



# Historic Environment (Wales) Act 2023

2023 asc 3

## PART 3

### BUILDINGS OF SPECIAL ARCHITECTURAL OR HISTORIC INTEREST

PROSPECTIVE

## CHAPTER 3

### LISTED BUILDING PARTNERSHIP AGREEMENTS

#### 113 Listed building partnership agreements

- (1) A planning authority may make an agreement under this section with any owner of a listed building, or part of a listed building, situated in its area.
- (2) Any of the following persons may also be a party to the agreement (in addition to the owner and the authority)—
  - (a) the Welsh Ministers;
  - (b) any occupier of the building;
  - (c) any other person who has an interest in the building;
  - (d) any person involved in the management of the building;
  - (e) any other person the planning authority considers appropriate as having special knowledge of, or special interest in, the building or in buildings of architectural or historic interest more generally.
- (3) The Welsh Ministers may make an agreement under this section with any owner of a listed building or part of a listed building.
- (4) Any of the following persons may also be a party to the agreement (in addition to the owner and the Welsh Ministers)—
  - (a) any planning authority in whose area the building or part is situated;

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*Status: This version of this chapter contains provisions that are prospective.*  
*Changes to legislation: There are currently no known outstanding effects for the*  
*Historic Environment (Wales) Act 2023, CHAPTER 3. (See end of Document for details)*

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- (b) any occupier of the building;
  - (c) any other person who has an interest in the building;
  - (d) any person involved in the management of the building;
  - (e) any other person the Welsh Ministers consider appropriate as having special knowledge of, or special interest in, the building or in buildings of architectural or historic interest more generally.
- (5) An agreement under this section is referred to in this Act as a “listed building partnership agreement”.
- (6) A listed building partnership agreement may grant listed building consent under section 89(1) for specified works for the alteration or extension of the listed building to which the agreement relates.
- (7) Where a listed building partnership agreement grants listed building consent subject to conditions, the agreement must specify those conditions.
- (8) A listed building partnership agreement may also—
- (a) specify works that would or would not, in the view of the parties, affect the character of the listed building as a building of special architectural or historic interest;
  - (b) make provision about the maintenance and preservation of the building;
  - (c) make provision about the carrying out of specified works, or the doing of any specified thing, in relation to the building;
  - (d) provide for public access to the building and the provision of associated facilities, information or services to the public;
  - (e) restrict access to, or use of, the building;
  - (f) prohibit the doing of any specified thing in relation to the building;
  - (g) provide for a planning authority or the Welsh Ministers to make payments of specified amounts and on specified terms—
    - (i) for or towards the costs of any works provided for under the agreement, or
    - (ii) in consideration of any restriction, prohibition or obligation accepted by any other party to the agreement.
- (9) A listed building partnership agreement may relate to more than one listed building or part of a listed building, but only if the parties to the agreement include in relation to each building or part—
- (a) an owner of that building or part, and
  - (b) the planning authority in whose area that building or part is situated or the Welsh Ministers.
- (10) In this section—
- “owner” (“*perchennog*”), in relation to a listed building or part of a listed building, means—
- (a) an owner of the freehold estate in the building or part, or
  - (b) a tenant under a lease of the building or part granted or extended for a fixed term that has at least 7 years left to run;
- “specified” (“*penodedig*”) means specified or described in a listed building partnership agreement.

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### Commencement Information

- II** S. 113 not in force at Royal Assent, see [s. 212\(2\)](#)

