



# Levelling-up and Regeneration Act 2023

## 2023 CHAPTER 55

### PART 3

#### PLANNING

### CHAPTER 3

#### HERITAGE

PROSPECTIVE

## 102 Regard to certain heritage assets in exercise of planning functions

(1) After section 58A of TCPA 1990 insert—

*“Regard to certain heritage assets*

### **58B Duty of regard to certain heritage assets in granting permissions**

- (1) In considering whether to grant planning permission or permission in principle for the development of land in England which affects a relevant asset or its setting, the local planning authority or (as the case may be) the Secretary of State must have special regard to the desirability of preserving or enhancing the asset or its setting.
- (2) For the purposes of subsection (1), preserving or enhancing a relevant asset or its setting includes preserving or enhancing any feature, quality or characteristic of the asset or setting that contributes to the significance of the asset.
- (3) For the purposes of this section—

*Status: This version of this provision is prospective.*

*Changes to legislation: There are currently no known outstanding effects for the Levelling-up and Regeneration Act 2023, Section 102. (See end of Document for details)*

- (a) anything within an entry in the first column of the following table is a “relevant asset”, and
- (b) “significance”, in relation to a relevant asset, has the meaning given by the corresponding entry in the second column of the table.

TABLE

<i>“relevant asset”</i>	<i>“significance”</i>
a scheduled monument within the meaning of the Ancient Monuments and Archaeological Areas Act 1979 (see section 1(11) of that Act)	the national importance referred to in section 1(3) of that Act
a garden or other area of land included in a register maintained by the Historic Buildings and Monuments Commission for England under section 8C of the Historic Buildings and Ancient Monuments Act 1953	the special historic interest referred to in subsection (1) of that section
a site designated as a restricted area under section 1 of the Protection of Wrecks Act 1973	the historical, archaeological or artistic importance referred to in subsection (1) (b) of that section
a World Heritage Site (that is to say, a property appearing on the World Heritage List kept under paragraph (2) of article 11 of the UNESCO Convention Concerning the Protection of the World Cultural and Natural Heritage adopted at Paris on 16 November 1972)	the outstanding universal value referred to in that paragraph

- (4) The reference in subsection (1) to a local planning authority includes the Mayor of London in relation to the grant of planning permission by Mayoral development order.
- (5) Nothing in this section applies in relation to neighbourhood development orders (except as provided in Schedule 4B) or street vote development orders (except as provided by SVDO regulations within the meaning given by section 61QM).”
- (2) In paragraph 8 of Schedule 4B to TCPA 1990 (matters to be considered in examining draft neighbourhood development order)—
  - (a) in sub-paragraph (2)—
    - (i) in paragraph (b), after “preserving” insert “or enhancing”;
    - (ii) after paragraph (c) insert—
      - “(ca) having special regard to the desirability of preserving or enhancing anything that is a relevant asset for the purposes of section 58B or its setting, it is appropriate to make the order.”;
  - (b) after sub-paragraph (4) insert—

*Status: This version of this provision is prospective.*

*Changes to legislation: There are currently no known outstanding effects for the Levelling-up and Regeneration Act 2023, Section 102. (See end of Document for details)*

“(4A) Sub-paragraph (2)(ca) applies in relation to anything that is a relevant asset for the purposes of section 58B only in so far as the order grants planning permission for development that affects the asset or its setting.

(4B) Subsections (2) and (3)(b) of section 58B apply for the purposes of sub-paragraphs (2)(ca) and (4A) as they apply for the purposes of that section.”

(3) In section 16 of the Listed Buildings Act (decisions on applications for listed building consent), after subsection (2) insert—

“(2A) In relation to a listed building in England, “preserving” in subsection (2) is to be read as “preserving or enhancing”.”

(4) In section 66 of the Listed Buildings Act (duty to have regard to listed buildings in the exercise of certain planning functions)—

(a) after subsection (1) insert—

“(1A) The reference in subsection (1) to a local planning authority includes the Mayor of London in relation to the grant of planning permission by Mayoral development order.”;

(b) after subsection (2) insert—

“(2A) In relation to development in England, or the exercise of powers in England, “preserving” in subsection (1) or (2) is to be read as “preserving or enhancing”.”

#### Commencement Information

**II** S. 102 not in force at Royal Assent, see [s. 255\(3\)\(b\)](#)

**Status:**

This version of this provision is prospective.

**Changes to legislation:**

There are currently no known outstanding effects for the Levelling-up and Regeneration Act 2023, Section 102.