



Deddf yr Amgylchedd Hanesyddol (Cymru) 2016

2016 dccc 4

Deddf Cynulliad Cenedlaethol Cymru i wneud darpariaeth sy'n diwygio agweddau penodol ar y gyfraith sy'n ymwneud â henebion hynafol ac adeiladau rhestredig; i sefydlu cofrestr o barciau a gerddi hanesyddol a rhestr o enwau lleoedd hanesyddol; i sefydlu cofnodion amgylchedd hanesyddol ar gyfer ardaloedd awdurdod lleol; i sefydlu Panel Cyngori ar Amgylchedd Hanesyddol Cymru; ac at ddibenion cysylltiedig. [21 Mawrth 2016]

Gan ei fod wedi ei basio gan Gynulliad Cenedlaethol Cymru ac wedi derbyn cydsyniad Ei Mawrhydi, deddfir fel a ganlyn:

RHAN 1

TROSOLWG

1 Trosolwg

- (1) Mae pum Rhan i'r Ddeddf hon.
- (2) Mae'r Rhan hon yn rhoi trosolwg o'r Ddeddf hon.
- (3) Mae Rhan 2 yn gwneud diwygiadau i [Ddeddf Henebion Hynafol ac Ardaloedd Archaeolegol 1979 \(p.46\)](#), yn bennaf mewn perthynas â henebion hynafol yng Nghymru. Mae hefyd yn gwneud darpariaeth i Weinidogion Cymru lunio a chynnal cofrestr o barciau a gerddi hanesyddol.
- (4) Mae Rhan 3 yn gwneud diwygiadau i [Ddeddf Cynllunio \(Adeiladau Rhestredig ac Ardaloedd Cadwraeth\) 1990 \(p.9\)](#) mewn perthynas ag adeiladau yng Nghymru sydd o ddiddordeb pensaernïol neu hanesyddol arbennig ("adeiladau rhestredig").
- (5) Mae Rhan 4 yn gwneud darpariaeth arall ynghylch yr amgylchedd hanesyddol yng Nghymru, gan gynnwys darpariaeth—

- (a) ar gyfer llunio rhestr o enwau lleoedd hanesyddol yng Nghymru (adran 34),
 - (b) ar gyfer llunio cofnod amgylchedd hanesyddol ar gyfer pob ardal awdurdod lleol yng Nghymru (adrannau 35 i 37), a
 - (c) ar gyfer sefydlu'r Panel Cyngori ar Amgylchedd Hanesyddol Cymru, cyfansoddiad y panel hwnnw a'i swyddogaethau (adrannau 38 a 39).
- (6) Mae Rhan 5 yn cynnwys darpariaeth sy'n gymwys yn gyffredinol at ddibenion y Ddeddf hon.

