



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

Authorisation of works

88 Requirement for works to be authorised

- (1) A person must not carry out works to which this section applies, or cause such works to be carried out, unless the works are authorised under section 89.
- (2) This section applies to—
 - (a) works for the alteration or extension of a listed building in any way that would affect its character as a building of special architectural or historic interest;
 - (b) works for the demolition of a listed building.
- (3) But this section does not apply to—
 - (a) works in relation to a building which is a scheduled monument (but see section 11);
 - (b) works in relation to an exempt religious building;
 - (c) works for the demolition of a building closed for regular public worship, or a part of such a building, in accordance with provision made under Part 6 of the [Mission and Pastoral Measure 2011 \(No. 3\)](#) by a pastoral church buildings scheme or a pastoral (church buildings disposal) scheme;
 - (d) works carried out by or on behalf of the Crown in the circumstances set out in paragraphs (a) to (d) of section 117(4) (emergency works).

89 Authorisation of works by listed building consent

- (1) Works to which section 88 applies are authorised if—
 - (a) written consent to carry them out has been granted by the planning authority in whose area the building is situated or the Welsh Ministers, and
 - (b) the works are carried out in accordance with the terms of the consent (including any conditions attached to it).
- (2) Where—
 - (a) works to which section 88 applies have been carried out without being authorised under subsection (1), and
 - (b) the planning authority or the Welsh Ministers grant written consent for the works,
 the works are authorised from the grant of that consent.
- (3) Consent under subsection (1) or (2) is referred to in this Act as listed building consent.

Applications for listed building consent

90 Applying for listed building consent

- (1) An application for listed building consent must be made to the planning authority in whose area the listed building is situated, unless it is made to the Welsh Ministers in accordance with—
 - (a) regulations made under section 105 (applications by planning authorities or the Crown),
 - (b) section 106 (applications relating to urgent works on Crown land),
 - (c) section 305 or 306 of the [Housing Act 1985 \(c. 68\)](#) (applications by local housing authorities for consent to demolish buildings in connection with acquisition of land for clearance), or
 - (d) any other enactment.
- (2) An application for listed building consent must contain—
 - (a) enough information to identify the listed building to which it relates, including a plan,
 - (b) any other plans and drawings that are necessary to describe the works to which it relates, and
 - (c) any other information required by the planning authority or the Welsh Ministers (as the case may be).
- (3) The Welsh Ministers may by regulations make provision about—
 - (a) the form and content of an application (which may include provision for using a form to be published or provided by the Welsh Ministers or another person);
 - (b) how an application must be made.
- (4) The Welsh Ministers must by regulations require a person who makes an application of a description specified in the regulations to include with the application a statement about—
 - (a) how the works will affect the character of the listed building as a building of special architectural or historic interest, and
 - (b) either or both of the following (as specified in the regulations)—

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- (i) the design principles that have been applied to the works;
 - (ii) how issues relating to access to the building have been dealt with.
- (5) The Welsh Ministers may by regulations make provision about—
- (a) the form and content of a statement required under subsection (4);
 - (b) other documents or materials that must be included with an application.
- (6) A planning authority must not consider an application made to it for listed building consent if the application fails to comply with a requirement imposed by or under this section.

91 Notice of application to owners of building

- (1) The Welsh Ministers may by regulations require an applicant for listed building consent—
- (a) to give notice of the application to every person (other than the applicant) who on a date specified in the regulations is an owner of any part of the listed building to which the application relates, and
 - (b) to include with the application a certificate issued by the applicant stating that any requirements of the regulations have been complied with.
- (2) The regulations may make provision about—
- (a) the form and content of a notice or certificate (which may include provision for using a form to be published or provided by the Welsh Ministers or another person);
 - (b) how notice must be given (which may include provision requiring it to be published).
- (3) An application for listed building consent must not be considered if any requirements imposed under subsection (1) or (2) have not been complied with.
- (4) The Welsh Ministers may by regulations provide that, where notice has been given of an application in accordance with requirements imposed under those subsections—
- (a) the application must not be determined during a period specified in the regulations;
 - (b) the planning authority or the Welsh Ministers must, in determining the application, take account of representations made during that period by any person who is an owner of any part of the listed building.
- (5) It is an offence for a person in purported compliance with a requirement imposed under subsection (1) or (2)—
- (a) to issue a certificate containing a statement which the person knows to be false or misleading in a material respect, or
 - (b) to recklessly issue a certificate containing a statement which is false or misleading in a material respect.
- (6) A person guilty of an offence under subsection (5) is liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (7) In this section “owner” means—
- (a) an owner of the freehold estate, or
 - (b) a tenant under a lease granted or extended for a fixed term that has at least 7 years left to run.

