

## SCHEDULE 5

Regulation 45

### Demolition in conservation areas

#### PART 1

##### Modifications to primary legislation

1. Section 74(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (“the Listed Buildings Act”) (control of demolition in conservation areas) is read as if in paragraph (a) “and” is omitted and after that paragraph there is inserted—

- “(aa) in relation to applications where the decision on the consent is to be made by the Welsh Ministers by virtue of section 62F(2) of the principal Act (developments of national significance: meaning of secondary consents), the Welsh Ministers; and”.

#### PART 2

##### Modifications to secondary legislation

2.—(1) The Planning (Listed Buildings and Conservation Areas) (Wales) Regulations 2012(1), in relation to the grant of consent under section 74(2) of the Listed Buildings Act, apply subject to 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) for “the local planning authority” there is substituted “the Welsh Ministers”;
- (e) for paragraph (5) there is substituted—

“(5) Where a valid application under paragraph (1) has been received by the Welsh Ministers, the Welsh Ministers must give notice to the applicant of their decision before the end of 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 listed building consent or” 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 conservation area 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—

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

*Status: This is the original version (as it was originally made).*

- (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 principal 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 (use of electronic communications) and 9 (applications by local planning authorities) 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 (advertisement of applications for urgent works relating to Crown development), 12 (appeals) and 12A (appeal made: functions of the local planning authority) do not apply.

**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 74 of the Listed Buildings Act, the application is accompanied by those items listed in regulation 3(1) and (2) of the Planning (Listed Buildings and Conservation Areas) (Wales) Regulations 2012.
- (3) Article 18 (publicity for applications for planning permission: Welsh Ministers) 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
  - (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.