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WELSH STATUTORY INSTRUMENTS

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**2024 No. 930**

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

**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.