

Revamping the Register: A Critical Commentary

Michael Norman

Historic parks and gardens are latecomers to the feast of heritage legislation and protection. Until the 1960s, landscape parks were seen as picturesque, often over-mature, backdrops to country houses, while public parks were tarred with the same brush as Victorian architecture – blowsy, vulgar, commonplace.

Lambert & Lovie 2006.

Background

Responding to the relatively recent surge of interest in our historic parks, gardens and designed landscapes there has been a corresponding plethora of legislation, policies and advice on how to categorise, record and protect them. All have in common successive ICOMOS charters, notably that of Florence (ICOMOS 1982), as well as the pioneering work of the Garden History Society and associates, including the Welsh Historic Gardens Trust (WHGT). The now National Lottery Heritage Fund has also played a pivotal if initially unintended role.

In the words of that Charter

‘The historic garden is an architectural composition whose constituents are primarily vegetal and therefore living, which means that they are perishable and renewable.’ ‘Thus its appearance reflects the perpetual balance between the cycle of the seasons, the growth and decay of nature and the desire of the artist and craftsman to keep it permanently unchanged’. (Article 2).

However after emphasising the need for prior research and accredited recording (Article 15), it adds unequivocally

‘It is the task of the responsible authorities to adopt, on the advice of qualified experts, the appropriate legal and administrative measures for the identification, listing and protection of historic gardens. The preservation of such gardens must be provided for within the framework

of land-use plans and such provision must be duly mentioned in documents relating to regional and local planning' (Article 23).

But easier said than done: describing a building in a way that lends itself to definition in law and planning practice is relatively straight-forward, but rarely so with a park or garden, as the Charter acknowledges. Lambert & Lovie (2006) add that despite poor-quality maintenance of landscapes that can cause significant harm, just as it can with buildings, it is probably impossible to legislate for. In any case landscapes can survive poor maintenance in the form of benign neglect better than buildings. On the other hand harm to historic landscapes is often caused by ill-informed or deliberate actions. A further complicating factor is that statutory wildlife protection may take precedence.

Whatever the adopted system – and attempts have been made to devise a better one (e.g. Pendlebury 1996) - to define and enforce a degree of preservation acceptable to landowners, the public and within budgetary constraints, necessitates a substantial degree of diplomacy; hence what might be described today as a strategy of nudging.

But given their common roots there has been a surprising lack of unanimity of approach within the UK and this essay is a project manager's view of the practice in Wales consequent on the Historic Environment Act 2016 (The Act); not dissimilar to that in England, but markedly different to that in Scotland and Northern Ireland. Notably Wales and England concentrate on 'special historic interest' in their evaluation criteria; i.e. official heritage, whereas Scotland and Northern Ireland specify wider cultural heritage values.

Wales

This need for nudging explains the almost diffident tone of the introduction to the Cadw/ICOMOS *Register of Landscapes, Parks and Gardens of Special Historic Interest in Wales: Part 1* (Cadw / ICOMOS 2002). It is simply 'advisory' and intended, 'to provide information to help in the making of informed decisions to aid protection and conservation'. Like the English version it emphasises that it entails no additional planning controls, although being a material consideration in the planning process, this disclaimer is arguable; see below. Following this

line of approach *Planning Policy Wales* (Cadw 2018a) states that, 'The Welsh Government seeks to, "preserve the special interest of sites on the register'.

The criteria for registration have evolved somewhat since the Register's launch in 1999 but the current print volumes state that, 'Gardens, parks, designed grounds, designed ornamental landscapes and places of recreation are of historic interest when they:

- Illustrate some particular aspect of the history of gardens, parks, designed grounds, designed ornamental landscapes and places of recreation, or of the history of gardening ornamental landscaping or horticulture.
- Have significant historic associations, and
- Have a group value with buildings or other land and the group is of historic interest' (e.g. Cadw 2000).

Introductions to the volumes (p. ix) also note that, 'Registration is not intended to prevent change but, instead, to highlight the significance of a registered historic park or garden so that it can be taken into account during plan making and development decisions.' (also Cadw, 2017). Amending the current Register the Act helpfully extends its scope to include land or water, adjacent or contiguous to the site. The *Setting of Historic Assets in Wales*, (Cadw 2017a) defines the concept and its contribution to the significance of historic assets.

The complementary *Technical Advice Note 24* (Welsh Government 2018b) says that Cadw must be consulted on planning applications likely to affect a registered site or its setting, which *should* be a material consideration in their determination. Local Planning Authorities (LPAs) *may* also consult the [WHGT]" (emphasis added). It goes on, "It is for the applicant to show that they understand the significance of the [site] and the impact that the proposal is likely to have on it. It is for the [LPA] to consider if the impact is likely to be unacceptably damaging.'