Dealing with applications for consent

92 Procedure for dealing with application

- (1) A planning authority must deal with an application for listed building consent made to the authority unless—
 - (a) it is required not to consider the application under section 90(6) or 91(3), or refuses to do so under section 93 (similar applications), or
 - (b) it is required to refer the application to the Welsh Ministers under section 94.
- (2) The Welsh Ministers may by regulations—
 - (a) impose requirements relating to publicity for applications for listed building consent made to planning authorities or the Welsh Ministers;
 - (b) impose requirements for consultation or notification in relation to applications;
 - (c) provide that an application must not be determined during a period specified in the regulations;
 - (d) require planning authorities or the Welsh Ministers, in determining applications, to take account of responses from persons consulted or notified;
 - (e) make provision about the time within which a planning authority or the Welsh Ministers must deal with an application.
- (3) The Welsh Ministers may direct a planning authority to notify persons specified in the direction of—
 - (a) an application made to the authority for listed building consent, and
 - (b) the decision taken by the authority on the application.
- (4) A direction may relate to—
 - (a) a particular case, or
 - (b) cases of a description specified in the direction.

93 Power to refuse to consider similar applications

- (1) A planning authority may refuse to consider an application for listed building consent if the first and second conditions are met.
- (2) The first condition is that in the 2 years ending with the day the authority receives the application any of the following has occurred—
 - (a) the Welsh Ministers have refused a similar application for listed building consent referred to them under section 94,
 - (b) the Welsh Ministers have dismissed—
 - (i) an appeal under section 100(2) against the refusal of a similar application for listed building consent, or
 - (ii) an appeal under section 100(3) relating to a similar application, or
 - (c) the planning authority has refused two or more similar applications for listed building consent and in each case—
 - (i) there has been no appeal to the Welsh Ministers, or
 - (ii) any appeal to the Welsh Ministers has been withdrawn.
- (3) The second condition is that the planning authority considers that there has been no significant change in any relevant considerations since—

- (a) the Welsh Ministers refused the similar application, in a case falling within subsection (2)(a),
 - (b) the Welsh Ministers dismissed the appeal, in a case falling within subsection (2)(b), or
 - (c) the planning authority most recently refused a similar application, in a case falling within subsection (2)(c).
- (4) For the purposes of this section an application is similar to another application if (and only if) the planning authority considers that the listed building and works to which the applications relate are the same or substantially the same.

94 Reference of application to Welsh Ministers

- (1) The Welsh Ministers may direct a planning authority to refer an application for listed building consent to them for determination instead of dealing with the application itself.
- (2) A direction may relate to a particular application, or to applications in relation to buildings specified in the direction.
- (3) A planning authority must refer an application to which a direction under this section applies to the Welsh Ministers.
- (4) A planning authority must refer an application for listed building consent to the Welsh Ministers for determination, without being directed to do so, if the consent is sought in consequence of proposals included in an application for an order under section 1 or 3 of the [Transport and Works Act 1992 \(c. 42\)](#) (orders relating to construction or operation of railways, tramways, inland waterways etc.).
- (5) Chapter 2 of Part 5 makes provision about the procedure for the consideration of applications referred to the Welsh Ministers under this section.
- (6) The decision of the Welsh Ministers on an application is final.

95 Notification to Welsh Ministers before granting consent

- (1) A planning authority to which an application for listed building consent is made may not grant consent unless—
 - (a) it has notified the Welsh Ministers of the application, giving details of the works for which consent is sought, and
 - (b) the first or second condition is met.
- (2) The first condition is that the 28 days beginning with the day the Welsh Ministers were notified have ended without the Welsh Ministers either—
 - (a) directing the authority to refer the application to them under section 94, or
 - (b) notifying the authority that they need more time to consider whether to give a direction under that section.
- (3) The second condition is that the Welsh Ministers have notified the authority that they do not intend to direct it to refer the application to them.
- (4) The Welsh Ministers may by regulations provide that subsection (1) does not apply to applications for listed building consent of a description specified in the regulations.
- (5) The Welsh Ministers may direct a planning authority—

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- (a) that subsection (1) is not to apply to an application to the authority for listed building consent, or
 - (b) that subsection (1) is to apply to an application to the authority despite any provision made by regulations under subsection (4) or by a direction under paragraph (a).
- (6) A direction may relate to—
- (a) a particular application for listed building consent, or
 - (b) applications of a description specified in the direction,
- and has effect in relation to any application that the authority has not determined.
- (7) The Welsh Ministers may specify a description of applications under subsection (4) or (6)(b) by reference to the opinion of any person, the availability of specialist advice in relation to the applications, or any other circumstance.