RHAN 2

HENEBION HYNAFOL ETC

Trosolwg

2 Trosolwg o'r Rhan hon

- (1) Mae'r Rhan hon yn ymwneud yn bennaf â gwarchod henebion hynafol yng Nghymru. Mae'n gwneud darpariaeth—
- (a) i Weinidogion Cymru ymgynghori cyn gwneud newidiadau penodol i'r Gofrestr o dan [Ddeddf Henebion Hynafol ac Ardaloedd Archaeolegol 1979 \(p.46\)](#) ("Deddf 1979") neu ddiwygiadau penodol sy'n ymwneud â henebion yn y Gofrestr (adran 3);
 - (b) i roi gwarchodaeth statudol i heneb wrth i Weinidogion Cymru benderfynu pa un ai i gynnwys yr heneb yn y Gofrestr neu, yn achos heneb sydd eisoes wedi ei chynnwys yn y Gofrestr, i wneud diwygiadau penodol sy'n ymwneud â hi (adran 3);
 - (c) i Weinidogion Cymru adolygu eu penderfyniad i gynnwys heneb yn y Gofrestr neu i wneud diwygiadau penodol sy'n ymwneud â heneb yn y Gofrestr (adran 3);
 - (d) i ddiwygio'r weithdrefn sy'n ymwneud â chydysyniad heneb gofrestredig a'r ddarpariaeth ar gyfer digollediad am wrthod cydsyniad o'r fath (adrannau 5 i 10);
 - (e) i Weinidogion Cymru ymrwmo i gytundeb â pherchennog heneb sydd wedi ei chynnwys yn y Gofrestr ynghylch materion megis cydsyniad i waith gael ei wneud i'r heneb (adran 11);
 - (f) i Weinidogion Cymru ddyroddi hysbysiad gorfodi neu hysbysiad stop dros dro, neu wneud cais i lys am waharddeb, mewn achos sy'n ymwneud â gwaith penodol i heneb sydd wedi ei chynnwys yn y Gofrestr (adrannau 12 i 14);
 - (g) i addasu cymhwysiad troseddau penodol, gan gynnwys drwy greu amddiffyniad diwydrwydd dyladwy (adrannau 15 i 17);
 - (h) ynghylch y pŵer i gael mynediad i dir y credir bod heneb hynafol arno (adran 19);
 - (i) ynghylch yr amgylchiadau pan fo heneb yn y môr tiriogaethol i'w thrin fel pe bai yng Nghymru (adran 20);
 - (j) i alluogi cyflwyno drwy gyfathrebiadau electronig hysbysiadau a dogfennau eraill y mae'n ofynnol iddynt gael eu cyflwyno o dan Ddeddf 1979 neu yr awdurdodir iddynt gael eu cyflwyno o dan y Ddeddf honno (adran 21);
 - (k) i ddiwygio'r diffiniad o "monument" yn Neddf 1979 (adran 22).

- (2) Mae'r Rhan hon hefyd yn gwneud darpariaeth i Weinidogion Cymru lunio a chynnal cofrestr o barciau a gerddi hanesyddol (adran 18).

Cofrestr o henebion

3 Diwygiadau sy'n ymwneud â'r Gofrestr

- (1) Ar ôl adran 1A o [Ddeddf Henebion Hynafol ac Ardaloedd Archaeolegol 1979 \(p.46\)](#) mewnosoder—

“1AA Duty to consult on certain amendments relating to the Schedule

- (1) This section applies where the Welsh Ministers are proposing—
- (a) to include a monument in the Schedule;
 - (b) to exclude a monument from the Schedule; or
 - (c) in the case of a monument which is identified in the Schedule by reference to a map maintained by the Welsh Ministers, to make a material amendment in relation to the monument.
- (2) The Welsh Ministers must—
- (a) serve notice of the proposed inclusion, exclusion or amendment on the appropriate persons; and
 - (b) invite those persons to submit written representations about the proposal.
- (3) The appropriate persons are—
- (a) the owner of the monument;
 - (b) if the owner is not the occupier, the occupier of the monument;
 - (c) each local authority in whose area the monument is situated; and
 - (d) any other person who appears to the Welsh Ministers appropriate as having special knowledge of, or interest in, the monument, or in monuments of special historic or archaeological interest more generally.
- (4) A notice under subsection (2) must—
- (a) specify the proposed inclusion, exclusion or amendment;
 - (b) specify the period within which representations about the proposal may be made, which must be at least 28 days beginning with the day on which the notice is served; and
 - (c) in the case of a proposed inclusion or a proposed amendment of the kind described in subsection (5)(a)—
 - (i) include a statement of the effect of section 1AB; and
 - (ii) specify the date on which interim protection takes effect under subsection (2) of that section.
- (5) For the purposes of this section an amendment in relation to a monument in the Schedule is “material” if it—
- (a) adds to the area shown for the monument on the map referred to in subsection (1)(c); or
 - (b) reduces the area so shown.

- (6) The Welsh Ministers may by regulations amend subsection (3) by adding a description of person to the list of appropriate persons in that subsection; and where the Welsh Ministers do so, they may also make such amendments to this Act as they consider appropriate in consequence of the amendment to subsection (3).

