

## 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<sup>(1)</sup>, 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<sup>(2)</sup> 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—

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(1) [S.I. 2007/399 \(W. 45\)](#), to which there are amendments not relevant to these Regulations.

(2) [S.I. 1992/3138](#), to which there are amendments not relevant to these Regulations.

*Status: This is the original version (as it was originally made).*

- (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.”;

- (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.....”;

*Status: This is the original version (as it was originally made).*

- (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(3), 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(4), omit paragraph 13.

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

9. In the Schedule to the National Park Authorities (Wales) (Amendment) Order 1996(5), in Part 2 omit inserted paragraph 15.

(3) [S.I. 1995/2803](#), to which there are amendments not relevant to these Regulations.

(4) [S.I. 1996/525](#), to which there are amendments not relevant to these Regulations.

(5) [S.I. 1996/534](#), to which there is an amendment not relevant to these Regulations.

*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(6)—

- (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(7) 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—  “ <b>7.</b> 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—  “ <b>12.</b> 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)—

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

(7) 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).

<i>Provision</i>	<i>Modification or disapplication</i>
	<ul style="list-style-type: none"> <li>(i) in the words before sub-paragraph (a), the reference to the planning authority were to the Welsh Ministers;</li> <li>(ii) sub-paragraph (b) and “or” before it were omitted;</li> </ul>
	<ul style="list-style-type: none"> <li>(b) or paragraph (2) there were substituted— <ul style="list-style-type: none"> <li>“(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.”;</li> </ul> </li> </ul>
	<ul style="list-style-type: none"> <li>(c) in paragraph (3)— <ul style="list-style-type: none"> <li>(i) for “the planning authority decides” there were substituted “the Welsh Ministers decide”;</li> <li>(ii) sub-paragraph (b) and the “and” before it were omitted.</li> </ul> </li> </ul>

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”.

<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,”;

**Status:** This is the original version (as it was originally made).

- (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<sup>(8)</sup> 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.

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