
WELSH STATUTORY INSTRUMENTS

2024 No. 930 (W. 155)

HISTORIC ENVIRONMENT, WALES

**The Listed Buildings and Conservation Areas
(Procedure and Interest Rate) (Wales) Regulations 2024**

<i>Made</i>	- - - -	<i>9 September 2024</i>
<i>Laid before Senedd Cymru</i>		<i>11 September 2024</i>
<i>Coming into force</i>	- -	<i>4 November 2024</i>

The Welsh Ministers, in exercise of the powers conferred on them by sections 90(3), (4) and (5), 91(1), (2) and (4), 92(2), 95(4) and (7), 100(4)(a), 101(3) and (5), 102(1), 103(2), 105, 106(5), 107(3) (a), 146(1), 161(2)(c), 170, 209(2) and 211(3)(a) and (4) of, and paragraph 3(2)(a) of Schedule 8 to, the Historic Environment (Wales) Act 2023⁽¹⁾, make the following Regulations.

Title, coming into force and code

1.—(1) The title of these Regulations is the Listed Buildings and Conservation Areas (Procedure and Interest Rate) (Wales) Regulations 2024.

(2) These Regulations come into force on 4 November 2024.

(3) These Regulations form part of a code of law relating to the historic environment of Wales⁽²⁾.

Interpretation

2. In these Regulations—

“the 2023 Act” (“*Deddf 2023*”) means the Historic Environment (Wales) Act 2023;

“address” (“*cyfeiriad*”), in relation to electronic communications, means any number or address used for the purpose of electronic communications;

“building” (“*adeilad*”) has the meaning given by section 210 of the 2023 Act;

“conservation area consent” (“*cydsyniad ardal gadwraeth*”) has the meaning given by section 162 of the 2023 Act;

“electronic communication” (“*cyfathrebiad electronig*”) has the meaning given by section 15(1) of the Electronic Communications Act 2000⁽³⁾;

(1) 2023 asc 3.

(2) See paragraphs 8 to 10 of the Explanatory Notes to the 2023 Act, which can be found at <https://www.legislation.gov.uk/asc/2023/3/notes/division/3>

(3) 2000 c. 7.

“full statement of case” (“*datganiad achos llawn*”) means a statement in writing setting out the full particulars of the case that the applicant or appellant proposes to put forward, together with copies of any supporting documents that they intend to put forward or refer to in evidence;

“land” (“*tir*”) has the meaning given by section 210 of the 2023 Act;

“owner” (“*perchennog*”) means—

- (a) an owner of the freehold estate, or
- (b) a tenant under a lease granted or extended for a fixed term that has at least 7 years left to run;

“listed building consent” (“*cydsyniad adeilad rhestredig*”) has the meaning given by section 89 of the 2023 Act;

“planning authority” (“*awdurdod cynllunio*”) means a local planning authority within the meaning given by Part 1 of the Town and Country Planning Act 1990(4);

“relevant date” (“*dyddiad perthnasol*”) has the meaning given by regulation 5(3);

“works” (“*gwaith*”) means—

- (a) in relation to a listed building, works to which section 88 of the 2023 Act applies, and
- (b) in relation to a conservation area, works to which section 161 of the 2023 Act applies.

PART 1

APPLICATIONS

Applying for listed building consent

3.—(1) In addition to the requirements of section 90(2) of the 2023 Act, an application for listed building consent must—

- (a) be on a form published or provided by the Welsh Ministers or a form substantially to the same effect, and
- (b) include the matters specified in the form.

(2) Where an application is not made by electronic communication, the application and the documents contained in it must be provided in triplicate.

(3) Paragraph (2) does not apply if the planning authority to which the application is made indicates that fewer copies are required.

(4) Any plans or drawings must—

- (a) be drawn to an identified scale, and
- (b) in the case of plans, show the direction of north.

Heritage impact statement

4.—(1) An application for listed building consent must include with it a statement referred to as a heritage impact statement.

(2) A heritage impact statement must—

(4) 1990 c. 8. Section 1(1A), (1B) and (6) were inserted by section 18(3), (4) and (5) of the Local Government (Wales) Act 1994 (c. 19) (“1994 Act”); section 2(1A), (1B) and (1C) were inserted by section 19(1) of the 1994 Act; section 2(1D) was inserted by section 78 of and paragraph 32(2) of Schedule 10 to the Environment Act 1995 (c. 25) (“1995 Act”); section 2(3), (4) were inserted by section 19(4)(c) and (d) of the 1994 Act; and section 4A was inserted by section 67(1) of the 1995 Act.

- (a) describe the special architectural or historic interest of the listed building to which the application relates and its significance, with particular reference to the part of the listed building affected by the works,
- (b) explain the objective that the works are intended to achieve and why they are desirable or necessary,
- (c) include a summary of the options considered for the purpose of achieving the objective in sub-paragraph (b) and the reasons why the proposals to which the application relates are preferred,
- (d) describe the works and the design principles which have been applied to them,
- (e) include a schedule of works,
- (f) describe how the works will affect the character of the listed building as a building of special architectural or historic interest, including an assessment of the impact of the works on the significance of the building, and
- (g) describe how issues relating to access to, or in, the listed building have been dealt with, but excluding issues relating to access to, or in, any part of a listed building which is used as a private dwelling.

Notice of application for listed building consent to owners of building

5.—(1) An applicant for listed building consent must take all reasonable steps to give notice of the application to every person (other than the applicant) who is an owner of any part of the listed building to which the application relates in accordance with paragraph (2).

(2) The notice in paragraph (1) must—

- (a) be in the form published or provided by the Welsh Ministers or a form substantially to the same effect, and
- (b) be given to all persons who were owners on the relevant date, except where paragraph (4) applies.

(3) For the purposes of this regulation and of regulation 6, the “relevant date” is the first day of the period of 21 days ending with the date that the application for listed building consent is made.

(4) If the applicant is unable to give notice to an owner at their address, the applicant must publish notice of the application for listed building consent in the form published or provided by the Welsh Ministers—

- (a) in a newspaper circulating in the locality of the listed building to which the application relates;
- (b) on or after the relevant date.

Certificate to be included with application for listed building consent

6.—(1) An applicant for listed building consent must include with the application a certificate which complies with paragraph (2), in the form published or provided by the Welsh Ministers or a form substantially to the same effect.

(2) The certificate must be signed by or on behalf of the applicant for listed building consent and include one of the following statements—

- (a) that on the relevant date the applicant was the only owner of the listed building to which the application relates,
- (b) that the applicant has given notice in accordance with regulation 5,
- (c) that the applicant—

- (i) is unable to issue a certificate in accordance with sub-paragraph (a) or (b),
- (ii) has given notice in accordance with regulation 5 to some of the owners,
- (iii) has taken all reasonable steps to discover the names and addresses of the remainder of the owners but has been unable to do so, and
- (iv) has published notice of the application in a local newspaper in accordance with regulation 5(4), or
- (d) that the applicant—
 - (i) is unable to issue a certificate in accordance with sub-paragraph (a), (b) or (c),
 - (ii) has taken all reasonable steps to discover the names and addresses of the owners but has been unable to do so, and
 - (iii) has published notice of the application in a local newspaper in accordance with regulation 5(4).
- (3) Where a certificate is given in accordance with paragraph (2)(b) or (c), the applicant must also provide in the certificate—
 - (a) the names of the owners to whom the notices were given,
 - (b) the addresses at which the notices were given, and
 - (c) the date on which each notice was given.
- (4) Where a certificate is given in accordance with paragraph (2)(c) or (d), the applicant must also provide in the certificate—
 - (a) a list of the steps taken to discover the names and addresses of the owners, and
 - (b) the name and date of the newspaper where notice of the application was published.
- (5) For the meaning of “relevant date” see regulation 5(3).

