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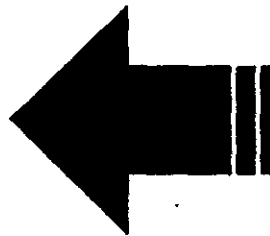
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WELSH OFFICE

CATHAYS PARK
CARDIFF CF1 3NQ

5 December 1996

PLANNING AND THE HISTORIC ENVIRONMENT: ARCHAEOLOGY

Introduction

1. *Planning Guidance (Wales): Planning Policy* sets out the Government's land-use planning policies as they apply in Wales. It lists relevant legislation, sets out general principles including sustainable development and the role of the planning system, and at paragraphs 114 to 140 sets out policy guidance of specific relevance to the historic environment. This Circular sets out advice on legislation and procedures relating to archaeological remains and supplements that guidance. Together with *Planning Guidance (Wales): Planning Policy*, it should be taken into account by local planning authorities in the preparation of development plans. The combined guidance may be material to decisions on individual planning applications and will be taken into account by the Secretary of State and his Inspectors in the determination of called-in applications and planning appeals in Wales.

2. This Circular is arranged as follows:

- A The importance of archaeology (paras 3-7)
- B Advice on the handling of archaeological matters in the planning process (paras 8-25)
- C Cancellation of PPG 16 (Wales)

Annex 1 Legislative arrangements

Annex 2 Key bodies, Organisations and Sites and Monuments Records

Annex 3 Secretary of State's criteria for scheduling ancient monuments

Annex 4 Ancient Monuments (Class Consents) Order 1994

The documents listed under the Reference column in the margin of this Circular provide more detailed information which should be read in conjunction with the Circular.

3. Archaeological remains are a finite, and non-renewable resource, in many cases highly fragile and vulnerable to damage and destruction. They are the product of human activity over thousands of years and may vary enormously in their state of preservation and in their appeal to the public. Their importance, as evidence of the past development of our civilisation and as part of our sense of national identity, is not necessarily related to their size or popularity. Some remains are small or barely visible while others form parts of large and complex historic landscapes. Much has been destroyed by human activity – for example, by modern construction methods in urban development and expansion of the road network, by modern agricultural techniques (in particular deep ploughing or drainage of wetlands), and by mineral extraction. Appropriate management is essential to ensure that archaeological remains survive in good condition. In particular, care must be taken to ensure that they are not needlessly or thoughtlessly destroyed. They are part of our cultural heritage not least in terms of the information they provide about the past, valuable both for their own sake, and for their role in education, leisure and tourism.

4. Archaeological records for Wales contain around 75,000 sites and monuments. Nearly 3,000 nationally important sites enjoy special protection as ‘scheduled ancient monuments’. Cadw: Welsh Historic Monuments Executive Agency is engaged upon a survey programme which is expected to result in significant additions to this category of site.

Ancient Monuments and Archaeological Areas Act 1979.

See Annex 1.

5. Scheduling archaeological remains ensures that the case for preservation is fully considered given any proposals for development or other work which might damage the monument. The planning system is equally in a position to consider the desirability of preserving archaeological remains and the various options open to planning authorities for dealing with archaeological remains are considered in Section B. Much can be achieved when developers are prepared to enter into discussions with archaeologists and consider fully the needs of archaeology as early as possible in the development process. This voluntary approach to considering the needs of archaeology is well-established and has been formalised in various Codes of Practice.

Planning Guidance (Wales): Planning Policy 1996, para 140.

See Annexes 1 and 2.

6. Archaeological issues are often important in minerals planning, particularly in the quarrying of stone, the extraction of sand and gravel and in opencast coal working. Minerals can only be worked where they are found so they often differ from other forms of development in that there is not the same flexibility of choice of location.

The CBI's revised Code of Practice for Mineral Operators on archaeological investigations provides advice on how minerals operators should consult archaeological interests in formulating planning applications, to ensure that archaeological factors are fully taken into account.

7. Positive planning and management can help to bring about sensible solutions to the treatment of sites with archaeological remains and reduce the areas of potential conflict between development and preservation. While the Welsh Office (through Cadw) has an important role to play, the key to the future of the great majority of archaeological sites and historic landscapes lies with local authorities, acting within the framework set by central government, in their various capacities as planning, highways, education and recreational authorities, as well as with the owners and occupiers of sites themselves. Appropriate planning policies in development plans and their implementation through development control will be especially important.

Development Plans

8. Development plans should reconcile the need for development with the interests of conservation including archaeology. They should include policies for the protection, enhancement and preservation of sites of archaeological interest and their settings. Although the surviving numbers of archaeological remains are finite and irreplaceable, obviously not all are of equal importance. Planning authorities will therefore wish to base their development plan policies and proposals on an assessment of the archaeological remains in their area. These policies will provide an important part of the framework for the consideration of individual proposals for development which affects archaeological remains and will help guide developers in preparing planning applications. The proposals map should define the areas and sites to which the policies and proposals apply. Cadw is ready to advise on the archaeological content of policies proposed for inclusion in draft plans and should be consulted early in their preparation. This may be of particular help in urban areas where important archaeological remains may not be adequately identified by scheduling.

Planning Guidance (Wales): Planning Policy 1996, paras 135 and 137.

Sites and Monuments Records – SMR

9. A small number of planning authorities have their own archaeological staff and sites and monuments records. Those without this in-house provision are advised to make full use of the expertise of the Welsh Archaeological Trusts in development control and planning advice, preferably by formally adopting the regional Sites and Monuments Records (SMR) maintained by the Trusts.

See Annex 2 paras 10–12.

Planning Applications

10. The desirability of preserving an ancient monument and its setting is a material consideration in determining a planning application whether that monument is scheduled or unscheduled. Developers and local authorities should take into account archaeological considerations and deal with them from the beginning of the development control process. Where local planning authorities are aware of a real and specific threat to a known archaeological site as a result of the potential exercise of permitted development rights, they may wish to consider the use of their powers to withdraw those rights and require that planning permission be obtained before the development can proceed. The majority of such directions require the Secretary of State's approval, either before they come into effect or within six months of being made.

Planning Guidance (Wales): Planning Policy 1996, para 134.

Permitted development rights are set out in Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995. Powers to withdraw those rights exist under Article 4 of that Order.

