



# Historic Environment (Wales) Act 2016

2016 anaw 4

## PART 3

### LISTED BUILDINGS

#### *Agreements relating to listed buildings*

#### **28 Heritage partnership agreements**

- (1) After section 26K of the Planning (Listed Buildings and Conservation Areas) Act 1990 (c.9) insert—

*“Buildings in Wales: heritage partnership agreements*

#### **26L Heritage partnership agreements**

- (1) A relevant local planning authority may make an agreement under this section with any owner of a listed building, or part of such a building, situated in Wales.
- (2) Any of the following may also be a party to an agreement made by a relevant local planning authority under this section (in addition to the owner and the authority)—
- any other relevant local planning authority;
  - the Welsh Ministers;
  - any occupier of the listed building;
  - any person who has an interest in the listed building;
  - any person involved in the management of the listed building;
  - any other person who appears to the relevant planning authority appropriate as having special knowledge of, or interest in, the listed building, or in buildings of architectural or historic interest more generally.

*Status: Point in time view as at 21/03/2016.*

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- (3) The Welsh Ministers may make an agreement under this section with any owner of a listed building, or part of such a building, situated in Wales.
- (4) Any of the following may also be a party to an agreement made by the Welsh Ministers under this section (in addition to the owner and the Welsh Ministers)
  - (a) any relevant local planning authority;
  - (b) any occupier of the listed building;
  - (c) any person who has an interest in the listed building;
  - (d) any person involved in the management of the listed building;
  - (e) any other person who appears to the Welsh Ministers appropriate as having special knowledge of, or interest in, the listed building, or in buildings of architectural or historic interest more generally.
- (5) An agreement under this section is referred to in this section and in section 26M as a “heritage partnership agreement”.
- (6) A heritage partnership agreement may contain provision—
  - (a) granting listed building consent under section 8(1) in respect of specified works for the alteration or extension of the listed building to which the agreement relates; and
  - (b) specifying any conditions to which the consent is subject.
- (7) The conditions to which listed building consent may be subject under subsection (6)(b) in respect of specified works are those that could be attached to listed building consent in respect of the works if consent were to be granted under section 16.
- (8) A heritage partnership agreement may also—
  - (a) specify or describe works that would or would not, in the view of the parties to the agreement, 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 listed building;
  - (c) make provision about the carrying out of specified works, or the doing of any specified thing, in relation to the listed building;
  - (d) provide for public access to the listed building and the provision to the public of associated facilities, information or services;
  - (e) restrict access to, or use of, the listed building;
  - (f) prohibit the doing of any specified thing in relation to the listed building;
  - (g) provide for a relevant local 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) In this section “specified” means specified or described in the heritage partnership agreement.
- (10) In this section and in section 26M—

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“owner”, in relation to a listed building or part of such a building, means a person who is for the time being—

- (a) the estate owner in respect of the fee simple in the building or part; or
- (b) entitled to a tenancy of the building or part granted or extended for a term of years certain of which not less than 7 years remain unexpired;

“relevant local planning authority”, in relation to a listed building, means a local planning authority in whose area the building or any part of the building is situated.

### **26M Heritage partnership agreements: supplemental**

- (1) A heritage partnership agreement—
  - (a) must be in writing;
  - (b) must make provision for the parties to review its terms at intervals specified in the agreement;
  - (c) must make provision for its termination and variation; and
  - (d) may contain incidental and consequential provision.
- (2) A heritage partnership agreement may relate to more than one listed building or part of such a building, provided that the following are parties to the agreement in each case—
  - (a) a relevant local planning authority or the Welsh Ministers; and
  - (b) an owner of the building or part.
- (3) The Welsh Ministers must by regulations make provision—
  - (a) about the consultation that must take place before a heritage partnership agreement is made or varied;
  - (b) about the publicity that must be given to a heritage partnership agreement before or after it is made or varied;
  - (c) specifying terms that must be included in a heritage partnership agreement;
  - (d) enabling the Welsh Ministers to terminate by order a heritage partnership agreement or any provision of such an agreement; and
  - (e) enabling any local planning authority who is a party to the heritage partnership agreement to terminate the agreement, or any provision of the agreement, by order.
- (4) Regulations under subsection (3)(d) or (e) may specify the provision that may be included in orders made by virtue of those paragraphs, including provision enabling such orders to contain supplementary, incidental, transitory, transitional or saving provision.
- (5) The Welsh Ministers may by regulations make provision—
  - (a) disapplying, or applying or reproducing with or without modifications, any provision of sections 10 to 13, 15 to 26, 28, and 38 to 46 for the purposes of heritage partnership agreements;
  - (b) providing for any of the following, as they apply for the purposes of provisions mentioned in paragraph (a), to apply with

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any modifications consequential on provision made under that paragraph—

- (i) sections 30 to 37;
- (ii) sections 62 and 63;
- (iii) Parts 3 and 4;
- (iv) Schedule 3.

(6) A heritage partnership agreement cannot impose any obligation or liability, or confer any right, on a person who is not a party to the agreement (and, accordingly, listed building consent granted by such an agreement enures only for the benefit of the parties to the agreement).”

(2) In section 91 (interpretation), in subsection (2), in the closing words, after “but this subsection does not affect the meaning of owner in section 11” insert “, 26L or 26M”.

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**Commencement Information**

**II** S. 28 in force at Royal Assent for specified purposes, see s. 41(1)(e)

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