Acknowledgement of application for listed building consent

- 7.—(1) When the planning authority in whose area the building is situated receives the matters listed in paragraph (2), the planning authority must send to the person who made the application an acknowledgement in accordance with paragraph (3).
- (2) The matters referred to in paragraph (1) are—
 - (a) an application for listed building consent which complies with the requirements of regulation 3,
 - (b) the heritage impact statement which complies with the requirements of regulation 4, and
 - (c) the certificate required by regulation 6.
 - (3) The acknowledgement referred to in paragraph (1) must be—
 - (a) in the terms, or substantially in the terms, set out in Schedule 1, and
 - (b) sent as soon as reasonably practicable.
 - (4) If, after sending the acknowledgement, the planning authority considers that the application does not comply with a requirement imposed by section 90(2) of the 2023 Act or by these Regulations, the planning authority must notify the applicant as soon as reasonably practicable.

Advertisement of applications for listed building consent

- 8.—(1) Where an application for listed building consent is made to a planning authority, the planning authority must comply with paragraphs (3) and (4), but this is subject to paragraph (2).

(2) Paragraphs (3) and (4) do not apply to an application for listed building consent to carry out works affecting only the interior of a building which is classified as a Grade II (unstarred) listed building⁽⁵⁾.

(3) The planning authority must—

(a) publish the following information in a notice in a newspaper circulating in the locality of the listed building to which the application relates—

- (i) a description of the nature of the works which are the subject of the application,
- (ii) details of a place in the locality where a copy of the application and copies of all plans and all documents submitted with it can be inspected at all reasonable hours, and
- (iii) the address of the website where copies of the application, plans and documents referred to in paragraph (ii) can be found, and

(b) display a notice containing the information in sub-paragraph (a)—

- (i) on or near the listed building to which the application relates;
- (ii) for at least 7 days.

(4) The planning authority must ensure that the period for inspecting the documents listed in paragraph (3)(a), in both hard copy and on the website, is at least 21 days, beginning with the date of publication of the notice referred to in that paragraph.

Notification to the Amenity Societies and the Royal Commission on the Ancient and Historical Monuments of Wales

9.—(1) This regulation applies where a planning authority receives an application for listed building consent.

(2) The planning authority must ensure that the bodies listed in paragraph (3) are notified of the application where the application is for—

- (a) the demolition of a listed building, or
- (b) partial demolition of a listed building.

(3) The bodies that a planning authority must notify are—

- (a) the Ancient Monuments Society (charity number 209605, also known as Historic Buildings and Places),
- (b) the Council for British Archaeology (company number 01760254),
- (c) the Georgian Group (charity number 209934),
- (d) the Society for the Protection of Ancient Buildings (company number 05743962),
- (e) the Victorian Society (company number 3940996),
- (f) the Twentieth Century Society (company number 05330664), and
- (g) the Royal Commission on the Ancient and Historical Monuments of Wales.

(4) The notification under this regulation must be given as soon as reasonably practicable.

Reference of applications to the Welsh Ministers

10.—(1) Where an application for listed building consent is referred to the Welsh Ministers under section 94 of the 2023 Act (reference of application to the Welsh Ministers), as soon as reasonably practicable, the planning authority must—

- (a) serve on the applicant and the Welsh Ministers, at the same time, a notice of reference, and

(5) Star classifications can be found at <https://cadw.gov.wales/advice-support/cof-cymru/search-cadw-records>.

- (b) send to the Welsh Ministers a copy of the application file.
- (2) A notice of reference must—
 - (a) state that the application for listed building consent has been referred to the Welsh Ministers,
 - (b) set out the reasons given by the Welsh Ministers for issuing the direction which requires the application to be referred to them,
 - (c) state that the applicant may submit a full statement of case to the Welsh Ministers and explain what that is, and
 - (d) set out the requirements in paragraph (4).
- (3) An applicant on whom a notice of reference is served may send a full statement of case to the Welsh Ministers.
- (4) An applicant who sends a full statement of case must—
 - (a) ensure that it is received by the Welsh Ministers before the end of the period of 4 weeks beginning with the day on which the notice of reference is served, and
 - (b) send a copy of the full statement of case to the planning authority at the same time it is sent to the Welsh Ministers.
- (5) In this regulation, “application file” means the application for listed building consent together with accompanying documents and all correspondence with the planning authority relating to the application.

Disapplication of requirement to notify the Welsh Ministers of applications for listed building consent

11. Section 95(1) of the 2023 Act (notification to Welsh Ministers before granting consent) does not apply to applications for listed building consent to carry out works affecting only the interior of a building which is classified as a Grade II (unstarred) listed building.

Decision on application

- 12.—**(1) Where an application for listed building consent is accompanied by a certificate under regulation 6(2)(b), (c) or (d), the planning authority—
- (a) must not determine the application before the end of 21 days beginning with the relevant certificate date,
 - (b) must take into account any representations relating to the application made, before the end of that period, by any person who satisfies the planning authority that they are an owner of the listed building, and
 - (c) must give notice of its decision to every person who has made representations which it was required to take into account under sub-paragraph (b).
- (2) The planning authority—
- (a) must not determine an application for listed building consent before the later of the end of the period which is—
 - (i) referred to in regulation 8(4) (if applicable), and
 - (ii) 21 days beginning with the date that the notice referred to in regulation 8(3)(b) was first displayed, and
 - (b) must take into account any representations which are received before both periods in sub-paragraph (a) have ended.
- (3) In this regulation, “the relevant certificate date” means—

- (a) in the case of a certificate under regulation 6(2)(b), the latest date of service of a notice, as shown on the certificate;
- (b) in the case of a certificate under regulation 6(2)(c), the later of—
 - (i) the latest date of service of a notice, as shown on the certificate;
 - (ii) the date of publication in a local newspaper of the notice, as shown on the certificate;
- (c) in the case of a certificate under regulation 6(2)(d), the date of publication in a local newspaper of the notice, as shown on the certificate.

Notice of decision or referral to the Welsh Ministers

13.—(1) The planning authority must give written notice to the person who has made an application to them for listed building consent—

- (a) of the decision, or
- (b) that it has referred the application to the Welsh Ministers.

(2) The “determination period” in section 100(4)(a) of the 2023 Act is 8 weeks, starting with the date that the information required by regulation 7(2) is received (but see also sections 90(6) and 100(4)(b) of that Act).

(3) Where the planning authority decides to grant the application subject to conditions or to refuse it, the notice referred to in paragraph (1) must also—

- (a) include the reasons for the decision, and
- (b) be accompanied by a notification in the terms, or substantially the same terms, set out in Schedule 2.

Notification of amenity societies etc. of decision

14.—(1) This regulation applies to a decision on an application for listed building consent for—

- (a) the demolition of a listed building, or
- (b) partial demolition of a listed building.

(2) A planning authority must notify the bodies in regulation 9(3) of its decision as soon as practicable after making that decision.

Application for variation or removal of conditions

15.—(1) Regulations 3 to 14 apply to an application under section 99 of the 2023 Act (application for variation or removal of conditions) as they apply to an application for listed building consent.