Further advice on the use of Article 4 Directions is given in Appendix D to Welsh Office Circular 29/95.

(a) The First Step: Early Consultations between Developers and Planning Authorities

11. Developers should discuss their preliminary plans with the planning authorities at an early stage. Once detailed designs have been prepared and finance arranged, flexibility becomes more difficult and expensive. In their own interests, therefore, prospective developers should in all cases include as part of their research into the development potential of a site, which they undertake before making a planning application, an initial appraisal of whether the site is known or likely to contain archaeological remains. The first step will be to consult the regional SMR (whether held by the local authority or the regional Welsh Archaeological Trust). The SMR will provide information about the locations where archaeological remains are known or thought likely to exist and on their relative significance.

Planning Guidance (Wales): Planning Policy 1996, para 136.

(b) Archaeological Assessments

12. These consultations will help to provide prospective developers with advance warning of the archaeological sensitivity of a site. As a result they may wish to commission their own archaeological assessment by a professionally qualified archaeological organisation or consultant. This need not involve fieldwork. Assessment normally involves desk-based evaluation of existing information: it can make effective use of records of previous discoveries, including any historic maps held by the local authority archive and local museums and record offices, or of geophysical survey techniques. In some circumstances a formal Environmental Assessment may be necessary.

Reference

See Annex 1, paras 22 and 23.

(c) Field Evaluations

13. Where early discussions with local planning authorities or the developer's own research indicate that important archaeological remains may exist, the planning authority should request the prospective developer to arrange for an archaeological field evaluation to be carried out before any decision on the planning application is taken. Such an evaluation, normally a rapid and inexpensive operation involving ground survey and/or small-scale trial trenching, is quite distinct from full archaeological excavation but it should be carried out by a professionally qualified archaeological organisation or archaeologist. Evaluations of this kind help to define the character and extent of the archaeological remains that exist in the area of a proposed development, and indicate the weight which ought to be attached to their preservation. They also provide information useful for identifying potential options for minimising or avoiding damage.

The Institute of Field Archaeologists (see Annex 2, para 7) publishes a directory of members (both individuals and archaeological organisations) which developers may wish to consult.

14. Local planning authorities should expect developers to provide the results of such appraisals, assessments and/or evaluations as part of their application for sites where there is a good reason to believe there are remains of archaeological importance. If developers are not prepared to do so voluntarily, the planning authority may wish to consider whether it would be appropriate to direct the applicant to supply further information. Authorities will need to consider refusing permission for proposals which are inadequately documented.

Regulation 4 of the Town and Country Planning (Applications) Regulations 1988.

(d) Consultations by Planning Authorities

15. When planning applications are made without prior discussion with the local planning authorities, the authorities should seek to identify those applications which have archaeological implications, and to assess their likely archaeological impact by consulting the local authority Archaeological Officer, National Park Archaeologist or regional Welsh Archaeological Trust. When it is evident that a particular development proposal is likely to affect archaeological remains, applicants may need to be asked to provide more detailed information about their scheme – for example, the type of foundations to be used – or they may be asked to carry out an evaluation. Planning authorities should be fully informed about the nature and importance of the archaeological site and its setting. They should therefore seek archaeological advice. In the case of a development proposal that is likely to affect the site of a scheduled ancient monument, local planning authorities are required to consult the Secretary of State (Cadw). In exceptional cases, where issues of more than local importance are raised, applications may be called in for determination by the Secretary of State.

Article 10(1)(n) of the Town and Country Planning (General Development Procedure) Order 1995.

Planning Decisions

16. The Secretary of State recognises that the extent to which archaeological remains can or should be preserved will depend upon a number of factors. The case for the preservation of archaeological remains must be assessed on the individual merits of each case, taking into account the archaeological policies in development plans, together with all other relevant policies and material considerations, including the intrinsic importance of the remains and weighing these against the need for the proposed development.

Reference

Planning Guidance (Wales): Planning Policy 1996, para 134.

(a) Preservation of Archaeological Remains in-situ

17. Once the planning authority has sufficient information, there is a range of options for the determination of planning applications affecting archaeological remains and their settings. Where nationally important archaeological remains, whether scheduled or not, and their settings, are affected by proposed development there should be a presumption in favour of their physical preservation in situ i.e., a presumption against proposals which would involve significant alteration or cause damage, or which would have a significant impact on the setting of visible remains. In certain circumstances, it may be possible to preserve important archaeological remains where developers prepare sympathetic designs using, for example, foundations which avoid disturbing the remains altogether or minimise damage by raising ground levels under a proposed new structure or by careful siting of landscaped or open areas. There are techniques available for sealing archaeological remains underneath buildings or landscaping, thus securing their preservation for the future even though they remain inaccessible for the time being.

Planning Guidance (Wales): Planning Policy 1996, para 134 and 137.

(b) Preservation of Archaeological Remains by Record

18. There will be occasions, particularly where remains of lesser importance are involved, when planning authorities may decide that the significance of the archaeological remains is not sufficient when weighed against all other material considerations, including the need for development, to justify their physical preservation in situ, and that the proposed development should proceed. Planning authorities will, in such cases, need to satisfy themselves that the developer has made appropriate and satisfactory arrangements for the excavation and recording, or other investigation, of the archaeological remains and the publication of the results. If this has not already been secured through some form of voluntary agreement, planning authorities should consider granting planning permission subject to conditions which provide for the excavation and recording of the remains before development takes place. Local planning authorities may, as a matter of last resort, need to consider refusing planning permission where developers do not seek to accommodate important remains.

Planning Guidance (Wales): Planning Policy 1996, para 138.

19. From the archaeological point of view excavation should be regarded as a second best option. The science of archaeology is developing rapidly. Excavation means the total destruction of evidence (apart from removable artefacts) from which future techniques could almost certainly extract more information than is currently possible. Excavation can be expensive and time-consuming, and discoveries may have to be evaluated in a hurry against an inadequate research framework. The preservation in situ of important archaeological remains is therefore to be preferred.

