



# Historic Environment (Wales) Act 2023

2023 asc 3

## PART 4 **E+W**

### CONSERVATION AREAS

PROSPECTIVE

#### *Control of demolition in conservation areas*

#### **161 Requirement for demolition to be authorised **E+W****

- (1) A person must not carry out works for the demolition of a building to which this section applies, or cause such works to be carried out, unless the works are authorised under section 162.
- (2) This section applies to any building in a conservation area, except—
  - (a) a building which is a scheduled monument (but see section 11);
  - (b) a listed building (but see section 88);
  - (c) a building of a description specified in regulations made by the Welsh Ministers;
  - (d) a building of a description specified in a direction given to an individual planning authority by the Welsh Ministers.
- (3) The Welsh Ministers may direct a planning authority that, despite any provision made by regulations under subsection (2)(c), this section is to apply to a building of a description specified in the direction.
- (4) Subsection (1) does not prohibit 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).
- (5) Schedule 11 makes provision about the effect of this section ceasing to apply to a building.

*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: Control of demolition in conservation areas. (See end of Document for details)*

#### Commencement Information

**II** S. 161 not in force at Royal Assent, see [s. 212\(2\)](#)

### 162 Authorisation of demolition by conservation area consent **E+W**

- (1) Works for the demolition of a building to which section 161 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 for the demolition of a building to which section 161 applies have been carried out without being authorised, 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 conservation area consent.

#### Commencement Information

**I2** S. 162 not in force at Royal Assent, see [s. 212\(2\)](#)

### 163 Application of Part 3 to conservation areas **E+W**

- (1) The following provisions of Part 3 apply in relation to buildings to which section 161 applies as they apply in relation to listed buildings—
- (a) Chapter 2 (control of works), except—
    - (i) sections 88 and 89;
    - (ii) section 90(1)(c) and (4)(b);
    - (iii) section 95;
    - (iv) section 96(2);
    - (v) section 97(5), (6) and (9);
    - (vi) sections 98(3)(b) and 99(5);
    - (vii) section 101(2);
    - (viii) section 104(3);
    - (ix) section 111(5) and (8);
  - (b) Chapter 4 (enforcement), except—
    - (i) section 117(5);
    - (ii) section 118;
    - (iii) section 128(3)(c);
  - (c) Chapter 6 (general), except—
    - (i) section 152(1), (2), (3)(b) and (5)(c) to (e);
    - (ii) section 156.

*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: Control of demolition in conservation areas. (See end of Document for details)

- (2) In their application in relation to buildings to which section 161 applies—
- (a) the provisions applied by subsection (1) are to be read as if—
    - (i) any reference to listed building consent were a reference to conservation area consent;
    - (ii) any reference to the character of a listed building were a reference to the character or appearance of the conservation area in which the building is situated;
    - (iii) any other reference to a listed building were a reference to a building to which section 161 applies;
    - (iv) any reference to section 88 were a reference to section 161;
  - (b) the provisions applied by subsection (1)(a) are to be read as if—
    - (i) in section 98(3)(a), the reference to section 89(2) were a reference to section 162(2);
    - (ii) in section 99(3), for “Sections 90 to 95” there were substituted “Sections 90 to 94”;
  - (c) the provisions applied by subsection (1)(b) are to be read as if—
    - (i) in sections 117(4), 121(4) and 127(2)(d), the references to the preservation of the building were omitted;
    - (ii) in section 126(1), the reference to section 89(2) were a reference to section 162(2);
    - (iii) in section 127(2), for paragraph (a) there were substituted “that retention of the building is not necessary in the interests of preserving or enhancing the character or appearance of the conservation area in which it is situated”;
  - (d) the provisions applied by subsection (1)(c) are to be read as if, in section 152(3)(c), the reference to section 118 were omitted.
- (3) The Welsh Ministers may by regulations amend this section to make additional or different provision about the application of Chapters 2, 4 and 6 of Part 3 in relation to buildings to which section 161 applies.

#### Commencement Information

**I3** S. 163 not in force at Royal Assent, see [s. 212\(2\)](#)

**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: Control of demolition in conservation areas.