

Status: This version of this provision is prospective.

Changes to legislation: There are currently no known outstanding effects for the Historic Environment (Wales) Act 2023, Paragraph 90. (See end of Document for details)

PROSPECTIVE

SCHEDULE 13

MINOR AND CONSEQUENTIAL AMENDMENTS AND REPEALS

Town and Country Planning Act 1990 (c. 8)

90 Before section 315 (but after the italic heading before that section) insert—

“314A Wales: duties relating to listed buildings and features of architectural or historic interest

- (1) In considering whether to grant planning permission for development which affects a listed building or its setting, the Welsh Ministers or a local planning authority in Wales must have special regard to the desirability of preserving—
 - (a) the listed building,
 - (b) the setting of the building, or
 - (c) any features of special architectural or historic interest the building possesses.
- (2) In exercising the powers conferred by sections 232, 233 and 235(1) (appropriation, disposal and development of land held for planning purposes), a relevant local authority must have regard to the desirability of preserving features of special architectural or historic interest, and in particular listed buildings.
- (3) In subsection (2), “relevant local authority” means—
 - (a) a county council or county borough council in Wales;
 - (b) a National Park authority in Wales;
 - (c) a joint planning board constituted under section 2(1B).
- (4) In this section, “listed building” means—
 - (a) a listed building (within the meaning given by section 76 of the Historic Environment (Wales) Act 2023) situated in Wales, or
 - (b) a listed building (within the meaning given by section 1 of the Planning (Listed Buildings and Conservation Areas) Act 1990) situated in England.”

Commencement Information

II Sch. 13 para. 90 not in force at Royal Assent, see [s. 212\(2\)](#)

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