(c) Arrangements for the Investigation of Archaeological Remains Including Funding

Reference

20. Archaeological investigations, such as excavation and recording should be carried out before development commences, working to a project brief prepared by the planning authority (with reference to their archaeological advisers). Investigation can be achieved through agreements reached between the developer, the archaeologist and the planning authority. Such agreements should secure and implement an appropriate scheme of archaeological investigation, to an agreed timetable, and provide for the subsequent publication of its results. In particular cases where the developer is a non-profit making community body, such as a charitable trust or housing association, which is unable to raise the funds to provide for excavation and subsequent recording without undue hardship, or in the case of an individual who similarly does not have the means to fund such work, an application for financial assistance may be made to the Secretary of State.

21. Agreements covering archaeological investigations, the publication of their results and deposition of records in a designated public archive may take different forms. For example, the developers or their archaeological consultants and local planning authorities may wish to conclude a voluntary planning agreement. These agreements can provide for the excavation and recording of sites before development work starts. Voluntary agreements are likely to provide more flexibility and be of greater mutual benefit to all the parties than could be provided for by alternative statutory means. They have the advantage of setting out clearly the extent of the developer's commitment, thereby reducing both uncertainty over the financial implications of having to accommodate any archaeological constraints and the possibility of unforeseen delays to the construction programme.

Section 106 of the Town and Country Planning Act 1990 which contains statutory powers dealing with planning obligations and other similar statutory powers.

Model agreements between developers and the appropriate archaeological body regulating archaeological site investigations and excavation can be obtained from the Institute of Field Archaeologists (see Annex 2, para 7).

Planning Conditions

22. Planning authorities should seek to ensure that potential conflicts are resolved and agreements with developers concluded before planning permission is granted. Where the use of planning conditions is necessary, authorities should ensure that they are fair, reasonable and practicable. It is open to the local planning authority to impose conditions designed to protect a monument and to require that an archaeological watching brief is carried out (either intensively or intermittently) during the construction period by a suitably qualified archaeologist. Conditions on these lines help to ensure that if remains of archaeological significance are disturbed in the course of work, they can be excavated, recorded and reported.

Welsh Office Circular 35/95, para 81.

Planning Guidance (Wales): Planning Policy 1996, para 137.

23. In cases when planning authorities have decided that planning permission may be granted but on the basis of a negative condition, the following model is suggested:

Welsh Office Circular 35/95, Appendix A model condition 55.

"No development shall take place within the area indicated [this would be the area of archaeological interest] until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority." (Developers will wish to ensure that in drawing up a scheme, the timetable for the investigation is included within the details of the agreed scheme).

Planning Guidance (Wales): Planning Policy 1996, para 139.

Discovery of Archaeological Remains During Development

Reference

See Annexes 1 and 3.

24. The preceding advice has been framed to minimise occasions when totally unexpected problems arise while development is in progress. Nevertheless, and in spite of the best pre-planning application research, there may be occasions when the presence of archaeological remains only becomes apparent once development has commenced. Developers may wish to consider insuring themselves against the risk of substantial loss while safeguarding the interest of historic remains unexpectedly discovered on the site. Conflicts that may otherwise arise between developers and archaeologists may not always be easy to resolve. Where fresh archaeological discoveries are deemed by the Secretary of State to be of national importance, in accordance with published criteria, he has the power to schedule the remains. In the event of scheduling, developers would need to seek separate scheduled monument consent before they continue work. It is also open to a planning authority or the Secretary of State to revoke a planning permission if deemed necessary, in which case there is provision for compensation. In the majority of cases, however, it should prove possible for the parties to resolve the issues through voluntary discussion and for arrangements satisfactory to both parties to be reached.

C: CANCELLATION PPG 16 (WALES)

25. The advice contained in this Circular replaces that in PPG16 (Wales) which is hereby cancelled.

Unitary Authorities }
National Parks } In Wales

T J Cassidy
Chief Executive
Cadw: Welsh Historic Monuments

LEGISLATIVE ARRANGEMENTS

Scheduling of Ancient Monuments of National Importance

1. Under the Ancient Monuments and Archaeological Areas Act 1979 (the 1979 Act) the Secretary of State has a duty to compile and maintain a schedule of monuments; monuments on the schedule have statutory protection. Inclusion of monuments on the schedule is at the Secretary of State's discretion although monuments added to it must be of national importance. The non-statutory criteria for scheduling published in 1983 (and restated in 1990) are set out in Annex 3. The Inspectorate of Ancient Monuments is responsible for advising on which monuments should be considered for scheduling and on whether a monument should be de-scheduled or the entry or protected area revised. In practice, many of the recommendations arise from suggestions made to the Inspectorate from fieldworkers in the Royal Commission on the Ancient and Historical Monuments of Wales (RCAHMW), Welsh Archaeological Trusts, local authorities or national parks. Occupied dwellings and churches in use for ecclesiastical purposes cannot be scheduled.

2. Owners are normally consulted before sites are added to the schedule, although this is not a statutory requirement and there may not always be time in cases where development is impending. Scheduled sites are registered as a charge in the Local Land Charges Register and notified to the regional Sites and Monuments Record. Cadw publishes lists of scheduled monuments. Enquiries concerning these lists should be directed to Ancient Monuments Administration, Cadw: Welsh Historic Monuments, Crown Building, Cathays Park, Cardiff CF1 3NQ, Telephone 01222 500200.

3. The present schedule of nearly 3,000 sites has been compiled over a period of more than a hundred years, since statutory protection for monuments was first introduced in 1882. However it is recognised to contain an inadequate sample of the extensive archaeological remains now known to survive in Wales. Cadw has, therefore, embarked upon a programme to evaluate all known archaeological remains in Wales to identify those which may be suitable for scheduling. This exercise is being carried out in close liaison with archaeological interests and is expected to result in a significant increase in the number of scheduled monuments. But even so, the stringent criteria for scheduling means that large numbers of identified sites are likely to remain unscheduled. Whether or not they are preserved will depend upon the value of the remains, the commitment of owners and of the public and the policies of local authorities.

4. As a selective example of the nation's archaeology the schedule differs from the more comprehensive lists of buildings of special architectural or historic interest compiled under Section 1 of the Planning (Listed Buildings and Conservation Areas) Act 1990. But, broadly speaking, scheduled monuments rank in importance with Grade I or Grade II* listed buildings. Where buildings are both scheduled and listed, ancient monuments' legislation takes precedence, and scheduled monument consent rather than listed building consent is required for works.

