

2014 No. 2776 (W. 282)

**TOWN AND COUNTRY
PLANNING, WALES**

The Planning (Listed Buildings and
Conservation Areas)
(Determination of Procedure)
(Prescribed Period) (Wales)
Regulations 2014

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are made by the Welsh Ministers in exercise of the powers conferred on them by sections 88E and 93 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (“the 1990 Act”).

These Regulations are preceded by the Town and Country Planning (Determination of Procedure) (Wales) Order 2014, which inserted section 88E into the 1990 Act.

Section 88E of the 1990 Act gives the Welsh Ministers the power to determine the procedure for certain proceedings in Wales, namely proceedings for applications referred to the Welsh Ministers under section 12 and appeals under sections 20 and 39 of the 1990 Act. Determinations of procedure for such proceedings must be made by the Welsh Ministers before the end of the prescribed period.

These Regulations prescribe that period as seven working days from the relevant date, which is defined for these purposes.

An impact assessment has been prepared in relation to this instrument. Copies may be obtained from the Planning Division of the Welsh Government, Cathays Park, Cardiff, CF10 3NQ.

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**The Planning (Listed Buildings and
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(Determination of Procedure)
(Prescribed Period) (Wales)
Regulations 2014**

Made 14 October 2014

Laid before the National Assembly for Wales
17 October 2014

Coming into force 12 November 2014

The Welsh Ministers, in exercise of the powers conferred on them by section 88E(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and on the Secretary of State by section 93(2) of that Act and now exercisable by them(3), make the following Regulations:

Title, commencement and interpretation

1.—(1) The title of these Regulations is the Planning (Listed Buildings and Conservation Areas) (Determination of Procedure) (Prescribed Period) (Wales) Regulations 2014.

(2) These Regulations come into force on 12 November 2014.

(3) In these Regulations “the 1990 Act” (“*Deddf 1990*”) means the Planning (Listed Buildings and Conservation Areas) Act 1990.

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- (1) 1990 c. 9. Section 88E of the 1990 Act was inserted by the Town and Country Planning (Determination of Procedure) (Wales) Order 2014, S.I.2014/2773 (W.280).
- (2) There are amendments to section 93 of the 1990 Act but none are relevant to these Regulations.
- (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); see the entry in Schedule 1 for the Planning (Listed Buildings and Conservation Areas) Act 1990.

Prescribed period

2.—(1) For the purposes of section 88E(3) of the 1990 Act the prescribed period is seven working days from the relevant date.

(2) In paragraph (1)—

“working day” (“*diwrnod gwaith*”) means a day which is not a Saturday, Sunday, Bank Holiday or other public holiday in Wales; and

“the relevant date” (“*y dyddiad perthnasol*”) means—

- (a) in relation to referrals under section 12(1) of the 1990 Act, the day on which the Welsh Ministers receive notice of the referral from the local planning authority;
- (b) in relation to an appeal under section 20(2) of the 1990 Act, the day on which the Welsh Ministers receive notice of the appeal, together with the documents specified in regulation 12(2) of the Planning (Listed Buildings and Conservation Areas) (Wales) Regulations 2012(3); and
- (c) in relation to an appeal under section 39(4) of the 1990 Act, the day on which the Welsh Ministers receive notice of the appeal and the written statement in accordance with regulation 5 of the Town and Country Planning (Enforcement Notices and Appeals) (Wales) Regulations 2003(5).

Carl Sargeant

Minister for Natural Resources, one of the Welsh Ministers

14 October 2014

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- (1) There are amendments to section 12 of the 1990 Act but none are relevant to these Regulations.
 - (2) Section 20 of the 1990 Act was amended by section 43(4)(a) and (b) of the Planning and Compulsory Purchase Act 2004. There is another amendment but it is not relevant to these Regulations.
 - (3) S.I. 2012/793 (W. 108).
 - (4) Section 39 of the 1990 Act was amended by section 25 of, and paragraph 3(2), (3) and (4) of Schedule 3 to the Planning and Compensation Act 1991; and article 7 of the Town and Country Planning (Electronic Communications) (No.1) Order 2004, S.I. 2004/3156. There are other amendments but none are relevant to these Regulations.
 - (5) S.I. 2003/394 (W. 53).