(2) In their application to an application under section 99 of the 2023 Act, the regulations applied by paragraph (1) are to be read as if—

- (a) any reference to an application for listed building consent were a reference to an application for variation or removal of conditions of listed building consent, and
- (b) any reference to an applicant for listed building consent were a reference to an applicant for variation or removal of conditions of listed building consent.

(3) In their application to an application under section 99 of the 2023 Act, read—

- (a) regulation 9 (notification to the amenity societies etc.) as if “is for” there were substituted “relates to”;
- (b) regulation 11 (disapplication of requirement to notify Welsh Ministers) as if for “carry out works” there were substituted “vary or remove a condition relating to works”;

- (c) regulation 13(3)(b) (notice of decision or referral to Welsh Ministers) as if the reference to Schedule 2 were a reference to Schedule 3.

PART 2

APPEALS

Appeals

16.—(1) The applicant must give notice of any appeal under section 100(2) of the 2023 Act to the Welsh Ministers within 6 months beginning with the day after the date of the decision.

(2) The Welsh Ministers may extend the period in paragraph (1).

(3) The applicant must give notice of any appeal under section 100 of the 2023 Act on a form provided or published by the Welsh Ministers, and include with it—

- (a) a full statement of case, and
- (b) a copy of—
 - (i) the application for listed building consent;
 - (ii) all information and all documents submitted with the application;
 - (iii) any notice of the decision;
 - (iv) all other relevant correspondence with the planning authority.

(4) The applicant must send to the planning authority a copy of the notice of appeal and the full statement of case, as soon as reasonably practicable.

(5) Regulation 5 (notice of application to owners), regulation 6 (certificate with application) and regulation 21 (application in respect of Crown land) apply to an appeal in relation to an application for listed building consent as they apply to an application for listed building consent, but as if references to an application and an applicant were references to an appeal and an appellant.

Variation of applications after notice of appeal

17.—(1) An application for listed building consent to which an appeal relates may be varied in order to correct an inconsistency between the information in the application and any of the documents which accompany it, but this is subject to paragraph (2).

(2) The application may not be varied if it changes the substance of the application.

Decision on application after service of notice of appeal

18. The period prescribed for the purpose of section 103(2) of the 2023 Act (period within which the Welsh Ministers may not determine an appeal against failure to give notice of decision) is 4 weeks.

PART 3

SPECIAL CASES

Disapplication and modifications: applications by a planning authority for demolition of a listed building

19.—(1) This regulation applies to an application by a planning authority for—

- (a) listed building consent for the demolition of a listed building;
 - (b) the variation or removal of conditions of listed building consent for the demolition of a listed building.
- (2) An application must be made to the Welsh Ministers (see section 90(1)(a) of the 2023 Act).
- (3) The decision of the Welsh Ministers on an application is final.
- (4) Where this regulation applies—
- (a) regulation 3 (applying for listed building consent) is to be read as if—
 - (i) paragraph (1) included a requirement for the application to be accompanied by any representations received before both periods in regulation 12(2)(a) have expired;
 - (ii) in paragraph (3), for “the planning authority to which the application is made indicates” there were substituted “the Welsh Ministers indicate”;
 - (b) regulation 7 (acknowledgement of application for listed building consent) is to be read as if—
 - (i) in paragraph (1), for “the planning authority in whose area the building is situated receives” there were substituted “the Welsh Ministers receive”;
 - (ii) in paragraph 7(4), for “the planning authority considers” there were substituted “the Welsh Ministers consider”;
 - (iii) all other references to a planning authority were references to the Welsh Ministers;
 - (c) regulation 8 (advertisement of applications) is to be read as if paragraph (1) of that regulation required the planning authority to comply with paragraphs 3) and (4) before the planning authority sends an application for listed building consent to the Welsh Ministers;
 - (d) regulation 9 (notification to the amenity societies etc.) is to be read as if in paragraph 9(1) for “receives” there were substituted “makes”;
 - (e) regulation 12 (decision on application) is to be read as if—
 - (i) in paragraph (1), references to the planning authority were to the Welsh Ministers;
 - (ii) in paragraph (2)—
 - (aa) in sub-paragraph (a), for “must not determine” there were substituted “must not send”;
 - (bb) the duty in sub-paragraph (b) were a duty of the Welsh Ministers and not the planning authority;
 - (f) regulation 15 (application for variation or removal of conditions) is to be read as if in paragraph (1) the reference to regulations “3 to 14” were a reference to regulations “3 to 9, 12 and 14”;
 - (g) regulation 16 (appeals) does not apply.

Applications other than for demolition made by a planning authority

20. Section 100 of the 2023 Act (right to appeal against planning authority decision or failure to make decision) does not apply to an application for listed building consent by a planning authority which is determined by that planning authority.

Application for listed building consent in respect of Crown land

21.—(1) This regulation applies to an application for listed building consent in respect of Crown land.

- (2) An application may be accompanied by—

- (a) a statement that the application is made in respect of Crown land, and
 - (b) a copy of the authorisation by the appropriate Crown authority to make the application.
- (3) If an application is accompanied by a statement and an authorisation as referred to in paragraph (2)—
- (a) regulation 5 (notice of application to owners) does not apply;
 - (b) regulation 6 (certificate to be included with application) does not apply;
 - (c) regulation 7(2) (acknowledgement of application) applies as if for sub-paragraph (c) there were substituted “the statement and authorisation referred to in regulation 21”.
- (4) In this regulation—
- “appropriate Crown authority” (“*awdurdod priodol y Goron*”) has the meaning given by section 207(6) of the 2023 Act;
 - “Crown land” (“*tir y Goron*”) has the meaning given by section 207(2) of the 2023 Act.

Publicity for applications relating to urgent works on Crown land

22.—(1) Where an application is made under section 106(1) of the 2023 Act (applications relating to urgent works on Crown land), the Welsh Ministers must comply with paragraphs (3) to (6), but this is subject to paragraph (2).

(2) Paragraphs (3) to (6) do not apply to an application for listed building consent to carry out works affecting only the interior of a building which is classified as a Grade II (unstarred) listed building.

(3) The Welsh Ministers must publish notice of the application and of the fact that documents and other material are available for inspection, in a newspaper circulating in the locality of the listed building to which the application relates.

(4) The notice in paragraph (3) must include—

- (a) an indication of the nature of the works which are the subject of the application;
- (b) details of—
 - (i) the place where, and the times at which, the documents and other material relating to the application are available for inspection under section 106(4) of the 2023 Act, and
 - (ii) a website where the documents and other material relating to the application are available for inspection.

(5) The documents and other materials referred to in paragraph (4) must be made available for inspection at all reasonable hours for at least 21 days, beginning with the date of publication of the notice referred to in paragraph (3).

(6) The Welsh Ministers must display a notice containing the information referred to in paragraph (4)—

- (a) on or near the building to which the application relates;
- (b) for at least 7 days.

(7) Section 106 of the 2023 Act applies to an application under section 99 of that Act (application for variation or removal of conditions) as it applies to an application for listed building consent.

(8) The following regulations do not apply to an application under section 106(1) of the 2023 Act (applications relating to urgent works on Crown land)—

- (a) regulation 3 (applying for listed building consent);
- (b) regulation 4 (heritage impact statement).

(9) Regulation 15(1) (application for variation or removal of conditions) applies as if—

- (a) the reference to regulations 3 to 14 were a reference to regulations 5 and 6;
- (b) paragraph (3) was omitted.