Control of Work to Scheduled Monuments

5. Once a monument has been scheduled, the consent of the Secretary of State is required before any works are carried out which would have the effect of demolishing, destroying, damaging, removing, repairing, altering, adding to, flooding or covering up the monument. The scope of the control is therefore both more extensive and more detailed than that applied to listed buildings. Consent can be granted only for detailed proposals and unlike planning permission there is no provision for the granting of outline consent. There are however ten class consents currently in force which enable owners to proceed with certain specified types of

work – they are listed at Annex 4. The Secretary of State has power to revoke or modify a consent (whether granted following an application or deemed to have been granted by class consent).

6. Although monuments on Crown land may be scheduled (Section 50 of the 1979 Act), works by or on behalf of the Government on such land currently enjoy exemption from scheduled monument consent controls. However, they remain subject to a non-statutory procedure known as scheduled monument clearance which follows similar procedures to scheduled monument consent.

7. The form of application for scheduled monument consent is laid down in Regulations [The Ancient Monuments (Applications for Scheduled Monument Consent) Regulations 1981] and forms may be obtained from Cadw.

8. Where appropriate, the Secretary of State will consult the Royal Commission on the Ancient and Historical Monuments of Wales, the Council for British Archaeology, the regional Welsh Archaeological Trust and the relevant local authority on applications for scheduled monument consent. Other archaeological or relevant interests may be consulted, too, as the need arises.

9. Paragraph 3(2) of Part 1 to Schedule 1 of the 1979 Act requires the Secretary of State to cause a local inquiry to be held or afford an applicant for scheduled monument consent the opportunity of a hearing before an application is determined. As a general rule, it is his policy to hold a public inquiry, in the absence of a request from an applicant, only in cases where a related matter is formally before him for determination and is due to be heard at a public inquiry, e.g. an appeal against the refusal of planning permission.

10. To assist an applicant to decide whether he/she wishes to exercise his/her right to a hearing, it is the Secretary of State's practice to extend the invitation in a letter setting out a provisional decision on an application based on the evidence submitted with it, any representations made by consultees or interested parties and the advice put forward by the regional Inspector of Ancient Monuments. The regional Inspector will, where necessary, have visited the site and resolved any doubts or ambiguities as to the nature of the proposed works before submitting his/her detailed recommendation including a list of conditions proposed to be attached to the terms of any consent. Site discussions can inform applications but are entirely without prejudice to the Secretary of State's consideration of an application for scheduled monument consent.

Secretary of State's Policy

11. The Secretary of State regards the main purpose of scheduling as ensuring the preservation of ancient monuments thus there should be a presumption in favour of their physical preservation when considering applications for consent to undertake works to them, i.e. a presumption against proposals which would involve significant alteration or cause damage, or which would have a significant impact on the setting of visible remains. In considering applications for scheduled monument consent, therefore, the Secretary of State will expect applicants (particularly where underground pipelines, cables or sewers are intended to be laid), to demonstrate that no practicable alternative route or location, avoiding the monument, exists and that the need to undertake the works outweighs the presumption in favour of the protection of a monument of national importance.

12. Where a building is both listed and scheduled, Section 61 of the Planning (Listed Buildings and Conservation Areas) Act 1990 provides that application to demolish, alter or extend the structure, need only be made under the provisions of Section 2 of the 1979 Act since that is deemed to take precedence. In determining an application for work to such a building, the Secretary of State will continue to have regard to his published policies relating to listed buildings particularly with regard to the need to explore alternative uses, where demolition is proposed, and to retain important features where it is proposed to undertake alterations.

Offences Relating to Scheduled Ancient Monuments

13. The 1979 Act created a number of offences relating to ancient monuments. Well publicised successful prosecutions of those who carry out unauthorised work to, or damage, scheduled monuments can provide a valuable deterrent to the wilful damage or destruction of monuments, and it is Welsh Office policy to initiate proceedings where it is considered a good case can be sustained. The Act provides a number of defences including genuine and reasonable ignorance of the scheduled status of the site, and the need to undertake urgently necessary work in the interests of health and safety.

14. Section 28 of the 1979 Act makes it an offence to destroy or damage a protected monument – defined as a scheduled ancient monument or any monument under the ownership or guardianship of the Secretary of State or a local authority by virtue of the 1979 Act. The power to initiate prosecution proceedings is not limited to the Secretary of State. Local authorities and the Police can also initiate prosecutions when offences have been discovered by them.

15. Because the majority of local authorities in Wales do not have in-house archaeological expertise, the Secretary of State (through Cadw) will continue to take the lead in the investigation and prosecution of offences arising from damage to scheduled ancient monuments when incidents are reported to, or discovered by, him. In the case of a scheduled ancient monument owned by, or in the guardianship of, a local authority, he would normally expect the local authority to be responsible for the prosecution of offenders though archaeological advice (including the provision of an expert witness) will be made available by Cadw if required. It is suggested, therefore, that before undertaking prosecutions, local authorities should consult Cadw. Local authorities will continue to be solely responsible for prosecutions arising from damage to unscheduled, protected monuments.

Metal Detectors

16. Most metal detector users act responsibly. However, illegal metal detecting can cause serious damage to ancient monuments – not only to the fabric of the monument, but also to its interpretation and understanding once artefacts have been removed from their archaeological context. It is an offence under Section 42 of the 1979 Act to use metal detectors in a protected place (any place which is either the site of a scheduled monument or any monument in the ownership or care of the Secretary of State or a local authority) without prior consent from the Secretary of State to whom written application will need to be made. Consent is not normally given except for bona fide, non destructive, research purposes or for the recovery of valuable items of lost property, e.g. rings and watches.

Monument Management

17. Statutory protection may not of itself secure the future preservation of a monument. In most cases it is essential to develop a management plan and to carry out regular maintenance to prevent progressive decay of the building or site. Ruins, as much as buildings in use, need constant minor repair to prevent their deterioration. Grassed field monuments can be seriously damaged by neglect which allows pests and shrubs or trees to proliferate, or by unsuitable farming regimes. While the responsibility for repairing and maintaining monuments rests with the owner, Cadw can provide advice and financial assistance of two main kinds for the preservation of important sites.

