

SCHEDULE 1

Regulations 3, 4

Part 1

NOTIFICATION TO BE SENT TO APPLICANT ON RECEIPT OF APPLICATION

Your application dated was received on (1).
*[Examination of the form of application and accompanying plans and documents to ascertain whether your application complies with the statutory requirement has not been completed.

If on further examination it is found that the application is invalid for failure to comply with such requirements (or for any other reason) a further communication will be sent to you as soon as possible.]

If by (2) *[you have not received notification that your application is invalid and] this authority have not given you notice of their decision (and you have not agreed with them in writing that the period within which their decision shall be given may be extended) you may appeal to the Welsh Ministers in accordance with sections 20 and 21 of the Planning (Listed Buildings and Conservation Areas) Act 1990 by notice sent within six months from that date (unless the application has already been referred by this authority to the Welsh Ministers). Appeals must be made on a form which is obtainable from the Welsh Ministers.

Notes

* Delete where inappropriate

(1) Insert date when relevant document(s) referred to in regulation 3(1), or 4(1) were received.

(2) Insert date 8 weeks from date of receipt of application (as given at (1)).

Part 2

NOTIFICATION TO BE SENT TO APPLICANT ON REFUSAL OF LISTED BUILDING CONSENT OR CONSERVATION AREA CONSENT, OR GRANT OF CONSENT SUBJECT TO CONDITIONS (TO BE ENDORSED ON NOTICES OF DECISION)

Status: This is the original version (as it was originally made).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

(1) If the applicant is aggrieved by the decision of the local planning authority to refuse listed building consent or conservation area consent for the proposed works, or to grant consent subject to conditions, the applicant may appeal to the Welsh Ministers in accordance with sections 20 and 21 of the Planning (Listed Buildings and Conservation Areas) Act 1990 within six months of receipt of this notice. (Appeals must be made on a form which is obtainable from the Welsh Ministers). The Welsh Ministers have power to allow a longer period for the giving of a notice of appeal but they will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal.

(2) If listed building consent or conservation area consent is refused, or granted subject to conditions, whether by the local planning authority or by the Welsh Ministers, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any works which have been or would be permitted, the owner may serve on the council of the county or county borough or the national park authority in which the land is situated a purchase notice requiring that council or national park authority to purchase the interest in the land in accordance with the provisions of section 32 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Part 3

NOTIFICATION TO BE SENT TO APPLICANT ON REFUSAL TO VARY OR DISCHARGE CONDITIONS ATTACHED TO LISTED BUILDING CONSENT OR CONSERVATION AREA CONSENT, OR ON THE ADDITION OF NEW CONDITIONS CONSEQUENTIAL UPON VARIATION OR DISCHARGE

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

If the applicant is aggrieved by the decision of the local planning authority—

- (a) to refuse to vary or discharge the conditions attached to a listed building consent or a conservation area consent; or
- (b) to add new conditions consequential upon any such variation or discharge,

the applicant may appeal to the Welsh Ministers in accordance with sections 20 and 21 of the Planning (Listed Buildings and Conservation Areas) Act 1990 within six months of receipt of this notice. (Appeals must be made on a form which is obtainable from the Welsh Ministers). The Welsh Ministers have power to allow a longer period for the giving of a notice of appeal but they will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal.

SCHEDULE 2

Regulation 7

Part 1

NOTICE FOR SERVICE ON INDIVIDUALS PLANNING (LISTED BUILDINGS AND CONSERVATION AREAS) ACT 1990

Proposal for [demolishing] [altering] [extending] [varying or discharging conditions]* (1).

TAKE NOTICE that application is being made to the [(2)] [Welsh Ministers]* by (3) for [listed building consent] [conservation area consent] [variation or discharge of conditions]* (4).

If you wish to make representations about the application, you should make them in writing, not later than (5) to the [local planning authority] [Welsh Ministers]* at (6).

Signed

[on behalf of]*

Date

NOTICE FOR PUBLICATION IN LOCAL NEWSPAPERS WHERE NOT ALL THE OWNERS ARE KNOWN, PURSUANT TO REGULATION 7(2) OF THE PLANNING (LISTED BUILDINGS AND CONSERVATION AREAS) (WALES) REGULATIONS 2012 PLANNING (LISTED BUILDINGS AND CONSERVATION AREAS) ACT 1990

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

Proposal for [demolishing] [altering] [extending] [varying or discharging conditions]* (1).

Notice is hereby given that application is being made to the [(2)] [Welsh Ministers]* by (3) for [listed building consent] [conservation area consent] [variation or discharge of conditions]* (4).

Any owner of the building (namely a freeholder, or a leaseholder entitled to an unexpired term of at least seven years) who wishes to make representations to the above-mentioned [local planning authority] [Welsh Ministers]* about the application should make them in writing not later than (5) to the [local planning authority] [Welsh Ministers]* at (6).

