

# HYSBYSIAD YNGHYLCH GWELLIANNAU NOTICE OF AMENDMENTS

Cyflwynwyd ar 14 Ionawr 2016  
Tabled on 14 January 2016

## Bil yr Amgylchedd Hanesyddol (Cymru) Historic Environment (Wales) Bill

WITHDRAWN/TYNNWYD YN ÔL

**\*Peter Black [R]**

**1**

Section 2, page 2, line 35, after 'gardens', insert –  
, and

- (b) local authorities to compile, publish and maintain registers of grounds of special local interest'.

Adran 2, tudalen 2, llinell 35, ar ôl 'hanesyddol', mewnosoder –  
, a

- (b) awdurdodau lleol i lunio, cyhoeddi a chynnal cofrestrau o diroedd o ddiddordeb lleol arbennig'.

WITHDRAWN/TYNNWYD YN ÔL

**Peter Black [R]**

**2**

Section 11, page 12, after line 40, insert –

- '( ) Regulations made under subsection 3(a) must make provision for the Welsh Ministers to consult the following persons before entering into or varying a heritage partnership agreement –
  - (a) the owner of the scheduled monument,
  - (b) the owner of any associated land, and
  - (c) the persons mentioned in section 9ZA(2)(a) to (f).'

Adran 11, tudalen 12, ar ôl llinell 40, mewnosoder –

- '( ) Regulations made under subsection 3(a) must make provision for the Welsh Ministers to consult the following persons before entering into or varying a heritage partnership agreement –



- (a) the owner of the scheduled monument,
- (b) the owner of any associated land, and
- (c) the persons mentioned in section 9ZA(2)(a) to (f).'

**WITHDRAWN/TYNNWYD YN ÔL**

**Peter Black [R]**

**3**

Section 11, page 12, after line 40, insert—

- '(c) specifying terms that must be included in a heritage partnership agreement;
  - (d) enabling the Welsh Ministers to terminate by order a heritage partnership agreement or any provision of such an agreement.
- (4) Regulations made under subsection (3)(d) may make provision enabling orders under that subsection to contain supplementary, incidental, transitory, transitional or saving provision.'

Adran 11, tudalen 12, ar ôl llinell 40, mewnosoder—

- '(c) specifying terms that must be included in a heritage partnership agreement;
  - (d) enabling the Welsh Ministers to terminate by order a heritage partnership agreement or any provision of such an agreement.
- (4) Regulations made under subsection (3)(d) may make provision enabling orders under that subsection to contain supplementary, incidental, transitory, transitional or saving provision.'

**Peter Black [R]**

**4**

Section 11, page 13, leave out lines 2 to 9.

Adran 11, tudalen 13, hepgorer llinellau 2 hyd at 9.

**Peter Black [R]**

**5**

Section 18, page 23, after line 23, insert—

*“Register of grounds of special local interest in Wales*

**41B Register of grounds of special local interest in Wales**

- (1) This section does not apply to historic parks and gardens to which section 41A applies.
- (2) A local authority must compile, maintain and publish a register (the “local register”), of the following grounds in its area which appear to that local authority to be of special local interest—



- (a) parks;
  - (b) gardens;
  - (c) ornamental landscapes;
  - (d) places of recreation;
  - (e) other grounds as may be determined by the authority.
- (3) Grounds of special local interest are grounds having cultural or social significance in the area, or part of the area, of the local planning authority.
  - (4) A local authority must publish its criteria for the inclusion of grounds in the local register.
  - (5) Criteria published under subsection (4) must include information about how members of the public can apply to have grounds listed in the local register.
  - (6) A local register is a material consideration for the purposes of the Town and Country Planning Act 1990.
  - (7) The Welsh Ministers must issue guidance on the factors to be considered by a local authority in determining the criteria for the inclusion of grounds in the local register.
  - (8) In this section “local authority” means a county or county borough council in Wales.”.