18. Grants under Section 24 of the 1979 Act are provided by the Secretary of State principally towards the costs of the preservation, maintenance and management of monuments and, more rarely, they may be given towards the purchase of monuments which are at risk of damage or destruction.

19. Management agreements made under Section 17 of the 1979 Act either by the Secretary of State or local authorities provide financial assistance to occupiers of land to encourage the beneficial management of usually field monuments through such work as pest and weed control and control of stocking levels. Such agreements extend over a number of years and can include an initial payment to cover the cost of any capital works, such as fencing.

20. Cadw provides advice on the management of ancient monuments, principally through the Inspectorate of Ancient Monuments but also through a network of Field Monument Wardens assigned to individual areas. The Wardens in particular inspect scheduled monuments on a regular basis, reporting on their condition and are available to discuss with both owners/occupiers and local authorities measures for the improved management of sites.

Preservation by Record

21. The Secretary of State can offer financial assistance under Section 45 of the 1979 Act for preservation by record. In terms of quality, sites must be of national importance measured against the published criteria (Annex 3). Their excavation must accord with current academic priorities. The present emphasis is increasingly on projects which can illuminate important research questions and fill gaps in our knowledge. Funds will not normally be made available unless the site is under threat.

Environmental Assessment

22. For certain types of development (listed in Schedules 1 and 2 to the Town and Country Planning (Assessment of Environmental Effects) Regulations 1988, as amended) formal environmental assessment (EA) may be necessary. Where EA is required, the developer must provide an environmental statement setting out the information specified in Schedule 3 to the Regulations about the site and the likely significant effects of the proposed development on the environment. This should include information relating to any significant effects on material assets and the cultural heritage, such as archaeological features and other human artefacts, and the measures envisaged to avoid, reduce or remedy adverse effects.

23. Where development requiring EA affects the site of a scheduled ancient monument, the Secretary of State must be consulted on the submitted environmental statement and he may be able (although not required to do so) to provide information to assist in the preparation of the statement. Further information about the EA procedures may be found in Welsh Office Circular 23/88 and the booklet *Environmental Assessment – A Guide to the Procedures* published by HMSO.

Simplified Planning Zones (SPZs)

24. The provisions relating to SPZs are set out at sections 82 to 87 of, and Schedule 7 to, the Town and Country Planning Act 1990, as amended by the Planning and Compensation Act 1991. SPZs have the effect of granting planning permission for specified types of development within the scheme. Where archaeological remains lie within the area of a proposed SPZ, it may be necessary to tailor the scheme to accommodate them. Scheduled monuments within SPZs remain subject to scheduled monument consent.

KEY BODIES, ORGANISATIONS AND SITES
AND MONUMENTS RECORDS

Central Government

1. The Secretary of State for Wales is responsible for setting the general framework for the planning system and sets the policy for the protection of the built heritage, including archaeology. These functions are exercised through Cadw: Welsh Historic Monuments, an Executive Agency of the Welsh Office. The Secretary of State is also responsible for both compiling and maintaining a statutory schedule of nationally important monuments and the control of works to such scheduled monuments through the scheduled monument consent procedure (see Annex 1, paragraphs 5 to 10).

Royal Commission on the Ancient and Historical Monuments of Wales (RCAHMW)

2. RCAHMW is the national body of survey and record. Its aim is to compile and make available a comprehensive archive and national database of ancient monuments and historic buildings in Wales (the National Monuments Record) for use by individuals and bodies concerned with understanding, conserving and managing the built environment. In collaboration with the four Welsh Archaeological Trusts and other heritage bodies in Wales, the Commission is developing a national computerised database of sites and monuments of archaeological and architectural interest. The Commission's officers can provide advice and assessment of individual sites within a national context.

Local Planning Authorities

3. Local planning authorities have a number of key responsibilities in relation to archaeological sites and monuments within their areas. For instance, they may have major remains, buildings or sites in their care; they may acquire ancient monuments and grant-aid their preservation and can help to present and manage historic sites which contribute to the local landscape, amenities and economy of their area; finally they have a crucial role in safeguarding the archaeological heritage through their development control functions. Whilst the National Parks have in-house archaeological expertise, only a few local authorities have an archaeological service on which to draw for planning, recreational and educational purposes but authorities who do not have the necessary expertise to address archaeological issues in-house can seek it from the appropriate Welsh Archaeological Trust or another professional archaeological organisation (see list below).

Welsh Archaeological Trusts

4. The four regional Welsh Archaeological Trusts – covering the former county areas of Clwyd-Powys, Dyfed, Glamorgan-Gwent and Gwynedd – were established in the mid 1970s. They are independent limited companies with charitable status who maintain a professional archaeological staff and provide a broadly-based archaeological service within their areas. Three of the roles they perform are (1) the maintenance of Sites and Monuments Records, (2) the provision of archaeological advice to planning authorities and others and (3) the implementation of schemes to mitigate the adverse impact of development on archaeological remains.

The Association of Local Government Archaeological Officers (ALGAO)

5. ALGAO is the national body representing professional archaeological officers working in local government or their equivalents. It seeks to co-ordinate and represent their views to the Government and other national archaeological and environmental organisations.

Council for British Archaeology (CBA)

6. The CBA is the leading representative body for archaeology in Britain with its membership comprising national and local organisations, archaeological units and trusts, museums and universities. It seeks to co-ordinate and represent the views of the archaeological community and present these to Government and others and also to promote public interest in archaeology. It is a source of advice on local planning policies and is regularly consulted by many authorities. CBA Wales is the regional group covering the Principality.

The Institute of Field Archaeologists (IFA)

7. The IFA is the UK's professional institution for archaeologists. It is concerned with defining and maintaining proper professional standards and ethics in field archaeology. All members conform to a Code of Conduct and there is a disciplinary procedure for investigating and dealing with allegations of improper conduct. A Directory of Members is published which lists the registered areas of competence of each member. Corporate membership of the Institute carries the distinction MIFA, AIFA or PIFA according to experience and qualifications.

National Museums & Galleries of Wales

8. The National Museums and Galleries of Wales is the national body concerned with the documentation and preservation of artefacts representative of the Welsh heritage from earliest prehistoric to modern times. The Museum has a professional archaeological staff, with competence in all areas of the discipline, who can offer advice and assessment of sites. The Museum's record of findspots of artefacts is particularly important as it may hint at the presence of sites otherwise unrecognised.