PART 4

Conservation Areas

Disapplication of the requirement for demolition in conservation areas to be authorised

23.—(1) Section 161(1) of the 2023 Act (requirement for demolition in conservation areas to be authorised) does not apply to—

- (a) a building with a total cubic content of not more than 115 cubic metres when measured externally, except a tombstone which dates from before 1925;
- (b) a gate, wall, fence or other way of enclosing land which—
 - (i) where it is next to a highway or restricted byway, waterway or open space, is less than one metre high, or
 - (ii) is less than two metres high in any other case;
- (c) a building erected after 1913 and in use, or last used, for the purposes of agriculture or forestry;
- (d) a building required to be demolished by—
 - (i) an order made under section 102 of the Town and Country Planning Act 1990(6);
 - (ii) an agreement made under section 106 of the Town and Country Planning Act 1990(7);
 - (iii) an enforcement notice where the notice is issued under—
 - (aa) section 172 of the Town and Country Planning Act 1990(8), or
 - (bb) section 123 or 134 of the 2023 Act;
 - (iv) a condition of planning permission granted under section 70(9) or section 177(1)(10) of the Town and Country Planning Act 1990;
 - (v) a notice under section 215 of the Town and Country Planning Act 1990;
- (e) a building included in an operative demolition order under section 265 of the Housing Act 1985(11);
- (f) a building included in a clearance area declared under section 289 of the Housing Act 1985(12);
- (g) a building on land purchased by a local housing authority under section 290 of the Housing Act 1985;

(6) 1990 c. 8. Section 102(8) was substituted by section 21 of and paragraph 6 of Schedule 1 to, the Planning and Compensation Act 1991 (c. 34). There are other amendments which are not relevant to these Regulations.

(7) Section 106(1A) was inserted by sections 174(2)(a) and 241 of the Planning Act 2008 (c. 29) (the “2008 Act”); section 106(9)(aa) was inserted by section 174(2)(b) of the 2008 Act; and section 106(14) was inserted by section 174(2)(c) of the 2008 Act. There are other amendments which are not relevant to these Regulations.

(8) Section 172 was substituted by section 5(1) of the Planning and Compensation Act 1991.

(9) There are amendments to this section but none are relevant to these Regulations.

(10) Section 177(1)(a) was substituted by section 32 of and paragraph 24(1)(a) of Schedule 7 to, the Planning and Compensation Act 1991; section 177(1)(c) was substituted by section 32 of and paragraph 24(1)(b) of Schedule 7 to, that Act.

(11) 1985 c. 68. Section 265 was substituted by section 46 of the Housing Act 2004 (c. 34).

(12) Section 289(2) was amended by sections 47 and 266 of, and Schedules 15 and 16 to, the Housing Act 2004, and sections 165 and 194 of, and Schedules 9 and 11 to, the Local Government and Housing Act 1989 (c. 42).

- (h) a building closed for regular public worship in accordance with provision made under Part 6 of the Mission and Pastoral Measure 2011 (No. 3)(13) by a pastoral church buildings scheme or a pastoral (church buildings disposal) scheme.

(2) In this regulation—

“highway” (“*priffordd*”) has the same meaning as in the Highways Act 1980(14) (see section 328(1) and (2) of that Act(15));

“open space” (“*man agored*”) means any land laid out as a public garden, or used for the purposes of public recreation, or land which is a disused burial ground;

“restricted byway” (“*cilffordd gyfyngedig*”) has the meaning in section 48(4) of the Countryside and Rights of Way Act 2000(16) (see section 48(4) and (5) of that Act).

(3) See also section 161(2) of the 2023 Act for other exceptions to the requirement in section 161(1) for demolition to be authorised.

Application of these Regulations to buildings in conservation areas

24.—(1) These Regulations apply in relation to buildings to which section 161 of the 2023 Act (demolition in conservation areas) applies as they apply in relation to listed buildings except—

- (a) regulation 8(2),
- (b) regulation 9,
- (c) regulation 11, and
- (d) regulation 14.

(2) In their application to buildings to which section 161 of the 2023 Act applies, these Regulations apply as if—

- (a) any reference to listed building consent were a reference to conservation area consent;
- (b) any reference to the character of the listed building were a reference to the character or appearance of the conservation area in which the building is situated;
- (c) any other reference to a listed building were a reference to a building to which section 161 of the 2023 Act applies.

(3) In its application to buildings to which section 161 of the 2023 Act applies, regulation 4(2) is to be read as if—

- (a) in sub-paragraph (a), “with particular reference to the part of the listed building affected by the works” were omitted;
- (b) as if sub-paragraph (g) were omitted.

PART 5

MISCELLANEOUS AND GENERAL

Advertisement of unopposed revocation or modification order

25.—(1) This regulation applies when a planning authority is required to publish notice of an order made under section 107 of the 2023 Act (modification and revocation of consent).

(13) 2011 No. 3.

(14) 1980 c. 66 (“the 1980 Act”).

(15) A bridleway is a type of highway – see section 329(1) of the 1980 Act.

(16) 2000 c. 37.

(2) For the purpose of paragraph 3(2) of Schedule 8 to the 2023 Act (procedure for orders modifying or revoking listed building consent), the way that a planning authority must publish that notice is in a newspaper circulating in the locality where the listed building to which the order relates is situated.

Interest rate on expenses for urgent works

26.—(1) The rate of interest specified for the purpose of section 146(1) of the 2023 Act (recovery of costs of preservation works) is 2% per annum above the Bank of England base rate.

(2) In this regulation, “the Bank of England base rate” for any particular day means—

- (a) if an order under section 19 of the Bank of England Act 1998⁽¹⁷⁾ is in force, any rate equivalent to the rate described in sub-paragraph (b), or if there is none,
- (b) the rate announced as the official dealing rate at the meeting of the Monetary Policy Committee of the Bank of England last held before that day.

Consequential amendments

27. Schedule 4 contains consequential amendments.

Revocation

28. Schedule 5 contains revocations.

9 September 2024

Jane Hutt
Cabinet Secretary for Culture, Social Justice,
Trefnydd and Chief Whip, one of the Welsh
Ministers

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

SCHEDULE 1

Regulation 7(3)(a)

Notification to Applicant on Receipt of Application

- 1. Your application dated*insert date*
was received on.....*insert date*
*[We have not yet completed our examination of the form of application and accompanying plans and documents to decide whether your application complies with the statutory requirements. If, on further examination, we find that the application is invalid for failure to comply with such requirements, we will notify you in writing as soon as possible.]
**delete if not appropriate*
- 2. If by
insert date 8 weeks beginning with the date the application, certificate and heritage impact statement are received
 - (a) you have not received notice from this authority—
 - (i) that your application is invalid;
 - (ii) of our decision;
 - (iii) that your application has been referred to the Welsh Ministers for decision, or
 - (b) we have not agreed with you in writing that we will extend the date by which we must give our decision, you may appeal.
- 3. The right to, and procedure for, appeal is in sections 100 to 102 of the Historic Environment (Wales) Act 2023.
- 4. You must submit any appeal on a form which you can obtain from the Welsh Ministers.
- 5. If you are appealing against a decision which refuses the application or grants it subject to conditions, you must submit any appeal during the period ending with
.....
insert date 6 months beginning with the day after the date of the decision

SCHEDULE 2

Regulation 13 (3)(b)

Notification to Applicant on Refusal of Consent or Grant of Consent
Subject to Conditions (to be included with notices of decision)

- 1. If you are aggrieved by the decision of the planning authority to refuse consent for the works or to grant it subject to conditions, you may appeal to the Welsh Ministers. The right to, and procedure for, appeal is in sections 100 to 102 of the Historic Environment (Wales) Act 2023.
- 2. You must submit any appeal on a form which you can obtain from the Welsh Ministers. You must submit any notice of appeal during the 6 months starting with the day after the date of the decision.
- 3. The Welsh Ministers may allow a longer period for you to give notice of appeal, but they will not normally be prepared to do that unless there are special circumstances.
- 4. If consent is refused, or is granted subject to conditions (whether by the planning authority or the Welsh Ministers), if the conditions in paragraph 6 are satisfied, the owner has the rights described in paragraph 8.

