

## HYSBYSIAD YNGHYLCH GWELLIANNAU NOTICE OF AMENDMENTS

Gyflwynwyd rhwng 14 Ionawr a 26 Ionawr 2016  
Tabled between 14 January and 26 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WITHDRAWN/TYNNWYD YN ÔL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 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WITHDRAWN/TYNNWYD YN ÔL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**WITHDRAWN/TYNNWYD YN ÔL**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 gytundeb.
- (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 dditiad, 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: anghymhwysu 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.'

### **Ken Skates**

17

Long title, page 1, line 3, after 'gardens', insert 'and a list of historic place names'.

Teitl hir, tudalen 1, llinell 3, ar ôl 'hanesyddol', mewnosoder 'a rhestr o enwau lleoedd hanesyddol'.

### **Ken Skates**

18

Long title, page 1, line 3, leave out 'require local planning authorities to establish historic environment records relating to their' and insert 'establish historic environment records for local authority'.

Teitl hir, tudalen 1, llinell 3, hepgorer 'i'w gwneud yn ofynnol i awdurdodau cynllunio lleol sefydlu cofnodion amgylchedd hanesyddol sy'n ymwneud â'u hardaloedd' a mewnosoder 'i sefydlu cofnodion amgylchedd hanesyddol ar gyfer ardaloedd awdurdod lleol'.

### **Ken Skates**

19

Section 1, page 1, after line 20, insert –

- ( ) for the compilation of a list of historic place names in Wales (section 33),'

Adran 1, tudalen 1, ar ôl llinell 21, mewnosoder –

- ( ) ar gyfer llunio rhestr o enwau lleoedd hanesyddol yng Nghymru (adran 33),'



**Ken Skates**

**20**

Section 1, page 1, line 21, leave out 'each local planning authority in Wales to prepare and publish a historic environment record relating to its area' and insert 'the compilation of a historic environment record for each local authority area in Wales'.

Adran 1, tudalen 1, llinell 22, hepgorer 'i bob awdurdod cynllunio lleol yng Nghymru lunio a chyhoeddi cofnod amgylchedd hanesyddol sy'n ymwneud â'i ardal' a mewnosoder 'ar gyfer llunio cofnod amgylchedd hanesyddol ar gyfer pob ardal awdurdod lleol yng Nghymru'.

**Ken Skates**

**21**

Section 4, page 7, after line 34, insert –

'() In section 51 of that Act (ecclesiastical property), in subsection (3), after "under section" insert "1AD,".'

Adran 4, tudalen 7, ar ôl llinell 35, mewnosoder –

'() Yn adran 51 o'r Ddeddf honno (eiddo eglwysig), yn is-adran (3), ar ôl "under section" mewnosoder "1AD,".'

**Ken Skates**

**22**

Section 13, page 20, after line 42, insert –

'(5) In section 51 of that Act (ecclesiastical property), in subsection (3), after "1AD," (inserted by section 4) insert "9ZL,".'

Adran 13, tudalen 20, ar ôl llinell 42, mewnosoder –

'(5) Yn adran 51 o'r Ddeddf honno (eiddo eglwysig), yn is-adran (3), ar ôl "1AD," (a fewnosodir gan adran 4) mewnosoder "9ZL,".'

**Ken Skates**

**23**

Section 26, page 33, line 36, leave out 'after "sections 3," insert "" and insert 'for "sections 3," substitute "sections 2B, 3,'.

Adran 26, tudalen 33, llinell 40, hepgorer 'ar ôl "sections 3," mewnosoder "" a mewnosoder 'yn lle "sections 3," rhodder "sections 2B, 3,'.

**Ken Skates**

**24**

Page 44, line 8, leave out section 34 and insert –

**[ ] Historic environment records**

- (1) The Welsh Ministers must compile and keep up to date a historic environment record for each local authority area in Wales.
- (2) A historic environment record is a record which provides –



- (a) details of every building in the authority's area which is included in a list compiled or approved under section 1 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (c.9),
  - (b) details of every conservation area in the authority's area which is designated under section 69 of that Act,
  - (c) details of every monument in the authority's area which is included in the Schedule compiled and maintained under section 1 of the Ancient Monuments and Archaeological Areas Act 1979 (c.46),
  - (d) details of each of the grounds in the authority's area which are included in the register of historic parks and gardens compiled and maintained under section 41A of that Act,
  - (e) details of every conflict site in the authority's area which the Welsh Ministers consider to be of historic interest,
  - (f) where a public authority (whether by itself or jointly with other persons) maintains a list of historic landscapes in Wales, details of every historic landscape in the local authority's area which is included in the list,
  - (g) details of every world heritage site in the authority's area,
  - (h) details of every other area or site or other place in the authority's area which the authority or the Welsh Ministers consider to be of local historic, archaeological or architectural interest,
  - (i) information about the way in which the historic, archaeological or architectural development of the authority's area, or any part of it, has contributed to the present character of the area or part and about how that character may be preserved,
  - (j) details of relevant investigations carried out in the authority's area and of the findings of those investigations, and
  - (k) a means of accessing details of every historic place name in the authority's area which is included in the list compiled and maintained under section 33.
- (3) In subsection (2)(e), "conflict site" means—
- (a) a battlefield or a site on which some other conflict involving military forces took place, or
  - (b) a site on which significant activities relating to a battle or other such conflict as is mentioned in paragraph (a) occurred.
- (4) In subsection (2)(f), "public authority" means a person certain of whose functions are functions of a public nature.
- (5) In subsection (2)(g), "world heritage site" means a site or other place or other thing which is cultural heritage or natural heritage within the meaning of the World Heritage Convention and is included in the World Heritage List mentioned in Article 11 of that Convention.



- (6) In subsection (5), “the World Heritage Convention” means the Convention concerning the Protection of the World Cultural and Natural Heritage adopted by the General Conference of the United Nations Educational, Scientific and Cultural Organisation at Paris on 16 November 1972.
- (7) In subsection (2)(h), the reference to a local authority’s area includes, in the case of an authority whose area includes part of the seashore, a reference to any part of the territorial sea that lies seawards from that part of the shore and forms part of Wales (within the meaning given by the Government of Wales Act 2006 (c.32)).
- (8) In subsection (2)(j), “relevant investigation”, in relation to a local authority’s area, means –
  - (a) an investigation by the authority or the Welsh Ministers for the purpose of obtaining information of historic, archaeological or architectural interest relating to the area, and
  - (b) any other investigation for that purpose which the Welsh Ministers consider appropriate to include in the record.
- (9) The Welsh Ministers may by regulations amend this section so as to vary the meaning of “historic environment record”.
- (10) Before making regulations under subsection (9), the Welsh Ministers must consult –
  - (a) each local authority in Wales, and
  - (b) such other persons as the Welsh Ministers consider appropriate.
- (11) For the purposes of this section, an area or site or other place or other thing is to be regarded as being in a local authority’s area if any part of it is in the area.
- (12) In this section and in section 37, “local authority” means a county council or a county borough council.’.

Tudalen 44, llinell 9, hepgorer adran 34 a mewnosoder –

#### [ ] **Cofnodion amgylchedd hanesyddol**

- (1) Rhaid i Weinidogion Cymru lunio cofnod amgylchedd hanesyddol ar gyfer pob ardal awdurdod lleol yng Nghymru a’i gadw’n gyfredol.
- (2) Mae cofnod amgylchedd hanesyddol yn gofnod sy’n darparu –
  - (a) manylion pob adeilad yn ardal yr awdurdod sydd wedi ei gynnwys mewn rhestr a lunnir neu a gymeradwyir o dan adran 1 o Ddeddf Cynllunio (Adeiladau Rhedredig ac Ardaloedd Cadwraeth) 1990 (p.9),
  - (b) manylion pob ardal cadwraeth yn ardal yr awdurdod sydd wedi ei dynodi o dan adran 69 o’r Ddeddf honno,
  - (c) manylion pob heneb yn ardal yr awdurdod sydd wedi ei chynnwys yn y Gofrestr a lunnir ac a gynhelir o dan adran 1 o Ddeddf Henebion Hynafol ac Ardaloedd Archaeolegol 1979 (p.46),
  - (d) manylion pob un o’r tiroedd yn ardal yr awdurdod sydd wedi eu cynnwys yn y gofrestr o barciau a gerddi hanesyddol a lunnir ac a gynhelir o dan adran 41A o’r Ddeddf honno,



