

## SCHEDULE 4

Regulation 44

### Listed building consent

## PART 1

### Modifications to primary legislation

1.—(1) The Planning (Listed Buildings and Conservation Areas) Act 1990<sup>(1)</sup> (“the Listed Buildings Act”) (“*y Ddeddf Adeiladau Rhestredig*”) applies with the following modifications.

(2) Section 10 (making of applications for listed building consent) is read as if—

- (a) for subsection (1) there were substituted “An application for listed building consent must be made to and dealt with by the Welsh Ministers”;
- (b) in subsection (2)(c) “the Welsh Ministers” is substituted for “the authority”.

(3) Section 62 (validity of certain orders and decisions), is read as if—

- (a) in subsection (2) the following is inserted after paragraph (a)—  
“(aza) any decision on an application for listed building consent where that decision is made by the Welsh Ministers by virtue of section 62F(2) of the principal Act.”;
- (b) in subsections (1) and (3) “the Welsh Ministers” is substituted for “the Secretary of State” in relation to decisions within subsection (2)(aza).

#### Commencement Information

**II** Sch. 4 para. 1 in force at 1.3.2016, see [reg. 1\(2\)](#)

## PART 2

### Modifications to secondary legislation

2.—(1) The Planning (Listed Buildings and Conservation Areas) (Wales) Regulations 2012<sup>(2)</sup> apply with the following modifications.

(2) Regulation 3 (applications for listed building consent or for conservation area consent) is read as if—

- (a) in paragraph (1)(a) for “to a local planning authority” there is substituted “to the Welsh Ministers”;
- (b) in paragraph (1)(c)(ii) and (iii) for “the local planning authority” there is substituted “the Welsh Ministers”;
- (c) paragraph (3) and Part 1 of Schedule 1 are omitted;
- (d) in paragraph (4) “after sending an acknowledgement as required by paragraph (3),” is omitted and for “the local planning authority” there is substituted “the Welsh Ministers”;
- (e) for paragraph (5) there is substituted—

<sup>(1)</sup> 1990 c. 9.

<sup>(2)</sup> S.I. 2012/793 (W. 108).

**Changes to legislation:** There are currently no known outstanding effects for the The Developments of National Significance (Wales) Regulations 2016, SCHEDULE 4. (See end of Document for details)

- “(5) Where a valid application has been received by the Welsh Ministers, the time within which the Welsh Ministers must give notice to the applicant of their decision is the determination period as described in section 62L of the principal Act.”;
- (f) in paragraph (6) “or reference to the Welsh Ministers” is omitted and for “the local planning authority decide to grant” there is substituted “the Welsh Ministers decide to grant”;
- (g) paragraph (7) is omitted.
- (3) Regulation 6(1) is read as if for “Any application to a local planning authority for listed building consent” there is substituted “Any application for listed building consent where the decision on that consent is to be made by the Welsh Ministers in accordance with section 62F of the principal Act”.
- (4) Regulation 7 (certificate to accompany applications and appeals) is read as if —
- (a) in paragraph (1) for “A local planning authority” there is substituted “The Welsh Ministers and “or 4” is omitted;
- (b) in paragraph (3)—
- (i) “or 4” is omitted;
- (ii) for “the local planning authority” there is substituted “the Welsh Ministers”;
- (iii) for sub-paragraph (a) there is substituted—
- “(a) must determine the application before the end of the determination period as provided for in section 62L of the 1990 Act”;
- (iv) in sub-paragraph (b) for “that period” there is substituted “the representation period as provided for in article 4 of the Developments of National Significance (Procedure) (Wales) Order 2016”.
- (5) Regulations 8 and 9 do not apply.
- (6) Regulation 10 (advertisement of applications) is read as if—
- (a) paragraph (1) is omitted; and
- (b) for paragraph (2) there is substituted—
- “The time within which the Welsh Ministers must give notice to the applicant of their decision is the determination period as described in section 62L of the principal Act”
- (7) Regulations 11, 12 and 12A are omitted.

#### Commencement Information

**I2** Sch. 4 para. 2 in force at 1.3.2016, see [reg. 1\(2\)](#)

- 3.—(1) The 2016 Order applies with the following modifications.
- (2) Article 15 (acceptance of applications) is to be read as if in the case of a consent under section 8 of the Listed Building Act, the application is accompanied by those items listed in regulations 3(1), 3(2) and 6 (design and access statements) of the Planning (Listed Buildings and Conservation Areas) (Wales) Regulations 2012.
- (3) Article 18 (publicity of applications for planning permission: Welsh Ministers) is to be read as if it does not apply in relation to any application for—
- (a) listed building consent to carry out works affecting only the interior of a building which when last notified to the local planning authority by the Welsh Ministers as a building of special architectural or historic interest was classified as a Grade II (unstarred) listed building; or

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- (b) the variation or discharge of conditions attached to a listed building consent in respect of the interior of such a Grade II (unstarred) listed building.

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**Commencement Information**

**I3** Sch. 4 para. 3 in force at 1.3.2016, see [reg. 1\(2\)](#)

**Changes to legislation:**

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