

# HISTORIC ENVIRONMENT (WALES) ACT 2023

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## EXPLANATORY NOTES

### COMMENTARY ON SECTIONS

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

#### *Chapter 4 — Enforcement of controls relating to listed buildings*

#### *Section 122 — Compensation for loss or damage caused by temporary stop notice*

460. [Section 122](#) provides that any person with an interest in a listed building may, in limited circumstances, be entitled to compensation from the planning authority for loss or damage directly attributable to the effect of a temporary stop notice.
461. Subsection (1) provides that compensation is only payable where:
- a. the works specified in the notice did not breach section 88 at the time the notice took effect (that is, they were either authorised or did not require authorisation); or
  - b. the works specified in the notice did not contravene a condition of a listed building consent at the time the notice took effect; or
  - c. the planning authority withdrew the temporary stop notice after it took effect.
462. A planning authority might withdraw a temporary stop notice after it takes effect if, for example, it discovers that the notice was displayed in error because works were not unauthorised or the notice was brought into effect for the wrong property.
463. Subsection (2) further provides that no compensation is payable if the planning authority withdrew the temporary stop notice after listed building consent was granted that would allow the works specified in the notice to proceed. This exception applies only if the consent was granted after the temporary stop notice had taken effect; if the consent was granted first, compensation may be payable.
464. If a planning authority is liable to pay compensation under section 122, section 171(3) provides that, under certain circumstances, the Welsh Ministers may contribute towards the payment of the compensation or direct that another local authority contribute an amount to the payment.
465. [Sections 202](#) and [203](#) make additional provisions about claims for compensation under this Act (see paragraph 45 above).