- (e) manylion pob safle gwrthdaro yn ardal yr awdurdod sydd o ddiddordeb hanesyddol ym marn Gweinidogion Cymru,
  - (f) pan fo awdurdod cyhoeddus (pa un ai ar ei ben ei hun neu ar y cyd â phersonau eraill) yn cynnal rhestr o dirweddau hanesyddol yng Nghymru, fanylion pob tirwedd hanesyddol yn ardal yr awdurdod lleol sydd wedi ei chynnwys yn y rhestr,
  - (g) manylion pob safle treftadaeth y byd yn ardal yr awdurdod,
  - (h) manylion pob ardal neu safle arall neu fan arall yn ardal yr awdurdod sydd o ddiddordeb hanesyddol, archaeolegol neu bensaernïol lleol ym marn yr awdurdod neu Weinidogion Cymru,
  - (i) gwybodaeth am y ffordd y mae datblygiad hanesyddol, archaeolegol neu bensaernïol ardal yr awdurdod, neu unrhyw ran ohoni, wedi cyfrannu at gymeriad presennol yr ardal neu'r rhan a sut y gellir diogelu'r cymeriad hwnnw,
  - (j) manylion ymchwiliadau perthnasol a gynhelir yn ardal yr awdurdod a manylion canfyddiadau'r ymchwiliadau hynny, a
  - (k) dull o gael mynediad i fanylion pob enw lle hanesyddol yn ardal yr awdurdod sydd wedi ei gynnwys yn y rhestr a lunnir ac a gynhelir o dan adran 33.
- (3) Yn is-adran (2)(e), ystyr "safle gwrthdaro" yw –
- (a) maes brwydr neu safle lle y digwyddodd rhyw wrthdaro arall a oedd yn cynnwys lluoedd arfog, neu
  - (b) safle lle y digwyddodd gweithgareddau sylweddol a oedd yn ymwneud â brwydr neu unrhyw wrthdaro arall a grybwyllir ym mharagraff (a).
- (4) Yn is-adran (2)(f), ystyr "awdurdod cyhoeddus" yw person y mae rhai o'i swyddogaethau yn swyddogaethau o natur gyhoeddus.
- (5) Yn is-adran (2)(g), ystyr "safle treftadaeth y byd" yw safle neu fan arall neu beth arall sy'n dreftadaeth ddiwylliannol neu'n dreftadaeth naturiol o fewn yr ystyr a roddir i "cultural heritage" a "natural heritage" yng Nghonfensiwn Treftadaeth y Byd ac sydd wedi ei gynnwys yn Rhestr Treftadaeth y Byd a grybwyllir yn Erthygl 11 o'r Confensiwn hwnnw.
- (6) Yn is-adran (5), ystyr "Confensiwn Treftadaeth y Byd" yw'r Confensiwn ynghylch Diogelu Treftadaeth Ddiwylliannol a Naturiol y Byd a fabwysiadwyd gan Gynhadledd Gyffredinol Sefydliad Addysg, Gwyddoniaeth a Diwylliant y Cenhedloedd Unedig ym Mharis ar 16 Tachwedd 1972.
- (7) Yn is-adran (2)(h), mae'r cyfeiriad at ardal awdurdod lleol yn cynnwys, yn achos awdurdod y mae ei ardal yn cynnwys rhan o lan y môr, gyfeiriad at unrhyw ran o'r môr tiriogaethol sy'n gorwedd tua'r môr o'r rhan honno o'r lan ac sy'n rhan o Gymru (o fewn yr ystyr a roddir i "Wales" gan Ddeddf Llywodraeth Cymru 2006 (p.32)).
- (8) Yn is-adran (2)(j), ystyr "ymchwiliad perthnasol", mewn perthynas ag ardal awdurdod lleol, yw –
- (a) ymchwiliad gan yr awdurdod neu Weinidogion Cymru at ddiben cael gwybodaeth o ddiddordeb hanesyddol, archaeolegol neu bensaernïol sy'n ymwneud â'r ardal, a





- (b) unrhyw ymchwiliad arall at y diben hwnnw y mae Gweinidogion Cymru yn ystyried ei bod yn briodol ei gynnwys yn y cofnod.
- (9) Caiff Gweinidogion Cymru drwy reoliadau ddiwygio'r adran hon er mwyn amrywio ystyr "cofnod amgylchedd hanesyddol".
- (10) Cyn gwneud rheoliadau o dan is-adran (9), rhaid i Weinidogion Cymru ymgynghori –
  - (a) â phob awdurdod lleol yng Nghymru, a
  - (b) ag unrhyw bersonau eraill sy'n briodol ym marn Gweinidogion Cymru.
- (11) At ddibenion yr adran hon, mae ardal neu safle neu fan arall neu beth arall i'w ystyried fel pe bai mewn ardal awdurdod lleol os yw unrhyw ran o'r ardal, y safle, y man arall neu'r peth arall yn yr ardal.
- (12) Yn yr adran hon ac yn adran 37, ystyr "awdurdod lleol" yw cyngor sir neu gyngor bwrdeistref sirol.'

## **Ken Skates**

25

Section 35, page 45, line 40, leave out –

'(1) A local planning authority –

- (a) must make its historic environment record available for public inspection in such manner as it considers appropriate;
- (b) must, where a person requests a copy of part of the authority's historic environment record or details accessed by means of the record and it appears to the authority that the request is reasonable, provide the person with a copy of that part of the record or those details;
- (c) must make available to a person wishing to inspect its historic environment record advice on or assistance with retrieving and understanding information provided in the record or accessed by means of the record;
- (d) must, where a person requests the retrieval of information provided in the authority's historic environment record or accessed by means of the record and it appears to the authority that the request is reasonable, compile for the person a document containing the information.

(2) In assessing for the purposes of subsection (1)(b) or (d) whether a request is reasonable, the matters which the authority may take into account include any previous such requests made by or on behalf of the person concerned.

(3) A local planning authority'

and insert –

'() The Welsh Ministers –

- (a) must make each historic environment record available for public inspection in such manner as they consider appropriate;



- (b) must, where a person requests a copy of part of a historic environment record or details accessed by means of such a record, and it appears to the Welsh Ministers that the request is reasonable, provide the person with a copy of that part of the record or those details;
  - (c) must make available to a person wishing to inspect a historic environment record advice on or assistance with retrieving and understanding information provided in the record or accessed by means of the record;
  - (d) must, where a person requests the retrieval of information provided in a historic environment record or accessed by means of such a record and it appears to the Welsh Ministers that the request is reasonable, compile for the person a document containing the information.
- ( ) In assessing for the purposes of subsection (1)(b) or (d) whether a request is reasonable, the matters which the Welsh Ministers may take into account include any previous such requests made by or on behalf of the person concerned.
- ( ) The Welsh Ministers’.

Adran 35, tudalen 45, llinell 41, hepgorer –

‘awdurdod cynllunio lleol –

- (a) rhoi ei gofnod amgylchedd hanesyddol ar gael er mwyn i’r cyhoedd edrych arno mewn unrhyw fodd sy’n briodol yn ei farn ef;
  - (b) pan fo person yn gofyn am gopi o ran o gofnod amgylchedd hanesyddol yr awdurdod neu fanylion y ceir mynediad iddynt drwy’r cofnod ac y mae’n ymddangos i’r awdurdod fod y cais yn rhesymol, ddarparu copi o’r rhan honno o’r cofnod neu’r manylion hynny i’r person;
  - (c) rhoi ar gael i berson sy’n dymuno edrych ar ei gofnod amgylchedd hanesyddol gyngor ar adalw a deall yr wybodaeth sydd wedi ei darparu yn y cofnod neu y ceir mynediad iddi drwy’r cofnod neu gynhorthwy i wneud hynny;
  - (d) pan fo person yn gofyn i wybodaeth sydd wedi ei darparu yng nghofnod amgylchedd hanesyddol yr awdurdod neu y ceir mynediad iddi drwy’r cofnod gael ei hadalw ac y mae’n ymddangos i’r awdurdod fod y cais yn rhesymol, lunio dogfen sy’n cynnwys yr wybodaeth i’r person.
- (2) Wrth asesu at ddibenion is-adran (1)(b) neu (d) a yw cais yn rhesymol, mae’r materion y caiff yr awdurdod eu hystyried yn cynnwys unrhyw geisiadau blaenorol o’r fath a wnaed gan y person o dan sylw neu ar ei ran.
- (3) Caiff awdurdod cynllunio lleol’

a mewnosoder –

‘Weinidogion Cymru –

- (a) rhoi pob cofnod amgylchedd hanesyddol ar gael er mwyn i’r cyhoedd edrych arno mewn unrhyw fodd sy’n briodol yn eu barn hwy;



- (b) pan fo person yn gofyn am gopi o ran o gofnod amgylchedd hanesyddol neu fanylion y ceir mynediad iddynt drwy gofnod o'r fath, ac y mae'n ymddangos i Weinidogion Cymru fod y cais yn rhesymol, ddarparu copi o'r rhan honno o'r cofnod neu'r manylion hynny i'r person;
  - (c) rhoi ar gael i berson sy'n dymuno edrych ar gofnod amgylchedd hanesyddol gyngor ar adalw a deall yr wybodaeth sydd wedi ei darparu yn y cofnod neu y ceir mynediad iddi drwy'r cofnod neu gynhorthwy i wneud hynny;
  - (d) pan fo person yn gofyn i wybodaeth sydd wedi ei darparu mewn cofnod amgylchedd hanesyddol neu y ceir mynediad iddi drwy gofnod o'r fath gael ei hadalw ac y mae'n ymddangos i Weinidogion Cymru fod y cais yn rhesymol, lunio dogfen sy'n cynnwys yr wybodaeth i'r person.
- ( ) Wrth asesu at ddibenion is-adran (1)(b) neu (d) a yw cais yn rhesymol, mae'r materion y caiff Gweinidogion Cymru eu hystyried yn cynnwys unrhyw geisiadau blaenorol o'r fath a wnaed gan y person o dan sylw neu ar ei ran.
- ( ) Caiff Gweinidogion Cymru'.