Adran 18, tudalen 23, ar ôl llinell 23, mewnosoder—

*“Register of grounds of special local interest in Wales*

#### **41B Register of grounds of special local interest in Wales**

- (1) This section does not apply to historic parks and gardens to which section 41A applies.
- (2) A local authority must compile, maintain and publish a register (the “local register”), of the following grounds in its area which appear to that local authority to be of special local interest—
  - (a) parks;
  - (b) gardens;
  - (c) ornamental landscapes;
  - (d) places of recreation;
  - (e) other grounds as may be determined by the authority.
- (3) Grounds of special local interest are grounds having cultural or social significance in the area, or part of the area, of the local planning authority.
- (4) A local authority must publish its criteria for the inclusion of grounds in the local register.



- (5) Criteria published under subsection (4) must include information about how members of the public can apply to have grounds listed in the local register.
- (6) A local register is a material consideration for the purposes of the Town and Country Planning Act 1990.
- (7) The Welsh Ministers must issue guidance on the factors to be considered by a local authority in determining the criteria for the inclusion of grounds in the local register.
- (8) In this section “local authority” means a county or county borough council in Wales.”.

**Peter Black [R]**

6

Section 23, page 26, line 6, after ‘historic’, insert ‘or special local’.

Adran 23, tudalen 26, llinell 6, ar ôl ‘arbennig’, mewnosoder ‘neu o ddiddordeb lleol arbennig’.

**WITHDRAWN/TYNNWYD YN ÔL**

**Peter Black [R]**

7

Section 23, page 26, after line 30, insert –

- ‘(k) to require a local authority to compile, maintain and publish a register of buildings of special local interest (section [section to be inserted by amendment 8: Buildings of special local interest]).’.

Adran 23, tudalen 26, ar ôl llinell 31, mewnosoder –

- ‘(k) i’w gwneud yn ofynnol i awdurdodau lleol lunio, cynnal a chyhoeddi cofrestr o adeiladau o ddiddordeb lleol arbennig (adran [adran i’w mewnosod gan welliant 8: Adeiladau o ddiddordeb lleol arbennig]).’.

**Peter Black [R]**

8

Page 35, after line 10, insert a new section –

**[ ] Buildings of special local interest**

- (1) This section does not apply to buildings to which section 1 of the Planning (Listed Buildings and Conservation Areas) Act 1990 applies.
- (2) A local authority must compile, maintain and publish a register (the “local register”) of buildings of special local interest, together with any modification or revision thereof.
- (3) A building of special local interest is a building of cultural or social significance in the area, or part of the area, of the local planning authority.
- (4) A local authority must publish its criteria for the inclusion of a building in the local register.



- (5) Criteria published under subsection (4) must include information about how members of the public can apply for the inclusion of a building in the local register.
- (6) The Welsh Ministers may issue guidance on the factors to be considered by a local authority in determining the criteria for the inclusion of a building in the local register.
- (7) A local register is a material consideration for the purposes of the Town and Country Planning Act 1990.
- (8) In this section “local authority” means a county or county borough council in Wales.’.

Tudalen 35, ar ôl llinell 10, mewnosoder adran newydd –

**[ ] Adeiladau o ddiddordeb lleol arbennig**

- (1) Nid yw'r adran hon yn gymwys i adeiladau y mae adran 1 o Ddeddf Cynllunio (Adeiladau Rhestredig ac Ardaloedd Cadwraeth) 1990 yn gymwys iddynt.
- (2) Rhaid i awdurdod lleol lunio, cynnal a chyhoeddi cofrestr (y “gofrestr leol”) o adeiladau o ddiddordeb lleol arbennig, ynghyd ag unrhyw addasiadau neu ddiwygiadau iddynt.
- (3) Mae adeilad o ddiddordeb lleol arbennig yn adeilad o arwyddocâd diwylliannol neu gymdeithasol yn ardal, neu ran o ardal, yr awdurdod cynllunio lleol.
- (4) Rhaid i awdurdod lleol gyhoeddi ei feini prawf ar gyfer cynnwys adeilad yn y gofrestr leol.
- (5) Rhaid i feini prawf a gyhoeddir o dan is-adran (4) gynnwys gwybodaeth am sut y gall aelodau o'r cyhoedd wneud cais i gynnwys adeilad yn y gofrestr leol.
- (6) Caiff Gweinidogion Cymru ddyroddi canllawiau ar y ffactorau i'w hystyried gan awdurdod lleol wrth bennu'r meini prawf ar gyfer cynnwys adeilad yn y gofrestr leol.
- (7) Mae cofrestr leol yn ystyriaeth berthnasol at ddibenion Deddf Cynllunio Gwlad a Thref 1990.
- (8) Yn yr adran hon, ystyr “awdurdod lleol” yw cyngor sir neu gyngor bwrdeistref sirol yng Nghymru.’.