5. In the following paragraphs, “associated land” means land which includes, adjoins or is adjacent to the building and is owned with the building, and “usable” means capable of reasonably beneficial use.

6. The conditions are that the owner of the building and associated land claims that the building and the associated land—

- (a) are unusable in their existing state,
- (b) cannot be made usable—
 - (i) in a case where listed building consent has been granted subject to conditions or modified by the imposition of conditions, by carrying out the works to which the consent relates in accordance with the conditions, and
 - (ii) in any case, by carrying out any other works for which consent has been granted or for which the planning authority has, or the Welsh Ministers have, undertaken to grant consent,
- (c) that the use of the associated land is substantially inseparable from the use of the listed building, and
- (d) that the associated land ought to be treated, together with the building, as a single holding.

7. There is more detail about the meaning of “usable in their/its existing state” in section 109(7) and (8) of the Historic Environment (Wales) Act 2023.

8. If the conditions in paragraph 6 are satisfied, the owner may serve a purchase notice on the planning authority in whose area the building is situated, requiring the planning authority to purchase the owner’s interest in the building and associated land.

9. There is further detail about this right in sections 109 to 112 of the Historic Environment (Wales) Act 2023.

SCHEDULE 3

Regulation 15 (3)(c)

Notification to Applicant on Refusal to Vary or Remove Conditions Attached to a Consent or on the Addition of New Conditions (to be included with the notices of decision)

1. You may appeal to the Welsh Ministers if you are aggrieved by the decision of the planning authority to—

- (a) refuse to vary or remove the conditions attached to a consent, or
- (b) include new conditions.

2. The right to, and procedure for, appeal is in sections 100 to 102 of the Historic Environment (Wales) Act 2023.

3. You must submit any appeal on a form which you can obtain from the Welsh Ministers. You must submit any notice of appeal during the period of 6 months starting with the day after the date of the decision.

4. The Welsh Ministers may allow a longer period for you to give notice of appeal, but they will not normally be prepared to do that unless there are special circumstances.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

SCHEDULE 4

Regulation 27

Consequential amendments

The Local Authorities (Executive Arrangements) (Functions and Responsibilities) (Wales) Regulations 2007

1. In Schedule 1 to the Local Authorities (Executive Arrangements) (Functions and Responsibilities) (Wales) Regulations 2007⁽¹⁸⁾, in Part A, row 22, in the second column, for “regulations 3” to the end, substitute “the Listed Buildings and Conservation Areas (Procedure and Interest Rate) (Wales) Regulations 2024”.

The Transport and Works Applications (Listed Buildings, Conservation Areas and Ancient Monuments Procedure) Regulations 1992

2. The Transport and Works Applications (Listed Buildings, Conservation Areas and Ancient Monuments Procedure) Regulations 1992⁽¹⁹⁾ are amended as follows.

3. In regulation 2, in the definition of “conservation area consent” and “listed building consent”, after “Act” insert “in relation to areas and buildings in England, and have the same meanings respectively as in section 162 and section 89 of the Historic Environment (Wales) Act 2023 in relation to areas and buildings in Wales”.

4. In regulation 3—

- (a) at the end of the heading, insert “in relation to England”;
- (b) in paragraph (1), after “required” insert “in relation to a listed building or conservation area in England,”.

5. After regulation 3 insert—

“Modification of procedures for listed building consent and conservation area consent in relation to a listed building or conservation area in Wales

3A.—(1) This regulation applies where listed building consent or conservation area consent is required in relation to a listed building or conservation area in Wales for the purposes of proposals included in a section 6 application and either—

- (a) the application for consent has been made not later than 10 weeks after the section 6 application, or
- (b) the Secretary of State considers it appropriate that this regulation should apply and has given a direction to that effect.

(2) Where this regulation applies, the Listed Buildings and Conservation Areas (Procedure and Interest Rate) (Wales) Regulations 2024 have effect with the modifications in Schedule 1A.”

6. After Schedule 1 insert—

“SCHEDULE 1A

Regulation 3A

Modifications of the Listed Buildings and Conservation Areas
(Procedure and Interest Rate) (Wales) Regulations 2024

1. The Listed Buildings and Conservation Areas (Procedure and Interest Rate) (Wales) Regulations 2024 apply as if—

⁽¹⁸⁾ S.I. 2007/399 (W. 45), to which there are amendments not relevant to these Regulations.

⁽¹⁹⁾ S.I. 1992/3138, to which there are amendments not relevant to these Regulations.

- (a) in the Welsh text, in regulation 3(1), there were inserted before sub-paragraph (a)—
- “(za) cynnwys unrhyw drychiadau, unrhyw fodolau, unrhyw ffotograffau ac unrhyw ddeunyddiau eraill sy’n angenrheidiol i ddisgrifio’r gwaith a chaiff gynnwys—
- (i) trychiadau manwl,
 - (ii) darnau o blaniau a thrychiadau a gyflwynwyd, neu sydd i’w cyflwyno, gyda chais o dan adran 6 o Ddeddf Trafnidiaeth a Gweithfeydd 1992, neu
 - (iii) pan na fo unrhyw ddeunyddiau o’r fath wedi eu llunio ar ddyddiad y cais, disgrifiad ysgrifenedig clir o’r gwaith y bwriedir ei gyflawni yn yr adeilad neu i’r adeilad, wedi ei ategu gan unrhyw ddeunyddiau eraill y gall y ceisydd yn rhesymol eu darparu.”;
- (b) in the English text, in regulation 3(1), there were inserted before sub-paragraph (a)—
- “(za) include such sections, models, photographs and other materials as are necessary to describe the works and may include—
- (i) detailed sections,
 - (ii) extracts from plans and sections submitted, or to be submitted, with an application under section 6 of the Transport and Works Act 1992, or
 - (iii) where no such materials have been prepared at the date of the application, a clear written description of the works proposed to be carried out at or to the building, supported by such other materials as the applicant is reasonably able to provide.”;
- (c) in the Welsh text, in regulation 6, after paragraph (2)(a) there were inserted—
- “(aa) bod—
- (i) hysbysiad o’r cais cydredol wedi ei roi yn unol â rheolau a wnaed o dan adran 6 o Ddeddf Trafnidiaeth a Gweithfeydd 1992 i’r holl bersonau (ac eithrio’r ceisydd) a oedd, ar ddechrau cyfnod o 28 o ddiwrnodau a ddaeth i ben â dyddiad y cais cydredol, yn berchnogion ar yr adeilad;
 - (ii) pob hysbysiad o’r fath yn cynnwys datganiad bod cais am gydsyniad adeilad rhestredig neu gydsyniad ardal gadwraeth wedi ei wneud, neu i’w wneud, mewn cysylltiad â’r adeilad.”;
- (d) in the English text, in regulation 6, after paragraph (2)(a) there were inserted—
- “(aa) that—
- (i) notice of the concurrent application has been given in accordance with rules made under section 6 of the Transport and Works Act 1992 to all the persons (other than the applicant) who, at the beginning of a period of 28 days ending with the date of the concurrent application, were owners of the building;
 - (ii) every such notice contains a statement that an application for listed building consent or conservation area consent has been, or is to be, made in respect of the building.”;
- (e) in the Welsh text, after paragraph (3) there were inserted—
- “(4) At ddiben y rheoliad hwn, ystyr “perchennog” yw—
- (a) person sydd, am y tro, â hawl i waredu ffi syml yr adeilad (pa un a yw mewn meddiant neu rifersiwn) ac nad yw’n forgeisai nad yw mewn meddiant, neu
 - (b) person sy’n dal les neu gytundeb sydd ag o leiaf 3 blynedd yn weddill, neu berson sydd â hawl i rent ac elw’r tir o dan les neu gytundeb o’r fath.”;