**Ken Skates**

26

Section 35, page 46, line 18, after 'copy', insert 'or details'.

Adran 35, tudalen 46, llinell 18, ar ôl 'copi', mewnosoder 'neu fanylion'.

**Ken Skates**

27

Page 46, line 24, leave out section 36.

Tudalen 46, llinell 24, hepgorer adran 36.

**Ken Skates**

28

Section 37, page 47, line 2, leave out

'on—

- (a) the discharge of the duty under section 34 (including its discharge under arrangements of the kind referred to in section 36);
  - (b) the discharge of the duty under section 35(1);
  - (c) the exercise of the power under section 35(3).
- (2) A local planning authority must have regard to guidance issued under this section.
- (3) Before issuing guidance under this section, the Welsh Ministers must consult—
- (a) each local planning authority in Wales,

and insert—

'to the bodies listed in subsection [*first subsection to be inserted by this amendment*] on—



- ( ) the manner in which the bodies may contribute to the compilation of historic environment records and assist in keeping them up to date, and
- ( ) the use of historic environment records in the exercise of the bodies' functions.
- ( ) The bodies are –
  - (a) local authorities in Wales;
  - (b) National Park authorities in Wales;
  - (c) Natural Resources Wales.
- ( ) The bodies listed in subsection [*first subsection to be inserted by this amendment*] must have regard to guidance issued under this section.
- ( ) Before issuing guidance under this section, the Welsh Ministers must consult –
  - (a) the bodies listed in subsection [*first subsection to be inserted by this amendment*],'

Adran 37, tudalen 47, llinell 2, hepgorer –

'ar –

- (a) cyflawni'r ddyletswydd o dan adran 34 (gan gynnwys ei chyflawni o dan drefniadau o'r mathau y cyfeirir atynt yn adran 36);
- (b) cyflawni'r ddyletswydd o dan adran 35(1);
- (c) arfer y pŵer o dan adran 35(3).
- (2) Rhaid i awdurdod cynllunio lleol roi sylw i ganllawiau a ddyroddir o dan yr adran hon.
- (3) Cyn dyroddi canllawiau o dan yr adran hon, rhaid i Weinidogion Cymru ymgynghori –
  - (a) â phob awdurdod cynllunio lleol yng Nghymru,

a mewnosoder –

'i'r cyrff a restrir yn is-adran [*yr is-adran gyntaf sydd i'w mewnosod gan y gwelliant hwn*] ar –

- ( ) y modd y caiff y cyrff gyfrannu at lunio cofnodion amgylchedd hanesyddol a chynorthwyo i'w cadw'n gyfredol, a
- ( ) y defnydd o gofnodion amgylchedd hanesyddol wrth arfer swyddogaethau'r cyrff.
- ( ) Y cyrff yw –
  - (a) awdurdodau lleol yng Nghymru;
  - (b) awdurdodau Parciau Cenedlaethol yng Nghymru;
  - (c) Cyfoeth Naturiol Cymru.
- ( ) Rhaid i'r cyrff a restrir yn is-adran [*yr is-adran gyntaf sydd i'w mewnosod gan y gwelliant hwn*] roi sylw i ganllawiau a ddyroddir o dan yr adran hon.
- ( ) Cyn dyroddi canllawiau o dan yr adran hon, rhaid i Weinidogion Cymru ymgynghori –
  - (a) â'r cyrff a restrir yn is-adran [*yr is-adran gyntaf sydd i'w mewnosod gan y gwelliant hwn*],'



**Ken Skates** 39

Section 40, page 50, after line 4, insert –

‘( ) In subsection (4) of that section, after “sections 8(5), 26C,” insert “55(5B),”.’.

Adran 40, tudalen 50, ar ôl llinell 4, mewnosoder –

‘( ) Yn is-adran (4) o’r adran honno, ar ôl “sections 8(5), 26C,” mewnosoder “55(5B),”.’.

**Ken Skates** 30

Section 40, page 50, line 5, after ‘section’, insert –

‘ –

(a) after “an order under section” insert “55(5B),”, and’.

Adran 40, tudalen 50, llinell 5, ar ôl ‘honno’, mewnosoder –

‘ –

(a) ar ôl “an order under section” mewnosoder “55(5B),”, a’.

**Ken Skates** 31

Section 41, page 50, line 35, leave out ‘and 29 to’ and insert ‘, 29, 30(1) to (5), 31 and’.

Adran 41, tudalen 50, llinell 36, hepgorer ‘a 29 i’ a mewnosoder ‘, 29, 30(1) i (5), 31 a’.

**Ken Skates** 32

Schedule 1, page 53, line 20, leave out ‘(6)(e), (f) or (g)’ and insert ‘(7)’.

Atodlen 1, tudalen 53, llinell 20, hepgorer ‘(6)(e), (f) or (g)’ a mewnosoder ‘(7)’.

**Peter Black [R]** 33

Section 11, page 12, line 36, leave out ‘about’.

Adran 11, tudalen 12, llinell 36, hepgorer ‘about’.

**Peter Black [R]** 34

Section 11, page 12, at the beginning of line 37, insert ‘about’.

Adran 11, tudalen 12, ar ddechrau llinell 37, mewnosoder ‘about’.

**Peter Black [R]** 35

Section 11, page 12, at the beginning of line 39, insert ‘about’.

Adran 11, tudalen 12, ar ddechrau llinell 39, mewnosoder ‘about’.



**Peter Black [R]**

36

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.'

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.'

**Peter Black [R]**

37

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

- '( ) Regulations made under subsection (3)(a) must require the Welsh Ministers to consult the following persons before entering into a heritage partnership agreement under section 9ZA(1)(a) —
  - (a) the owner of the scheduled monument to which the proposed agreement relates;
  - (b) any occupier of the scheduled monument;
  - (c) any local authority in whose area the scheduled monument is situated;
  - (d) any local authority which is a guardian of the scheduled monument.
- ( ) Regulations made under subsection (3)(a) must require the Welsh Ministers to consult the following persons before entering into a heritage partnership agreement under section 9ZA(1)(b) —
  - (a) the owner of the land to which the proposed agreement relates;
  - (b) any occupier of the land;
  - (c) any local authority in whose area the land is situated;
  - (d) any local authority which is a guardian of the land by virtue of this Act.'

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

- '( ) Regulations made under subsection (3)(a) must require the Welsh Ministers to consult the following persons before entering into a heritage partnership agreement under section 9ZA(1)(a) —



- (a) the owner of the scheduled monument to which the proposed agreement relates;
  - (b) any occupier of the scheduled monument;
  - (c) any local authority in whose area the scheduled monument is situated;
  - (d) any local authority which is a guardian of the scheduled monument.
- ( ) Regulations made under subsection (3)(a) must require the Welsh Ministers to consult the following persons before entering into a heritage partnership agreement under section 9ZA(1)(b) –
- (a) the owner of the land to which the proposed agreement relates;
  - (b) any occupier of the land;
  - (c) any local authority in whose area the land is situated;
  - (d) any local authority which is a guardian of the land by virtue of this Act.’.

**Peter Black [R]**

**38**

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

- ‘( ) Regulations made under section (3)(*second paragraph inserted by amendment 36*) may specify provision that may be included in an order made by virtue of that paragraph, including provision enabling such orders to contain supplementary, incidental, transitory, transitional or saving provision.’.

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

- ‘( ) Regulations made under section (3)(*yr ail baragraff a fewnosodir gan welliant 36*) may specify provision that may be included in an order made by virtue of that paragraph, including provision enabling such orders to contain supplementary, incidental, transitory, transitional or saving provision.’.

**Peter Black [R]**

**39**

Section 28, page 37, line 29, leave out ‘about’.

Adran 28, tudalen 37, llinell 29, hepgorer ‘about’.

**Peter Black [R]**

**40**

Section 28, page 37, at the beginning of line 30, insert ‘about’.

Adran 28, tudalen 37, ar ddechrau llinell 30, mewnosoder ‘about’.



**Peter Black [R]**

41

Section 28, page 37, at the beginning of line 32, insert 'about'.

Adran 28, tudalen 37, ar ddechrau llinell 32, mewnosoder 'about'.

**Peter Black [R]**

42

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 the heritage partnership agreement to terminate the agreement, or any provision of the agreement, by order.
- ( ) Regulations under subsection (3)(*second paragraph inserted by this amendment*) or (*third paragraph inserted by this amendment*) may specify the provision that may be included in orders made by virtue of those paragraphs, including 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 the heritage partnership agreement to terminate the agreement, or any provision of the agreement, by order.
- ( ) Regulations under subsection (3)(*yr ail baragraff sydd i'w fewnosod gan y gwelliant hwn*) or (*y trydydd paragraff sydd i'w fewnosod gan y gwelliant hwn*) may specify the provision that may be included in orders made by virtue of those paragraphs, including provision enabling such orders to contain supplementary, incidental, transitory, transitional or saving provision.'

