

# HISTORIC ENVIRONMENT (WALES) ACT 2023

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## EXPLANATORY NOTES

### COMMENTARY ON SECTIONS

#### **Part 3 — Buildings of special architectural or historic interest**

#### *Chapter 2 — Control of works affecting listed buildings*

#### *Section 92 — Procedure for dealing with application*

322. [Section 92](#) makes provision for dealing with listed building consent applications.
323. Subsection (1) provides that a listed building consent application made to a planning authority must be dealt with by that authority except in the following circumstances:
- a. if the planning authority is required not to consider the application under section 90(6) or 91(3)
- These sections prevent the planning authority from considering an application unless the applicant has provided all the prescribed information and supporting material. Planning authorities operate a validation procedure to determine if planning applications are complete and ready for processing. If validation reveals deficiencies in an application, the planning authority may request additional information from an applicant.
- b. if the planning authority refuses to consider an application in accordance with section 93 (power to refuse to consider similar applications)
  - c. if the planning authority is required to refer the application to the Welsh Ministers under section 94 (discussed below).
324. The section's remaining provisions give the Welsh Ministers regulation-making powers and direction-making powers to put in place various elements of the listed building consent procedure.
325. Subsection (2) provides the Welsh Ministers with regulation-making powers which include powers to impose requirements for consultation or notification in relation to applications. In practice, these powers have been used to require planning authorities to notify certain national amenity societies — Historic Buildings and Places (formerly the Ancient Monuments Society), the Council for British Archaeology, the Georgian Group, the Society for the Protection of Ancient Buildings, the Victorian Society and The Twentieth-Century Society — and the Royal Commission on the Ancient and Historical Monuments of Wales (“the Royal Commission”) if an application involves works for the demolition of a listed building or alterations that would entail the demolition of any part of a listed building. This affords these groups, with their specialist knowledge of listed buildings and the historic environment, the opportunity to offer the planning authority informed comment on proposals that would entail the destruction of all, or part, of a building listed for its architectural or historic interest.