Meanwhile *Conservation Principles and Managing Change to Registered Historic Parks and Gardens in Wales* (Cadw 2011 and 2017b respectively) both usefully amplify PPW and TAN 24, the latter setting out general principles to follow when considering changes that may have an impact on registered sites, including the roles and responsibilities of owners and authorities.

Again following England's lead sites are graded I, II* and II so replicating the system used for buildings. However there must inevitably be a degree of arbitrariness in deciding which category in the light of the necessarily limited resources devoted to the under-pinning research and analysis; and changes to the site thereafter. Further, since scheduled monuments, historic landscapes and SSSIs are not graded, the case for its continuance is questionable, especially since neither Scotland nor Northern Ireland do so.

The Act calls for a single point of access for all such nationally designated assets, but this on-line facility, *Cof Cymru* (Cadw 2019), has yet to include the Register, pending an uncompleted consultative process (February 2020). At the same time the Act puts the Register on a statutory basis, thereby strengthening somewhat the protection of registered sites through the planning process; and it makes mandatory inclusion in the Register that hitherto had been voluntary (Penrice Castle on Gower notably), as well as eligibility as a charge on the Land Registry.

Cadw retains responsibility for maintaining data for nationally designated sites, including the Register, but the Royal Commission for Ancient and Historic Monuments Wales (RCAHMW) also maintains the National Monuments Records with its on-line database *Coflein* (RCAHMW) as the primary archive for the Welsh historic environment. Meanwhile, seemingly working independently of Cadw and with the help of the WHGT, *Coflein* had included some 2,500 entries by 2008.

Complementing these national records the now-statutory regional Historic Environment Records (HER) (Cadw 2017c) are maintained by the four archaeological trusts. Also accessible through *Cof Cymru*, HERs underpin the heritage management and development control procedures of their local planning authorities (LPA).

Even so, when the digitised, revised Register is available on *Cof Cymru*, it seems inevitable that there will be duplications and gaps in site material, given that its research was compiled 20 – 30 years ago and that much more is now available. Although Cadw emphasises that the Register is not a closed list and there will be a need to review content and gradings in future (Cadw, 2007), nevertheless it will always be necessary also to consult national and local resources, pertinent

literature and where they are accessible, estate and family records. Even then gaps are inevitable. Again, sites under active management may have conservation management plans (CMPs), supported by archaeological surveys and the like, many of them paid from public funds, including NHLF. Some of this documentation may be privileged in that it deals with governance and financial management, but there is a case by default for publicly-funded material to be freely accessible. As will be evident when considering the Scottish and Northern Irish equivalents, documentation relating to the natural environment and community engagement would also be eligible for inclusion.

Meanwhile the Register (again February 2020) is still in book form and even with a supplementary volume issued in 2007, it still fails to include for public access all designated sites; Parc Llewelyn in Swansea is an example. Further, until the revision is complete and published it will be impossible to determine whether, given the surge of research in recent decades, the site descriptions, lists of sources and the accompanying dossiers – now being transferred to RCAHMS – are fully comprehensive; and will be kept so.

Scotland

The origins of the Scottish *Inventory of Gardens and Designed Landscapes* (Historic Scotland, 2019 and Christopher Dingwall *pers com*) are traceable in part to the same roots as the English and Welsh registers, but the criteria for selection are wider, they being:

- 'Artistic interest
- Historical (sic) interest
- Horticultural interest
- Architectural interest
- Archaeological interest (added later)
- Scenic interest
- Nature conservation interest'.

The addition of 'Recreational value' is under consideration.

Significantly, there is no equivalent of the grading assessments used in England and Wales. Instead a site is either in the Inventory or not, whereby the seven

criteria are judged on a five-point scale – ‘Outstanding > High > Some > Little > None’. Historic Scotland also considers ‘Integrity’ (i.e. coherence or completeness) and ‘Condition’, though they are scored differently.

Soon after publication in 1982 it was apparent that sites had been omitted, but the consequent resurvey was so slow and cumbersome that it was decided to digitise the Inventory. With the transfer to *PastMap*, the interactive online map (Historic Scotland, 2019), it became possible to add a new site as soon as the survey and report had been completed; and/or to remove sites no longer considered to be of interest, or which had become degraded.

The Inventory has a somewhat different legal status from the English and Welsh registers but Historic Scotland’s views on planning applications are material considerations in determining them.

Northern Ireland

Here, and following a similar course, *The Register of Parks, Gardens and Demesnes of Special Historic Interest* was established in the late 1990s (Department for Communities, 2019a), but the procedure differs in that it identifies sites considered to be of ‘exceptional importance’, based upon the following criteria

- ‘Integrity of design
- Historic interest and importance
- Horticultural/arboricultural interest and importance
- Nature conservation/scientific interest
- Aesthetic and scenic quality and importance
- Contribution to local landscape character
- Surviving condition
- High recreational or educational potential’.