The Council of Museums in Wales

9. The Council advises and grant aids its members on the management of archaeological collections including collection policy, interpretation, environmental conditions and conservation and provides a laboratory service in connection with the latter. It is able to help with analytical work and in situ conservation. It is concerned with currently excavated materials as well as existing collections.

Sites and Monuments Records (SMR)

10. The first requirement of any policy aiming to protect and manage archaeological remains is a record of all known sites. In Wales such records are held by each of the four Welsh Archeological Trusts and by some planning authorities. In the main, local planning authorities have adopted the sites and monuments records held by the Welsh Archaeological Trusts for development control purposes.

11. The development of compatible records at a regional level provides an indispensable tool for the formulation of Unitary Development Plans and the determination of planning applications. More widely, the SMR is an important first stage in the positive management and presentation of the historic landscape for the purpose of education and recreation and as a source for input to local history, conservation and tourism projects.

12. The ideal is that the SMR should have three main elements; a list, description and assessment of all known ancient monuments, a map record (commonly at a scale of 1:10,000) which identifies the boundaries of the site, and an archive which contains detailed records for specific sites, such as aerial photographs, survey and excavation reports, references and other written and graphic records. In Wales, the task of compiling and monitoring the record usually rests with the Sites and Monuments Records Officer either within a local authority or in the respective Welsh Archaeological Trust whose organisation can provide detailed advice, in particular to local planning officers.

Addresses of Key Bodies and Organisations

- | | |
|--|--|
| <p>1. Cadw: Welsh Historic Monuments
Executive Agency
Crown Building, Cathays Park
Cardiff CF1 3NQ
Tel 01222 500200</p> | <p>2. Royal Commission on the Ancient
& Historical Monuments of Wales
Crown Building, Plas Crug
Aberystwyth SY23 INJ
Tel 01970 621233</p> |
| <p>3. Local Authority Associations:</p> <p>i. Welsh Local Government
Association
10/11 Raleigh Walk
Atlantic Wharf
Cardiff CF1 5LN
Tel 01222 462722</p> <p>ii. Association of Local Government
Archaeological Officers
Environment Department
County Hall
Hertford SG13 8DN
Tel 01992 555244</p> | <p>4. i. Council for British
Archaeology
Bowes Morrell House
111 Walmgate
York YO1 2UA
Tel 01904 671417</p> <p>ii. Council for British
Archaeology Wales
c/o Clwyd-Powys
Archaeological Trust
7a Church Street
Welshpool SY21 7DL
Tel 01938 553670</p> |
| <p>5. The Institute of Field Archaeologists
University of Manchester
Oxford Road
Manchester M13 9PL
Tel 0161 275 2314</p> | <p>6. The Standing Conference of
Archaeological Unit Managers
University of Manchester
Oxford Road
Manchester M13 9PL
Tel 0161 275 2304</p> |
| <p>7. Regional Archaeological Trusts:</p> <p>i. Clwyd-Powys
Archaeological Trust
7a Church Street
Welshpool SY21 7DL
Tel 01938 553670</p> <p>ii. Dyfed Archaeological Trust Ltd
The Shire Hall
Carmarthen Street
Llandeilo SA19 6AF
Tel 01558 823121</p> <p>iii. Glamorgan-Gwent
Archaeological Trust Ltd
Ferryside Warehouse, Bath Lane
Swansea SA1 1RD
Tel 01792 655208</p> <p>iv. Gwynedd Archaeological
Trust Ltd, Garth Road
Bangor LL57 2RT
Tel 01248 352535</p> | <p>8. National Museums &
Galleries of Wales
Cathays Park
Cardiff CF1 3NP
Tel 01222 397951</p> <p>9. The Council of Museums in Wales
The Courtyard
Letty Street, Cathays
Cardiff CF2 4EL
Tel 01222 225432</p> |

ANNEX 3

SECRETARY OF STATE'S CRITERIA FOR SCHEDULING ANCIENT MONUMENTS

The following criteria (which are not in any order of ranking) are used for assessing the national importance of an ancient monument and considering whether scheduling is appropriate. The criteria should not however be regarded as definitive; rather they are indicators which contribute to a wider judgement based on the individual circumstances of a case.

- (i) **Period:** all types of monuments that characterise a category or period should be considered for preservation.
- (ii) **Rarity:** there are some monument categories which in certain periods are so scarce that all surviving examples which still retain some archaeological potential should be preserved. In general, however, a selection must be made which portrays the typical and commonplace as well as the rare. This process should take account of all aspects of the distribution of a particular class of monument, both in a national and a regional context.
- (iii) **Documentation:** the significance of a monument may be enhanced by the existence of records of previous investigation or, in the case of more recent monuments, by the supporting evidence of contemporary written records.
- (iv) **Group Value:** the value of a single monument (such as a field system) may be greatly enhanced by its association with related contemporary monuments (such as a settlement and cemetery) or with monuments of different periods. In some cases, it is preferable to protect the complete group of monuments, including associated and adjacent land, rather than to protect isolated monuments within the group.
- (v) **Survival/Condition:** the survival of a monument's archaeological potential both above and below ground is a particularly important consideration and should be assessed in relation to its present condition and surviving features.
- (vi) **Fragility/Vulnerability:** highly important archaeological evidence from some field monuments can be destroyed by a single ploughing or unsympathetic treatment; vulnerable monuments of this nature would particularly benefit from the statutory protection which scheduling confers. There are also existing standing structures of particular form or complexity whose value can again be severely reduced by neglect or careless treatment and which are similarly well suited by scheduled monument protection, even if these structures are already listed historic buildings.
- (vii) **Diversity:** some monuments may be selected for scheduling because they possess a combination of high quality features, others because of a single important attribute.
- (viii) **Potential:** on occasion, the nature of the evidence cannot be specified precisely but it may still be possible to document reasons anticipating its existence and importance and so to demonstrate the justification for scheduling. This is usually confined to sites rather than upstanding monuments.