Signed

[on behalf of]*

Date

Notes

* Delete where inappropriate

(1) Insert name, address or location of building with sufficient precision to ensure identification of it.

(2) Insert name of local planning authority.

(3) Insert name of applicant.

(4) Insert description of proposed works and name, address or location of building, or in the case of an application to vary or discharge conditions, insert description of the proposed variation or discharge.

(5) Insert date not less than 20 days later than the date on which the notice is served or published.

(6) Insert address of local planning authority or the Welsh Ministers, as appropriate.

Part 2

NOTICE FOR SERVICE ON INDIVIDUALS PLANNING (LISTED BUILDINGS AND CONSERVATION AREAS) ACT 1990

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

Proposal for [demolishing] [altering] [extending]
[varying or discharging conditions]* (1).

TAKE NOTICE that an appeal is being made to the
Welsh Ministers by (2) [against the decision
of (3)] [on the failure of (3) to give notice
of a decision]* on an application to (4).

If you should wish to make representations to the
Welsh Ministers about the appeal you should make
them not later than (5), to the Welsh Ministers at
(6).

Signed

[on behalf of]*

Date

NOTICE FOR PUBLICATION IN LOCAL NEWSPAPERS PLANNING (LISTED BUILDINGS
AND CONSERVATION AREAS) ACT 1990

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

Proposal for [demolishing] [altering] [extending] [varying or discharging conditions]* (1).

Notice is hereby given that an appeal is being made to the Welsh Ministers by (2) [against the decision of (3)] [on the failure of (3) to give notice of a decision]* to (4).

Any owner of the building (namely, a freeholder, or a leaseholder entitled to an unexpired term of at least seven years) who wishes to make representations to the Welsh Ministers about the appeal should make them in writing, not later than (5), to the Welsh Ministers at (6).

Signed

[on behalf of]*

Date

Notes

* Delete where inappropriate

(1) Insert name, address or location of building with sufficient precision to ensure identification of it.

(2) Insert name of appellant.

(3) Insert name of local planning authority.

(4) Insert description of proposed works and name, address or location of building, or in the case of an application to vary or discharge conditions, insert description of the proposed variation or discharge.

(5) Insert date not less than 20 days later than the date on which the notice is served or published.

(6) Insert details of address for appeal.

SCHEDULE 3

Regulation 16

| (1) Provisions of the Act relating to listed building control | (2) Exceptions and additional modifications (if any) |
|---|--|
| Section 7 | Omit the words “or for its alteration or extension in any manner which would affect its character as a building of special architectural or historic interest”. |
| Section 8 | <ol style="list-style-type: none"> 1. Omit subsection (1). 2. In subsection (2), omit paragraphs (b) and (c). 3. In subsection (3)(a), omit the words “or for its alteration or extension”. 4. Omit subsections (4) to (7). |
| Sections 9 to 12 | None. |
| Section 13 | Omit. |
| Section 14 | Omit. |
| Section 15 | <ol style="list-style-type: none"> 1. Omit subsections (1) to (4). 2. In subsection (6) omit “(1) or”. |
| Section 16 | Omit subsection (2). |
| Sections 17 to 20 | None. |
| Section 21 | Omit subsections (3) and (4). |
| Section 22 | Omit subsection (1)(b). |
| Sections 23 to 26 | None. |
| Section 28 | None. |
| Sections 32 to 33 | None. |
| Section 34 | Omit subsection (2)(c). |
| Section 35 to 37 | None. |
| Section 38 | In subsection (1), for the words “the character of the building as one of special architectural or historic interest”, substitute the words “the character or appearance of the conservation area in which the building is situated”. |
| Section 39 | <p>In subsection (1)—</p> <ol style="list-style-type: none"> (i) substitute the following paragraph for paragraph (a) “(a) that retention of the building is not necessary in the interests of preserving or enhancing the character or appearance of the conservation area in which it is situated.” |

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| (1) Provisions of the Act relating to listed building control | (2) Exceptions and additional modifications (if any) |
|--|---|
| | (ii) omit paragraph (i). |
| Section 40 | None. |
| Section 41 | Omit subsection (6)(c). |
| Sections 42 to 44 | None. |
| Section 45 | Omit |
| Section 46 | <ol style="list-style-type: none"> 1. Omit subsection (2)(b). 2. Omit subsection (5). |
| Section 56 | For the words “sections 47 and 48 or section 54”, substitute the words “section 54 where a direction has been made in respect of that building under section 76(1)”. |
| Sections 62 to 65 | None. |
| Section 66(1) | Omit. |
| Section 82(2) to (4) | <ol style="list-style-type: none"> 1. In subsection (2) omit the words “alteration or extension”. 2. In subsections (2)-(4) the exceptions and modifications mentioned in regulation 13 and also as mentioned in this column, must have effect in relation to the appropriate provision mentioned in section 82(3). |
| Sections 82A to 82B | None. |
| Section 82C | Omit subsections (6)(g) and (h). |
| Section 82D | None. |
| Section 90(2) to (4) | None. |

