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WELSH STATUTORY INSTRUMENTS

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**2017 No. 638 (W. 144)**

**TOWN AND COUNTRY PLANNING, WALES**

**The Planning (Listed Buildings and Conservation Areas) (Wales) (Amendment No. 2) Regulations 2017**

*Made* - - - - 4 May 2017  
*Laid before the National Assembly for Wales* - - 8 May 2017  
*Coming into force in accordance with regulation 1(3)*

The Welsh Ministers, in exercise of the powers conferred on the Secretary of State by sections 10, 28 29, 74, 91(1) and 93 of the Planning (Listed Buildings and Conservation Areas) Act 1990(2) and now exercisable by them(3), and in exercise of the powers conferred on them by sections 28B and 44D of that Act(4), make the following Regulations:

**Title, commencement and application**

1.—(1) The title of these Regulations is the Planning (Listed Buildings and Conservation Areas) (Wales) (Amendment No. 2) Regulations 2017.

(2) These Regulations apply to Wales.

(3) These Regulations come into force on the following dates—

- (a) this regulation, regulation 2(1), so far as it relates to regulation 2(4) and (5), and regulation 2(4) and (5), on 31 May 2017; and
- (b) regulation 2(1), so far as it relates to the remaining provisions, and the remaining provisions, on 1 September 2017.

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(1) See the definition of “prescribed”.

(2) 1990 c. 9; section 10 was amended by sections 42, 118 and 120 of, and Schedule 9 to, the Planning and Compulsory Purchase Act 2004 (c. 5) (“the 2004 Act”). There are other amendments to section 10 not relevant to this instrument. Section 29 was amended by sections 25(5) and 41(3) of the Historic Environment (Wales) Act 2016 (anaw 4) (“the 2016 Act”). Section 74 was amended by section 63 of, and paragraphs 7 and 12 of Schedule 17 to the Enterprise and Regulatory Reform Act 2013 (c. 24). There are other amendments to section 74 not relevant to this instrument. Section 93 was amended by Schedule 10, paragraph 33 of the Environment Act 1995 (c. 25); by section 118 of, and Schedule 6 to, the 2004 Act; and by section 40 of the 2016 Act. There are other amendments to section 93 not relevant to this instrument.

(3) The functions of the Secretary of State were transferred to the National Assembly for Wales by article 2 of the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672). The functions of the National Assembly for Wales are now exercisable by the Welsh Ministers by virtue of section 162 of, and paragraphs 30 and 32 of Schedule 11 to, the Government of Wales Act 2006 (c. 32).

(4) Section 28B was inserted by section 24(3) of the 2016 Act. Section 44D was inserted by section 29(1) of that Act.

## **Amendments to the Planning (Listed Buildings and Conservation Areas) (Wales) Regulations 2012**

2.—(1) The Planning (Listed Buildings and Conservation Areas) (Wales) Regulations 2012(5) are amended as follows.

(2) In regulation 3(3) for sub-paragraph (c) substitute—

“(c) the heritage impact statement required by regulation 6;”.

(3) For regulation 6 and its heading substitute—

### **“Heritage impact statements**

6.—(1) Any application to a local planning authority for listed building consent or conservation area consent must be accompanied by a heritage impact statement.

(2) In relation to an application for listed building consent, a heritage impact statement must contain—

- (a) a description of the proposed works (“the works”), including design principles and concepts and a schedule of works;
- (b) an explanation of the objective that the works are intended to achieve and why they are desirable or necessary;
- (c) a statement that describes the special architectural or historic interest of the building to which the application relates and its significance with particular reference to the part of the building affected by the works;
- (d) an assessment of the impact of the works on the special architectural or historic interest of the building and its significance, including a description of any potential benefits or harm to that interest;
- (e) a summary of the options considered for the purpose of achieving the objective referred to in paragraph (2)(b) and the reasons why the proposals to which the application relates are preferred; and
- (f) subject to paragraph (4), a description of how any issues relating to access which arise in relation to the works have been dealt with.

(3) In relation to an application for conservation area consent, a heritage impact statement must contain—

- (a) a description of the proposed works (“the demolition works”), including a schedule of works;
- (b) an explanation of the objective that the demolition works are intended to achieve and why demolition is desirable or necessary;
- (c) a description of the contribution any building which is proposed to be demolished makes to the character or appearance of the conservation area;
- (d) an assessment of the impact of the demolition works on the character or appearance of the conservation area, including a description of any potential benefits or harm to the character or appearance of the area;
- (e) a summary of the options considered for the purpose of achieving the objective referred to in paragraph (3)(b) and the reasons why demolition is preferred.

(4) Paragraph (2)(f) does not apply in relation to applications for listed building consent for works which would affect the means of access to, or within, any part of a listed building which is used as a private dwelling.”

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(5) S.I. 2012/793 (W. 108), to which there are amendments not relevant to this instrument.

(4) In regulation 13(1) for “under sections 28 or 29 of the Act,” substitute “under sections 28, 29 or 44D of the Act.”

(5) After regulation 13(1) insert—

“(1A) A claim for compensation made to the Welsh Ministers under section 28B of the Act must be in writing and must be served on the Welsh Ministers by delivering it at the offices of the Welsh Ministers or by sending it to those offices by prepaid post.”

(6) In the opening words of regulation 13(2) for “paragraph (1)” substitute “paragraph (1) or (1A)”.

### **Transitional provision**

**3.** Regulation 2(2) and (3) does not apply to an application for listed building consent or conservation area consent made before 1 September 2017.

4 May 2017

*Ken Skates*  
Cabinet Secretary for Economy and  
Infrastructure, one of the Welsh Ministers

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

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## EXPLANATORY NOTE

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

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

Regulation 2 replaces the requirement that an application for listed building consent is accompanied by a design and access statement, with a requirement that an application for listed building or conservation area consent is accompanied by a heritage impact statement. It also adds to existing provision about the form and manner in which claims for compensation are made, to include reference to claims arising under section 28B (compensation for loss or damage caused by interim protection) and section 44D (temporary stop notices: compensation), both of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Regulation 3 contains a transitional provision.

An impact assessment has been prepared in relation to these Regulations. Copies are available from Historic Environment Services (Cadw), Welsh Government, Plas Carew, Cardiff, CF15 7QQ and on the Welsh Government's website at [www.wales.gov.uk](http://www.wales.gov.uk).