



Historic Environment (Wales) Act 2023

2023 asc 3

PART 3

BUILDINGS OF SPECIAL ARCHITECTURAL OR HISTORIC INTEREST

CHAPTER 2

CONTROL OF WORKS AFFECTING LISTED BUILDINGS

PROSPECTIVE

Grant of listed building consent subject to conditions

97 Power to grant consent subject to conditions

- (1) Listed building consent may be granted subject to conditions.
- (2) A condition may, for example, require—
 - (a) particular features of the listed building to be preserved, either as part of it or after severance from it;
 - (b) any damage caused to the building by the works to be made good after the works are completed;
 - (c) the building or any part of it to be reconstructed after any works are carried out, using original materials so far as practicable and making any alterations to the interior of the building specified in the conditions.
- (3) Consent may also be granted subject to a condition requiring specified details of the works (whether or not set out in an application for consent) to be approved later.
- (4) A condition imposed under subsection (3) must—
 - (a) in the case of consent granted by a planning authority, require the approval of that authority;

Status: This version of this cross heading contains provisions that are prospective.

Changes to legislation: There are currently no known outstanding effects for the Historic Environment (Wales) Act 2023, Cross Heading: Grant of listed building consent subject to conditions. (See end of Document for details)

- (b) in the case of consent granted by the Welsh Ministers, specify whether the approval required is that of the planning authority or the Welsh Ministers.
- (5) Consent for the demolition of a listed building must be granted subject to a condition that the works must not start until—
 - (a) notice of the proposal to demolish the building has been given to the Royal Commission on the Ancient and Historical Monuments of Wales, and
 - (b) after the giving of that notice, the Royal Commission—
 - (i) has been given reasonable access to the building for at least 1 month for the purpose of recording it, or
 - (ii) has stated in writing that it has completed its recording of the building or does not wish to record it.
- (6) If consent for the demolition of a listed building is granted without the condition required by subsection (5), it is to be treated as having been granted subject to that condition.
- (7) Consent for the demolition of a listed building may also be granted subject to a condition that the works must not start until—
 - (a) a contract for works to redevelop the site has been made, and
 - (b) planning permission has been granted for those redevelopment works.
- (8) Subsections (5) and (6) do not prevent the imposition of other conditions for the purpose of enabling a listed building to be recorded.
- (9) The Welsh Ministers may by regulations replace the references in subsection (5) to the Royal Commission on the Ancient and Historical Monuments of Wales with references to another body.

Commencement Information

11 S. 97 not in force at Royal Assent, see [s. 212\(2\)](#)

98 Condition about period within which works must start

- (1) Listed building consent must be granted subject to the condition that the works to which it relates must start before the end of a period which is specified in the condition and begins with the day the consent is granted.
- (2) If consent is granted without the condition required by subsection (1), it is to be treated as having been granted subject to the condition that the works to which it relates must start within 5 years beginning with the day it was granted.
- (3) This section does not apply to—
 - (a) consent under section 89(2) (consent for works already carried out);
 - (b) consent granted by a listed building partnership agreement (see section 113).

Commencement Information

12 S. 98 not in force at Royal Assent, see [s. 212\(2\)](#)

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99 Application for variation or removal of conditions

- (1) Where listed building consent has been granted subject to conditions, any person interested in the listed building may apply for the variation or removal of the conditions.
- (2) The application must indicate what variation or removal of conditions is applied for.
- (3) Sections 90 to 95 (except section 90(4) and (5)(a)) apply to an application under this section as they apply to an application for listed building consent.
- (4) On an application under this section the planning authority or the Welsh Ministers may, in addition to varying or removing the conditions of the consent, impose new conditions that are consequential on the variation or removal.
- (5) This section does not apply to consent granted by a listed building partnership agreement.

Commencement Information

I3 S. 99 not in force at Royal Assent, see [s. 212\(2\)](#)

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