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

(f) in the English text, after paragraph (3) there were inserted—

“(4) For the purpose of this regulation, “owner” means—

- (a) a person who is, for the time being, entitled to dispose of the fee simple of the building (whether in possession or reversion) and who is not a mortgagee not in possession, or
- (b) a person holding, or entitled to the rents and profits of the land under, a lease or agreement which has at least 3 years to run.”;

(g) in the Welsh text, after regulation 6 there were inserted—

“Ffurf y dystysgrif

6A. Rhaid i dystysgrif sy’n ofynnol gan reoliad 6(2)(aa) fod ar y ffurf a ganlyn—

“Tystysgrif AA

Rwyf yn ardystio:

1. (Fy mod i) (Bod y ceisydd) [*dileer fel y bo’n briodol*] wedi cyflwyno, yn unol â rheolau a wnaed o dan adran 6 o Ddeddf Trafnidiaeth a Gweithfeydd 1992, yr holl hysbysiadau y mae’n ofynnol eu cyflwyno i’r personau (ac eithrio’r ceisydd) a oedd, ar ddechrau’r cyfnod o 28 o ddiwrnodau a ddaeth i ben â dyddiad cais o dan adran 6, yn berchnogion yr adeilad.

2. Bod pob hysbysiad o’r fath yn cynnwys datganiad bod cais (am gydsyniad adeilad rhestredig) (ac) (am gydsyniad ardal gadwraeth) [*dileer fel y bo’n briodol*] wedi ei wneud mewn cysylltiad â’r adeilad.

Llofnodwyd

(Ar ran)

Dyddiad.....”;

(h) in the English text, after regulation 6 there were inserted—

“Form of certificate

6A. A certificate which is required by regulation 6(2)(aa) must be in the form—

“Certificate AA

I certify that:

1. (I have) (The applicant has) [*delete as appropriate*] served, in accordance with rules made under section 6 of the Transport and Works Act 1992, all the notices required to be served on the persons (other than the applicant) who, at the beginning of the period of 28 days ending with the date of an application under section 6, were the owners of the building.

2. Every such notice contains a statement that an application for (listed building consent) (and) (conservation area consent) [*delete as appropriate*] has been made in respect of the building.

Signed

(On behalf of).....

Date.....”;

- (i) in the Welsh text, in regulation 8—
- (i) after paragraph (3) there were inserted—
- “(3A) O ran y gofyniad ym mharagraff (3)—
- (a) mae’n gymwys fel pe bai’n ofyniad ar y ceisydd, nid yr awdurdod cynllunio, a
- (b) rhaid ei fodloni heb fod yn fwy na 14 o ddiwrnodau cyn nac ar ôl dyddiad y cais.
- (3B) Caniateir cyfuno’r hysbysiad ym mharagraff (3)(a) ag unrhyw hysbysiad o’r cais cydredol y mae’n ofynnol i’r ceisydd ei gyhoeddi mewn papur newydd lleol gan reolau a wneir o dan adran 6 o Ddeddf Trafnidiaeth a Gweithfeydd 1992.”;
- (ii) in paragraph (4) for “21 o ddiwrnodau” there were substituted “42 o ddiwrnodau”;
- (iii) after paragraph (4) there were inserted—
- “(5) Yn y rheoliad hwn, ystyr “cais cydredol” yw cais a wneir o dan adran 6 o Ddeddf Trafnidiaeth a Gweithfeydd 1992, sy’n ymwneud â chynigion y mae rhoi cydsyniad adeilad rhestredig neu gydsyniad ardal gadwraeth yn ofynnol ar eu cyfer.”;
- (j) in the English text, in regulation 8—
- (i) after paragraph (3) there were inserted—
- “(3A) The requirement in paragraph (3)—
- (a) applies as if it were a requirement on the applicant, not the planning authority, and
- (b) must be met not more than 14 days before nor after the date of the application.
- (3B) The notice in paragraph (3)(a) may be combined with such notice of the concurrent application as the applicant is required to publish in a local newspaper by rules made under section 6 of the Transport and Works Act 1992.”;
- (ii) in paragraph (4) for “21 days” there were substituted “42 days”;
- (iii) after paragraph (4) there were inserted—
- “(5) In this regulation “concurrent application” means an application made under section 6 of the Transport and Works Act 1992, relating to proposals for which the granting of listed building consent or conservation area consent is required.””

The National Park Authorities (Wales) Order 1995

7. In Schedule 5 to the National Park Authorities (Wales) Order 1995(20), omit paragraph 15.

The Local Government Reorganisation (Wales) (Consequential Amendments) Order 1996

8. In Schedule 1 to the Local Government Reorganisation (Wales) (Consequential Amendments) Order 1996(21), omit paragraph 13.

The National Park Authorities (Wales) (Amendment) Order 1996

9. In the Schedule to the National Park Authorities (Wales) (Amendment) Order 1996(22), in Part 2 omit inserted paragraph 15.

(20) S.I. 1995/2803, to which there are amendments not relevant to these Regulations.

(21) S.I. 1996/525, to which there are amendments not relevant to these Regulations.

(22) S.I. 1996/534, to which there is an amendment not relevant to these Regulations.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

The Town and Country Planning (Electronic Communications) (Wales) (No 1) Order 2004

10. In the Town and Country Planning (Electronic Communications) (Wales) (No 1) Order 2004⁽²³⁾—

- (a) omit article 13;
- (b) omit Schedule 4.

The Developments of National Significance (Wales) Regulations 2016

11. The Developments of National Significance (Wales) Regulations 2016⁽²⁴⁾ are amended as follows.

12. In Schedule 4—

- (a) for paragraph 2 in Part 2 substitute—

“**2.**—(1) In their application to an application for listed building consent which is connected to an application for a nationally significant development under section 62D of the Town and Country Planning Act 1990, the Listed Buildings and Conservation Areas (Procedure and Interest Rate) (Wales) Regulations 2024 apply as follows.