ANCIENT MONUMENTS (CLASS CONSENTS) ORDER 1994
(SI 1994 NO 1381)

Schedule

Article 2(1) and (2)

Classes or descriptions of works for the execution of which
scheduled monument consent is granted by article 2 of this Order

Class 1: Agricultural, Horticultural and Forestry Works

Permitted works:

Agricultural, horticultural and forestry works of the same kind as those previously carried out lawfully in the same location and on the same spot within that location within the period of six years immediately preceding the date on which the works commence; but excluding works falling into one or more of the following categories:

Works not permitted:

- (a) in the case of ploughed land, any works likely to disturb the soil of any part of that land below the depth at which ploughing of that part has previously been carried out lawfully;
- (b) in the case of land other than ploughed land, any works likely to disturb the soil below the depth of 300 millimetres;
- (c) sub-soiling, drainage works, the planting or uprooting of trees, hedges or shrubs, the stripping of top soil, tipping operations, or the commercial cutting and removal of turf;
- (d) the demolition, removal, extension, alteration or disturbance of any building, structure or work or of the remains thereof;
- (e) the erection of any building or structure; and
- (f) in the case of works other than domestic gardening works, the laying of paths, hard-standings or foundations for buildings or the erection of fences or other barriers.

Class 2: Works by British Coal Corporation or their Licensees

Permitted works: Works executed more than 10 metres below ground level by the British Coal Corporation, or any person acting pursuant to a licence granted by the Corporation under section 36(2) of the Coal Industry Nationalisation Act 1946(a).

Class 3: Works by British Waterways Board

Permitted works: Works executed by the British Waterways Board, in relation to land owned or occupied by them, being works of repair or maintenance, not involving a material alteration to a scheduled monument, which are essential for the purpose of ensuring the functioning of a canal.

Class 4: Works for the Repair or Maintenance of Machinery

Permitted works: Works for the repair or maintenance of machinery, being works which do not involve a material alteration to a scheduled monument.

Class 5: Works Urgently Necessary for Safety or Health

Permitted works: Works which are urgently necessary in the interests of safety or health provided that:

- (a) the works are limited to the minimum measures immediately necessary; and
- (b) notice in writing justifying in detail the need for the works is given to the Secretary of State as soon as reasonably practicable.

Class 6: Works by the Historic Buildings and Monuments Commission for England

Not applicable in Wales.

Class 7: Works of Archaeological Evaluation

Permitted works: Works of archaeological evaluation carried out by or on behalf of a person who has applied for consent under section 2 of the Act being works carried out:

- (a) in order to supply the Secretary of State with information required by him for the determination of that application;
- (b) under the supervision of a person approved for that purpose in writing by the Secretary of State or the Commission; and
- (c) in accordance with a written specification approved for that purpose by the Secretary of State or the Commission.

Class 8: Works Carried Out Under Certain Agreements Concerning Ancient Monuments

Permitted works: Works for the maintenance or preservation of a scheduled monument or its amenities being works executed in accordance with the terms of a written agreement between the occupier of the monument and the Secretary of State or the Commission under section 17(a) of the Act.

Class 9: Works Grant Aided Under Section 24 of the Act

Permitted works: Works for the preservation, maintenance or management of a scheduled monument being works executed in accordance with the terms of a written agreement under which the Secretary of State or the Commission defray, or contribute towards, the cost of those works pursuant to their powers under section 24(b) of the Act.

Class 10: Works Undertaken by the Royal Commission on the Historical Monuments of England or the Royal Commission on the Ancient and Historical Monuments of Wales

Permitted works: Works consisting of the placing of survey markers to a depth not exceeding 300 millimetres for the purpose of measured surveying of visible remains undertaken by the Royal Commission on the Historical Monuments of England or by the Royal Commission on the Ancient and Historical Monuments of Wales.



Y SWYDDFA GYMREIG

PARC CATHAYS
CAERDYDD CF1 3NQ

5 Rhagfyr 1996

CYNLLUNIO A'R AMGYLCHEDD HANESYDDOL: ARCHAEOLEG

Cyflwyniad

1. Mae *Canllawiau Cynllunio (Cymru): Polisi Cynllunio* yn nodi polisiau'r Llywodraeth ar ddefnyddio tir fel y maent yn gymwys yng Nghymru. Maent yn rhestru'r ddeddfwriaeth berthnasol, yn nodi egwyddorion cyffredinol gan gynnwys datblygiad cynaliadwy a swyddogaeth y system gynllunio, ac ym mharagraffau 114-140 nodir canllawiau polisi sy'n berthnasol yn benodol i'r amgylchedd hanesyddol. Yn y Cylchlythyr hwn nodir cyngor ar ddeddfwriaeth a gweithdrefnau ynglŷn â gweddillion archaeolegol a chydategir y canllawiau hynny. Dylai'r awdurdodau cynllunio yng Nghymru ei gymryd i ystyriaeth, ynghyd â *Canllawiau Cynllunio (Cymru): Polisi Cynllunio*, wrth baratoi cynlluniau datblygu. Gall y canllawiau cyfun fod yn berthnasol i benderfyniadau ar geisiadau cynllunio unigol a chânt eu cymryd i ystyriaeth gan yr Ysgrifennydd Gwladol a'i Arolygwyr wrth benderfynu ar geisiadau wedi'u galw i mewn ac apelau cynllunio yng Nghymru.

2. Mae'r Cylchlythyr hwn wedi'i drefnu fel a ganlyn:

A Pwysigrwydd archaeoleg (paragraffau 3-7)

B Cyngor ar drafod materion archaeolegol yn y broses gynllunio (paragraffau 8-25)

C Dileu PPG 16 (Cymru)

Atodiad 1 Trefniadau deddfwriaethol

Atodiad 2 Cyrff a mudiadau allweddol, a chofnodion safleoedd a henebion

Atodiad 3 Meini prawf yr Ysgrifennydd Gwladol ar gyfer cofrestru henebion

Atodiad 4 Gorchymyn Henebion (Caniatadau Dosbarth) 1994

Mae'r dogfennau a restrir yn y golofn Cyfeiriad yn ymyl y Cylchlythyr hwn yn cynnig gwybodaeth fanylach a ddylai gael ei darllen ar y cyd â'r Cylchlythyr.