96 Grant or refusal of consent

- (1) On determining an application for listed building consent, a planning authority or the Welsh Ministers may grant or refuse consent.
- (2) In considering whether to grant listed building consent, a planning authority or the Welsh Ministers must have special regard to the desirability of preserving—
- (a) the listed building to which the application relates,
 - (b) the setting of the building, and
 - (c) any features of special architectural or historic interest the building possesses.
- (3) Listed building consent has effect for the benefit of the listed building and the land on which it is situated, and of all persons for the time being interested in the building and land; but this is subject to the terms of the consent.

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;

- (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.

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).

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.

Appeals to the Welsh Ministers

100 Right to appeal against planning authority decision or failure to make decision

- (1) This section applies where an application has been made to a planning authority for—
 - (a) listed building consent,
 - (b) the variation or removal of conditions of listed building consent, or
 - (c) approval of details of works under a condition of listed building consent.
- (2) The applicant may appeal to the Welsh Ministers if the planning authority—
 - (a) refuses the application, or
 - (b) grants the application subject to conditions or, in the case of an application for the variation or removal of conditions, grants it and imposes new conditions.
- (3) The applicant may also appeal to the Welsh Ministers if the planning authority has done none of the following within the determination period—
 - (a) given notice to the applicant of its decision on the application, or
 - (b) in the case of an application for listed building consent or for the variation or removal of conditions, given notice to the applicant that it has—
 - (i) exercised its power under section 93 to refuse to consider the application, or
 - (ii) referred the application to the Welsh Ministers under section 94.
- (4) In subsection (3) “the determination period” means—
 - (a) the period specified in regulations made by the Welsh Ministers, or
 - (b) a longer period agreed in writing between the applicant and the planning authority.

101 Procedure for making appeal

- (1) An appeal under section 100 must be made by serving a notice of appeal on the Welsh Ministers.
- (2) The grounds of appeal stated in the notice may include (alone or with other grounds)—
 - (a) a claim that the building to which the appeal relates is not of special architectural or historic interest and ought to be de-listed, or
 - (b) in the case of a building subject to interim protection or temporary listing, a claim that the building should not be listed.
- (3) The Welsh Ministers may by regulations make provision about—
 - (a) the form of a notice of appeal (which may include provision for using a form to be published or provided by the Welsh Ministers or another person);
 - (b) information that must be included with a notice of appeal;

- (c) the way in which, and period within which, a notice of appeal must be served (which may include provision enabling the Welsh Ministers to extend the period).
- (4) Section 91 (notice to owners of building) applies in relation to appeals under section 100 relating to applications for listed building consent or for the variation or removal of conditions, but as if references to an application and an applicant were references to an appeal and an appellant.
- (5) The period specified by regulations under subsection (3)(c) must be at least 28 days beginning with the day after—
 - (a) in the case of an appeal under subsection (2) of section 100, the day the applicant receives notice of the decision;
 - (b) in the case of an appeal under subsection (3) of that section, the end of the determination period (which has the same meaning as in that subsection).

102 Restriction on varying application after service of notice of appeal

- (1) Once notice of an appeal under section 100 has been served, the application to which the appeal relates may not be varied except in circumstances specified in regulations made by the Welsh Ministers.
- (2) Where an application is varied under this section, the Welsh Ministers may direct that further consultation must be carried out in relation to the application.

103 Decision on application after service of notice of appeal

- (1) This section applies if a person who has made an application for listed building consent appeals under section 100(3) (failure to give notice of decision).
- (2) The Welsh Ministers must not determine the appeal before the end of the period which is specified in regulations made by the Welsh Ministers and begins with the day the notice of appeal is served.
- (3) The planning authority may give notice of its decision on the application to which the appeal relates at any time before the end of that period.
- (4) If the authority gives notice in accordance with subsection (3) that its decision is to refuse the application—
 - (a) the appeal must be treated as an appeal under section 100(2) against the refusal, and
 - (b) the Welsh Ministers must give the appellant the opportunity to revise the grounds of appeal.
- (5) If the authority gives notice in accordance with subsection (3) that its decision is to grant the application subject to conditions, the Welsh Ministers must give the appellant the opportunity—
 - (a) to proceed with the appeal as an appeal under section 100(2) against the grant of the application subject to conditions, and
 - (b) to revise the grounds of the appeal.

