

# HISTORIC ENVIRONMENT (WALES) ACT 2016

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## EXPLANATORY NOTES

### COMMENTARY ON SECTIONS

#### **Part 2: Ancient Monuments Etc**

##### ***Section 6 – Grant of consent for unauthorised works***

44. **Section 6** inserts new subsections (3A) and (3B) into section 2 of the 1979 Act (control of works affecting scheduled monuments). These provisions allow scheduled monument consent to be granted for works already executed.
45. Section 2 of the 1979 Act makes it an offence to carry out specified works to a scheduled monument unless they are authorised under Part I of that Act, including by the grant of written scheduled monument consent by the Welsh Ministers.
46. In certain circumstances, it may be better to retain unauthorised works to a monument than to require their reversal, particularly if reversal could lead to further damage. For instance, works to remove the foundations constructed for a building or to reinstate a track could lead to further ground disturbance. The grant of scheduled monument consent to authorise works already carried out and to control, through conditions, their completion would resolve uncertainties about the lawfulness of retaining the works and eliminate the prospect of future prosecution or other sanctions.