**Peter Black [R]**

9

Page 35, after line 10, insert a new section –

**[ ] Grants etc for repair and maintenance**

- (1) A local authority may contribute towards the expenses incurred or to be incurred in the repair or maintenance of a building in their area which is of special local interest.
- (2) At the time of making such a contribution the local authority may also contribute towards the expenses incurred, or to be incurred, in the upkeep of any garden occupied with the building and contiguous or adjacent to it.
- (3) A contribution under this section may be made by grant or loan.
- (4) A contribution by way of loan may be made upon such terms and conditions as the local authority may determine including (but without prejudice to the foregoing) a term that the loan shall be free of interest.



- (5) A local authority –
  - (a) may renounce their right to repayment of such a loan or any interest for the time being outstanding, and
  - (b) by agreement with the borrower otherwise vary any of the terms and conditions on which such a loan is made.
- (6) A local authority may require as a condition of the making by them of a contribution under this section by way of grant towards the expenses of the repair or maintenance or upkeep of any property that the person to whom the grant is made shall enter into an agreement with them for the purpose of enabling the public to have access to the property or part of it during such period and at such times as the agreement may provide.
- (7) In this section “local authority” means a county or county borough council in Wales.’.

Tudalen 35, ar ôl llinell 10, mewnosoder adran newydd –

**[ ] Grantiau etc ar gyfer atgyweirio a chynnal a chadw**

- (1) Caiff awdurdod lleol gyfrannu at y treuliau yr aed iddynt neu yr eir iddynt wrth atgyweirio neu gynnal a chadw adeilad yn ei ardal sydd o ddiddordeb lleol arbennig.
- (2) Ar yr adeg y gwneir cyfraniad o’r fath, caiff yr awdurdod lleol hefyd gyfrannu at y treuliau yr aed iddynt, neu yr eir iddynt, wrth gynnal unrhyw ardd a feddiannir gyda’r adeilad ac sy’n gyffiniol neu’n gyfagos iddo.
- (3) Caniateir i gyfraniad o dan yr adran hon gael ei wneud drwy grant neu fenthyciad.
- (4) Caniateir i gyfraniad gael ei wneud ar ffurf benthyciad o dan y fath delerau ac amodau ag y caiff yr awdurdod lleol eu pennu gan gynnwys (heb ragfarnu’r uchod) deler y bydd y benthyciad yn ddi-log.
- (5) Caiff awdurdod lleol –
  - (a) ildio’i hawl i ad-daliad o fenthyciad o’r fath neu unrhyw log sydd am y tro heb ei ad-dalu, a
  - (b) drwy gytundeb â’r benthyciwr fel arall, amrywio unrhyw rai o’r telerau ac amodau a oedd ynghlwm â benthyciad o’r fath.
- (6) Fel amod o wneud cyfraniad ar ffurf grant o dan yr adran hon at dreuliau atgyweirio neu gynnal a chadw neu gynnal unrhyw eiddo, caiff awdurdod lleol ei gwneud yn ofynnol bod y person y rhoddir y grant iddo yn ymrwymo i gytundeb â’r awdurdod lleol at ddiben galluogi’r cyhoedd i gael mynediad i’r eiddo neu ran ohono yn ystod y fath gyfnod a’r fath amseroedd a ddarperir yn y cytundeb.
- (7) Yn yr adran hon, ystyr “awdurdod lleol” yw cyngor sir neu gyngor bwrdeistref sirol yng Nghymru.’.