SCHEDULE 4

Regulation 17

NOTICE THAT A BUILDING HAS BECOME LISTED IMPORTANT—THIS COMMUNICATION AFFECTS YOUR PROPERTY PLANNING (LISTED BUILDINGS AND CONSERVATION AREAS) ACT 1990 BUILDINGS OF SPECIAL ARCHITECTURAL OR HISTORIC INTEREST

To:

NOTICE IS HEREBY GIVEN that the building known as situated in has on been included in a list of buildings of special architectural or historic interest compiled by the Welsh Ministers under section 1 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Date

(Town Clerk)

(Clerk of the Council)

(Chief Executive)

Note

Listing of Buildings of Special Architectural or
Historic Interest

The above notice is addressed to you as owner or occupier of the building named, which has been included in one of the lists of buildings of special architectural or historic interest under section 1 of the Planning (Listed Buildings and Conservation Areas) Act 1990 by the Welsh Ministers. The lists are compiled by the Welsh Ministers as a statutory duty after consultation with persons or bodies as appear to them appropriate as having special knowledge of, or interest in, buildings of architectural or historic interest.

This notice does not call for any action on your part unless you propose at any time to demolish the building or to do any works (either to the exterior or the interior) which would affect its character. In that event you will need to seek "listed building consent", that is to say, the consent of the local planning authority (the Council) to the work you wish to do.

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You should however note that it is an offence to carry out any of these works without obtaining listed building consent. A conviction for this offence could result in a fine or even imprisonment. Nevertheless where works which are urgently necessary in the interests of safety or of health or for the preservation of the building are carried out without consent it is a defence to prove that—

- (a) it was not practicable to secure safety or health or the preservation of the building by works of repair or works for affording temporary support or shelter;
- (b) the works carried out were limited to the minimum measures immediately necessary; and
- (c) notice in writing justifying in detail the carrying out of the works was given to the local planning authority as soon as reasonably practicable.

Certain buildings are exempt from the requirement to obtain listed building consent, notably ecclesiastical buildings which are for the time being used for ecclesiastical purposes (but it should also be noted that this exemption does not apply to a building used or available for use as a residence by a minister of religion and that the exemption may be restricted or excluded by an order of the Welsh Ministers under section 60 of the 1990 Act).

Although there is no statutory right of appeal as such against the listing of a building, you are not precluded at any time from writing to the Welsh Ministers claiming that the building should cease to be listed on the ground that it is not in fact of special architectural or historic interest. Any such claim, with the evidence supporting it, will be carefully considered by the Welsh Ministers in consultation with their statutory advisers. A guidance note on the procedure is available from the Welsh Ministers. In addition, where listed building consent is refused by a local planning authority or is granted subject to conditions, there is a right of appeal to the Welsh Ministers; and one of the grounds for an appeal may be that the building is not of special architectural or historic interest.

If at any time you propose to take any action which may affect the character of your building, you would be well advised to refer to the provisions of the Planning (Listed Buildings and Conservation Areas) Act 1990, and of the Planning (Listed Buildings and Conservation Areas) (Wales) Regulations 2012 (S.I. 2012/793 (W.108)). Further details can be obtained from your local planning authority.

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NOTICE THAT A BUILDING HAS CEASED TO BE LISTED IMPORTANT—THIS COMMUNICATION AFFECTS YOUR PROPERTY PLANNING (LISTED BUILDINGS AND CONSERVATION AREAS) ACT 1990 BUILDINGS OF SPECIAL ARCHITECTURAL OR HISTORIC INTEREST

To:

NOTICE IS HEREBY GIVEN that the building known as situated in has, by an amendment made by the Welsh Ministers under section 1(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 on , been excluded from the list of buildings of special architectural or historic interest compiled by the Welsh Ministers.

Date:

(Town Clerk)

(Clerk of the Council)

(Chief Executive)

SCHEDULE 5

Regulation 18

Statutory Instruments Revoked in so far as they apply to Wales

| <i>Title of Instrument</i> | <i>Reference</i> | <i>Extent of Revocation</i> |
|---|-----------------------------------|------------------------------|
| The Town and Country Planning (Listed Buildings in Wales and Buildings in Conservation Areas in Wales) (Welsh Forms) Regulations 1990 | 1990/1147 | The whole of the Regulations |
| The Planning (Listed Buildings and Conservation Areas) Regulations 1990 | 1990/1519 | The whole of the Regulations |
| The Town and Country Planning (Enforcement Notices and Appeals) Regulations 1991 | 1991/2804 | Regulation 10(2) |
| The Planning (Listed Buildings, Conservation Areas and Hazardous Substances) (Amendments relating to Crown Land) (Wales) Regulations 2006 | 2006/1388 (W.138) | Regulation 2 |
| The Planning (Listed Buildings and Conservation Areas) (Amendment) (Wales) Regulations 2009 | 2009/1026 (W.88) | The whole of the Regulations |