



# Historic Environment (Wales) Act 2016

2016 anaw 4

## PART 3

### LISTED BUILDINGS

*Listing of buildings of special architectural or historic interest*

#### 25 Amendments relating to the temporary listing of buildings

- (1) In section 3 of the [Planning \(Listed Buildings and Conservation Areas\) Act 1990 \(c.9\)](#) (temporary listing: building preservation notices), in the opening words of subsection (1), for the words from the beginning to “county planning authority,” substitute “If it appears to a local planning authority in England who are not a county planning authority”.
- (2) In the heading to that section, after “listing” insert “in England”.
- (3) After that section insert—

#### “3A Temporary listing in Wales: building preservation notices

- (1) If it appears to a local planning authority in Wales that a building in their area which is not a listed building (and which is not treated as such by virtue of section 2B(2))—
  - (a) is of special architectural or historic interest; and
  - (b) is in danger of demolition or of alteration in such a way as to affect its character as a building of such interest,they may serve a notice on the owner and occupier of the building (in this Act referred to as a “building preservation notice”).
- (2) A building preservation notice under this section must—
  - (a) state that the building appears to them to be of special architectural or historic interest and that they have requested the Welsh Ministers to

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- consider including it in a list compiled or approved under section 1;  
 and
- (b) explain the effect of subsections (3) to (5) and Schedule 2.
- (3) A building preservation notice under this section—
- (a) comes into force as soon as it has been served on both the owner and occupier of the building to which it relates; and
- (b) subject to subsection (4), remains in force for six months from the date when it is served or, as the case may be, last served.
- (4) A building preservation notice under this section ceases to be in force—
- (a) if interim protection under section 2B(2) takes effect in relation to the building; or
- (b) if the Welsh Ministers notify the local planning authority in writing that they do not intend to consult under section 2A on a proposal to include the building in a list compiled or approved under section 1.
- (5) While a building preservation notice under this section is in force with respect to a building, the provisions of this Act (other than sections 47 to 51 and 59) and the principal Act have effect in relation to the building as if it were a listed building.
- (6) If, following the service of a building preservation notice under this section, interim protection under section 2B(2) takes effect in relation to the building, anything done by virtue of subsection (5) is to be treated as having been done by virtue of section 2B(2).
- (7) If, following the service of a building preservation notice under this section, the Welsh Ministers notify the local planning authority that they do not intend to consult under section 2A on a proposal to include the building in a list compiled or maintained under section 1, the authority must immediately give notice of that decision to the owner and occupier of the building.
- (8) Where such a notification is given by the Welsh Ministers, no further building preservation notice in respect of the building may be served by the local planning authority within the period of 12 months beginning with the date of the notification.”
- (4) In section 28B of that Act (compensation for loss or damage caused by interim protection) (inserted by section 24), at the end insert—
- “(4) Subsection (5) applies where—
- (a) a building preservation notice was in force in respect of the building before interim protection took effect; and
- (b) the notice ceased to be in force by virtue of section 3A(4)(a).
- (5) In such a case—
- (a) the reference in subsection (2) to the time when the interim protection took effect is to be treated as a reference to the time when the building preservation notice came into force;
- (b) the reference in that subsection to loss or damage directly attributable to the effect of the interim protection is to be treated as including a reference to loss or damage directly attributable to the effect of the building preservation notice being in force; and

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- (c) the reference in subsection (3) to the necessity of discontinuing or countermanding works on account of the interim protection having effect is to be treated as including a reference to the necessity of discontinuing or countermanding works on account of the building preservation notice being in force.”
- (5) In section 29 of that Act (compensation for loss or damage caused by service of building preservation notice)—
  - (a) in subsection (1), after “a building preservation notice” insert “in respect of a building situated in England”, and
  - (b) after that subsection insert—
    - “(1A) This section also applies where a building preservation notice in respect of a building situated in Wales ceases to have effect by virtue of section 3A(3)(b) or (4)(b).”
- (6) In Schedule 2 to that Act (lapse of building preservation notice), in paragraph 1—
  - (a) omit the “or” after paragraph (a), and
  - (b) after paragraph (b) insert—
    - “(c) the expiry of the six month period mentioned in subsection (3)(b) of section 3A; or
    - (d) the service of a notification by the Welsh Ministers under subsection (4)(b) of that section.”