

HISTORIC ENVIRONMENT (WALES) ACT 2016

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 2: Ancient Monuments Etc

Section 3 – Amendments relating to the Schedule

1AB Interim protection pending decisions on certain amendments relating to the Schedule

15. New section 1AB makes provision for monuments and areas of land to be given interim protection pending the decision of the Welsh Ministers on the making of certain amendments relating to the Schedule.
16. While a monument is being considered and consulted upon for scheduling, it needs to be protected from destruction, alterations or damage that may compromise its significance. Similarly, if the Welsh Ministers are considering an addition to the area of a scheduled monument, that land will need to be protected so that its significance cannot be compromised before a decision is made.
17. Section 1AB(1) specifies that interim protection will apply where the Welsh Ministers have served a notice of a proposal either to include a monument in the Schedule, or to make a material amendment that increases the area shown for a monument on a map that accompanies the monument's entry in the Schedule.
18. Section 1AB(2) sets out the date from which the interim protection will apply. The provisions of the 1979 Act have effect from that date as though the monument were in the Schedule, or as though the amendment to the map were made.
19. Section 1AB(4) and (5) makes provision for interim protection to cease when the Welsh Ministers:
 - include the monument in the Schedule;
 - serve notice on the owner, occupier and local authority that the monument will not be included on the Schedule;
 - make a material amendment that increases the area shown for the monument on a map that accompanies the monument's entry in the Schedule; or
 - serve notice on the owner, occupier and local authority that a material amendment of that kind will not be made.
20. Section 1AB(6) requires the Welsh Ministers to publish electronically a list of all monuments in relation to which interim protection has effect, and to provide a copy of any notice served under section 1AA(2) on request.