**Peter Black [R]**

43

Section 40, page 50, line 16, after 'record")', insert –  
, or





- (b) regulations under section 39(7)(h) (Advisory Panel for Welsh Historic Environment: disqualification from membership for staff of specified organisations),’.

Adran 40, tudalen 50, llinell 16, ar ôl ‘hanesyddol’),’ mewn nosoder –  
, neu

- (b) rheoliadau o dan adran 39(7)(h) (Y Panel Cyngori ar Amgylchedd Hanesyddol Cymru: anghymhwysu staff sefydliadau penodedig rhag bod yn aelodau),’.

**Peter Black [R]** 44

Section 40, page 50, line 19, leave out subsection (12).

Adran 40, tudalen 50, llinell 19, hepgorer is-adran (12).

**Peter Black [R]** 45

Long title, page 1, line 3, after ‘gardens’, insert ‘, and a register of grounds of special local interest’.

Teitl hir, tudalen 1, llinell 3, ar ôl ‘hanesyddol’, mewn nosoder ‘, a chofrestr o diroedd o ddiddordeb lleol arbennig’.

**Peter Black [R]** 46

Long title, page 1, line 3, after ‘gardens’, insert ‘, and a register of buildings of special local interest’.

Teitl hir, tudalen 1, llinell 3, ar ôl ‘hanesyddol’, mewn nosoder ‘, a chofrestr o adeiladau o ddiddordeb lleol arbennig’.

**Peter Black [R]** 47

Section 1, page 1, line 15, after ‘gardens’, insert –  
, and

- (b) for local authorities to compile, maintain and publish a local register of grounds of special local interest’.

Adran 1, tudalen 1, llinell 16, ar ôl ‘hanesyddol’, mewn nosoder –  
, a

- (b) i awdurdodau lleol lunio, cynnal a chyhoeddi cofrestr leol o diroedd o ddiddordeb lleol arbennig’.

**Peter Black [R]** 48

Section 1, page 1, line 18, after ‘buildings’),’, insert –  
‘It also makes provision –



- (a) to require a local authority to compile, maintain and publish a local register of buildings of special local interest,
- (b) to allow a local authority to contribute (by way of a grant or a loan) towards the expenses incurred in the repair or maintenance of a building in their area which is of special local interest, and
- (c) to allow a local authority to make a special interest order to restrict development of a building registered in the local register.’.

Adran 1, tudalen 1, llinell 19, ar ôl ‘rhestredig’),’, mewnosoder –  
‘Mae hefyd yn gwneud darpariaeth –

- (a) i’w gwneud yn ofynnol i awdurdod lleol lunio, cynnal a chyhoeddi cofrestr leol o adeiladau o ddiddordeb lleol arbennig,
- (b) i ganiatáu awdurdod lleol i gyfrannu (ar ffurf grant neu fenthyciad) at y treuliau yr eir iddynt wrth atgyweirio neu gynnal a chadw adeilad yn ei ardal sydd o ddiddordeb lleol arbennig, ac
- (c) i ganiatáu awdurdod lleol i wneud gorchymyn diddordeb arbennig er mwyn cyfyngu ar ddatblygiad adeilad a gofrestrwyd yn y gofrestr leol.’.

**Peter Black [R]**

49

Section 2, page 2, line 35, after ‘gardens’, insert –  
’, and

- (b) for local authorities to compile, maintain and publish a local register of certain grounds in its area which appear to the local authority to be grounds of special local interest’.

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

- (b) i awdurdodau lleol lunio, cynnal a chyhoeddi cofrestr leol o diroedd penodol yn eu hardaloedd sy’n ymddangos i’r awdurdod lleol eu bod yn diroedd o ddiddordeb lleol arbennig’.

**Peter Black [R]**

50

Section 23, page 26, after line 18, insert –

- ‘( ) 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]);
- ( ) allowing a local authority to contribute (by way of a grant or a loan) towards the expenses incurred in the repair or maintenance of a building in their area which is of special local interest (section [section to be inserted by amendment 9]) ;
- ( ) allowing a local authority to make a special interest order to restrict development of a building registered in the local register as is specified in the order unless permission is granted for it on an application (section [section to be inserted by amendment 12]);’.



Adran 23, tudalen 26, ar ôl llinell 19, mewnosoder –

- ‘( ) i’w gwneud yn ofynnol i awdurdod lleol lunio, cynnal a chyhoeddi cofrestr o adeiladau o ddiddordeb lleol arbennig (adran [adran i’w mewnosod gan welliant 8]);
- ( ) i ganiatáu i awdurdod lleol gyfrannu (ar ffurf grant neu fenthyciad) at dreuliau yr eir iddynt wrth atgyweirio neu gynnal a chadw adeilad yn ei ardal sydd o ddiddordeb lleol arbennig (adran [adran i’w mewnosod gan welliant 9]) ;
- ( ) i ganiatáu i awdurdod lleol wneud gorchymyn diddordeb arbennig i gyfyngu ar ddatblygiad adeilad a gofrestrwyd yn y gofrestr leol fel ag a bennir yn y gorchymyn oni bai y rhoddir caniatâd iddo mewn cais (adran [adran i’w mewnosod gan welliant 12]);’.

**Peter Black [R]**

**51**

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

- ‘( ) to enable the Welsh Ministers to make regulations about further steps that may be taken to secure the proper preservation of listed buildings in Wales which have fallen into disrepair (section [section to be inserted by amendment 52]);’.

Adran 23, tudalen 26, ar ôl llinell 27, mewnosoder –

- ‘( ) i alluogi Gweinidogion Cymru i wneud rheoliadau ynghylch camau pellach y caniateir iddynt gael eu cymryd i sicrhau bod adeiladau rhestredig yng Nghymru sydd wedi mynd i gyflwr gwael yn cael eu diogelu’n briodol (adran [adran i’w mewnosod gan welliant 52]);’.

**Peter Black [R]**

**52**

Page 43, after line 23, insert a new section –

**[ ] Preservation of listed buildings in disrepair**

- (1) After section 56 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (c.9) insert –

*“Further provision about preservation*

**56A Preservation of listed buildings in disrepair**

- (1) The Welsh Ministers may by regulations make provision about further steps that may be taken by local authorities or the Welsh Ministers to secure the proper preservation of listed buildings in Wales which have fallen into disrepair, and about connected matters.
- (2) Regulations under this section may, among other things, make provision for –
  - (a) the service of a notice (a “preservation notice”) on the owner of a listed building in Wales which has fallen into disrepair, specifying –



- (ii) the works which the owner must execute to secure the proper preservation of the building, and
      - (ii) the time by which such works must be executed;
    - (b) appeals against preservation notices;
    - (c) offences for failure to comply with preservation notices;
    - (d) appeals in respect of such offences.
  - (3) Regulations under this section may disapply, or apply or reproduce with or without modifications, any provision of this Act.
  - (4) Regulations under this section may amend this Act."
- (2) In section 82A of that Act (application to the Crown), in subsection (2), after paragraph (h) insert –
- “(ha) section 56A;”.
- (3) In section 88 of that Act (rights of entry), in subsection (2) –
- (a) in paragraph (a), after “55,” insert “56A,” and
  - (b) in paragraph (c), after “section 9, 11, 26J or 43” insert “or under regulations made under section 56A”.
- (4) In Schedule 7 to the Regulatory Enforcement and Sanctions Act 2008 (c.13) (power under specified enactments to include power to make provision for civil sanctions) at the appropriate place insert –
- “Planning (Listed Buildings and Conservation Areas) Act 1990 (c.9), section 56A”’.

Tudalen 43, ar ôl llinell 23, mewnosoder adran newydd –

#### [ ] **Diogelu adeiladau rhestredig mewn cyflwr gwael**

- (1) Ar ôl adran 56 o Ddeddf Cynllunio (Adeiladau Rhestredig ac Ardaloedd Cadwraeth) 1990 (p.9) mewnosoder –

*“Further provision about preservation*

#### **56A Preservation of listed buildings in disrepair**

- (1) The Welsh Ministers may by regulations make provision about further steps that may be taken by local authorities or the Welsh Ministers to secure the proper preservation of listed buildings in Wales which have fallen into disrepair, and about connected matters.
- (2) Regulations under this section may, among other things, make provision for –
  - (a) the service of a notice (a “preservation notice”) on the owner of a listed building in Wales which has fallen into disrepair, specifying –
    - (i) the works which the owner must execute to secure the proper preservation of the building, and



- (ii) the time by which such works must be executed;
  - (b) appeals against preservation notices;
  - (c) offences for failure to comply with preservation notices;
  - (d) appeals in respect of such offences.
- (3) Regulations under this section may disapply, or apply or reproduce with or without modifications, any provision of this Act.
- (4) Regulations under this section may amend this Act.”
- (2) Yn adran 82A o’r Ddeddf honno (cymhwyso i’r Goron), yn is-adran (2), ar ôl paragraff (h) mewnosoder –
- “(ha) section 56A;”.
- (3) Yn adran 88 o’r Ddeddf honno (hawliau mynediad), yn is-adran (2) –
- (a) ym mharagraff (a), ar ôl “55,” mewnosoder “56A,” a
  - (b) ym mharagraff (c), ar ôl “section 9, 11, 26J or 43” mewnosoder “or under regulations made under section 56A”.
- (4) Yn Atodlen 7 i Ddeddf Gorfodi Rheoleiddiol a Sanctiynau 2008 (p.13) (pŵer o dan ddeddfiadau penodedig i gynnwys pŵer i wneud darpariaeth ar gyfer sanctiynau sifil), yn y lle priodol mewnosoder –
- “Planning (Listed Buildings and Conservation Areas) Act 1990 (c.9), section 56A”’.

