

HISTORIC ENVIRONMENT (WALES) ACT 2016

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 3: Listed Buildings

Section 28 – Heritage partnership agreements

176. **Section 28** inserts new sections 26L and 26M into the 1990 Act, which make provision for heritage partnership agreements relating to listed buildings. Owners of complex or multiple historic assets may have to apply for an array of separate consents if they wish to carry out management programmes for their properties. In such cases, heritage partnership agreements may provide a more positive approach to the sustainable management of listed buildings and reduce the number of consent applications required.

26L Heritage partnership agreements

177. The Welsh Ministers or a relevant local planning authority may make a heritage partnership agreement with an owner of a listed building or part of a listed building in Wales, and any persons mentioned in section 26L(2) or (4) may be an additional party to the agreement.
178. Section 26L(6) and (7) sets out that a heritage partnership agreement may grant listed building consent for specified works under section 8(1) of the 1990 Act and attach conditions to that consent. A heritage partnership agreement may not, however, grant consent for the demolition of a listed building or any other permission, such as planning permission.
179. Section 26L(8) sets out the range of additional matters for which a heritage partnership agreement may make provision, including the specification of works that the parties agree would not affect the character of the listed building and, therefore, do not require listed building consent.
180. Section 26L(10) defines "owner" and "relevant local planning authority" for the purpose of heritage partnership agreements.

26M Heritage partnership agreements: supplemental

181. New section 26M makes supplemental provision in relation to heritage partnership agreements. Section 26M(1) provides that such agreements must be in writing and make provision for review, termination and variation by the parties.
182. Section 26M(2) allows a heritage partnership agreement to cover more than one listed building, provided that, in each case, a relevant local planning authority (or the Welsh Ministers) and an owner are parties to the agreement. For example, a heritage partnership agreement could include all of the listed bridges in the ownership of a local authority.
183. Section 26M(3) places a duty upon the Welsh Ministers to make regulations about: the consultation and publicity required in connection with the creation or variation

*These notes refer to the Historic Environment (Wales) Act
2016 (c.4) which received Royal Assent on 21 March 2016*

of a heritage partnership agreement; any particular terms that must be included in an agreement; and provisions for termination of an agreement or any provision thereof.

184. Section 26M(5) allows the Welsh Ministers by regulations to disapply, apply or reproduce, with or without modifications, certain provisions of the 1990 Act for the purpose of heritage partnership agreements.
185. Section 26M(6) provides that heritage partnership agreements will only be binding on the parties to those agreements. Future owners and occupiers of those buildings will not be bound by those agreements, nor will they be able to benefit from any listed building consent provided by the agreement.