104 Determination of appeal

- (1) On an appeal under section 100 the Welsh Ministers may—
 - (a) allow or dismiss the appeal, or
 - (b) reverse or vary any part of the planning authority’s decision on the application to which the appeal relates (whether or not the appeal relates to that part), and may deal with the application as if it had been made to them.
- (2) Where the appeal was made under section 100(3) (failure to give notice of decision) and the planning authority has not given notice under section 103(3), it is to be assumed for the purposes of subsection (1) that the authority decided to refuse the application.
- (3) On an appeal under section 100 the Welsh Ministers may also exercise their power under section 76 to de-list the building to which the appeal relates.
- (4) Chapter 2 of Part 5 makes provision about the procedure for the consideration of appeals (including provision for them to be determined by persons appointed by the Welsh Ministers).
- (5) The decision of the Welsh Ministers on an appeal is final.

Special cases

105 Applications by planning authorities and the Crown

- (1) The Welsh Ministers may by regulations provide that any provision made by or under this Act is not to apply, or is to apply with modifications, to an application mentioned in subsection (2) that is made—
 - (a) by a planning authority, or
 - (b) by or on behalf of the Crown.
- (2) The applications referred to in subsection (1) are applications for—
 - (a) listed building consent,
 - (b) the variation or removal of conditions of listed building consent, or
 - (c) approval of details of works under a condition of listed building consent.
- (3) The regulations may, in particular, provide for an application to be made to the Welsh Ministers.

106 Applications relating to urgent works on Crown land

- (1) The appropriate Crown authority may make an application for listed building consent to the Welsh Ministers (instead of to a planning authority) if—
 - (a) the listed building to which the application relates is on Crown land, and
 - (b) the appropriate Crown authority certifies—
 - (i) that the works for which consent is sought are of national importance, and
 - (ii) that it is necessary that the works are carried out as a matter of urgency.
- (2) Before making the application, the appropriate Crown authority must publish in one or more newspapers circulating in the locality of the listed building a notice—

- (a) describing the proposed works, and
 - (b) stating that it proposes to make the application to the Welsh Ministers under this section.
- (3) Where the appropriate Crown authority makes an application under this section—
 - (a) it must give the Welsh Ministers a statement of its grounds for making the application;
 - (b) the Welsh Ministers may require it to give them any further information they consider necessary to enable them to determine the application.
- (4) As soon as practicable after receiving a document or other material by virtue of subsection (3), the Welsh Ministers must make a copy of the document or other material available for inspection by the public in the locality of the proposed works.
- (5) The Welsh Ministers must, in accordance with any requirements imposed by regulations, publish notice of the application and of the fact that documents and other material are available for inspection.
- (6) The Welsh Ministers must consult the following persons about the application—
 - (a) the planning authority in whose area the listed building is situated, and
 - (b) any other person that may be specified in regulations.
- (7) Chapter 2 of Part 5 makes provision about the procedure for the consideration of applications made to the Welsh Ministers under this section.
- (8) Subsection (4) does not apply to the extent that a document or other material is subject to a direction under section 178 (restriction of access to evidence on national security grounds).
- (9) The decision of the Welsh Ministers on an application is final.
- (10) In this section references to regulations are to regulations made by the Welsh Ministers.

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
 - (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.

Right of owner of listed building to require purchase of interest

109 Purchase notice where consent is refused, granted subject to conditions, modified or revoked

- (1) This section applies where—
 - (a) on an application for listed building consent, consent is refused or is granted subject to conditions, or
 - (b) an order under section 107 modifies or revokes listed building consent.
- (2) If an owner of the listed building to which the application or order relates claims—
 - (a) that the first set of conditions is met in relation to the building, and
 - (b) that the first and second sets of conditions are met in relation to any associated land,

the owner may serve a purchase notice on the planning authority in whose area the listed building is situated.
- (3) A purchase notice is a notice requiring the planning authority to purchase the owner’s interest in the listed building and associated land.