**Peter Black [R]** **53**

Section 40, page 49, line 32, leave out ‘or 26M’ and insert ‘, 26M or 56A’.

Adran 40, tudalen 49, llinell 32, hepgorer ‘or 26M’ a mewnosoder ‘, 26M or 56A’.

**Peter Black [R]** **54**

Section 40, page 50, line 1, leave out ‘or 26M’ and insert ‘, 26M or 56A’.

Adran 40, tudalen 50, llinell 1, hepgorer ‘or 26M’ a mewnosoder ‘, 26M or 56A’.

**Bethan Jenkins** **55**

Long title, page 1, line 3, after ‘gardens;’, insert ‘to make provision in relation to ecclesiastical buildings;’.

Teitl hir, tudalen 1, llinell 3, ar ôl ‘hanesyddol;’, mewnosoder ‘i wneud darpariaeth mewn perthynas ag adeiladau eglwysig;’.



**Bethan Jenkins** 56

Long title, page 1, line 4, leave out 'Advisory Panel for the Welsh Historic Environment' and insert 'Historic Environment Group'.

Teitl hir, tudalen 1, llinell 4, hepgorer 'Panel Cyngori ar Amgylchedd Hanesyddol Cymru' a mewnosoder 'Grŵp Amgylchedd Hanesyddol'.

**Bethan Jenkins** 57

Section 1, page 1, after line 18, insert—

'() Part [*Part to be inserted by amendment 68*] makes provision in relation to ecclesiastical buildings.'

Adran 1, tudalen 1, ar ôl llinell 19, mewnosoder—

'() Mae Rhan [*y Rhan i'w mewnosod gan welliant 68*] yn gwneud darpariaeth mewn perthynas ag adeiladau eglwysig.'

**Bethan Jenkins** 58

Section 2, page 2, after line 16, insert—

'() for the Welsh Ministers to report to the National Assembly for Wales at least once every five years about changes to the Schedule (section [*to be inserted by amendment 60*]);'

Adran 2, tudalen 2, ar ôl llinell 16, mewnosoder—

'() i Weinidogion Cymru gyflwyno adroddiad i Gynulliad Cenedlaethol Cymru o leiaf unwaith bob pum mlynedd ynghylch newidiadau i'r Atodlen (adran [*adran i'w mewnosod gan welliant 60*]);'

**Bethan Jenkins** 59

Section 2, page 2, line 35, after '18)', insert—

', and

'() to take reasonable steps to protect certain historic parks and gardens'.

Adran 2, tudalen 2, llinell 35, ar ôl '18)', mewnosoder—

', a

'() cymryd camau rhesymol i warchod rhai parciau a gerddi hanesyddol penodol'.

**Bethan Jenkins** 60

Page 8, after line 8, insert a new section—



*'Reporting on changes to the Schedule of monuments*

**[ ] Reporting on changes to the Schedule of monuments**

At least once every five years, the Welsh Ministers must report to the National Assembly for Wales about any changes they have made to the schedule of monuments maintained in accordance with section 1 of the Ancient Monuments and Archaeological Sites Act 1979.'

Tudalen 8, ar ôl llinell 7, mewnosoder adran newydd –

*'Cyflwyno adroddiadau ar newidiadau i'r Atodlen o henebion*

**[ ] Cyflwyno adroddiadau ar newidiadau i'r Atodlen o henebion**

O leiaf unwaith bob pum mlynedd, rhaid i Weinidogion Cymru gyflwyno adroddiad i Gynulliad Cenedlaethol Cymru ynghylch unrhyw newidiadau y maent wedi eu gwneud i'r atodlen o henebion a gynhelir yn unol ag adran 1 o Ddeddf Henebion Hynafol ac Ardaloedd Archaeolegol 1979.'

**Bethan Jenkins**

**61**

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

**“41B Duty to protect historic parks and gardens**

- (1) The Welsh Ministers must take reasonable steps to protect the grounds listed in the register of historic parks and gardens.
- (2) The duty in subsection (1) applies only to grounds to which the following have a freehold or a leasehold interest –
  - (a) the Welsh Ministers,
  - (b) a local authority in Wales, or
  - (c) a local health board in Wales.”.

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

**“41B Duty to protect historic parks and gardens**

- (1) The Welsh Ministers must take reasonable steps to protect the grounds listed in the register of historic parks and gardens.
- (2) The duty in subsection (1) applies only to grounds to which the following have a freehold or a leasehold interest –
  - (a) the Welsh Ministers,
  - (b) a local authority in Wales, or
  - (c) a local health board in Wales.”.



**Bethan Jenkins**

62

Section 33, page 44, line 5, leave out 'historic place names' and insert 'the commonly used current and historic names of places, landmarks and buildings'.

Adran 33, tudalen 44, llinell 5, hepgorer 'o enwau lleoedd hanesyddol' a mewnosoder 'o'r enwau cyfredol a hanesyddol a ddefnyddir yn gyffredin ar gyfer lleoedd, tirnodau ac adeiladau'.

**Bethan Jenkins**

63

Section 37, page 47, line 11, leave out subsection (4) and insert—

'( ) Guidance under this section must not be issued unless a draft of the guidance has been laid before and approved by a resolution of the National Assembly for Wales.'

Adran 37, tudalen 47, llinell 11, hepgorer is-adran (4) a mewnosoder—

'( ) Ni chaniateir i ganllawiau o dan yr adran hon gael eu dyroddi oni bai bod drafft o'r canllawiau wedi ei osod gerbron Cynulliad Cenedlaethol Cymru ac wedi ei gymeradwyo drwy benderfyniad ganddo.'

**Bethan Jenkins**

64

Page 47, after line 12, insert a new section—

**[ ] Auditing of historic environment records**

- (1) At least once every five years the Welsh Ministers must arrange for an independent person to audit the historic environment records and provide a written report to the Welsh Ministers.
- (2) The Welsh Ministers must appoint the independent person following an open competition for a contract to carry out the audit.
- (3) The Welsh Ministers may pay for the audit.
- (4) The Welsh Ministers must lay the report before the National Assembly for Wales within six months of its receipt.
- (5) In this section, "independent person" means—
  - (a) a person who is not employed by the Welsh Ministers and who is not subject to control by the Welsh Ministers (other than under the contract by which the person is appointed to carry out the audit), or
  - (b) a company, a trust, or an unincorporated association which is not subject to control by the Welsh Ministers (other than under the contract by which the person is appointed to carry out the audit).
- (6) For the purposes of subsection (5), an independent person who receives grant funding from the Welsh Ministers is not considered to be subject to their control simply because of receiving the grant funding.'

Tudalen 47, ar ôl llinell 12, mewnosoder adran newydd—





**[ ] Archwilio cofnodion amgylchedd hanesyddol**

- (1) O leiaf unwaith bob pum mlynedd, rhaid i Weinidogion Cymru drefnu i berson annibynnol archwilio'r cofnodion amgylchedd hanesyddol a darparu adroddiad ysgrifenedig i Weinidogion Cymru.
- (2) Rhaid i Weinidogion Cymru benodi'r person annibynnol yn dilyn cystadleuaeth agored am gontract i gynnal yr archwiliad.
- (3) Caiff Gweinidogion Cymru dalu am yr archwiliad.
- (4) Rhaid i Weinidogion Cymru osod yr adroddiad gerbron Cynulliad Cenedlaethol Cymru o fewn chwe mis i'w dderbyn.
- (5) Yn yr adran hon, ystyr "person annibynnol" yw –
  - (a) person nad yw'n cael ei gyflogi gan Weinidogion Cymru ac nad yw'n ddarostyngedig i reolaeth gan Weinidogion Cymru (ac eithrio o dan y contract y penodir y person drwyddo i gynnal yr archwiliad), neu
  - (b) cwmni, ymddiriedolaeth, neu gymdeithas anghorfforedig nad yw'n ddarostyngedig i reolaeth gan Weinidogion Cymru (ac eithrio o dan y contract y penodir y person drwyddo i gynnal yr archwiliad).
- (6) At ddibenion is-adran (5), nid ystyrir bod person annibynnol sy'n derbyn cyllid grant gan Weinidogion Cymru yn ddarostyngedig i'w rheolaeth yn unig oherwydd ei fod yn derbyn y cyllid grant.'

**Bethan Jenkins**

65

Page 47, line 15, leave out section 38.

Tudalen 47, llinell 15, hepgorer adran 38.

**Bethan Jenkins**

66

Page 48, line 2, leave out section 39.

Tudalen 48, llinell 2, hepgorer adran 39.

