

# HISTORIC ENVIRONMENT (WALES) ACT 2023

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## EXPLANATORY NOTES

### COMMENTARY ON SECTIONS

#### **Part 6 — Other heritage assets and records**

##### *Section 194 — Duty to maintain historic environment records*

692. [Section 194](#) requires the Welsh Ministers to maintain a historic environment record for each local authority area in Wales. The Welsh archaeological trusts curate the historic environment records on behalf of the Welsh Ministers.
693. The historic environment records have been created as a result of decades of research and investigation and provide detailed information about the historic environment of a given area. Historic environment records are critical sources of information for those making decisions about the sustainable management of the historic environment. That information is important for management processes, conservation, fieldwork and research, as well as 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 of development proposals on the historic environment, could be brought into question.
694. Subsection (2) sets out the wide range of information that must be provided in a historic environment record, with paragraphs (a) to (g) detailing various formally designated or recognised historic assets or sites that must be included. Paragraph (h) requires the inclusion of details of every other area or site considered to be of local historic, archaeological or architectural interest by the local authority or the Welsh Ministers. Records under paragraph (h) might relate to unscheduled archaeological sites, unlisted historic buildings or structures, historic parks and gardens, battlefields or landscapes that do not appear on the relevant registers or inventories, or locations with important palaeo-environmental evidence. Such records might also include locations that do not have any visible physical evidence, but might be associated with a historical, cartographic or documentary reference, or the discovery of an archaeological artefact.
695. Paragraph (i) requires the incorporation in a historic environment record 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.
696. Subsection (8) establishes that if a local authority's area includes a section of coastline, the authority's area will include any part of the sea that lies seaward from that part of the shore and forms part of Wales. Under the definition in the [Legislation \(Wales\) Act 2019 \(anaw 4\)](#), Wales includes the sea adjacent to Wales within the seaward limit of the territorial sea, that is 12 nautical miles (under the [Territorial Sea Act 1987 \(c. 49\)](#)). If a relevant record from the marine historic environment within the 12 nautical mile

*These notes refer to the Historic Environment (Wales) Act  
2023 (c.3) which received Royal Assent on 14 June 2023*

limit is captured by one of the categories in subsection (2), it should be included in the historic environment record. For instance, there are many historic shipwrecks in Welsh waters that could be included.