
WELSH STATUTORY INSTRUMENTS

2021 No. 832 (W. 194)

TOWN AND COUNTRY PLANNING, WALES

The Planning (Listed Buildings and Conservation Areas) (Wales) (Amendment) Regulations 2021

<i>Made</i>	- - - -	<i>12 July 2021</i>
<i>Laid before Senedd Cymru</i>		<i>16 July 2021</i>
<i>Coming into force</i>	- -	<i>16 August 2021</i>

The Welsh Ministers, in exercise of the powers conferred on the Secretary of State by sections 10(3), 82(2)(1) and 93(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990(2) and now exercisable by them(3), make the following Regulations.

Title, coming into force and interpretation

1.—(1) The title of these Regulations is the Planning (Listed Buildings and Conservation Areas) (Wales) (Amendment) Regulations 2021 and they come into force on 16 August 2021.

(2) In these Regulations, “the 2012 Regulations” means the Planning (Listed Buildings and Conservation Areas) (Wales) Regulations 2012(4).

Amendments to the 2012 Regulations

2.—(1) Regulation 9 of the 2012 Regulations is amended as follows.

(2) In paragraph (2) omit “, alteration or extension”.

(3) In paragraph (3) for “Any such application” substitute “An application under paragraph (2)”.

(4) Omit paragraph (5).

(1) For the definition of “prescribed” see section 91 of the Act.
(2) 1990 c. 9. Section 10(3) was amended by section 118 of, and paragraph 20 of Schedule 6 to, the Planning and Compulsory Purchase Act 2004 (c. 5) and there are other amendments to that section that are not relevant to this instrument. Section 82(2) has not been amended but there are other amendments to that section that are not relevant to this instrument. Section 93(1) was amended by section 40 of the Historic Environment (Wales) Act 2016 (anaw 4) and there are other amendments to that section that are not relevant to this instrument.
(3) The functions of the Secretary of State were, so far as exercisable in relation to Wales, transferred to the National Assembly for Wales by article 2 of the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672). The functions of the National Assembly for Wales are now exercisable by the Welsh Ministers by virtue of section 162 of, and paragraph 30 of Schedule 11 to, the Government of Wales Act 2006 (c. 32).
(4) S.I. 2012/793 (W. 108) amended by S.I. 2015/1332 (W. 125), S.I. 2016/91 (W. 44), S.I. 2017/545 (W. 122) and S.I. 2017/638 (W. 144), and modified by S.I. 2016/56 (W. 26).

(5) After paragraph (7) insert—

“(8) Where a local planning authority require listed building consent for the alteration or extension of a listed building in their area the application must not be determined by—

- (a) a committee or sub-committee of the local planning authority if that committee or sub-committee is responsible (wholly or partly) for the management of any building to which the application relates, or
- (b) by an officer of the local planning authority if their responsibilities include any aspect of the management of any building to which the application relates.

(9) Where an application for listed building consent for the alteration or extension of a listed building is made by a local planning authority and the application for listed building consent is determined by that authority, section 20 of the Act (right to appeal against decision or failure to take decision) shall not apply.”

Transitional provision

3. The amendments made by these Regulations do not apply to any application made in accordance with regulation 9(2) of the 2012 Regulations before the coming into force of these Regulations.

12 July 2021

Julie James
Minister for Climate Change, one of the Welsh
Ministers

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Planning (Listed Buildings and Conservation Areas) (Wales) Regulations 2012 (“the 2012 Regulations”).

Regulation 2(2) removes the requirement for an application made by a local planning authority for the alteration or extension of a listed building in their area to have to be referred to the Welsh Ministers for determination. Regulation 2(3) and (4) are consequential on regulation 2(2).

Regulation 2(5) inserts two paragraphs in regulation 9 of the 2012 Regulations. New paragraph (8) provides that the committee or sub-committee that determines an application by the local planning authority cannot have been involved in the management of the building. New paragraph (9) provides that where an application of the local planning authority is determined by that authority, there is no right of appeal.

Regulation 3 contains a transitional provision that provides that any application made by a local planning authority for the alteration or extension of a listed building in their area before the coming into force of these Regulations will be determined by the Welsh Ministers.

The Welsh Ministers’ Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result, a regulatory impact assessment has been prepared as to the likely costs and benefits of complying with these Regulations. A copy can be obtained from the Welsh Government at Cathays Park, Cardiff, CF10 3NQ and is published on the Welsh Government website at www.gov.wales.