**Bethan Jenkins**

67

Page 48, after line 29, insert a new section –

*'Historic Environment Group*

**[ ] Historic Environment Group**

- (1) In formulating policy and strategy about the historic environment in Wales, the Welsh Ministers must consult with and take into account the views of the Historic Environment Group.



- (2) In this section, “Wales” has the same meaning as in the Government of Wales Act 2006 (c.32) (see section 158(1) of that Act).
- (3) In this section the Historic Environment Group means –
  - (a) The Royal Commission on the Ancient and Historical Monuments of Wales;
  - (b) Architectural Heritage Fund;
  - (c) National Trust Wales;
  - (d) Civic Trust Cymru;
  - (e) Council for British Archaeology;
  - (f) National Library of Wales;
  - (g) Welsh Archaeological Trusts;
  - (h) Heritage Lottery Fund;
  - (i) Welsh Local Government Association;
  - (j) Natural Resources Wales;
  - (k) National Museum Wales;
  - (l) Institute for Historic Buildings Conservation;
  - (m) Wales Council for Voluntary Action;
  - (n) Historic Houses Association;
  - (o) Country Land and Business Association;
  - (p) Glandŵr Cymru;
  - (q) The National Parks of Wales; and
  - (r) History Research Wales.
- (4) The Welsh Ministers may, by order, add or remove a body from the list in subsection (3).
- (5) An order under subsection (4) must be made by statutory instrument.
- (6) A statutory instrument containing an order under subsection (4) may not be made unless a draft has been laid before and approved by a resolution of the National Assembly for Wales.’.

Tudalen 48, ar ôl llinell 32, mewnosoder adran newydd –

*‘Grŵp Amgylchedd Hanesyddol*

**[ ] Grŵp Amgylchedd Hanesyddol**

- (1) Wrth ffurfio polisi a strategaeth ynghylch yr amgylchedd hanesyddol yng Nghymru, rhaid i Weinidogion Cymru ymgynghori â’r Grŵp Amgylchedd Hanesyddol ac ystyried ei sylwadau.
- (2) Yn yr adran hon, mae i “Gymru” yr un ystyr â “Wales” yn Neddf Llywodraeth Cymru 2006 (p.32) (gweler adran 158(1) o’r Ddeddf honno).
- (3) Yn yr adran hon, ystyr y Grŵp Amgylchedd Hanesyddol yw –
  - (a) Comisiwn Brenhinol Henebion Cymru;



- (b) Cronfa Treftadaeth Bensaernïol;
  - (c) Ymddiriedolaeth Genedlaethol Cymru;
  - (d) Ymddiriedolaeth Ddinesig Cymru;
  - (e) Cyngor Archaeoleg Brydeinig Cymru;
  - (f) Llyfrgell Genedlaethol Cymru;
  - (g) Ymddiriedolaethau archeolegol Cymru;
  - (h) Cronfa Dreftadaeth y Loteri;
  - (i) Cymdeithas Llywodraeth Leol Cymru;
  - (j) Cyfoeth Naturiol Cymru;
  - (k) Amgueddfa Cymru;
  - (l) Y Sefydliad Cadwraeth Adeiladau Hanesyddol;
  - (m) Cyngor Gweithredu Gwirfoddol Cymru;
  - (n) Cymdeithas Tai Hanesyddol;
  - (o) Cymdeithas Tir a Busnesau Cefn Gwlad;
  - (p) Glandŵr Cymru;
  - (q) Parciau cenedlaethol Cymru; ac
  - (r) Ymchwil Hanes Cymru.
- (4) Caiff Gweinidogion Cymru, drwy orchymyn, ychwanegu corff at y rhestr yn is-adran (3) neu ddileu corff oddi ar y rhestr.
- (5) Rhaid i orchymyn o dan is-adran (4) gael ei wneud drwy offeryn statudol.
- (6) Ni chaniateir i offeryn statudol sy'n cynnwys gorchymyn o dan is-adran (4) gael ei wneud oni bai bod drafft wedi ei osod gerbron Cynulliad Cenedlaethol Cymru a'i gymeradwyo drwy benderfyniad ganddo.'

**Bethan Jenkins**

68

Page 48, after line 29, insert a new section –

## **'PART [ ]**

### **ECCLESIASTICAL BUILDINGS**

#### **[ ] Ecclesiastical buildings of national or international importance**

The Welsh Ministers must provide a publicly-available list of ecclesiastical buildings in Wales which they consider to be of national or international importance.'



Tudalen 48, ar ôl llinell 32, mewnosoder adran newydd –

## **‘RHAN [ ]**

### **ADEILADAU EGLWYSIG**

#### **[ ] Adeiladau eglwysig o bwysigrwydd cenedlaethol neu ryngwladol**

Rhaid i Weinidogion Cymru ddarparu rhestr sydd ar gael yn gyhoeddus o adeiladau eglwysig yng Nghymru sydd o bwysigrwydd cenedlaethol neu ryngwladol yn eu barn hwy.’.

**Bethan Jenkins**

**69**

Page 48, after line 29, insert a new section –

#### **‘[ ] Ecclesiastical exemptions**

- (1) Where an order made under any of the provisions listed in subsection (2) is in force in Wales, the Welsh Ministers must –
  - (a) issue and keep up to date guidance as to how any organisation which benefits from an exemption under the order is encouraged to monitor the alteration, extension or demolition of its ecclesiastical buildings, and
  - (b) report to the National Assembly for Wales at least once every five years as to the reasons for which the order remains in force.
- (2) The provisions referred to in subsection (1) are sections 60(5) and (6), 75(7) and (8) and 93(6) of the Planning (Listed Buildings and Conservation Areas) Act 1990.’.

Tudalen 48, ar ôl llinell 32, mewnosoder adran newydd –

#### **‘[ ] Esemptiadau eglwysig**

- (1) Pan fo gorchymyn a wnaed o dan unrhyw un o’r darpariaethau yn is-adran (2) mewn grym yng Nghymru, rhaid i Weinidogion Cymru –
  - (a) dyroddi canllawiau ynglŷn â sut yr anogir unrhyw sefydliad sy’n elwa ar esemptiad o dan y gorchymyn i fonitro’r gwaith o addasu, ymestyn neu ddymchwel ei adeiladau eglwysig, a’u cadw’n gyfredol, a
  - (b) cyflwyno adroddiad i Gynulliad Cenedlaethol Cymru o leiaf unwaith bob pum mlynedd ynghylch y rhesymau pam mae’r gorchymyn yn parhau mewn grym.
- (2) Y darpariaethau y cyfeirir atynt yn is-adran (1) yw adrannau 60(5) a (6), 75(7) ac (8) a 93(6) o Ddeddf Cynllunio (Adeiladau Rhestredig ac Ardaloedd Cadwraeth) 1990.’.

**Bethan Jenkins**

**70**

Page 48, after line 29, insert a new section –

#### **‘[ ] Interpretation of this Part**



Cynulliad  
Cenedlaethol  
Cymru

National  
Assembly for  
Wales

In this Part, “ecclesiastical building” means a building, a site or structure in Wales, whether above or below the surface of the land, the primary purpose of which is (or was in the past) as a place for spiritual or religious activity, provided that the purpose or use is (or was) lawful.’.

Tudalen 48, ar ôl llinell 32, mewnosoder adran newydd –

**[ ] Dehongli’r Rhan hon**

Yn y Rhan hon, ystyr, “adeilad eglwysig” yw adeilad, safle neu strwythur yng Nghymru, pa un ai yw uwchben neu islaw arwyneb y tir, sydd â’r prif ddiben (neu a oedd â’r prif ddiben yn y gorffennol) o fod yn lle ar gyfer gweithgaredd ysbrydol neu grefyddol, ar yr amod bod (neu y bu) y diben neu’r defnydd yn gyfreithlon.’.

**Bethan Jenkins**

**28A**

As amendment to amendment 28, after line 13, insert –

‘() the need to consider the Welsh language in creating and keeping up to date historic environment records.’.

Fel gwelliant i welliant 28, ar ôl llinell 14, mewnosoder –

‘() yr angen i ystyried y Gymraeg wrth greu a diweddarau cofnodion amgylchedd hanesyddol.’.

**Suzy Davies**

**71**

Section 3, page 3, after line 2, insert –

‘() In section 1 of the Ancient Monuments and Archaeological Areas Act 1979 (c.46), after subsection (10), insert –

“(10A) Before including a monument in Wales in the Schedule, the Welsh Ministers must provide the owner of that monument with guidance (“the guidance”).

(10B) The guidance must inform the owner as to their legal obligations if the monument is included in the Schedule.

(10C) The guidance must, in particular, inform the owner as to the criminal offences under this Act.

(10D) The guidance must not be issued unless a draft of the guidance has been laid before and approved by a resolution of the National Assembly for Wales.”’.

Adran 3, tudalen 3, ar ôl llinell 2, mewnosoder –

‘() Yn adran 1 o Ddeddf Henebion Hynafol ac Ardaloedd Archaeolegol 1979 (p.46), ar ôl is-adran (10), mewnosoder –

“(10A) Before including a monument in Wales in the Schedule, the Welsh Ministers must provide the owner of that monument with guidance (“the guidance”).



