Order	Localism Act Schedule 4B sections 8-12	2011	An examiner must consider if the draft neighbourhood development order (NDO) meets basic conditions, including having special regard to the desirability of preserving listed buildings and the character or appearance of conservation areas. Following examination the Local Authority must be satisfied the NDO meets the basic conditions before a referendum on the NDO can be held.	Is it unclear whether the LA is required to consider whether the application meets requirements prior to examination.
HA_019	Self-build	Housing and Planning Act 2016 section 10 inserting section 2A into Self-Build and Custom Housebuilding Act 2015	2016	Duty to give suitable development permission and enough serviced plots of land, to meet the demand for self-build and custom housebuilding in the LA area.	Land allocated would need to be assessed in respect of the HER, listed buildings and conservation areas however no specific obligation to do so is mentioned.
HA_020	Brownfield Land Register	Town and Country Planning (Brownfield Land Register) Regulations 2017 section 3	2017	Duty to consider if brownfield land is 'suitable for residential development' before entry onto the register, having regard to any adverse impact on the 'local built environment, including in particular on heritage assets'.	This regulation has the meaning and definition of a 'heritage asset' set out clearly. Whilst this definition pertains to this regulation solely in this case, it is interesting that the definition has been adopted and set out so clearly in this instance. On the legislation database there are only 9 references to 'heritage assets', all others in relation to Infrastructure Orders.
HA_021	Brownfield Land Register	Town and Country Planning (Brownfield Land Register) Regulations 2017 section 12	2017	Duty to consult persons, bodies or authorities set out in the Table in Schedule 4 to the TCPA (Development Management Procedure) Order (England) 2015, before entering land onto part 2 of the register. The table includes Historic England as consultee. Duty to consult does not apply where prior advice has been given that the body do not wish to be consulted about proposed entries in a specific geographical area.	
HA_022	Environmental Impact Assessment	The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 Part 1, Section 3	2017	In considering applications under EIA the relevant planning authority must not grant planning permission or subsequent consent unless an EIA has been carried out in relation to that application.	

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HA_023	Environmental Impact Assessment	The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 Part 1, Section 4 (5)	2017	The relevant authority must ensure they have, or have access as necessary to, sufficient expertise to examine the environmental statement or updated environment statement as appropriate.	Includes consideration of Cultural Heritage, World Heritage Sites and archaeology