



# Historic Environment (Wales) Act 2023

2023 asc 3

## PART 2

### MONUMENTS OF SPECIAL HISTORIC INTEREST

#### CHAPTER 3

##### CONTROL OF WORKS AFFECTING SCHEDULED MONUMENTS

###### *Determining applications for scheduled monument consent*

#### **17 Procedure for determining applications and effect of grant of consent**

- (1) The Welsh Ministers may grant scheduled monument consent in respect of all or any part of the works to which an application relates.
- (2) Before determining whether to grant scheduled monument consent on an application, the Welsh Ministers may do one or more of the following—
  - (a) cause a local inquiry to be held,
  - (b) give the applicant, and any other person, an opportunity to appear before and be heard by a person appointed by the Welsh Ministers, or
  - (c) give the applicant, and any other person, an opportunity to make written representations to a person appointed by the Welsh Ministers.
- (3) Before determining whether to grant scheduled monument consent on an application, the Welsh Ministers must—
  - (a) in every case, consider any representations made by any person with respect to that application, and
  - (b) if an inquiry or hearing has been held or representations have been made in accordance with subsection (2)(c), consider the report of the person who held the inquiry or hearing or to whom the representations were made.

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*Status: This is the original version (as it was originally enacted).*

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- (4) 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.
- (5) Scheduled monument consent has effect for the benefit of the monument and of all persons for the time being interested in the monument; but this is subject to the terms of the consent.
- (6) Schedule 6 applies in relation to proceedings held under subsection (2).