1AB Interim protection pending decisions on certain amendments relating to the Schedule

- (1) This section applies where the Welsh Ministers consult under section 1AA on a proposal to—
- (a) include a monument in the Schedule; or
 - (b) make a material amendment of the kind described in section 1AA(5) (a) in relation to a monument in the Schedule.
- (2) The provisions of this Act have effect in relation to the monument, from the beginning of the day specified for the purposes of section 1AA(4)(c)(ii)—
- (a) in the case of a proposal to include a monument in the Schedule, as if the monument were a scheduled monument; and
 - (b) in the case of a proposal to make a material amendment in relation to a monument in the Schedule, as if the amendment were made.
- (3) The protection conferred on a monument or area by virtue of subsection (2) is referred to in this Act as “interim protection”.
- (4) Interim protection conferred by virtue of subsection (2)(a) ceases to have effect—
- (a) where the Welsh Ministers include the monument in the Schedule, from the beginning of the day specified in the notice for the purpose of section 1AE(2)(a); or
 - (b) where the Welsh Ministers decide not to include the monument in the Schedule, from the beginning of the day specified in a notice issued to—
 - (i) the owner of the monument;
 - (ii) if the owner is not the occupier, the occupier of the monument; and
 - (iii) each local authority in whose area the monument is situated.
- (5) Interim protection conferred by virtue of subsection (2)(b) ceases to have effect—
- (a) where the Welsh Ministers make the material amendment, from the beginning of the day specified in the notice for the purpose of section 1AE(2)(a); or
 - (b) where the Welsh Ministers decide not to make the material amendment, from the beginning of the day specified in a notice issued to—
 - (i) the owner of the monument;
 - (ii) if the owner is not the occupier, the occupier of the monument; and
 - (iii) each local authority in whose area the monument is situated.

(6) The Welsh Ministers—

- (a) must publish by electronic means a list containing particulars of each monument in relation to which interim protection has effect; and
- (b) must, on request, provide a copy of the notice served under section 1AA(2) in respect of such a monument.

1AC Provisions applicable on lapse of interim protection

Schedule A1 has effect with respect to the lapse of interim protection.

1AD Compensation for loss or damage caused by interim protection

- (1) This section applies where interim protection in respect of a monument ceases to have effect as a result of the issue of a notice by the Welsh Ministers under section 1AB(4)(b) or (5)(b).
- (2) Any person who, at the time when the interim protection took effect, had an interest in the monument is, on making a claim to the Welsh Ministers within the prescribed time and in the prescribed manner, entitled to be paid compensation by the Welsh Ministers in respect of any loss or damage directly attributable to the effect of the protection.
- (3) The loss or damage in respect of which compensation is payable under subsection (2) includes a sum payable in respect of any breach of contract caused by the necessity of discontinuing or countermanding any works to the monument on account of the interim protection having effect.

1AE Review of decisions on certain amendments relating to the Schedule

- (1) This section applies where the Welsh Ministers—
 - (a) include a monument in the Schedule; or
 - (b) make a material amendment of the kind described in section 1AA(5) (a) in relation to a monument in the Schedule.
- (2) When the Welsh Ministers inform the owner and (if the owner is not the occupier) the occupier of the monument under section 1(6) or (6B) that they have taken that action, they must also serve on that person or those persons a notice which—
 - (a) specifies the date on which the Welsh Ministers did so (and on which interim protection under section 1AB(2) ceased to have effect); and
 - (b) states that the person may make an application to the Welsh Ministers requesting them to review their decision to do so.
- (3) Where the owner or occupier of the monument makes such an application, the Welsh Ministers must—
 - (a) carry out the review requested;
 - (b) make a decision on the review; and
 - (c) make such amendment to the Schedule or the map referred to in section 1AA(1)(c) as they consider appropriate to give effect to that decision.