

HISTORIC ENVIRONMENT (WALES) ACT 2016

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 4: Miscellaneous

Section 34 – List of historic place names

222. *Section 34* places a duty on the Welsh Ministers to compile and maintain a list of historic place names in Wales.

Section 35 – Historic environment records

223. *Section 35* places a duty on the Welsh Ministers to compile and keep up to date a historic environment record for each local authority area in Wales.
224. Historic environment records are critical sources of information for those making decisions about the sustainable management of the historic environment. That information is an important starting point for management processes, conservation, fieldwork and research, and public engagement and outreach relating to the historic environment. It forms the basis for archaeological and other heritage management advice provided to local planning authorities. Without such information, the essential advice that informs, for example, the assessment of the impact on the historic environment of development proposals, would be brought into question.
225. Subsection (2) sets out the range of information that must be provided in a historic environment record. Paragraphs (a) to (d) require details of those historic assets that are statutorily protected or registered under the 1979 or 1990 Acts to be included. Paragraphs (e), (f) and (g) require the inclusion of details of conflict sites, historic landscapes and world heritage sites.
226. Paragraph (h) requires the inclusion of details of every other area, site or place considered to be of local historic, archaeological or architectural interest by the local authority or the Welsh Ministers. These may include details of historic assets that local communities have identified as being of local significance.
227. Paragraph (i) requires the incorporation of information about the way in which the historic, archaeological or architectural development of an area has contributed to its present character. This information may be obtained from ongoing urban and rural characterisation programmes and processes such as conservation area appraisals. These area-based studies explain how the historic environment contributes to the distinctive local/regional character of an area and how this character can be conserved for the future.
228. Paragraph (k) requires historic environment records to provide a means of accessing details of every historic place name in a local planning authority's area that has been included in the list compiled and maintained by the Welsh Ministers under section 34.
229. Subsections (3) to (8) define the different terms used in subsection (2) to describe what a historic environment record must contain.

230. Subsections (9) and (10) enable the Welsh Ministers to amend, by regulations, the categories of information that must be contained in a historic environment record. The Welsh Ministers must consult local authorities and any other persons whom they consider appropriate before making the regulations.

Section 36 – Access to historic environment records

231. **Section 36** requires a historic environment record to be a publicly available resource, access to which should be available free of charge. The Welsh Ministers must also furnish professional advice and assistance to help users locate and interpret information provided in or accessed by means of a historic environment record.
232. Subsection (3) gives the Welsh Ministers the power to impose charges in order to recover the costs of providing certain services associated with historic environment records, for example, the production of reports based on analysis of historic environment record content. No profit will be made from such charges, which will be limited to the costs of providing the service.

Section 37 – Guidance

233. **Section 37** requires the Welsh Ministers to issue guidance to local authorities, National Park authorities and Natural Resources Wales on how they may contribute to the compilation and maintenance of the historic environment records and on the use of the historic environment records in the exercise of their functions. Prior to issuing the guidance, the Welsh Ministers must consult with the bodies and any other persons whom the Welsh Ministers consider appropriate. In addition, the Welsh Ministers must lay the guidance before the National Assembly for Wales.

Section 38 – Establishment of Panel and work programme

234. **Section 38** requires the Welsh Ministers to establish the Advisory Panel for the Welsh Historic Environment (“the Panel”). The purpose of the Panel is to provide expertise and a diversity of perspectives on a broad range of policy and strategy developments and activities relating to the wider historic environment. These activities may include: the gathering, recording and interpretation of information such as research, survey activities and excavation; the conservation of the historic environment, including identifying assets of national significance and applying the appropriate legislative protection; and public engagement with the historic environment, including active participation and access to historic assets and information.
235. The Panel may also provide expert advice on the effectiveness and operation of the current statutory protection and management framework for the historic environment of Wales, including periodic advice on potential future improvements in primary and secondary legislation.
236. The Panel will be required to prepare a three-year work programme and submit a draft to the Welsh Ministers for approval. The Welsh Ministers may approve the work programme with or without modifications. The Panel must publish the approved work programme.
237. The work programme may be reviewed and amended during the three-year period to respond to new issues as they arise. If the amendments are significant, they will need to be agreed by the Welsh Ministers. The work programme as amended must be published.
238. The Panel must, at the end of each financial year, publish a document setting out the matters on which it has provided the Welsh Ministers with advice.

Section 39 – Constitution etc

239. **Section 39** makes provision about the membership of the Panel and about its legal status.