

NATIONAL ASSEMBLY FOR WALES

STATUTORY INSTRUMENTS

2006 No. (W.)

**TOWN AND COUNTRY
PLANNING, WALES**

**The Planning (Listed Buildings and
Conservation Areas) (Amendment)
(Wales) Regulations 2006**

EXPLANATORY NOTE

(This note is not part of the Regulations)

Regulation 3 of the Planning (Listed Buildings and Conservation Areas) Regulations 1990 (“the 1990 Regulations”) makes provision in relation to applications to local planning authorities for listed building consent or conservation area consent.

Regulation 2 of these Regulations inserts regulation 3B into the 1990 Regulations. The new regulation 3B applies in relation to Wales and makes provision in respect of the requirement for access statements to accompany applications for listed building consent. The new provision is in consequence of section 42 of the Planning and Compulsory Purchase Act 2004, which inserted the “access statements” requirement into the Planning (Listed Buildings and Conservation Areas) Act 1990.

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**The Planning (Listed Buildings and
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Made 2006

Coming into force 30 June 2007

The National Assembly for Wales (“the National Assembly”) in exercise of the powers conferred upon the Secretary of State by section 10(3), (4)(b) and (5) and section 93(1)(b) of the Planning (Listed Buildings and Conservation Areas) Act 1990⁽¹⁾, and which are now exercisable in relation to Wales by the National Assembly⁽²⁾, makes the following Regulations:

Title, commencement and application

1.—(1) The title of these Regulations is the Planning (Listed Buildings and Conservation Areas) (Amendment) (Wales) Regulations 2006.

(2) These Regulations come into force on 30 June 2007.

(3) These Regulations apply in relation to Wales.

⁽¹⁾ 1990 c.9. Section 10 was amended by section 42(6) to (8) of the Planning and Compulsory Purchase Act 2004. *See* section 91(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 for the definition of “prescribed”.

⁽²⁾ The functions of the Secretary of State were transferred, in relation to Wales, by article 2 of, and Schedule 1 to, the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672). *See* the entry for the Planning (Listed Buildings and Conservation Areas) Act 1990 in Schedule 1 to the 1999 Order and section 118(3) of the Planning and Compulsory Purchase Act 2004 (c.5).

Amendment of the Planning (Listed Buildings and Conservation Areas) Regulations 1990

2. After regulation 3A (design and access statements) of the Planning (Listed Buildings and Conservation Areas) Regulations 1990⁽¹⁾, insert—

“3B. Access Statements: Wales

(1) Any application to a local planning authority for listed building consent must, subject to paragraph (3), be accompanied by a statement (“an access statement”) explaining how issues relating to access to the building have been dealt with.

(2) Subject to paragraph (3), an access statement must—

- (a) explain the policy or approach adopted as to access, including—
 - (i) what alternative means of access have been considered, and
 - (ii) how policies relating to access in the development plan⁽²⁾ have been taken into account,
- (b) explain how the policy or approach adopted as to access takes account of—
 - (i) the special architectural or historic importance of the building,
 - (ii) the particular physical features of the building that justify its designation as a listed building, and
 - (iii) the building’s setting,
- (c) explain how any specific issues which might affect access to the building have been addressed; and
- (d) explain how features which ensure access to the building will be maintained.

(3) Paragraphs (1) and (2) do not apply in relation to an application for listed building consent to carry out works affecting only the interior of a building.”.

⁽¹⁾ S.I. 1990/1519, to which there are amendments not relevant to this instrument.

⁽²⁾ See section 38(4) of the Planning and Compulsory Purchase Act 2004 (c.5) for the meaning of “development plan” and the transitional provisions and savings in article 3 of the Planning and Compulsory Purchase Act 2004 (Commencement No 6, Transitional Provisions and Savings) Order 2005 (S.I.2005/2847) (C.118).

DRAFT 12.10.06

Signed on behalf of the National Assembly for Wales
under section 66(1) of the Government of Wales Act
1998⁽¹⁾

Date

The Presiding Officer of the National Assembly

⁽¹⁾ 1998 c.38.