## 114 Further provision about listed building partnership agreements

- (1) A listed building partnership agreement must be in writing.
- (2) A listed building partnership agreement must—
  - (a) contain enough information to identify the listed building to which it relates, including a plan;
  - (b) contain any other plans and drawings that are necessary to describe any works to which it relates;
  - (c) specify the date on which it takes effect and its duration;
  - (d) make provision for the parties to review the terms of the agreement at intervals specified in it;
  - (e) make provision for its variation (but this is subject to regulations under subsection (5));
  - (f) make provision for its termination (but this is subject to section 115).
- (3) A listed building partnership agreement may contain incidental and consequential provision.
- (4) The Welsh Ministers may by regulations specify other terms that must be included in a listed building partnership agreement.
- (5) The Welsh Ministers must by regulations make provision about—
  - (a) the consultation that must take place before a listed building partnership agreement is made or varied;
  - (b) the publicity that must be given to a listed building partnership agreement before or after it is made or varied.
- (6) In considering whether to make a listed building partnership agreement that grants listed building consent, or vary an agreement so that it grants consent, a planning authority or the Welsh Ministers must have special regard to the desirability of preserving—
  - (a) the listed building to which the agreement relates,
  - (b) the setting of the building, and
  - (c) any features of special architectural or historic interest the building possesses.
- (7) A listed building partnership agreement may not impose any obligation or liability, or confer any right, on a person who is not a party to the agreement; and listed building consent granted by such an agreement has effect only for the benefit of the parties to it.
- (8) The Welsh Ministers may by regulations—
  - (a) disapply, or apply or reproduce with or without modifications, any provision of sections 90 to 104 (granting listed building consent) or Chapter 4 (enforcement) for the purposes of listed building partnership agreements, and
  - (b) provide for any other provision of this Act to apply with modifications that are consequential on provision made under paragraph (a).

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#### Commencement Information

**I2** S. 114 not in force at Royal Assent, see [s. 212\(2\)](#)

### 115 Termination of agreement or provision of agreement

- (1) A planning authority may by order terminate a listed building partnership agreement to which it is a party or any provision of such an agreement.
- (2) The Welsh Ministers may by order terminate a listed building partnership agreement (whether or not they are a party to it) or any provision of such an agreement.
- (3) An order under this section may contain supplementary, incidental, transitory, transitional or saving provision.
- (4) An order under this section terminating a provision which grants listed building consent for any works may be made at any time before the works are completed, but does not affect listed building consent for works carried out before the order takes effect.
- (5) In Schedule 10—
  - (a) Part 1 makes provision about the procedure that must be followed before an order made by a planning authority under this section takes effect;
  - (b) Part 2 makes provision about the procedure that must be followed before the Welsh Ministers make an order under this section.
- (6) The Welsh Ministers may by regulations amend Schedule 10, and the regulations may make consequential amendments to any other provision of this Act.

#### Commencement Information

**I3** S. 115 not in force at Royal Assent, see [s. 212\(2\)](#)

### 116 Compensation where agreement or provision is terminated

- (1) This section applies where a listed building partnership agreement, or any provision of such an agreement, is terminated by an order under section 115.
- (2) Any person is entitled, on making a claim to the planning authority, to be paid compensation by the authority for—
  - (a) any expenditure incurred by the person in carrying out works that become abortive because of the termination of the agreement or provision;
  - (b) any other loss or damage suffered by the person that is directly attributable to the termination.
- (3) For the purposes of this section expenditure incurred in the preparation of plans for the purposes of any works, or on other similar matters preparatory to any works, is to be treated as expenditure incurred in carrying out the works.
- (4) Subject to that, no compensation is payable under this section in respect of—
  - (a) works carried out before the listed building partnership agreement, or the relevant provision of the agreement, took effect, or

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- (b) other loss or damage (other than loss or damage consisting of depreciation of the value of an interest in land) arising out of anything done or omitted to be done before the agreement or provision took effect.
- (5) A claim for compensation under this section must be made in writing within 6 months beginning with the day the termination of the agreement or provision takes effect.
- (6) In subsection (2) “the planning authority” means—
- (a) the planning authority that made the order under section 115, or
  - (b) if the order was made by the Welsh Ministers, the planning authority in whose area the listed building, or the part of a listed building, to which the order relates is situated.
- (7) The Welsh Ministers may by regulations amend this section, and the regulations may make consequential amendments to any other provision of this Act.

#### Commencement Information

**14** S. 116 not in force at Royal Assent, see [s. 212\(2\)](#)

**Status:**

This version of this chapter contains provisions that are prospective.

**Changes to legislation:**

There are currently no known outstanding effects for the Historic Environment (Wales) Act 2023, CHAPTER 3.