

**2015 No. 1332 (W. 125)**

**TOWN AND COUNTRY  
PLANNING, WALES**

**The Planning (Listed Buildings and  
Conservation Areas) (Wales)  
(Amendment) Regulations 2015**

**EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

These Regulations amend the Planning (Listed Buildings and Conservation Areas) (Wales) Regulations 2012 (“the principal Regulations”).

Regulation 2(2) and (3) amends regulation 12 of the principal Regulations by removing the six month time limit for lodging an appeal following the failure of a local planning authority to determine an application for listed building consent within the determination period prescribed in regulation 3(5) of the principal Regulations.

Regulation 2(4) inserts a provision into the principal Regulations prescribing an additional period of four weeks for the purposes of section 20A of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Regulation 3 makes transitional provisions.

The Regulatory Impact Assessment applicable to these Regulations is obtainable from the Welsh Government at: Cathays Park, Cardiff CF10 3NQ and on the Welsh Government website at [www.wales.gov.uk](http://www.wales.gov.uk).

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**The Planning (Listed Buildings and  
Conservation Areas) (Wales)  
(Amendment) Regulations 2015**

*Made* 20 May 2015

*Laid before the National Assembly for Wales*  
22 May 2015

*Coming into force* 22 June 2015

The Welsh Ministers, in exercise of the powers conferred on the Secretary of State by sections 20, 20A, 21 and 93 of the Planning (Listed Buildings and Conservation Areas) Act 1990(1) and now exercisable by them(2), make the following Regulations:

**Title, commencement, interpretation and application**

1.—(1) The title of these Regulations is the Planning (Listed Buildings and Conservation Areas) (Wales) (Amendment) Regulations 2015.

(2) In these Regulations, “the principal Regulations” (“*y prif Reoliadau*”) means the Planning (Listed Buildings and Conservation Areas) (Wales) Regulations 2012(3).

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- (1) 1990 c. 9. Section 20(5) was inserted by S.I. 2014/2773. Section 20A was inserted by section 50(2) of the Planning and Compulsory Purchase Act 2004 Act (“the 2004 Act”). Section 50(2) is commenced in relation to Wales by S.I. 2015/340. Section 93(6A) was inserted by section 118 and paragraphs 19 and 26 of Schedule 6 to the 2004 Act. For the meaning of “prescribed” see section 91(1).
- (2) The functions conferred on the Secretary of State by sections 20, 20A, 21 and 93 were, so far as exercisable in relation to Wales, transferred to the National Assembly for Wales by the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672). By virtue of section 162 of, and paragraph 30 of Schedule 11 to, the Government of Wales Act 2006 (c. 32), those functions are now exercisable by the Welsh Ministers.
- (3) S.I. 2012/793 (W. 108).

(3) These Regulations apply in relation to Wales.

(4) These Regulations come into force on 22 June 2015.

### **Amendments of the principal Regulations**

2.—(1) The principal Regulations are amended as follows.

(2) In regulation 12(1)—

- (a) at the end of sub-paragraph (a)(ii), omit “or”;
- (b) omit sub-paragraph (b); and
- (c) after the words “within six months of notice of the decision”, omit “or of the expiry of the appropriate period allowed under regulation 3(5), as the case may be.”.

(3) In regulation 12(2), for the words “Such a person must also” substitute “An applicant who wishes to appeal against a decision of a local planning authority mentioned in sub-paragraph (1) or following the failure of a local planning authority to give notice of their decision or of the reference of the application to the Welsh Ministers must”.

(4) After regulation 12 insert—

#### **“Appeal made: functions of the local planning authority**

**12A.** The additional period prescribed for the purposes of section 20A of the Act is four weeks. □

### **Transitional provisions**

3. The amendments made to the principal Regulations by regulation 2 of these Regulations do not apply to any appeal relating to an application made before these Regulations come into force and accordingly, the principal Regulations, in the form in which they existed immediately before the coming into force of these Regulations, continue to apply to those appeals.

*Carl Sargeant*

Minister for Natural Resources, one of the Welsh Ministers

20 May 2015