<i>Provision</i>	<i>Modification or disapplication</i>
Regulation 3 (applying for listed building consent)	Regulation 3 is to be read as if, in paragraph (3), for “the planning authority to which the application is made” there were substituted “the Welsh Ministers”.
Regulation 7 (acknowledgement of application for listed building consent)	Regulation 7 is to be read as if there were substituted— “ 7. If the Welsh Ministers consider that an application does not comply with a requirement imposed by section 90(2) of the 2023 Act or by these Regulations, the Welsh Ministers must notify the applicant as soon as reasonably practicable.”
Regulation 8 (advertisement of applications for listed building consent)	Regulation 8 does not apply.
Regulation 9 (notification to amenity societies etc.)	Regulation 9 is to be read as if the references to a planning authority were references to the Welsh Ministers.
Regulation 12 (decision on application)	Regulation 12 applies as if there were substituted— “ 12. The Welsh Ministers must give notice of their decision before the end of the determination period referred to in section 62L of the Town and Country Planning Act 1990.”
Regulation 13 (notice of decision or referral to the Welsh Ministers)	Regulation 13 is to be read as if— (a) in paragraph (1)—

⁽²³⁾ S.I. 2004/3156, to which there is an amendment not relevant these Regulations.

⁽²⁴⁾ S.I. 2016/56 (W. 26), to which there are amendments not relevant to these Regulations.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

<i>Provision</i>	<i>Modification or disapplication</i>
	<ul style="list-style-type: none"> (i) in the words before sub-paragraph (a), the reference to the planning authority were to the Welsh Ministers; (ii) sub-paragraph (b) and “or” before it were omitted;
	<ul style="list-style-type: none"> (b) or paragraph (2) there were substituted— <ul style="list-style-type: none"> “(2) The decision must be given before the end of the determination period within the meaning of section 62L of the Town and Country Planning Act 1990.”;
	<ul style="list-style-type: none"> (c) in paragraph (3)— <ul style="list-style-type: none"> (i) for “the planning authority decides” there were substituted “the Welsh Ministers decide”; (ii) sub-paragraph (b) and the “and” before it were omitted.

Regulation 19 (applications by a planning authority for demolition of a listed building) Regulation 19 does not apply

Regulation 22 (publicity for applications relating to urgent works on Crown land) Regulation 22 does not apply.

(2) In this paragraph, “listed building consent” has the meaning given in section 89 of the Historic Environment (Wales) Act 2023.”;

(b) in paragraph 3(2) of Part 2—

(i) for “section 8 of the Listed Building Act,” substitute “section 89 of the Historic Environment (Wales) Act 2023,”;

(ii) for “regulations 3(1), 3(2) and 6 (design and access statements)” to the end substitute “regulations 3 and 4 of the Listed Buildings and Conservation Areas (Procedure and Interest Rate) (Wales) Regulations 2024.”

13. In Schedule 5—

(a) for paragraph 2 of Part 2 substitute—

“2.—(1) In their application in relation to a conservation area consent which is connected to an application for a nationally significant development under section 62D of the Town and Country Planning Act 1990, the Listed Buildings and Conservation Areas (Procedure and Interest Rate) (Wales) Regulations 2024 apply with the following modifications and exceptions (and see regulation 24 of those Regulations).

<i>Provision</i>	<i>Modification or disapplication</i>
Regulation 3 (applying for listed building consent)	Regulation 3 is to be read as if, in paragraph (3), for “the planning authority to which the application is made” there were substituted “the Welsh Ministers”.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

<i>Provision</i>	<i>Modification or disapplication</i>
Regulation 7 (acknowledgement of application for listed building consent)	Regulation 7 is to be read as if there were substituted— “7If the Welsh Ministers consider that an application does not comply with a requirement imposed by section 90(2) of the 2023 Act or by these Regulations, the Welsh Ministers must notify the applicant as soon as reasonably practicable.”
Regulation 8 (advertisement of applications)	Regulation 8 does not apply.
Regulation 12 (decision on application)	Regulation 12 is to be read as if there were substituted— “12. The Welsh Ministers must give notice of their decision before the end of the determination period referred to in section 62L of the Town and Country Planning Act 1990.”
Regulation 13 (notice of decision or referral to the Welsh Ministers)	Regulation 13 is to be read as if— (a) in paragraph (1)— (i) in the words before sub-paragraph (a), the reference to the planning authority were to the Welsh Ministers; (ii) sub-paragraph (b) and the “or” before it were omitted; (b) for paragraph (2) there were substituted— “(2) The decision must be given before the end of the determination period within the meaning of section 62L of the Town and Country Planning Act 1990.”; (c) in paragraph (3)— (i) for “the planning authority decides” there were substituted “the Welsh Ministers decide”; (ii) sub-paragraph (b) and the “and” before it were omitted.
Regulation 19 (applications by a planning authority for demolition of a listed building)	Regulation 19 does not apply.
Regulation 22 (publicity for applications relating to urgent works on Crown land)	Regulation 22 does not apply.

(2) In this paragraph, “conservation area consent” has the meaning given in section 162 of the Historic Environment (Wales) Act 2023.”

(b) in paragraph 3(2) of Part 2—

(i) for “section 74 of the Listed Buildings Act,” substitute “section 162 of the Historic Environment (Wales) Act 2023,”;

- (ii) for “regulation 3(1) and (2)” to the end substitute “regulation 3 of the Listed Buildings and Conservation Areas (Procedure and Interest Rate) (Wales) Regulations 2024.”

The Town and Country Planning (Referred Applications and Appeals Procedure) (Wales) Regulations 2017

14. The Town and Country Planning (Referred Applications and Appeals Procedure) (Wales) Regulations 2017(**25**) are amended as follows.

15. In regulation 3(1)—

- (a) omit the definition of “the 2012 Regulations”;
- (b) after the definition of “the 2015 Regulations”, insert—

““the 2024 Regulations” (“*Rheoliadau 2024*”) means the Listed Buildings and Conservation Areas (Procedure and Interest Rate) (Wales) Regulations 2024;”;
- (c) in the definition of “full statement of case”, for sub-paragraph (a)(ii) substitute “regulation 2(1) of the 2024 Regulations;”;
- (d) in the definition of “referred application”, for “an application which is deemed to have been referred to the Welsh Ministers by virtue of regulation 9(3) of the 2012 Regulations” substitute “an application by a local planning authority which is made under regulation 19(2) of the 2024 Regulations”.

16. Regulation 54 is omitted.

SCHEDULE 5

Regulation 28

Revocation and withdrawal

1. The following statutory instruments are revoked—

- (a) the Planning (Listed Buildings and Conservation Areas) (Wales) Regulations 2012(**26**);
- (b) the Planning (Listed Buildings and Conservation Areas) (Wales) (Amendment) Regulations 2015(**27**);
- (c) the Planning (Listed Buildings and Conservation Areas) (Wales) (Amendment) Regulations 2016(**28**);
- (d) the Planning (Listed Buildings and Conservation Areas) (Wales) (Amendment) Regulations 2017(**29**);
- (e) the Planning (Listed Buildings and Conservation Areas) (Wales) (Amendment No. 2) Regulations 2017(**30**);
- (f) the Listed Buildings (Urgent Works) (Interest Rate on Expenses) (Wales) Order 2017(**31**);
- (g) the Planning (Listed Buildings and Conservation Areas) (Wales) (Amendment) Regulations 2021(**32**).

(25) S.I. 2017/544 (W. 121), to which there are amendments not relevant to these Regulations.

(26) S.I. 2012/793 (W. 108).

(27) S.I. 2015/1332 (W. 125).

(28) S.I. 2016/91 (W. 44).

(29) S.I. 2017/545 (W. 122).

