
W E L S H S T A T U T O R Y
I N S T R U M E N T S

2024 No. 926 (W. 152)

**HISTORIC ENVIRONMENT,
WALES**

**The Listed Buildings
(Partnership Agreements) (Wales)
Regulations 2024**

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are made under powers given to the Welsh Ministers by the Historic Environment (Wales) Act 2023 (“the 2023 Act”). The 2023 Act forms part of a code of law relating to the historic environment of Wales. These Regulations also form part of that Code.

The Regulations make provision about partnership agreements relating to listed buildings in Wales.

The 2023 Act protects buildings of special architectural or historic interest, which may include buildings or structures. The 2023 Act provides that the Welsh Ministers must maintain a list of such buildings in Wales. Particular types of works may only be carried out to a “listed building” if they are authorised by the planning authority or by the Welsh Ministers. This authorisation is called “listed building consent” and is granted under Part 3 of the 2023 Act.

The framework for a partnership agreement is set out in sections 113 to 116 of the 2023 Act. A partnership agreement is an agreement between the owner of a listed building in Wales and either the planning authority or the Welsh Ministers or both. There may also be additional parties to a partnership agreement, including any person who has special knowledge of or special interest in the listed building, generally or specifically. A partnership agreement may relate to more than one listed building, provided that, for every building, either the planning authority in whose area the building or part of it is situated, or the Welsh Ministers, are party to it together with an owner of the building or part of the building.

A partnership agreement may grant listed building consent under section 89(1) of the 2023 Act in respect of a programme of works specified in the agreement. The works may only be for the alteration or extension of the listed building to which the agreement applies. That consent may be subject to conditions.

Section 114(5) of the 2023 Act requires the Welsh Ministers to make Regulations to make further provision about the consultation and publicity procedures for agreeing and varying agreements.

Regulations 3 to 6 make provision about consultation and publicity requirements in certain circumstances. Those circumstances are where a partnership agreement grants or varies listed building consent for works which would affect the character of a listed building as a building of special architectural or historic interest or where they extend the duration of an agreement.

Regulation 4 provides that the planning authority must consult with the Welsh Ministers before it makes or varies a partnership agreement.

Regulation 5 requires a planning authority to publicise draft partnership agreements or draft variations to agreements in a number of ways. Those include drawing an agreement or variation to the attention of any owner and long-term tenant who is not a proposed party to the agreement or variation, and making the proposed agreement or variation available for public inspection and on a website for a specified number of days. Notice of the proposed agreement or variation must be displayed near the building and served on certain interested parties. A minimum of 21 days must be allowed for representations to be made.

Regulation 6 provides that the planning authority must publish a list, by electronic means, of partnership agreements to which it is a party and which are in effect. It must also, as soon as practicable after entering into a new partnership agreement or varying an existing agreement, update the list and submit a copy of the agreement or variation to the Welsh Ministers.

Regulation 7 revokes the Listed Buildings (Heritage Partnership Agreements) (Wales) Regulations 2021.

The Welsh Ministers' Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result it was not considered necessary to carry out a regulatory impact assessment as to the likely costs and benefits of complying with these Regulations.

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Made 9 September 2024

Laid before Senedd Cymru 11 September 2024

Coming into force 4 November 2024

The Welsh Ministers, in exercise of the powers conferred on them by sections 114(5), 209(2) and 211(3)(a) and (4) of the Historic Environment (Wales) Act 2023(1), make the following Regulations.

Title, coming into force and code

1.—(1) The title of these Regulations is the Listed Buildings (Partnership Agreements) (Wales) Regulations 2024.

(2) These Regulations come into force on 4 November 2024.

(3) These Regulations form part of a code of law relating to the historic environment of Wales(2).

Interpretation

2. In these Regulations—

“the 2023 Act” (“*Deddf 2023*”) means the Historic Environment (Wales) Act 2023;

“draft agreement” (“*cytundeb drafft*”) means draft partnership agreement;

“draft variation” (“*amrywiad drafft*”) means draft variation to a partnership agreement;

(1) 2023 asc 3.

(2) See paragraphs 8 to 10 of the Explanatory Notes to the 2023 Act, which can be found at <https://www.legislation.gov.uk/asc/2023/3/notes/division/3>.

“listed building” (“*adeilad rhestredig*”) has the meaning given in section 76(5) of the 2023 Act;

“partnership agreement” (“*cytundeb partneriaeth*”) means an agreement made by a planning authority or the Welsh Ministers under section 113 of the 2023 Act;

“planning authority” (“*awdurdod cynllunio*”) means a local planning authority within the meaning given by Part 1 of the Town and Country Planning Act 1990(1), for an area in Wales.

Consultation and publicity on draft agreement and draft variation: general

3.—(1) A planning authority may not make a partnership agreement unless the requirements of regulations 4 and 5 have been satisfied.

(2) A planning authority may not vary an existing agreement so as to—

- (a) grant or vary listed building consent for works which would affect the character of a listed building as a building of special architectural or historic interest, or
- (b) extend the duration of the agreement,

unless the requirements of regulations 4 and 5 have been satisfied.

(3) In this regulation “listed building consent” means consent under section 89(1) of the 2023 Act for specified works for the alteration or extension of the listed building to which the agreement relates.

Consultation with the Welsh Ministers on draft agreement or draft variation

4.—(1) These are the requirements referred to in regulation 3 which relate to consultation.

