



Historic Environment (Wales) Act 2016

2016 anaw 4

PART 2

ANCIENT MONUMENTS ETC

Scheduled monument consent

9 Procedure for determining applications

- (1) In Part 1 of Schedule 1 to the [Ancient Monuments and Archaeological Areas Act 1979 \(c.46\)](#) (applications for scheduled monument consent), in paragraph 3, after subparagraph (4) insert—

“(5) This paragraph does not apply to applications for scheduled monument consent in respect of works to a scheduled monument situated in Wales.”

- (2) After paragraph 3 of that Schedule insert—

- “3A (1) This paragraph applies to applications for scheduled monument consent in respect of works to a scheduled monument situated in Wales.
- (2) The Welsh Ministers may grant scheduled monument consent in respect of all or any part of the works to which an application relates.
- (3) Before determining whether or not to grant scheduled monument consent on an application, the Welsh Ministers may—
- (a) cause a public local inquiry to be held; or
 - (b) afford to the applicant, and to any other person to whom it appears to the Welsh Ministers expedient to do so—
 - (i) an opportunity to appear before and be heard by a person appointed by the Welsh Ministers for that purpose; or
 - (ii) an opportunity to make representations to a person appointed by the Welsh Ministers for that purpose.

Status: This is the original version (as it was originally enacted).

- (4) Before determining whether or not to grant scheduled monument consent on an application, the Welsh Ministers—
- (a) must, in every case, consider any representations made by any person with respect to that application; and
 - (b) must also, if an inquiry or hearing has been held or representations have been made in accordance with sub-paragraph (3), consider the report of the person who held the inquiry or hearing or to whom the representations were made.
- (5) The Welsh Ministers must serve notice of their decision with respect to the application on the applicant and on every person who has made representations with respect to the application.”