
WELSH STATUTORY INSTRUMENTS

2012 No. 793

The Planning (Listed Buildings and Conservation Areas) (Wales) Regulations 2012

Certificate to accompany applications and appeals

7.—(1) A local planning authority must not entertain any application under regulation 3 or 4 unless it is accompanied by one of the following certificates signed by or on behalf of the applicant—

- (a) a certificate stating that, at the beginning of the period of 21 days ending with the date of the application, no person (other than the applicant) was the owner of the building or any part of it;
- (b) a certificate stating that the applicant has given the requisite notice of the application to all persons (other than the applicant) who at the beginning of that period were owners of the building or any part of it, and setting out the names of those persons, the addresses at which notice of the application was given to them respectively, and the date of service of each such notice;
- (c) a certificate stating that the applicant is unable to issue a certificate in accordance with either sub-paragraphs (a) or (b), that the applicant has given the requisite notice of the application to such one or more of the persons mentioned in sub-paragraph (b) as are specified in the certificate (setting out their names, the addresses at which notice of the application was given to them respectively, and the date of service of each such notice), that the applicant has taken such steps as are reasonably open to them (specifying the steps taken) to ascertain the names and addresses of the remainder of those persons and that the applicant has been unable to do so;
- (d) a certificate stating that the applicant is unable to issue a certificate in accordance with sub-paragraph (a), that the applicant has taken such steps as are reasonably open to them (specifying the steps taken) to ascertain the names and addresses of the persons mentioned in sub-paragraph (b) but has been unable to do so.

(2) Any such certificate as is mentioned in paragraph (1)(c) or paragraph (1)(d) must also contain a statement that the requisite notice of the application, as set out in the certificate, has been on a date specified in the certificate (which must not be earlier than the beginning of the period mentioned in paragraph (1)(a)) published in a local newspaper circulating in the locality in which the building is situated.

(3) Where an application under regulation 3 or 4 is accompanied by such a certificate as is mentioned in paragraph (1)(b), paragraph (1)(c), or paragraph (1)(d), the local planning authority—

- (a) must not determine the application before the end of the period of 21 days beginning with the date appearing from the certificate to be the latest of the dates of service of notices as mentioned in the certificate, or, if later, the date of publication of a notice as so mentioned;
- (b) must in determining the application take into account any representations relating to it which are made to them before the end of that period by any person who satisfies them that the person is an owner of the building or any part of it; and
- (c) must give notice of their decision to every person who has made representations which they were required to take into account in accordance with sub-paragraph (b).

(4) For the purposes of this regulation, “owner” (“*perchenog*”) means a person who is for the time being the estate owner in respect of the fee simple or is entitled to a tenancy granted or extended for a term of years certain of which not less than seven years remain unexpired.

(5) The provisions of this regulation will apply, with any necessary modifications, where an application under regulation 3 or 4 is referred (or is deemed to have been referred) to the Welsh Ministers under section 12(1) of the Act or, in relation to an appeal to the Welsh Ministers under sections 20 or 21 of the Act, as they apply in relation to an application which falls to be determined by the local planning authority.

(6) The provisions of this regulation will apply where an application for listed building consent is made to the Welsh Ministers under section 82B(2)(2) of the Act, as they apply in relation to an application which falls to be determined by the local planning authority with the following modifications—

(a) in paragraph (1) for “A local planning authority must not entertain any application under regulation 3 or 4” substitute “The Welsh Ministers must not entertain any application under section 82B(2) of the Act”;

(b) omit paragraph (3).

(7) A certificate issued for the purposes of this regulation must be in the form published by the Welsh Ministers, or in a form substantially to the like effect.

(8) The requisite notices for the purposes of this regulation in relation to applications must be in the forms set out in Part 1 of Schedule 2.

(9) The requisite notices for the purposes of this regulation in relation to appeals must be in the forms set out in Part 2 of Schedule 2.

(1) Section 12 was amended by section 17 of the Transport and Works Act 1992 (c. 42).

(2) Section 82B was inserted by section 83 of the Planning and Compulsory Purchase Act 2004 (c. 5).