WITHDRAWN/TYNNWYD YN ÔL

Peter Black [R]

10

Section 28, page 37, after line 33, insert –



- (c) specifying terms that must be included in a heritage partnership agreement;
  - (d) enabling the Welsh Ministers to terminate by order a heritage partnership agreement or any provision of such an agreement;
  - (e) enabling any local planning authority who is a party to a heritage partnership agreement to terminate the agreement, or any provision of the agreement, by order.
- ( ) Regulations under subsection (3)(d) or (e) may make provision enabling such orders to contain supplementary, incidental, transitory, transitional or saving provision.’

Adran 28, tudalen 37, ar ôl llinell 33, mewnosoder –

- (c) specifying terms that must be included in a heritage partnership agreement;
  - (d) enabling the Welsh Ministers to terminate by order a heritage partnership agreement or any provision of such an agreement;
  - (e) enabling any local planning authority who is a party to a heritage partnership agreement to terminate the agreement, or any provision of the agreement, by order.
- ( ) Regulations under subsection (3)(d) or (e) may make provision enabling such orders to contain supplementary, incidental, transitory, transitional or saving provision.’

**Peter Black [R]**

**11**

Section 28, page 37, line 35, leave out –

- (a) specifying terms that must be included in a heritage partnership agreement;
- (b) enabling the Welsh Ministers to terminate by order a heritage partnership agreement or any provision of such an agreement;
- (c) enabling any local planning authority who is a party to a heritage partnership agreement to terminate the agreement, or any provision of the agreement, by order;
- (d) about the provision that may be included in an order made under regulations under paragraph (b) or (c), including provision enabling such orders to contain supplementary, incidental, transitory, transitional or saving provision;’

Adran 28, tudalen 37, llinell 35, hepgorer –

- (a) specifying terms that must be included in a heritage partnership agreement;
- (b) enabling the Welsh Ministers to terminate by order a heritage partnership agreement or any provision of such an agreement;
- (c) enabling any local planning authority who is a party to a heritage partnership agreement to terminate the agreement, or any provision of the agreement, by order;



- (d) about the provision that may be included in an order made under regulations under paragraph (b) or (c), including provision enabling such orders to contain supplementary, incidental, transitory, transitional or saving provision;’.

**Peter Black [R]**

**12**

Page 35, after line 10, insert a new section –

**‘[ ] Special interest orders**

- (1) Where a local authority in Wales is satisfied that it is expedient that development of a building registered in the local register is not carried out unless permission is granted for it on an application, the local authority may by order (a “special interest order”) restrict any development which is specified in the order.
- (2) A special interest order may relate to –
  - (a) development specified in the order;
  - (b) development of any class so specified.
- (3) A special interest order may relate to –
  - (a) all land in the area of the relevant authority;
  - (b) any part of that land;
  - (c) a site specified in the order.
- (4) A special interest order may make different provision for different descriptions of land.
- (5) A local planning authority may revoke a special interest order at any time.
- (6) The Welsh Ministers may issue guidance on the factors to be considered by a local authority in determining when it is expedient to issue a special interest order. ’.

Tudalen 35, ar ôl llinell 10, mewnosoder adran newydd –

**‘[ ] Gorchmynion diddordeb arbennig**

- (1) Pan fo awdurdod lleol wedi’i fodloni ei bod yn fuddiol peidio â datblygu adeilad sydd wedi’i gofrestru yn y gofrestr leol oni bai bod caniatâd yn cael ei roi ar gais, caiff awdurdod lleol drwy orchymyn (“gorchymyn diddordeb arbennig”) gyfyngu ar unrhyw ddatblygiad sydd wedi’i bennu yn y gorchymyn.
- (2) Caiff gorchymyn o ddiddordeb arbennig ymwneud ag –
  - (a) datblygiad a bennir yn y gorchymyn;
  - (b) datblygiad o unrhyw ddsbarth a bennir felly.
- (3) Caiff gorchymyn o ddiddordeb arbennig ymwneud ag –
  - (a) yr holl dir yn ardal yr awdurdod perthnasol;
  - (b) unrhyw ran o’r tir hwnnw;
  - (c) safle a bennir yn y gorchymyn.