(2) A planning authority must—

- (a) send a copy of the draft agreement or draft variation (as the case may be) to the Welsh Ministers, and
- (b) invite representations from the Welsh Ministers within a specified period of at least 21 days beginning with the day on which the draft agreement or draft variation is received by them.

(3) But the planning authority is not required to comply with paragraph (2) if—

- (a) the Welsh Ministers are a proposed party to the draft agreement or draft variation, or

(1) 1990 c. 8.

- (b) another planning authority has complied with paragraph (2) in relation to that draft agreement or draft variation.

(4) During the consultation period specified under paragraph (2)(b), the Welsh Ministers may give notice to the planning authority who invited representations that they require further time in which to consider the draft agreement or draft variation.

(5) If the Welsh Ministers give the notice specified in paragraph (4), the consultation period in paragraph (2)(b) is extended for the period specified in that notice.

Publicity requirements: draft agreement or draft variation

5.—(1) These are the requirements referred to in regulation 3 which relate to publicity.

(2) A planning authority must—

- (a) make available for public inspection at reasonable hours, for at least 21 days at a place in the locality of the affected listed building—
 - (i) the draft agreement or draft variation, and
 - (ii) details of how and the date by which representations may be made;
- (b) publish on its website for at least 21 days—
 - (i) the address or location of the listed building to which the draft agreement or the draft variation relates,
 - (ii) a summary of the draft agreement or the draft variation,
 - (iii) a statement that the draft agreement or draft variation is available for public inspection at the place and times indicated,
 - (iv) details of how representations may be made, and
 - (v) the date by which representations must be received;
- (c) display a notice including the information specified in sub-paragraph (b) for at least 21 days on or near the listed building to which the draft agreement or draft variation relates;
- (d) give a copy of the notice to—
 - (i) any long-term tenant of a listed building or part of a listed building to which the draft agreement or draft variation relates,
 - (ii) any owner of the listed building or part of it to which the draft agreement or draft variation relates who is not proposed to

be a party to the draft agreement or draft variation, and

- (iii) any person who appears to the authority appropriate as having special knowledge of, or special interest in, the listed building or part of the listed building or in buildings of architectural or historic interest more generally, but this requirement does not apply where paragraph (6) applies.

(3) But the planning authority is not required to comply with—

- (a) paragraph (2)(c) if another planning authority has complied with that paragraph in relation to the same draft agreement or the same draft variation;
- (b) paragraph (2)(d) in respect of any person who is a proposed party to the draft agreement or draft variation or who has been given a notice by another planning authority in relation to the same draft agreement or the same draft variation.

(4) A date specified in accordance with paragraph (2) as the date by which representations must be received about a draft agreement or draft variation must be—

- (a) in relation to making the draft agreement or draft variation available for public inspection under paragraph (2)(a), at least 21 days after the date it is made available under that paragraph;
- (b) in relation to publishing a summary of the draft agreement or draft variation on its website under paragraph (2)(b), at least 21 days after the date the summary is published;
- (c) in relation to displaying a notice under paragraph (2)(c), at least 21 days after the date the notice is displayed;
- (d) in relation to giving a copy of the notice under paragraph (2)(d), at least 21 days after the date the notice is given.

(5) Where the notice referred to in paragraph (2)(c) is, without the fault of the authority that displayed it, removed, obscured or defaced before the end of the 21 day period, the authority is treated as having complied with that paragraph if it has taken reasonable steps for the protection of the notice, and, if necessary, its replacement.

(6) Where the planning authority is the owner of a listed building or buildings to which the draft agreement or the draft variation relates, paragraph (7) applies.

(7) The Welsh Ministers must give a copy of the notice referred to in paragraph (2)(d)(iii) to any person who it appears to them appropriate as having special knowledge of, or special interest in, the listed building or part of the listed building or in buildings of architectural or historic interest more generally, unless that person is a proposed party to the draft agreement or to the draft variation.

(8) Nothing in this regulation or in regulation 6 requires a planning authority to publish information—

- (a) which is a trade secret,
- (b) if disclosure is likely to otherwise prejudice the commercial interest of any person,
- (c) the disclosure of which would constitute a breach of confidence actionable by any person, or
- (d) the disclosure of which is prohibited by or under any enactment or by an order of a court.

(9) In this regulation—

“long-term tenant” (“*tenant hirdymor*”) means a tenant under a lease which is granted or extended for a fixed term that has at least 2 years left to run;

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

- (a) an owner of the freehold estate in the building or part, or
- (b) a tenant under a lease of the building or part granted or extended for a fixed term that has at least 7 years left to run.

Publicity requirement: list and copies of partnership agreements and variations

6. The planning authority must—

- (a) publish a list, by electronic means, of all partnership agreements that are in effect to which it is a party, and
- (b) as soon as practicable after a partnership agreement is made, or an existing agreement is varied—
 - (i) add the agreement or variation to the list, and
 - (ii) submit a copy of the agreement or variation to the Welsh Ministers.

Revocation

7. The Listed Buildings (Heritage Partnership Agreements) (Wales) Regulations 2021⁽¹⁾ are revoked.

Jane Hutt

Cabinet Secretary for Culture, Social Justice, Trefnydd
and Chief Whip, one of the Welsh Ministers

9 September 2024

⁽¹⁾ S.I. 2021/1177 (W. 290).