



# Historic Environment (Wales) Act 2023

2023 asc 3

PROSPECTIVE

## PART 4

### CONSERVATION AREAS

#### *Designation of conservation areas*

#### **158 Designating areas of special architectural or historic interest as conservation areas**

- (1) A planning authority must—
  - (a) from time to time determine which parts of its area are areas of special architectural or historic interest whose character or appearance it is desirable to preserve or enhance, and
  - (b) designate those parts as conservation areas.
- (2) A planning authority may vary or cancel a designation.
- (3) If a planning authority designates a conservation area, or varies or cancels a designation, it must give notice that it has done so to the Welsh Ministers.
- (4) The notice must contain enough information to identify the area affected.
- (5) The planning authority must publish the notice with an explanation of the effect of the designation, variation or cancellation—
  - (a) in the London Gazette, and
  - (b) in at least one newspaper circulating in the authority's area.
- (6) A designation under this section is a local land charge.

*Status: This version of this part contains provisions that are prospective.*  
*Changes to legislation: There are currently no known outstanding effects for the*  
*Historic Environment (Wales) Act 2023, PART 4. (See end of Document for details)*

**Commencement Information**

**I1** S. 158 not in force at Royal Assent, see [s. 212\(2\)](#)

*Duties relating to conservation areas*

**159 Duty to formulate and publish proposals for preservation and enhancement of conservation areas**

- (1) A planning authority must from time to time prepare and publish proposals for the preservation and enhancement of any part of its area which is a conservation area.
- (2) The authority must submit the proposals for consideration to a public meeting held in the conservation area to which the proposals relate or, where there is no suitable place in the conservation area, as near to it as reasonably practicable.
- (3) The authority must have regard to any views about the proposals which are expressed at the meeting.

**Commencement Information**

**I2** S. 159 not in force at Royal Assent, see [s. 212\(2\)](#)

**160 Exercise of planning functions: general duty relating to conservation areas**

- (1) In exercising a planning function in relation to a building or other land in a conservation area, a person must have special regard to the desirability of preserving or enhancing the character or appearance of that area.
- (2) In this section “planning function” means any function under or by virtue of—
  - (a) Part 3, this Part, Part 5 or Part 7 as it applies for the purposes of any of those Parts,
  - (b) the [Town and Country Planning Act 1990 \(c. 8\)](#), or
  - (c) section 70 or 73 of the [Leasehold Reform, Housing and Urban Development Act 1993 \(c. 28\)](#) (estate management schemes).

**Commencement Information**

**I3** S. 160 not in force at Royal Assent, see [s. 212\(2\)](#)

*Control of demolition in conservation areas*

**161 Requirement for demolition to be authorised**

- (1) A person must not carry out works for the demolition of a building to which this section applies, or cause such works to be carried out, unless the works are authorised under section 162.
- (2) This section applies to any building in a conservation area, except—

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- (a) a building which is a scheduled monument (but see section 11);
  - (b) a listed building (but see section 88);
  - (c) a building of a description specified in regulations made by the Welsh Ministers;
  - (d) a building of a description specified in a direction given to an individual planning authority by the Welsh Ministers.
- (3) The Welsh Ministers may direct a planning authority that, despite any provision made by regulations under subsection (2)(c), this section is to apply to a building of a description specified in the direction.
- (4) Subsection (1) does not prohibit works carried out by or on behalf of the Crown in the circumstances set out in paragraphs (a) to (d) of section 117(4) (emergency works).
- (5) Schedule 11 makes provision about the effect of this section ceasing to apply to a building.

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**Commencement Information**

**I4** S. 161 not in force at Royal Assent, see [s. 212\(2\)](#)

## **162 Authorisation of demolition by conservation area consent**

- (1) Works for the demolition of a building to which section 161 applies are authorised if—
- (a) written consent to carry them out has been granted by the planning authority in whose area the building is situated or the Welsh Ministers, and
  - (b) the works are carried out in accordance with the terms of the consent (including any conditions attached to it).
- (2) Where—
- (a) works for the demolition of a building to which section 161 applies have been carried out without being authorised, and
  - (b) the planning authority or the Welsh Ministers grant written consent for the works,
- the works are authorised from the grant of that consent.
- (3) Consent under subsection (1) or (2) is referred to in this Act as conservation area consent.

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**Commencement Information**

**I5** S. 162 not in force at Royal Assent, see [s. 212\(2\)](#)

## **163 Application of Part 3 to conservation areas**

- (1) The following provisions of Part 3 apply in relation to buildings to which section 161 applies as they apply in relation to listed buildings—
- (a) Chapter 2 (control of works), except—
    - (i) sections 88 and 89;
    - (ii) section 90(1)(c) and (4)(b);

