WELSH STATUTORY INSTRUMENTS

2009 No. 1026 (W.88)

TOWN AND COUNTRY PLANNING, WALES

The Planning (Listed Buildings and Conservation Areas) (Amendment) (Wales) Regulations 2009

Made - - - -	*18 April 2009*
Laid before the National Assembly for Wales - -	*21 April 2009*
Coming into force - -	*1 June 2009*

The Welsh Ministers make these Regulations in exercise of the powers conferred upon the Secretary of State by sections 10(3), (4) and (5) and 93(1)(b) of the Planning (Listed Buildings and Conservation Areas) Act 1990(**1**) and which are now exercisable by the Welsh Ministers(**2**)

Title, commencement, interpretation and application

1.—(1) The title of these Regulations is the Planning (Listed Buildings and Conservation Areas) (Amendment) (Wales) Regulations 2009.

(2) These Regulations come into force on 1 June 2009.

(3) These Regulations apply in relation to Wales.

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

2.—(1) The Planning (Listed Buildings and Conservation Areas) Regulations 1990(**3**) are amended as follows.

(2) For regulation 3B (Access Statements: Wales) substitute—

(**1**) 1990 c. 9. Section 10 was amended by section 42 of the Planning and Compulsory Purchase Act 2004 (c. 5). *See* section 91(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 for the definition of "prescribed".

(**2**) Functions under those sections, so far as exercisable in relation to Wales, were 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 118(3) of the Planning and Compulsory Purchase Act 2004 (c. 5), references in the 1999 Order to functions which are transferred by that Order, and are amended by the 2004 Act, are deemed to be references to those functions as so amended. 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. 1990/1519. Relevant amendments were made by S.I.2004/3156 and S.I. 2006/3316.

"**Design and access statements: Wales**

3B.—(1) Any application to a local planning authority for listed building consent must be accompanied by a statement ("a design and access statement") explaining—

(a) the design principles and concepts that have been applied to the works; and

(b) subject to paragraph (4), how issues relating to access to the building have been dealt with.

(2) A design and access statement must, in relation to design—

(a) explain the design principles and concepts that have been applied to the following aspects of the works—

(i) appearance;

(ii) environmental sustainability;

(iii) layout; and

(iv) scale; and

(b) explain how the principles and concepts referred to in sub-paragraph (a) take 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.

(3) Subject to paragraph (4), a design and access statement must, in relation to access, explain—

(a) 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(**4**) have been taken into account;

(b) 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) how any specific issues which might affect access to the building have been addressed; and

(d) how features which ensure access to the building will be maintained.

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

(5) In this regulation—

"appearance", in relation to the works and the building to which the works relate, means the aspects of the works and the building which determine the visual impression they make, including the external built form of the works and the building, their architecture, features, materials, decoration, lighting, colour and texture;

(**4**) *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).