

HISTORIC ENVIRONMENT (WALES) ACT 2023

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 6 — Other heritage assets and records

685. This Part makes provision about historic parks and gardens (section 192), historic place names (section 193) and historic environment records in Wales (sections 194 to 196).

Section 192 — Duty to maintain and publish register of historic parks and gardens

686. [Section 192](#) places a duty on the Welsh Ministers to maintain a register of parks and gardens in Wales that they consider to be of special historic interest. Subsection (1) also requires the Welsh Ministers to publish the up-to-date register. The register of historic parks and gardens is published on Cof Cymru.

687. There are, at the time of writing these notes, around 400 registered historic parks and gardens in Wales. All registered historic parks and gardens are of special historic interest and are graded using a system similar to that used for listed buildings (I, II* and II). Subsection (6) explains that references in this section to parks and gardens include places of recreation and other designed grounds, including designed ornamental landscapes. Historic parks and gardens can include a wide range of places — rural parks around country houses, deer parks, town gardens, hospital grounds, cemeteries and public parks, for example. They date from the medieval period to the very recent past. Whilst inclusion in the register does not introduce any specific consent regimes, registered historic parks and gardens, and their settings, may be protected through the planning system.

688. In identifying parks and gardens of special historic interest, the Welsh Ministers are required by subsection (2) to decide whether to include land adjoining or adjacent to the grounds being registered, or any building or water on or adjoining or adjacent to those grounds. This will allow the exercise of professional judgement in determining 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.

689. The Welsh Ministers have published guidance, which is kept under review, to support the management of registered parks and gardens. The guidance at the time of writing these notes, *Managing Change to Registered Historic Parks and Gardens in Wales* (2017), sets out the general principles to follow when considering changes that may have an impact on registered historic parks and gardens. It is principally aimed at owners and their agents to help them to understand the implications of owning a registered park or garden and managing changes that affect it.

Section 193 — Duty to maintain and publish list of historic place names

690. [Section 193](#) places a duty on the Welsh Ministers to maintain a list of historic place names in Wales. Historic place names provide valuable evidence for the linguistic,

social and historical changes that have shaped Wales. They are important elements of the urban and rural landscape and contribute to local and regional identity. The List of Historic Place Names of Wales is managed on behalf of the Welsh Ministers by the Royal Commission. It is freely available on the Royal Commission's website and through the Welsh historic environment records. In April 2023, the List contained nearly 700,000 historic names from geo-referenced sources earlier than 1914, including variant names and spellings for the same structure or place at different times. It will continue to grow as further place names are collected from a variety of historical sources.

691. The statutory guidance for historic environment records — *Historic Environment Records in Wales: Compilation and Use* (2017) — published in accordance with section 196 and kept under review, includes an annex providing guidance for local authorities on the use of the List of Historic Place Names, which can be accessed through the historic environment 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 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.

Section 195 — Access to historic environment records

697. **Section 195** requires a historic environment record to be a publicly available resource. Every historic environment record is freely available online through Archwilio and is supported by associated reference material, which may be digital or paper, and is publicly available at the offices of the Welsh archaeological trusts. This material can include aerial photographs, copies of early maps and antiquarian reports, characterisation studies, unpublished reports (“grey literature”), and other published and documentary sources. Historic environment records are dynamic and constantly evolving resources which require continuous maintenance and enhancement as new information about the historic environment comes to light. Professional advice and assistance must also be offered to help users locate and interpret information provided in or accessed by means of a historic environment record.
698. Subsection (2) requires the Welsh Ministers on request to provide a person with a copy of part of a historic environment record if the request is deemed reasonable. Subsection (3) requires the Welsh Ministers to compile a document with the requested information retrieved from the historic environment record. The compilation of this document may require interpretation of the data within the record, some form of analysis or additional research.
699. Subsection (5) gives the Welsh Ministers the power to impose charges 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 196 — Guidance to certain public bodies about historic environment records

700. **Section 196** 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. The guidance at the time of writing these notes, *Historic Environment Records in Wales: Compilation and Use* (2017), is available on the [website of Cadw](#).
701. Local authorities, National Park authorities and Natural Resources Wales must have regard to this guidance. These public bodies have important roles in the management and conservation of the historic environment and in the way it is promoted, accessed and appreciated by the public. Their success depend on access to good-quality, authoritative information about the historic environment, such as that provided by the historic environment records.