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- (iii) section 95;
  - (iv) section 96(2);
  - (v) section 97(5), (6) and (9);
  - (vi) sections 98(3)(b) and 99(5);
  - (vii) section 101(2);
  - (viii) section 104(3);
  - (ix) section 111(5) and (8);
  - (b) Chapter 4 (enforcement), except—
    - (i) section 117(5);
    - (ii) section 118;
    - (iii) section 128(3)(c);
  - (c) Chapter 6 (general), except—
    - (i) section 152(1), (2), (3)(b) and (5)(c) to (e);
    - (ii) section 156.
- (2) In their application in relation to buildings to which section 161 applies—
- (a) the provisions applied by subsection (1) are to be read as if—
    - (i) any reference to listed building consent were a reference to conservation area consent;
    - (ii) any reference to the character of a listed building were a reference to the character or appearance of the conservation area in which the building is situated;
    - (iii) any other reference to a listed building were a reference to a building to which section 161 applies;
    - (iv) any reference to section 88 were a reference to section 161;
  - (b) the provisions applied by subsection (1)(a) are to be read as if—
    - (i) in section 98(3)(a), the reference to section 89(2) were a reference to section 162(2);
    - (ii) in section 99(3), for “Sections 90 to 95” there were substituted “Sections 90 to 94”;
  - (c) the provisions applied by subsection (1)(b) are to be read as if—
    - (i) in sections 117(4), 121(4) and 127(2)(d), the references to the preservation of the building were omitted;
    - (ii) in section 126(1), the reference to section 89(2) were a reference to section 162(2);
    - (iii) in section 127(2), for paragraph (a) there were substituted “that retention of the building is not necessary in the interests of preserving or enhancing the character or appearance of the conservation area in which it is situated”;
  - (d) the provisions applied by subsection (1)(c) are to be read as if, in section 152(3)(c), the reference to section 118 were omitted.
- (3) The Welsh Ministers may by regulations amend this section to make additional or different provision about the application of Chapters 2, 4 and 6 of Part 3 in relation to buildings to which section 161 applies.

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**Commencement Information**

**I6** S. 163 not in force at Royal Assent, see [s. 212\(2\)](#)

*Urgent preservation of buildings in conservation areas*

**164 Urgent works to preserve buildings in conservation areas**

- (1) Subsection (2) applies where the Welsh Ministers consider that the preservation of a building in a conservation area is important for maintaining the character or appearance of that area.
- (2) The Welsh Ministers may direct that section 144 (urgent works) applies to the building as it applies to listed buildings.
- (3) Where a direction has effect in relation to a building—
  - (a) sections 144 to 146 are to be read as if references to a listed building were references to the building;
  - (b) section 144(7) is to be read as if paragraph (b) were omitted.

**Commencement Information**

**I7** S. 164 not in force at Royal Assent, see [s. 212\(2\)](#)

*Grants and conservation area agreements*

**165 Grant by Welsh Ministers for preservation or enhancement of conservation areas**

- (1) The Welsh Ministers may make grants to meet any relevant expenditure that they consider has made or will make a significant contribution towards the preservation or enhancement of the character or appearance of a conservation area.
- (2) Expenditure is relevant for the purposes of subsection (1) if it has been or is to be incurred in or in connection with, or with a view to the promotion of, such preservation or enhancement as is mentioned in that subsection.
- (3) The following provisions of this section apply where—
  - (a) the Welsh Ministers make a grant under subsection (1) in relation to a building or other land on terms which provide for it to be recoverable under this section, and
  - (b) before or on making the grant the Welsh Ministers give notice in writing to the recipient of the grant which—
    - (i) summarises the effect of this section, and
    - (ii) specifies a period, beginning with the day the grant is made and ending not more than 10 years after that day, during which the grant is to be recoverable in accordance with subsections (5) to (7) (“the recovery period”).

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- (4) If any condition imposed on the making of the grant is not complied with, the Welsh Ministers may recover the amount of the grant, or any part of that amount, from the recipient of the grant.
- (5) Subsections (6) and (7) apply if during the recovery period—
  - (a) there is a disposal of the whole or part of the interest that the recipient of the grant held in the building or other land to which the grant relates on the day the grant was made (“the relevant interest”), and
  - (b) the disposal is made by sale, by exchange or by lease for a term of at least 21 years.
- (6) If the disposal is made by the recipient of the grant or by a person to whom the recipient of the grant has given part of the relevant interest, the Welsh Ministers may recover the amount of the grant, or any part of that amount, from the recipient of the grant.
- (7) If the disposal is made by a person to whom the recipient of the grant has given the whole of the relevant interest, the Welsh Ministers may recover the amount of the grant, or any part of that amount, from the person to whom the gift was made.
- (8) The Welsh Ministers may not recover amounts under this section which in aggregate exceed the amount of the grant.
- (9) In this section references to giving an interest to a person are references to giving it to the person directly or indirectly, other than on the death of the holder of the interest.

#### Commencement Information

**18** S. 165 not in force at Royal Assent, see [s. 212\(2\)](#)

## 166 Conservation area agreements

- (1) The Welsh Ministers may make a conservation area agreement with one or more planning authorities.
- (2) A conservation area agreement is an agreement that a specified amount of money will be set aside for a specified period of years for the purpose of making grants for the repair of buildings which are situated in a conservation area and—
  - (a) included in a list compiled for the purposes of the agreement by the parties to it, or by them and other planning authorities, or
  - (b) shown on a map prepared for those purposes by the parties, or by them and other planning authorities.
- (3) The Welsh Ministers may pay a grant for the purposes of a conservation area agreement to a planning authority which is a party to the agreement or any other person.
- (4) The Welsh Ministers may make arrangements with any such authority about how the agreement is to be carried out (including arrangements for the offer and payment of grants under this section).
- (5) Section 165(4) to (9) apply to a grant under this section, but taking the recovery period to be 3 years beginning with the day the grant is made.

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#### Commencement Information

**19** S. 166 not in force at Royal Assent, see [s. 212\(2\)](#)

**Status:**

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**Changes to legislation:**

There are currently no known outstanding effects for the Historic Environment (Wales) Act 2023, PART 4.