- (10B) The guidance must inform the owner as to their legal obligations if the monument is included in the Schedule.
- (10C) The guidance must, in particular, inform the owner as to the criminal offences under this Act.
- (10D) The guidance must not be issued unless a draft of the guidance has been laid before and approved by a resolution of the National Assembly for Wales.”.

**Suzy Davies**

72

Section 3, page 3, line 3, leave out ‘the Ancient Monuments and Archaeological Areas Act 1979 (c.46)’ and insert ‘that Act’.

Adran 3, tudalen 3, llinell 3, hepgorer ‘o Ddeddf Henebion Hynafol ac Ardaloedd Archaeolegol 1979 (p.46)’ a mewnosoder ‘o’r Ddeddf honno’.

**Suzy Davies**

73

Section 3, page 7, line 8, leave out ‘it is a defence for the accused to prove that the accused did not know, and could not reasonably have been expected to know, that the’ and insert ‘the prosecution must prove that the accused knew, or ought reasonably to have known, that’.

Adran 3, tudalen 7, llinell 8, hepgorer ‘it is a defence for the accused to prove that the accused did not know, and could not reasonably have been expected to know, that the’ a mewnosoder ‘the prosecution must prove that the accused knew, or ought reasonably to have known, that’.

**Suzy Davies**

74

Section 3, page 7, line 11, leave out ‘the defence is raised by a person on whom a notice should have been served under section 1AA(2)’ and insert ‘applicable’.

Adran 3, tudalen 7, llinell 11, hepgorer ‘the defence is raised by a person on whom a notice should have been served under section 1AA(2)’ a mewnosoder ‘applicable’.

**Suzy Davies**

75

Section 15, page 21, line 28, leave out ‘it is a defence for the accused to prove that, before executing the works or before causing or permitting their execution (as the case may be), the accused –

- (a) had taken all reasonable steps to find out whether there was a scheduled monument in the area affected by the works; and
- (b) did not know, and had no reason to believe, that the monument was within the area affected by the works or (as the case may be) that it was a scheduled monument’

and insert –



‘the prosecution must prove –

- ( ) that the accused did not take reasonable steps to find out that there was a scheduled monument in the area affected by the works, or
- ( ) that the accused knew or ought reasonably to have known that the monument was within the area affected by the works’.

Adran 15, tudalen 21, llinell 28, hepgorer ‘it is a defence for the accused to prove that, before executing the works or before causing or permitting their execution (as the case may be), the accused –

- (a) had taken all reasonable steps to find out whether there was a scheduled monument in the area affected by the works; and
- (b) did not know, and had no reason to believe, that the monument was within the area affected by the works or (as the case may be) that it was a scheduled monument’

a mewnosoder –

‘the prosecution must prove –

- ( ) that the accused did not take reasonable steps to find out that there was a scheduled monument in the area affected by the works, or
- ( ) that the accused knew or ought reasonably to have known that the monument was within the area affected by the works’.

**Suzy Davies**

76

Section 24, page 29, line 25, leave out ‘ –

- (a) it is a defence for the person to show that the person did not know, and could not reasonably have been expected to know, that interim protection had been conferred on the building; and
- (b) where the defence is raised by a person on whom a notice should have been served under section 2A(2), it is for the prosecution to prove that the notice was served on that person’

and insert –

‘, the prosecution must prove that –

- ( ) the person knew or ought reasonably to have known that interim protection had been conferred on the building, and
- ( ) where applicable, that a notice under section 2A(2) had been served on the person’.

Adran 24, tudalen 29, llinell 25, hepgorer ‘ –

- (a) it is a defence for the person to show that the person did not know, and could not reasonably have been expected to know, that interim protection had been conferred on the building; and



- (b) where the defence is raised by a person on whom a notice should have been served under section 2A(2), it is for the prosecution to prove that the notice was served on that person'

a mewnosoder –

', the prosecution must prove that –

- ( ) the person knew or ought reasonably to have known that interim protection had been conferred on the building, and
- ( ) where applicable, that a notice under section 2A(2) had been served on the person'.

### **Suzy Davies**

77

Section 29, page 40, line 7, leave out 'it is a defence for the person to show that the person did not know, and could not reasonably have been expected to know' and insert 'the prosecution must prove that the person knew, or ought reasonably to have known'.

Adran 29, tudalen 40, llinell 7, hepgorer 'it is a defence for the person to show that the person did not know, and could not reasonably have been expected to know' a mewnosoder 'the prosecution must prove that the person knew, or ought reasonably to have known'.

### **Suzy Davies**

78

Section 30, page 42, after line 7, insert –

'( ) In section 54 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (c.9) (urgent works to preserved listed buildings), in subsection (1), after "authority" insert "in England".

( ) In subsection (2) omit –

(a) " –

(a) if the building is in England", and

(b) "; or

(b) if the building is in Wales, he may himself execute any works which appear to him to be urgently necessary for its preservation".

( ) After subsection (2) insert –

"(2A) In the case of a listed building in Wales, if works are needed without delay in order to –

(a) prevent injury or death to any person, or

(b) to prevent damage to the property of any person (including to the building itself),

those works will be regarded as "emergency works".





- (2B) Before carrying out emergency works, the local authority or the Welsh Ministers must give the owner of the building at least seven days notice in writing of the intention to carry out the works.
- (2C) A notice under subsection (2B) must describe the works proposed to be carried out.
- (2D) In the case of a listed building in Wales, if works are needed without delay in order to preserve the listed building, but they are not emergency works, those works will be regarded as “urgent works”.
- (2E) Before carrying out urgent works to a listed building in Wales, the local authority or the Welsh Ministers must give the owner of the building notice in writing of the intention to carry out the works.
- (2F) A notice under subsection (2E) must describe the works proposed to be carried out.
- (2G) The Welsh Ministers must make regulations setting out the timescales within which a notice under subsection (2E) must be served.
- (2H) Regulations under subsection (2G) must not be made unless the Welsh Ministers have first consulted upon a reasonable timescale with such persons as they think fit.
- (2I) A statutory instrument containing regulations under subsection (2G) may not be made unless a draft has been laid before and approved by a resolution of the National Assembly for Wales.
- (2J) Emergency works under this section may consist of or include works –
  - (a) giving temporary support or shelter for the building, or
  - (b) removing any dangerous parts of the building (or anything attached to the building).
- (2K) Urgent works to a listed building in Wales may consist of or include works giving temporary support or shelter for the building.

( ) In subsection (3), after “section” insert “to a listed building in England”.

Adran 30, tudalen 42, ar ôl llinell 8, mewnosoder –

( ) Yn adran 54 o Ddeddf Cynllunio (Adeiladau Rhestredig ac Ardaloedd Cadwraeth) 1990 (p.9) (gwaith brys i ddiogelu adeiladau rhestredig), yn is-adran (1), ar ôl “authority” mewnosoder “in England”.

( ) Yn is-adran (2) hepgorer –

(a) “ –

(a) if the building is in England”, a

(b) “; or

(b) if the building is in Wales, he may himself execute any works which appear to him to be urgently necessary for its preservation”.



( ) Ar ôl is-adran (2) mewnosoder—

“(2A) In the case of a listed building in Wales, if works are needed without delay in order to—

- (a) prevent injury or death to any person, or
- (b) to prevent damage to the property of any person (including to the building itself),

those works will be regarded as “emergency works”.

(2B) Before carrying out emergency works, the local authority or the Welsh Ministers must give the owner of the building at least seven days notice in writing of the intention to carry out the works.

(2C) A notice under subsection (2B) must describe the works proposed to be carried out.

(2D) In the case of a listed building in Wales, if works are needed without delay in order to preserve the listed building, but they are not emergency works, those works will be regarded as “urgent works”.

(2E) Before carrying out urgent works to a listed building in Wales, the local authority or the Welsh Ministers must give the owner of the building notice in writing of the intention to carry out the works.

(2F) A notice under subsection (2E) must describe the works proposed to be carried out.

(2G) The Welsh Ministers must make regulations setting out the timescales within which a notice under subsection (2E) must be served.

(2H) Regulations under subsection (2G) must not be made unless the Welsh Ministers have first consulted upon a reasonable timescale with such persons as they think fit.

(2I) A statutory instrument containing regulations under subsection (2G) may not be made unless a draft has been laid before and approved by a resolution of the National Assembly for Wales.

(2J) Emergency works under this section may consist of or include works—

- (a) giving temporary support or shelter for the building, or
- (b) removing any dangerous parts of the building (or anything attached to the building).

(2K) Urgent works to a listed building in Wales may consist of or include works giving temporary support or shelter for the building.

( ) Yn is-adran (3), ar ôl “section” mewnosoder “to a listed building in England”.



**Suzy Davies**

79

Section 30, page 42, line 8, leave out 'section 54 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (c.9) (urgent works to preserve listed buildings), in subsection (4), after "If" insert ", in the case of a building in England," and insert –  
'subsection (4) –

- (a) after "If" insert ", in the case of a building in England," and
- (b) after "occupied" insert "urgent".'.

