

HISTORIC ENVIRONMENT (WALES) ACT 2023

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 4 — Conservation Areas

Section 162 — Authorisation of demolition by conservation area consent

615. Under section 162(1), works for the demolition of a building to which section 161 applies are authorised if:
- a. first, the relevant planning authority or the Welsh Ministers grant written conservation area consent; and
 - b. second, the demolition works are carried out in accordance with the terms of the consent (including any conditions attached to it).
616. Applications for conservation area consent must generally be made to planning authorities under section 90. But under section 105, the Welsh Ministers may make regulations requiring that applications by planning authorities or the Crown for conservation area consent be made to the Welsh Ministers. And under section 106 an appropriate Crown authority (defined in section 207) may in certain circumstances apply to the Welsh Ministers (instead of to a planning authority) for consent. Sections 90, 105 and 106 are in Part 3 of the Act, which deals with listed buildings. But they also apply in relation to conservation area consent, as a result of section 163.
617. The expectation is that conservation area consent will be obtained before any works begin. However, under subsection (2), a planning authority or the Welsh Ministers may grant conservation area consent for unauthorised works already carried out. In such a case, the works are only authorised from the grant of the consent. Any liability for an offence arising from the unauthorised works under section 117 (as applied by section 163) remains and could be the basis for subsequent proceedings.