

HISTORIC ENVIRONMENT (WALES) ACT 2016

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 2: Ancient Monuments Etc

Section 9 – Procedure for determining applications

50. **Section 9** introduces new procedures for determining scheduled monument consent applications.
51. **Section 9(1)** restricts the application of paragraph 3 in Part 1 of Schedule 1 of the 1979 Act (applications for scheduled monument consent) to scheduled monuments in England.
52. **Section 9(2)** inserts paragraph 3A into Part 1 of Schedule 1. This paragraph applies to applications for scheduled monument consent to carry out works to scheduled monuments in Wales.
53. Paragraph 3A sets out that, before determining whether or not to grant scheduled monument consent, the Welsh Ministers may hold a public local inquiry or give persons an opportunity to appear before and be heard by a person appointed by the Welsh Ministers or to make representations to such a person.
54. Paragraph 3A(4) obliges the Welsh Ministers to take account of any representations made with respect to an application and to consider any report made by a person appointed to hold an inquiry or hearing or receive representations.
55. Paragraph 3A(5) requires the Welsh Ministers to serve notice of their decision on the applicant and on every person who has made representations about the scheduled monument consent application.