- (4) The first set of conditions is—
- (a) that the listed building and associated land in respect of which the notice is served are unusable in their existing state,
 - (b) in a case where listed building consent has been granted subject to conditions or has been modified by the imposition of conditions, that the building and land cannot be made usable by carrying out the works to which the consent relates in accordance with the conditions, and
 - (c) in any case, that the building and land cannot be made usable by carrying out any other works for which listed building consent has been granted or for which the planning authority or the Welsh Ministers have undertaken to grant listed building consent.
- (5) The second set of conditions is—
- (a) that the use of the associated land is substantially inseparable from the use of the listed building, and
 - (b) that the associated land ought to be treated, together with the building, as a single holding.
- (6) In this section and Schedule 9—
- “associated land” (*“tir cysylltiedig”*), in relation to a listed building, means land which—
- (a) includes, adjoins or is adjacent to the building, and
 - (b) is owned with the building;
- “usable” (*“defnyddiadwy”*), in relation to a listed building or associated land, means capable of reasonably beneficial use.
- (7) In determining whether a listed building and associated land are usable in their existing state, a prospective use of the building or land must be ignored if it would involve—
- (a) carrying out works requiring listed building consent which has not been granted and which neither a planning authority nor the Welsh Ministers have undertaken to grant, or
 - (b) carrying out development for which planning permission has not been granted and for which neither a planning authority nor the Welsh Ministers have undertaken to grant permission.
- (8) A listed building is not unusable in its existing state if—
- (a) the existing state of the building was caused by a breach of section 88 (requirement for works to be authorised) or of a condition subject to which listed building consent has been granted, and
 - (b) the building could be made usable by taking steps that are or could be required by an enforcement notice under section 123.

110 Purchase notice in respect of Crown land

- (1) The owner of a private interest in Crown land may not serve a purchase notice in respect of that interest unless—
- (a) the owner has offered to dispose of the interest to the appropriate Crown authority for a price that is equal to (and if not agreed, is to be determined in the same way as) the compensation that would be payable for the interest if it were acquired in pursuance of a purchase notice, and
 - (b) the appropriate Crown authority has refused the offer.

- (2) Only the appropriate Crown authority may serve a purchase notice in respect of a Crown interest or Duchy interest in land which—
 - (a) forms part of the Crown Estate,
 - (b) belongs to His Majesty in right of His private estates,
 - (c) belongs to His Majesty in right of the Duchy of Lancaster, or
 - (d) belongs to the Duchy of Cornwall.
- (3) A purchase notice may not be served in respect of a Crown interest or Duchy interest in any other land.

111 Further provision about service of purchase notice

- (1) A purchase notice must be served within 12 months beginning with—
 - (a) in the case of a notice relating to a decision to refuse listed building consent or grant it subject to conditions, the day the decision is made, or
 - (b) in the case of a notice relating to an order under section 107 modifying or revoking listed building consent, the day the order takes effect.
- (2) In a case where the Welsh Ministers determine an appeal against a decision of a planning authority to refuse listed building consent or grant it subject to conditions, the reference in subsection (1)(a) to the day the decision is made is to be read as a reference to the day the Welsh Ministers determine the appeal.
- (3) The Welsh Ministers may at any time extend the period for serving a purchase notice in a particular case, if they are satisfied that there are good reasons for doing so.
- (4) The Welsh Ministers may by regulations make provision about how a purchase notice must be served.
- (5) Where a repairs notice has been served on an owner of a listed building under section 138, the owner is not entitled to serve a purchase notice in respect of the building—
 - (a) before the end of 3 months beginning with the day the repairs notice is served, or
 - (b) if during that period the compulsory acquisition of the building is started under section 137, unless the compulsory acquisition is discontinued.
- (6) An owner of a listed building who has served a purchase notice may not amend the notice; but that does not prevent the owner serving a further purchase notice relating to the same decision or order.
- (7) If an owner serves a further purchase notice relating to the same decision or order, the earlier notice is to be treated as withdrawn unless the later notice states that the owner does not intend to withdraw it.
- (8) For the purposes of subsection (5)—
 - (a) a compulsory acquisition is started—
 - (i) by a planning authority when it serves the notice required by section 12 of the [Acquisition of Land Act 1981 \(c. 67\)](#);
 - (ii) by the Welsh Ministers when they serve the notice required by paragraph 3(1) of Schedule 1 to that Act;
 - (b) a compulsory acquisition is discontinued—

- (i) in the case of an acquisition by a planning authority, when the compulsory purchase order is withdrawn or the Welsh Ministers decide not to confirm it;
- (ii) in the case of an acquisition by the Welsh Ministers, when they decide not to make the compulsory purchase order.

112 Action following service of purchase notice

Schedule 9 makes provision about the action to be taken by planning authorities and the Welsh Ministers following the service of a purchase notice.