Uniquely sites not fully meeting all those criteria are eligible to be appended to the Register as designated 'Supplementary' sites. Otherwise, as is the case in Scotland, sites either do, or do not qualify for inclusion. All sites are available on line at the *Historic Environment Map Viewer* (Department for Communities, 2019b).

The Northern Ireland Environment Agency (NIEA) maintains the Register and the Northern Ireland Heritage Gardens Trust (NIHGT, 2015) has archived some 700 site records.

Inclusion in both Main and Supplementary Registers affords these sites protection in that they, as well as their settings, are material to the determination of planning applications such that development will not normally be permitted that, 'would lead to the loss of, or cause harm to, the character, principal components or setting of parks, gardens and demesnes of special historic interest'. And where permission is granted, and again uniquely, reflecting Articles 15 and 23 of the Florence Charter, developers will normally be required to record the affected landscape heritage in compliance with a brief by the NIEA. In assessing proposals for development in or adjacent to registered site, particular attention is paid to the impact of the proposal on:

- 'The archaeological, historical or botanical interest of the site.
- The site's original design concept, overall quality and setting.
- Trees and woodland and the site's contribution to local landscape character.
- Any buildings or features of character within the site including boundary walls, pathways, garden terraces or water features.
- Planned historic views of or from the site or buildings within it'.

Commentary

This paper has sought to summarise the origins and development of the recognition through statute of the need to identify notable parks, gardens and designed landscapes to assist in their protection and conservation. Wales and England followed similar paths, whereas Scotland and Northern Ireland took a wider and more inclusive approach, consistent with the Florence Charter.

Happily - if coincidentally – this also echoes succeeding Directions for the NLHF that, responding to evolving public opinion, has been the principal means of rescuing so many sites at risk, acting de facto as a powerful arbiter of what is, or not, important to our national heritage (Department for Digital, Culture, Media and Sport, 2018).

In Scotland and Northern Ireland their sites either do or do not qualify for inclusion, whereas Wales and England mirror the gradings used for buildings. There may be some merit in having a system that identifies sites of international (say, Grade I) rather than national importance (II* and II), but the fact that scheduled monuments (or historic landscapes, SSSIs etc.) are not given such arbitrary valuations, makes the 'in / out' approach a pragmatically more attractive solution.

The research and archiving of material related to Welsh historic parks and gardens is still uncoordinated. As noted already the RCAHMW took an early lead in collating and archiving material and is now archiving existing Register dossiers. It is therefore proposed that responsibility for this function should be delegated fully to the Royal Commission and accessible through *Coflein*, leaving Cadw to manage an abbreviated on-line Register as part of *Cof Cymru*, thus following the example of the other nations that simply summarise the reasons for designation.

The re-emerging Parks and Gardens UK (Parks and Garden Database, 2019) might then usefully complement the RCAHMW's task by concentrating on archiving and making available material produced by projects, as it has already started to do with CMPs, as well as publications by county trusts and academia.

It has been long argued (e.g. Whittle, 1997) that the value of local heritage assets has received inadequate recognition in this context, despite official guidance (e.g. Cadw, 2017d). As always budgetary pressures will be an over-riding factor, but the Welsh system of regional archaeological trusts could be turned to further advantage by making them responsible for overseeing the compilation of local lists for the HER. This would have the added advantage that such sites would also qualify as material considerations in the planning processes, thereby adding to their protection. The voluntary sector, including the

WHGT with its unfinished county gazetteers and notable publications (David, 2016; Palmer et al, 2004; Welsh Historic Gardens Trust, 2017) could therefore contribute more in this regard, possibly advised by the NIHGT. The local list for Lancashire is already a useful model (Barker et al 2013).

In summary the Act has strengthened the Welsh Register's functionality but, in the light of the practices of Scotland and Northern Ireland, and informed by NLHF, there is a demonstrable case for a more unified, comprehensive approach. This could entail:

- Amending the criteria for selecting sites for the Register, to reflect more accurately the principles of the Florence Charter and evolving public perceptions of the historic environment.
- Discontinuing the grading of sites, thereby facilitating reviews of status in the light of subsequent research, developments or changes in condition.
- Extending and rationalising the methodology for research, archiving and accessibility, with the RCAHMW taking the lead in partnership with the archaeological trusts, the WHGT and Parks and Gardens UK.
- Overseen by the archaeological trusts, including verified sites of local interest in the HERs as material considerations in the planning system.
- Considering a sector approach for NLHF support for this further revamping.

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