



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

Modification and revocation of listed building consent

107 Modification and revocation of consent

- (1) Where listed building consent has been granted on an application or appeal under this Part, the planning authority in whose area the listed building is situated or the Welsh Ministers may by order modify or revoke the consent to any extent.
- (2) An order modifying or revoking listed building consent for any works may be made at any time before the works are completed, but does not affect consent for works carried out before the order takes effect.
- (3) In Schedule 8—
 - (a) Part 1 makes provision about the procedures that must be followed before an order made by a planning authority under this section takes effect (either with or without confirmation by the Welsh Ministers);
 - (b) Part 2 makes provision about the procedure that must be followed before the Welsh Ministers make an order under this section.

108 Compensation where consent is modified or revoked

- (1) This section applies where listed building consent is modified or revoked by an order under section 107 that is—
 - (a) made by a planning authority and confirmed by the Welsh Ministers, or

Status: This is the original version (as it was originally enacted).

- (b) made by the Welsh Ministers.
- (2) Any person interested in the listed building to which the consent relates is entitled, on making a claim to the planning authority, to be paid compensation by the authority for—
- (a) any expenditure incurred by the person in carrying out works that become abortive because of the modification or revocation of the consent;
 - (b) any other loss or damage suffered by the person that is directly attributable to the modification or revocation.
- (3) For the purposes of this section expenditure incurred in the preparation of plans for the purposes of any works, or on other similar matters preparatory to any works, is to be treated as expenditure incurred in carrying out the works.
- (4) Subject to that, no compensation is payable under this section in respect of—
- (a) works carried out before the grant of the listed building consent that is modified or revoked, or
 - (b) other loss or damage (other than loss or damage consisting of depreciation of the value of an interest in land) arising out of anything done or omitted to be done before the consent was granted.
- (5) A claim for compensation under this section must be made in writing within 6 months beginning with the day the modification or revocation of the consent takes effect.
- (6) In subsection (2) “the planning authority” means—
- (a) the planning authority that made the order under section 107, or
 - (b) if the order was made by the Welsh Ministers, the planning authority in whose area the listed building to which the order relates is situated.