Adran 30, tudalen 42, llinell 9, hepgorer 'adran 54 o Ddeddf Cynllunio (Adeiladau Rhestredig ac Ardaloedd Cadwraeth) 1990 (p.9) (gwaith brys i ddiogelu adeiladau rhestredig), yn is-adran (4), ar ôl "If" mewnosoder ", in the case of a building in England," a mewnosoder –  
'is-adran (4) –

- (a) ar ôl "If" mewnosoder ", in the case of a building in England," a
- (b) ar ôl "occupied" mewnosoder "urgent".'.

**Suzy Davies**

80

Section 30, page 42, line 13, after 'use,' insert 'urgent'.

Adran 30, tudalen 42, llinell 14, ar ôl 'use,' mewnosoder 'urgent'.

**Suzy Davies**

81

Section 30, page 42, after line 14, insert –

- '( ) In subsection (5), after "building" insert "in England".'.

Adran 30, tudalen 42, ar ôl llinell 15, mewnosoder –

- '( ) Yn is-adran (5), ar ôl "building" mewnosoder "in England".'.

**Suzy Davies**

82

Section 30, page 42, line 18, leave out 'not less than seven days' notice in writing' and insert 'notice in writing in accordance with this section'.

Adran 30, tudalen 42, llinell 19, hepgorer 'not less than seven days' notice in writing' a mewnosoder 'notice in writing in accordance with this section'.

**Suzy Davies**

83

Section 30, page 42, line 21, after 'section,' insert 'after "urgent" insert "or emergency" and'.

Adran 30, tudalen 42, llinell 22, ar ôl 'honno,' mewnosoder 'ar ôl "urgent" mewnosoder "or emergency" a'.



**Suzy Davies**

84

Section 30, page 42, after line 34, insert—

- '(5[ ] ) An order under subsection (5B) must be made by statutory instrument.
- (5[ ] ) On the first occasion on which the Welsh Ministers make an order under subsection (5B), the order must not be made unless a draft of the statutory instrument containing the order has been laid before, and approved by a resolution of, the National Assembly for Wales.'

Adran 30, tudalen 42, ar ôl llinell 36, mewnosoder—

- '(5[ ] ) An order under subsection (5B) must be made by statutory instrument.
- (5[ ] ) On the first occasion on which the Welsh Ministers make an order under subsection (5B), the order must not be made unless a draft of the statutory instrument containing the order has been laid before, and approved by a resolution of, the National Assembly for Wales.'

**Suzy Davies**

85

Section 30, page 42, leave out lines 35 to 38 and insert—

- '(5[ ] ) Where the building is not used either wholly or partly for residential purposes, the expenses and any interest are, from that time until recovery, a charge on the land on which the building stands. Such a charge may only extend to the land comprised within the footprint of the building and must not include any further land within the ownership of the owner. The charge takes effect at that time as a legal charge which is a local land charge.
- (5[ ] ) Where the building is either wholly or partly in residential use, and the owner owns non-residential land of at least equivalent value to that comprising the footprint of the residential property, the legal charge described in subsection (*first subsection inserted by this amendment*) may instead be secured against that property where this is agreed between the parties, both acting reasonably. If no such alternative land is available or the owner does not act reasonably, then the legal charge may then be secured on the residential property.
- (5[ ] ) But, a legal charge created under subsection (*first subsection inserted by this amendment*) or (*second subsection inserted by this amendment*) does not take priority over a charge which was registered before the legal charge created under subsection (*first subsection inserted by this amendment*) or (*second subsection inserted by this amendment*) (as applicable).'



Adran 30, tudalen 42, hepgorer llinellau 37 hyd at 40 a mewnosoder –

- (5[ ] ) Where the building is not used either wholly or partly for residential purposes, the expenses and any interest are, from that time until recovery, a charge on the land on which the building stands. Such a charge may only extend to the land comprised within the footprint of the building and must not include any further land within the ownership of the owner. The charge takes effect at that time as a legal charge which is a local land charge.
- (5[ ] ) Where the building is either wholly or partly in residential use, and the owner owns non-residential land of at least equivalent value to that comprising the footprint of the residential property, the legal charge described in subsection (*yr is-adran cyntaf sydd i'w fewnosod gan y gwelliant hwn*) may instead be secured against that property where this is agreed between the parties, both acting reasonably. If no such alternative land is available or the owner does not act reasonably, then the legal charge may then be secured on the residential property.
- (5[ ] ) But, a legal charge created under subsection (*yr is-adran cyntaf sydd i'w fewnosod gan y gwelliant hwn*) or (*yr ail is-adran sydd i'w fewnosod gan y gwelliant hwn*) does not take priority over a charge which was registered before the legal charge created under subsection (*yr is-adran cyntaf sydd i'w fewnosod gan y gwelliant hwn*) or (*yr ail is-adran sydd i'w fewnosod gan y gwelliant hwn*) (as applicable).’.

**Suzy Davies**

**86**

Section 30, page 43, line 6, leave out ‘The’ at the first place where it appears and insert ‘Subject to subsection (*first subsection inserted by amendment 87*)’.

Adran 30, tudalen 43, llinell 6, hepgorer ‘The’ yn y lle cyntaf y mae'n ymddangos a mewnosoder ‘Subject to subsection (*yr is-adran cyntaf a fewnosodir gan welliant 87*)’.

**Suzy Davies**

**87**

Section 30, page 43, after line 8, insert –

- (5[ ] ) But the power to appoint a receiver in subsection (5E) must not be exercised unless the authority have first taken reasonable steps to negotiate a payment arrangement with the owner of the building.
- (5[ ] ) If following the negotiation of a payment arrangement the owner of the building does not materially comply with its obligations under that agreement, the authority may appoint a receiver under (5E) without any further requirement to negotiate a payment arrangement with the owner.’.

Adran 30, tudalen 43, ar ôl llinell 8, mewnosoder –



(5[ ] ) But the power to appoint a receiver in subsection (5E) must not be exercised unless the authority have first taken reasonable steps to negotiate a payment arrangement with the owner of the building.

(5[ ] ) If following the negotiation of a payment arrangement the owner of the building does not materially comply with its obligations under that agreement, the authority may appoint a receiver under (5E) without any further requirement to negotiate a payment arrangement with the owner.’.

**Suzy Davies** 88

Section 30, page 43, line 9, leave out ‘(5F)’ and insert ‘(second subsection inserted by amendment 87)’.

Adran 30, tudalen 43, llinell 9, hepgorer ‘(5F)’ a mewnosoder ‘(yr ail is-adran a fewnosodir gan welliant 87)’.

**Suzy Davies** 89

Section 30, page 43, after line 23, insert –

(5[ ] ) Subsections (5A) to (second subsection inserted by amendment 87) apply only where recovery is sought for the expenses and interest in respect of urgent works.’.

Adran 30, tudalen 43, ar ôl llinell 23, mewnosoder –

(5[ ] ) Subsections (5A) to (yr ail is-adran a fewnosodir gan welliant 87) apply only where recovery is sought for the expenses and interest in respect of urgent works.’.

**Suzy Davies** 90

Section 30, page 43, after line 23, insert –

(7) In subsection (4)(a) after “preservation” insert “or safety”.’.

Adran 30, tudalen 43, ar ôl llinell 23, mewnosoder –

(7) Yn is-adran (4)(a) ar ôl “preservation” mewnosoder “or safety”.’.

**Suzy Davies** 91

Section 40, page 49, line 15, leave out ‘or 9ZB’ and insert ‘, 1AE6, 9ZB or 60(1A)’.

Adran 40, tudalen 49, llinell 15, hepgorer ‘or 9ZB’ a mewnosoder ‘, 1AE6, 9ZB or 60(1A)’.

**Suzy Davies** 92

Section 40, page 50, line 1, after ‘2A’, insert ‘, 2D6’.



Adran 40, tudalen 50, llinell 1, ar ôl '2A', mewnosoder ' , 2D6'.

**Suzy Davies**

**93**

Section 41, page 51, after line 4, insert—

- '(6) An order to which subsection (4)(b) applies is subject to annulment in pursuance of a resolution of the National Assembly for Wales.'

Adran 41, tudalen 51, ar ôl llinell 4, mewnosoder—

- '(6) Mae gorchymyn y mae is-adran (4)(b) yn gymwys iddo yn ddarostyngedig i'w ddiddymu yn unol â phenderfyniad gan Gynulliad Cenedlaethol Cymru.'

**Suzy Davies**

**5A**

As an amendment to amendment 5, after line 27, insert-

- '(9) On the first occasion on which guidance under this section is prepared by the Welsh Ministers, it must not be issued unless a draft of the guidance has been laid before and approved by a resolution of the National Assembly for Wales.
- (10) On subsequent occasions on which guidance under this section is issued by the Welsh Ministers, it may be annulled by a resolution of the National Assembly for Wales.'

Fel gwelliant i welliant 5, ar ôl llinell 27, mewnosoder-

- '(9) On the first occasion on which guidance under this section is prepared by the Welsh Ministers, it must not be issued unless a draft of the guidance has been laid before and approved by a resolution of the National Assembly for Wales.
- (10) On subsequent occasions on which guidance under this section is issued by the Welsh Ministers, it may be annulled by a resolution of the National Assembly for Wales.'

