

# HISTORIC ENVIRONMENT (WALES) ACT 2023

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## EXPLANATORY NOTES

### COMMENTARY ON SECTIONS

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

#### *Chapter 5 — Acquisition and preservation of buildings of special interest*

#### *Section 145 — Power to require owner to meet costs of preservation works*

544. If a local authority or the Welsh Ministers incur costs in undertaking urgent works to a listed building, section 145 allows them to serve a notice on any owner of the listed building requiring the owner to meet the costs of the works.
545. Subsection (2) makes specific provision for the recovery of costs for continuing expenditure involved in ongoing works to provide temporary support or shelter. Such expenditure might be required, for example, to pay for the hire of scaffolding and sheeting erected to keep a building weatherproof while long-term conservation plans are finalised.
546. Under subsection (3), an owner may, within 28 days after the day a notice of costs is served, complain in writing to the Welsh Ministers that:
- a. some or all of the works were unnecessary for the preservation of the listed building;  

The owner would have to be able to show that the works undertaken went beyond those needed for temporary support or shelter or the immediate preservation of the listed building, for instance that they incorporated precautionary or preventative works that were not strictly necessary.
  - b. temporary arrangements to provide support or shelter have continued for an unreasonable length of time;  

For instance, an owner might complain about continuing expenditure on scaffolding and other materials used to provide temporary support and shelter if a more permanent solution for a listed building did not follow urgent works.
  - c. the amount specified for recovery is unreasonable; or
  - d. the recovery of the amount would cause hardship to the owner.
547. Should the Welsh Ministers determine that the complaint is well-founded, they may, under subsection (5), reduce the amount that may be recovered or even decide that nothing may be recovered, if all the works were unnecessary.
548. Under subsection (6), an owner or local authority on whom a notice of the Welsh Ministers' determination is served may appeal to the county court within 28 days after the day the notice is served.