



# Historic Environment (Wales) Act 2023

2023 asc 3

## PART 5

### SUPPLEMENTARY PROVISION ABOUT BUILDINGS OF SPECIAL INTEREST AND CONSERVATION AREAS

PROSPECTIVE

## CHAPTER 1

### EXERCISE OF FUNCTIONS BY PLANNING AUTHORITIES AND OTHER LOCAL AUTHORITIES

#### 167 Fees and charges for exercising functions

- (1) The Welsh Ministers may by regulations require the payment of a fee or charge to a planning authority for—
- (a) performing any of its functions under Part 3, Part 4, this Part or Part 7 as it applies for the purposes of any of those Parts;
  - (b) doing anything which is calculated to facilitate, or is conducive or incidental to, the performance of any of those functions.
- (2) Regulations under this section may in particular—
- (a) make provision about when a fee or charge must be paid;
  - (b) make provision about who must pay a fee or charge;
  - (c) make provision about how a fee or charge is to be calculated (including who is to make the calculation);
  - (d) specify circumstances in which a fee or charge is to be waived or refunded (wholly or in part);
  - (e) specify circumstances in which no fee or charge is to be paid;

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- (f) make provision about the effect of paying or failing to pay a fee or charge in accordance with the regulations (which may include provision that amends, repeals or revokes any enactment, including any provision of this Act);
  - (g) specify circumstances in which a fee or charge payable to one planning authority is to be transferred to another planning authority.
- (3) If regulations under this section provide for a planning authority to calculate the amount of any fees or charges, the authority must ensure that, taking one financial year with another, its income from the fees or charges does not exceed the cost of performing the functions, or doing the things, to which they relate.

#### Commencement Information

- II** S. 167 not in force at Royal Assent, see [s. 212\(2\)](#)

### 168 Arrangements for exercising functions in relation to applications

- (1) Sections 319ZA to 319ZD of the [Town and Country Planning Act 1990 \(c. 8\)](#) (discharge of functions relating to applications) apply to the exercise by a planning authority of its functions in relation to applications under or by virtue of Parts 3 and 4 as they apply to the exercise of its functions in relation to applications under that Act.
- (2) The validity of a consent or determination granted or made, or purported to be granted or made, by a planning authority in respect of an application made under or by virtue of either of those Parts may not be questioned in any legal proceedings, or in any other proceedings under this Act, on the ground that the consent or determination should have been granted or made by another planning authority.

#### Commencement Information

- I2** S. 168 not in force at Royal Assent, see [s. 212\(2\)](#)

### 169 Arrangements for obtaining specialist advice

- (1) The Welsh Ministers may at any time direct a planning authority to submit for their approval the arrangements the authority proposes to make for obtaining specialist advice in connection with its relevant functions.
- (2) The authority must submit its proposed arrangements to the Welsh Ministers within the period specified in the direction.
- (3) If the Welsh Ministers are not satisfied with the arrangements that the authority (“authority A”) proposes to make, they may direct authority A and another planning authority specified in the direction (“authority B”)—
- (a) to make an agreement under section 113 of the [Local Government Act 1972 \(c. 70\)](#) to place the services of persons employed by authority B who are qualified to give the specialist advice at the disposal of authority A, or
  - (b) to make arrangements for authority B to exercise of any of the relevant functions of authority A.
- (4) A direction under subsection (3)(b) may make provision about the terms of the arrangements.

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- (5) Before giving a direction under subsection (3) the Welsh Ministers must consult both planning authorities.
- (6) For the purposes of this section the relevant functions of a planning authority are its functions under or by virtue of—
- (a) sections 83 and 84 (temporary listing of buildings),
  - (b) Chapter 2 (grant, modification and revocation of consent) of Part 3,
  - (c) Chapter 3 (listed building partnership agreements) of that Part,
  - (d) Chapter 4 (enforcement of controls) of that Part,
  - (e) section 314A(1) of the [Town and Country Planning Act 1990 \(c. 8\)](#) (planning permission for development affecting listed buildings), and
  - (f) sections 158 to 163 of this Act (designation of conservation areas, duties of planning authorities and control of demolition).

#### Commencement Information

**I3** S. 169 not in force at Royal Assent, see [s. 212\(2\)](#)

### 170 Form of documents

The Welsh Ministers may by regulations specify the form and content of any notice, order or other document that a local authority is authorised or required to serve, make or issue under or by virtue of Part 3, Part 4, this Part or Part 7 as it applies for the purposes of any of those Parts.

#### Commencement Information

**I4** S. 170 not in force at Royal Assent, see [s. 212\(2\)](#)

### 171 Contributions towards expenditure by local authorities

- (1) Any local authority or statutory undertaker may contribute towards expenditure incurred by a planning authority or other local authority in or in connection with the exercise of its functions under Part 3 (including its functions under that Part as applied by section 163).
- (2) Subsection (1) does not apply to expenditure incurred—
- (a) in the payment of compensation under sections 80, 86, 108, 116 and 122 (but this does not prevent an authority complying with a direction under subsection (3)(b)), or
  - (b) in or in connection with the exercise of functions under sections 143 to 146, 148 and 149.
- (3) Where compensation is payable by a planning authority or other local authority in consequence of anything done under Chapters 1 to 4 of Part 3 (including anything done under Chapter 2 or 4 of that Part as applied by section 163), the Welsh Ministers may—
- (a) contribute towards the payment of the compensation, if the thing was done wholly or partly in the interest of a service which is provided by the Welsh Ministers, or

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- (b) direct another local authority to contribute an amount that the Welsh Ministers consider reasonable, having regard to any benefit accruing to that other authority as a result of the thing being done.
- (4) Subsection (3)(b) does not apply where a planning authority is liable to pay compensation under section 116 in consequence of the termination of a listed building partnership agreement or a provision of such an agreement.
- (5) In such a case, the Welsh Ministers may direct any other planning authority that is or was a party to the agreement to reimburse the authority by which the compensation is payable, in whole or in part.
- (6) The Welsh Ministers may not give a direction under subsection (5) unless they have consulted all of the planning authorities that are or were parties to the agreement.

#### **Commencement Information**

**I5** S. 171 not in force at Royal Assent, see [s. 212\(2\)](#)

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