

Equality Impact Assessment

September 2006

On 5th May 2006 the responsibilities of the Office of the Deputy Prime Minister (ODPM) transferred to the Department for Communities and Local Government (DCLG)

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1. Policy Description

1.1 Title of policy to be Assessed

Town and Country Planning, England

Amendments to the Town and Country Planning (Determination of Appeals by Appointed Persons) (Prescribed Classes) Regulations 1997(SI 420/1997)

1.2 Brief description of policy to be Assessed

Buildings are listed when placed on statutory lists of buildings of 'special architectural or historic interest' by the Secretary of State for Culture, Media and Sport on advice from English Heritage. Buildings are listed Grade I as being of exceptional interest, and Grade II* as being particularly important buildings of more than special interest. Buildings are listed Grade II (unstarred) when they are of special interest.

At present, listed building consent and listed building enforcement notice appeals in connection with Grade I and Grade II* listed buildings are known as 'non-transferable' appeals as jurisdiction to determine them has not been transferred by the Secretary of State to Planning Inspectors. Under the terms of the Town and Country Planning (Determination of Appeals by Appointed Persons) (Prescribed Classes) Regulations 1997, these categories of appeal are reserved for determination by the Secretary of State.

When hearing a non-transferable appeal, the Inspector produces a report and recommendations on the works for consideration by the Secretary of State. It is rare for the Secretary of State to disagree with the recommendations of her Planning Inspector, who will have particular knowledge of the case and expertise relevant to listed buildings.

The requirement for ministerial consideration and determination of these recommendations delays the final decision. We are amending the Town and Country Planning (Determination of Appeals by Appointed Persons) (Prescribed Classes) Regulations 1997 (SI 420/1997), to transfer jurisdiction to determine Grade I and II* listed building consent and enforcement notice appeals in England from the Secretary of State to Appointed Persons (Planning Inspectors), unless the Secretary of State considers the circumstances of the case warrant recovery for her own decision (in line with the recovered appeals policy).

1.3 Aims of policy to be Assessed

To simplify the process by which listed building consent and listed building enforcement notice appeals concerning Grade I and Grade II* listed buildings are determined and thus reduce the times in which decisions are made.

Simplification of the process should reduce the period of time in which decisions relating to listed building consent and listed building enforcement notice appeals concerning Grade I and Grade II* listed buildings are made, by transferring jurisdiction to determine these appeals to Planning Inspectors, while reserving the Secretary of State's power to recover jurisdiction in any particular case.

1.4 Who will be affected by this policy?

- Owners of listed buildings
- Developers
- Local Planning Authorities
- English Heritage

Assessment Carried Out by: Jane Halestrap Date: 9 August 2006

2. Assessment Analysis

2.1 Could this policy have a disproportionate affect on

Category	Yes	No	Don't know
Race or ethnic origin (includes Gypsies and Travellers)	[]	[No]	[]
Gender	[]	[No]	[]
Religion	[]	[No]	[]
Physical Disability		[No]	
Learning Disability	[]	[No]	[]
Give details			
N/A			

Give brief details of the evidence available/used. (If you have no data to support your assessment you can get views from diversity groups through a consultation).

Internal review of the handling of planning casework commissioned by the former Office of the Deputy Prime Minister (ODPM) in 2004

Partial and Full Regulatory Impact Assessments

Public consultation on Listed Buildings Casework (ODPM, February 2006)

2.2 Is there a need to consult? If so, how will you ensure that it is inclusive?

We published a partial Regulatory Impact Assessment as part of *Listed Buildings casework - a consultation paper* and consulted publicly between 1 March and 24 May 2006.

3. Post Consultation

3.1 What possible differential impacts on equality groups were identified through consultation?

No evidence or submissions on impacts on equality groups were received during our public consultation.

Decision

No impacts on equality groups were identified, so there is no need to proceed with a full Equality Impact Assessment.