



# 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*

PROSPECTIVE

#### **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.

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*Status: Point in time view as at 15/06/2023. This version of this provision is prospective.*

*Changes to legislation: Historic Environment (Wales) Act 2023, Section 108 is up to date with all changes known to be in force on or before 14 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

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- (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.

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**Commencement Information**

- II** S. 108 not in force at Royal Assent, see [s. 212\(2\)](#)

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Point in time view as at 15/06/2023. This version of this provision is prospective.

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