- (4) Caiff gorchymyn o ddiddordeb arbennig wneud darpariaeth wahanol ar gyfer disgrifiadau gwahanol o dir.
- (5) Caiff awdurdod cynllunio lleol ddirymu gorchymyn o ddiddordeb arbennig ar unrhyw adeg.
- (6) Caiff Gweinidogion Cymru ddyroddi canllawiau ar y ffactorau i'w hystyried gan awdurdod lleol wrth benderfynu pryd y mae'n hwylus dyroddi gorchymyn diddordeb arbennig.'

WITHDRAWN/TYNNWYD YN ÔL

**Peter Black [R]**

13

Page 43, after line 41, insert a new section –

## 'PART [ ]

### UNOCCUPIED BUILDINGS

#### *Repair notices*

#### [ ] **Unoccupied buildings: repair notices**

- (1) Where a local authority is satisfied that an unoccupied building which is included for the time being in a list compiled under section 1 of the Planning (Listed Buildings and Conservation Areas) Act 1990 has been deliberately allowed to fall into disrepair for the purpose of justifying its demolition and the development or redevelopment of the site or any adjoining site, that local authority may serve on the owner of the building a notice (in this Part referred to as a "repair notice") requiring the owner to put the building into repair.
- (2) A notice under subsection (1) must specify-
  - (a) the works required to put the building into repair;
  - (b) the time by which the works should be executed.'

Tudalen 43, ar ôl llinell 41, mewnosoder adran newydd –

## 'RHAN [ ]

### ADEILADAU HEB EU MEDDIANNU

#### *Hysbysïadau atgywirio*

#### [ ] **Adeiladau heb eu meddiannu: hysbysïadau atgyweirio**



- (1) Pan fo awdurdod lleol wedi'i fodloni bod adeilad heb ei feddiannu, sydd wedi'i gynnwys am y tro mewn rhestr a luniwyd o dan adran 1 o Ddeddf Cynllunio (Adeiladau Rhestredig ac Ardaloedd Cadwraeth) 1990, wedi'i ganiatáu i fynd i gyflwr gwael yn fwriadol at ddiben cyfiawnhau iddo gael ei ddymchwel ac i ddatblygu neu ailddatblygu'r safle neu unrhyw safle cyfagos, caiff yr awdurdod lleol hwnnw roi hysbysiad i berchennog yr adeilad (yn y Rhan hon cyfeirir ato fel "hysbysiad atgyweirio") sy'n ei gwneud yn ofynnol i'r perchennog atgyweirio'r adeilad.
- (2) Rhaid i hysbysiad o dan is-adran (1) bennu –
  - (a) y gwaith sy'n ofynnol i atgyweirio'r adeilad;
  - (b) erbyn pryd y dylid gwneud y gwaith.'.

WITHDRAWN/TYNNWYD YN ÔL

**Peter Black [R]**

14

Page 43, after line 41, insert a new section –

*'Repair notice: offences*

**[ ] Repair notice: offences**

- (1) A person commits an offence if the person contravenes a repair notice –
  - (a) which has been served on that person, or
  - (b) a copy of which has been displayed on the unoccupied building to which the repair notice relates.
- (2) Contravention of a repair notice includes (but is not limited to) causing or permitting the contravention of the notice.
- (3) An offence under this section may be charged by reference to a day or a longer period of time.
- (4) A person may be convicted of more than one offence in relation to the same repair notice by reference to different days or periods of time.
- (5) But a person does not commit an offence under this section if the person shows –
  - (a) that the repair notice was not served on that person and that they did not know,
  - (b) that the person did not deliberately allow the unoccupied building to fall into disrepair, or
  - (c) that the person did not deliberately contravene a repair notice.
- (6) If a person charged with an offence under this section relies on the defence in subsection (5), and evidence is adduced which is sufficient to raise an issue with respect to that defence, the court must assume that the defence is satisfied unless the prosecution proves beyond reasonable doubt that it is not.
- (7) A person convicted of an offence under this section is liable on summary conviction, or on conviction on indictment, to a fine.



- (8) In determining the amount of the fine the court must have regard in particular to any financial benefit which has accrued or has appeared to accrue to the person convicted in consequence of the offence.’.