(30) S.I. 2017/638 (W. 144).

(31) S.I. 2017/640 (W. 146).

(32) S.I. 2021/832 (W. 194).

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

2. The Planning (Listed Buildings and Conservation Areas) Regulations 1990⁽³³⁾ are revoked in relation to Wales, to the extent that they remain in force.
3. The following Directions are withdrawn—
 - (a) the Listed Building Applications and Decisions (Duty to Notify National Amenity Societies and the Royal Commission) (Wales) Direction 2022⁽³⁴⁾;
 - (b) the Listed Building Consent Applications (Disapplication of Duty to Notify Welsh Ministers) (Wales) Direction⁽³⁵⁾;
 - (c) the Conservation Areas (Disapplication of Requirement for Conservation Area Consent for Demolition) (Wales) Direction⁽³⁶⁾.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are made under powers given to the Welsh Ministers by the Historic Environment (Wales) Act 2023 (“the 2023 Act”). The 2023 Act forms part of a code of law relating to the historic environment of Wales. These Regulations also form part of that Code.

The 2023 Act protects buildings of special architectural or historic interest, which may include buildings or structures. That Act provides that the Welsh Ministers must maintain a list of such buildings in Wales. Particular types of works may only be carried out to a “listed building” if they are authorised by the planning authority or by the Welsh Ministers. This authorisation is called “listed building consent” and is granted under Part 3 of the 2023 Act.

The framework for applications for listed building consent and changes to it is set out in sections 90 to 99 of the 2023 Act. The framework for appeals in relation to applications for listed building consent is set out in sections 100 to 104 of that Act. There are provisions about the service of notices and other documents in section 205 of that Act.

The 2023 Act also protects areas of special architectural or historic interest. That Act requires planning authorities to determine which such areas it is desirable to preserve or enhance, and designate such areas as “conservation areas”. Broadly, works for the demolition of a building in a conservation area are prohibited unless the works are authorised by the planning authority. This authorisation is called “conservation area consent” and is granted under Part 4 of the 2023 Act.

The framework for applications for conservation area consent and appeals in relation to such applications is based on the framework for listed buildings and is set out in section 163 of the 2023 Act.

Part 1 of these Regulations makes further provision about applications for listed building consent, where those applications relate to listed buildings in Wales. It includes provision about notifying people about and publicising applications for, listed building consent and conservation area consent.

Regulation 3 makes further provision about the form and content of, and how to make, an application for listed building consent.

⁽³³⁾ S.I. 1990/1519.

⁽³⁴⁾ WG 22-40.

⁽³⁵⁾ 2017 No. 25.

⁽³⁶⁾ 2017 No. 27.

Regulation 4 makes provision about the matters which the statement known as a heritage impact statement must describe and explain. Section 90(4) of the 2023 Act requires the statement to be included with an application for listed building consent.

Regulation 5 requires an applicant for listed building consent to give notice, before making an application, to any other owners of the building. It also sets out how that notice must be given.

Regulation 6 requires applicants to provide a certificate with their application for listed building consent setting out the steps that they have taken to give notice.

Regulation 7 and Schedule 1 deal with acknowledging an application for listed building consent.

Regulation 8 sets out requirements for publicising applications for listed building consent and conservation area consent.

Regulation 9 requires the planning authority to notify the listed amenity societies and the Royal Commission on the Ancient and Historical Monuments of Wales when it receives an application for listed building consent which involves demolition or partial demolition of a building.

Regulation 10 sets out the procedure to be followed when an application for listed building consent is referred to the Welsh Ministers under section 94 of the 2023 Act.

Regulation 11 disapplies the requirement to notify the Welsh Ministers of applications for listed building consent in section 95(1) of the 2023 Act in respect of works affecting only the interior of a building which is classified as Grade II (unstarred).

Regulation 12 sets requirements about making decisions on applications for listed building consent.

Regulation 13 and Schedule 2 set out the requirements for notifying an applicant of the decision on their application for listed building consent, or that the application has been referred to the Welsh Ministers for a decision.

Regulation 14 applies and adapts the requirements of regulation 9, about notifying national amenity societies and the Royal Commission on the Ancient and Historical Monuments of Wales of applications, to decisions on applications for listed building consent.

Regulation 15 applies and adapts the provisions of regulations 3 to 14 to applications for the variation or removal of conditions of listed building consent. It also introduces a form in Schedule 3.

Part 2 of these Regulations makes further provision about the procedure for appeals in relation to applications for listed building consent.

Regulation 16 sets out the procedure, including requirements about giving notice and providing information, for making an appeal in relation to an application for listed building consent.

Regulation 17 sets out when an application for listed building consent can be varied after notice of appeal has been given.

Regulation 18 prescribes that the period within which the Welsh Ministers may not determine an appeal against failure to give notice of a decision is 4 weeks.

Part 3 of these Regulations makes further provision for special cases, being applications by planning authorities and in respect of Crown land (land in which there is a Crown interest or a Duchy interest).

Regulation 19 makes provision for applications by a planning authority for listed building consent for demolition to be made to the Welsh Ministers. It also applies and modifies appropriate parts of the 2023 Act and these Regulations for that purpose.

Regulation 20 provides that there is no right to appeal to the Welsh Ministers against a decision made by a planning authority on an application by a planning authority for listed building consent.

Regulation 21 modifies provisions of these Regulations when an application for listed building consent is made in respect of Crown land.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Regulation 22 makes provision for the procedure for applications relating to urgent works on Crown land and modifies these Regulations for that purpose.

Part 4 of these Regulations makes provision in relation to conservation areas.

Regulation 23 limits the general requirement in section 161(1) of the 2023 Act for demolition of a building in a conservation area to be authorised. It lists the buildings to which the requirement for demolition in conservation areas to be authorised does not apply.

Regulation 24 applies the relevant provisions of these Regulations to applications for conservation area consent and related matters such as appeals. It also modifies provisions of these Regulations for that purpose.

Part 5 of these Regulations makes miscellaneous provision and contains consequential amendments. It also revokes obsolete statutory instruments and withdraws obsolete directions.

Regulation 25 sets out the procedure for the advertisement of an unopposed revocation or modification order made under section 107 of the 2023 Act.

Regulation 26 prescribes the interest rate for the cost of urgent works carried out under section 145 of the 2023 Act.

Regulation 27 and Schedule 4 make consequential amendments. They include amendments which adapt the procedures in these Regulations to applications which are connected with proposals under the Transport and Works Act 1992 or proposals which are for a development of national significance under section 62D of the Town and Country Planning Act 1990.

Regulation 28 and Schedule 5 revoke statutory instruments and withdraw directions.

The statutory instruments which are revoked are the Planning (Listed Buildings and Conservation Areas) (Wales) Regulations 2012 and subsequent amending instruments, and the Listed Buildings (Urgent Works) (Interest Rate on Expenses) (Wales) Order 2017.

The Directions which are withdrawn are the Listed Building Applications and Decisions (Duty to Notify National Amenity Societies and the Royal Commission) (Wales) Direction 2022, the Listed Building Consent Applications (Disapplication of Duty to Notify Welsh Ministers) (Wales) Direction [2017 No. 25](#) and the Conservation Areas (Disapplication of Requirement for Conservation Area Consent for Demolition) (Wales) Direction [2017 No. 27](#).

The Welsh Ministers' Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result it was not considered necessary to carry out a regulatory impact assessment as to the likely costs and benefits of complying with these Regulations.