

# HISTORIC ENVIRONMENT (WALES) ACT 2016

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## EXPLANATORY NOTES

### COMMENTARY ON SECTIONS

#### Part 3: Listed Buildings

##### *Section 26 – Amendments relating to the listing of buildings: consequential provision*

165. **Section 26** makes amendments to the 1990 Act in consequence of the introduction of new requirements for consultation, interim protection, the review of listing decisions and the temporary listing of buildings.
166. **Section 26(3)** inserts new subsections (3A) and (3B) into section 2 of the 1990 Act (publication of lists). New section 2(3A) requires the Welsh Ministers to inform the local planning authority of their decision to include or remove a building from the list. It also requires the Welsh Ministers to inform the owner and occupier if a building has been removed from a list. The further steps that the Welsh Ministers must take when they include a building in a list are contained in new section 2D, and new section 2(3B) signposts this provision.
167. Section 21(4) of the 1990 Act allows an applicant making an appeal to the Welsh Ministers against a local planning authority's handling of a listed building consent application for a building in respect of which a building preservation notice is in force to include a claim that the building should not be listed. Section 26(7) of this Act amends that section of the 1990 Act so that an applicant making an appeal against a local planning authority's handling of a listed building consent application for a building in respect of which interim protection is in force may similarly include a claim that the building should not be listed.
168. **Section 26(8)** applies section 31 of the 1990 Act, which makes provision about compensation payable in respect of depreciation of the value of an interest in land, to the compensation payable under section 28B of the 1990 Act (inserted by section 24(3) of this Act) for loss or damage attributable to the effect of interim protection.
169. **Section 26(10)** adds sections 2B (interim protection pending certain listing decisions) and 3A (temporary listing in Wales: building preservation notices) to the list of provisions which do not apply to buildings which are scheduled monuments under the 1979 Act.
170. **Section 26(11)** applies section 62 of the 1990 Act (validity of certain orders and decisions) to a decision on a review under section 2D of that Act (inserted by section 24(1) of this Act), so that a decision of that kind may only be referred to the High Court on certain grounds.
171. **Section 26(12)** amends section 82 of the 1990 Act so that the new provisions introduced by this Act relating to consultation, interim protection and review in connection with the designation of listed buildings apply to the land of local planning authorities.

*These notes refer to the Historic Environment (Wales) Act  
2016 (c.4) which received Royal Assent on 21 March 2016*

172. [Section 26\(13\)](#) gives the Valuation Office a right to enter land to survey or estimate its value in connection with a claim for compensation for loss or damage arising from interim protection.