Tudalen 43, ar ôl llinell 41, mewnosoder adran newydd –

*‘Hysbysiad atgyweirio: troseddau*

**[ ] Hysbysiad atgyweirio: troseddau**

- (1) Mae person yn cyflawni trosedd os yw’r person yn torri hysbysiad atgyweirio –
- (a) sydd wedi ei gyflwyno i’r person hwnnw, neu
  - (b) y mae copi ohono wedi ei arddangos ar yr adeilad heb ei feddiannu y mae’r hysbysiad atgyweirio yn ymwneud ag ef.
- (2) Mae torri hysbysiad atgyweirio yn cynnwys (ond nid yw'n gyfyngedig i) achosi neu ganiatáu i’r hysbysiad gael ei dorri.
- (3) Caniateir dwyn cyhuddiad o drosedd o dan yr adran hon trwy gyfeirio at ddiwrnod neu gyfnod hwy o amser.
- (4) Caniateir collfarnu person o fwy nag un drosedd mewn perthynas â’r un hysbysiad atgyweirio trwy gyfeirio at wahanol ddiwrnodau neu at wahanol gyfnodau o amser.
- (5) Ond nid yw person yn cyflawni trosedd o dan yr adran hon os yw’r person yn dangos-
- (a) na chyflwynwyd yr hysbysiad atgyweirio i’r person hwnnw ac na wyddai, ac nad oedd disgwyliad rhesymol iddo wybod, am ei fodolaeth; neu
  - (b) nad oedd y person wedi gadael i’r adeilad heb ei feddiannu fynd i gyflwr gwael yn fwriadol; neu
  - (c) nad oedd y person wedi torri’r hysbysiad atgyweirio yn fwriadol.
- (6) Os yw person a gyhuddir o drosedd o dan yr adran hon yn dibynnu ar yr amddiffyniad yn is-adran (5), a bod tystiolaeth yn cael ei chyflwyno sy’n ddigon i godi mater mewn perthynas â’r amddiffyniad hwnnw, rhaid i’r llys gymryd bod yr amddiffyniad wedi ei fodloni oni bai fod yr erlyniad yn profi i’r gwrthwyneb y tu hwnt i amheuaeth resymol.
- (7) Mae person sy’n cyflawni trosedd o dan yr adran hon yn agored, ar gollfarn ddiannod, neu ar gollfarn ar ddiad, i ddirwy.
- (8) Wrth benderfynu ar swm y ddirwy, rhaid i’r llys roi sylw yn benodol i unrhyw fudd ariannol sydd wedi cronni, neu sy’n debygol o gronni i’r person hwnnw o ganlyniad i’r drosedd.’.

**Peter Black [R]**

15

Section 38, page 47, after line 37, insert –

- ‘(8) The Panel must, at the end of each financial year, publish a document setting out the matters in the work programme on which it has provided the Welsh Ministers with advice during that financial year.’.



Adran 38, tudalen 47, ar ôl llinell 37, mewnosoder –

- ‘(8) Rhaid i’r Panel, ar ddiwedd pob blwyddyn ariannol, gyhoeddi dogfen sy’n nodi’r materion yn y rhaglen waith y mae wedi rhoi cyngor i Weinidogion Cymru arnynt yn ystod y flwyddyn ariannol honno.’.

**WITHDRAWN/TYNNWYD YN ÔL**

**Peter Black [R]**

**16**

Section 40, page 50, line 21, leave out ‘is subject to annulment in pursuance of’ and insert ‘has been laid before and approved by’.

Adran 40, tudalen 50, llinell 19, hepgorer is-adran (12) a mewnosoder –

- ‘() Ni chaniateir i offeryn statudol sy’n cynnwys rheoliadau o dan adran 38(7)(h) (Y Panel Cynghori ar Amgylchedd Hanesyddol Cymru: anghymhwyso staff sefydliadau penodedig rhag bod yn aelodau) gael ei wneud oni bai bod drafft o’r offeryn wedi ei osod gerbron Cynulliad Cenedlaethol Cymru a’i gymeradwyo drwy benderfyniad ganddo.’.

