

HISTORIC ENVIRONMENT (WALES) ACT 2016

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 2: Ancient Monuments Etc

Section 18 – Register of historic parks and gardens

116. **Section 18(1)** inserts a new section 41A into Part 3 of the 1979 Act, which places a duty on the Welsh Ministers to compile and maintain a register of historic parks and gardens of special historic interest. This register supersedes the non-statutory register of parks and gardens which was previously compiled by the Welsh Government.

41A Register of historic parks and gardens in Wales

117. The definition of historic parks and gardens is included in section 41A(1) and (2). It includes parks, gardens, designed ornamental landscapes, places of recreation and other designed grounds, which could include, for example, cemeteries. In identifying parks and gardens of special historic interest, the Welsh Ministers are required by subsection (2) to decide whether to include land adjacent or contiguous to the grounds being registered, or any building or water on or adjacent or contiguous to those grounds. This will allow the exercise of professional judgement in the definition of the most logical boundary line. For example, a grand splayed entrance to a driveway, which is outside the walls of an estate but clearly part of the design, could be included in a register entry. Alternatively, a modern greenhouse or stable block could be excluded from an entry.
118. Section 41A(3) and (4) provides the Welsh Ministers with the power to add, remove or amend entries to the register, but when doing so they must inform the owner, the occupier and the relevant local authority or National Park authority. Section 56 of the 1979 Act (service of documents) applies to any notification under subsection (4).
119. Section 41A(6) requires the Welsh Ministers to publish the up-to-date register. The register will be supported by a publicly accessible, map-based, online record on which all nationally designated and registered historic assets will be depicted.
120. **Section 18(2)** amends section 50 of the 1979 Act (application to Crown land) to allow parks and gardens of special historic interest on Crown land to be included on the register of historic parks and gardens in Wales.