3. Mae gweddillion archaeolegol yn adnoddau meidrol na ellir eu hadnewyddu, ac mewn llawer o achosion maent yn fregus iawn ac yn hawdd i'w difrodi a'u dinistrio. Maent yn deillio o weithgarwch pobl dros filoedd o flynyddoedd a gallant amrywio'n fawr o ran eu cyflwr a'u hapêl i'r cyhoedd. Nid yw eu pwysigrwydd, fel tystiolaeth o ddatblygiad ein gwarediddiad yn y gorffennol ac fel rhan o'n hymwybyddiaeth o'n cenedligrwydd, yn gysylltiedig o reidrwydd â'u maint nac â'u poblogrwydd. Mae rhai gweddillion yn fach neu'n anodd eu gweld ac eraill yn rhan o dirluniau hanesyddol mawr a chymhleth. Mae llawer wedi'i ddinistrio trwy weithgarwch pobl – er enghraifft, trwy ddulliau adeiladu modern mewn datblygu trefol ac ehangu'r rhwydwaith ffyrdd, trwy dechnegau amaethyddol modern (yn arbennig aredig dwfn neu draenio tir gwlyb), a thrwy gloddio mwynau. Mae rheolaeth briodol yn hanfodol i sicrhau bod gweddillion archaeolegol yn goroesi mewn cyflwr da. Dylid cymryd gofal, yn benodol, i sicrhau na chânt eu dinistrio'n ddiangen neu'n ddifeddlw. Maent yn rhan o'n treftadaeth ddiwylliannol, nid lleiaf yn nhermau'r wybodaeth a gynigiant am y gorffennol, sy'n werthfawr ynndynt eu hunain ac am eu rôl mewn addysg, hamdden a thwristiaeth.

4. Mae cofnodion archaeolegol Cymru yn cynnwys tua 75,000 o safleoedd a henebion. Mae bron 3,000 o safleoedd cenedlaethol pwysig o dan warchodaeth arbennig fel 'henebion cofrestredig'. Mae Asiantaeth Weithredol Cadw: Henebion Cymru wrthi'n cynnal rhaglen o arolygon y disgwylir iddi esgor ar nifer sylweddol o ychwanegiadau at y categori hwn o safleoedd.

*Deddf Mannau
Archaeolegol a
Henebion 1979.*

Gweler Atodiad 1.

5. Mae cofrestru gweddillion archaeolegol yn sicrhau bod yr achos dros gadwraeth yn cael ystyriaeth lawn mewn unrhyw gynigion i ddatblygu neu i wneud gwaith arall a allai ddifrodi'r heneb. Mae'r system gynllunio mewn sefyllfa hefyd i ystyried dymunoldeb cadw gweddillion archaeolegol, a chaiff yr amrywiol ddewisiadau sydd ar gael i'r awdurdodau cynllunio ar gyfer ymdrin â gweddillion archaeolegol eu hystyried yn Adran B. Gellir cyflawni llawer pan fydd datblygwyr yn fodlon trafod gydag archaeolegwyr ac ystyried anghenion archaeolegol yn llawn mor gynnar â phosibl yn y broses ddatblygu. Mae'r ymagwedd wirfoddol hon at ystyried anghenion archaeolegol wedi'i hen sefydlu, ac mae wedi'i ffurfioli mewn amrywiol Godau Ymarfer.

*Canllawiau Cynllunio
(Cymru): Polisi
Cynllunio 1996,
paragraff 140.*

*Gweler Atodiadau
1 a 2.*

6. Mae materion archaeolegol yn aml yn bwysig wrth gynllunio ynglŷn â mwynau, yn enwedig wrth chwarae am garreg, cloddio am dywod a graean, a chloddio am lo brig. Ni ellir gweithio mwynau ond lle y cânt eu darganfod felly maent yn aml yn wahanol i fathau eraill o ddatblygu gan nad oes yr un hyblygrwydd yn y dewis o leoliad.

*Mae Cod Ymarfer
diwygiedig y CBI ar
gyfer Gweithredwyr
Mwynau ynghylch
ymchwiladau
archaeolegol yn cynnig
cngor ar sut y dylai
gweithredwyr mwynau
ymgyngori â
buddiannau
archaeolegol wrth lunio
ceisiadau cynllunio, er
mwyn sicrhau y caiff
ffactorau archaeolegol
eu cymryd i ystyriaeth
yn llawn.*

7. Gall cynllunio a rheoli cadarnhaol fod yn gymorth i sicrhau atebion synhwyrol ynghylch triniaeth safleoedd â gweddillion archaeolegol a lleihau'r gwrthdaro posibl rhwng datblygu a chadwraeth. Er bod gan y Swyddfa Gymreig (trwy Cadw) ran bwysig i'w chwarae, mae'r allwedd i ddyfodol y mwyafrif mawr o safleoedd archaeolegol a thirluniau hanesyddol yn nwylo'r awdurdodau lleol, yn gweithredu o fewn y fframwaith a osodwyd gan y llywodraeth ganolog, yn eu hamrywiol swyddogaethau fel awdurdodau cynllunio, priffyrdd, addysg a hamdden, yn ogystal ag yn nwylo perchnogion a deiliaid y safleoedd eu hunain. Bydd polisïau cynllunio priodol mewn cynlluniau datblygu a gweithredu'r polisïau hyn trwy reoli datblygu yn arbennig o bwysig.

Cynlluniau Datblygu

8. Dylai cynlluniau datblygu gysoni'r angen i ddatblygu â buddiannau cadwraeth, gan gynnwys archaeoleg. Dylent gynnwys polisiâu ar gyfer diogelu, gwella a chadw safleoedd o ddiddordeb archaeolegol a'u cefndir. Er bod nifer y gweddillion archaeolegol sydd wedi goroesi yn feidrol ac er na all dim gymryd eu lle, mae'n amlwg nad yw pob un o bwysigrwydd cyfartal. Bydd yr awdurdodau cynllunio felly yn dymuno seilio'u polisiâu a'u cynigion yn eu cynlluniau datblygu ar werthusiad o'r gweddillion archaeolegol yn eu hardal. Bydd y polisiâu hyn yn rhan bwysig o'r fframwaith ar gyfer ystyried cynigion unigol ar gyfer datblygu sy'n effeithio ar weddillion archaeolegol ac yn helpu i arwain datblygwyr sy'n paratoi ceisiadau cynllunio. Dylai'r map cynigion ddiffinio'r ardaloedd a'r safleoedd y mae'r polisiâu a'r cynigion yn gymwys iddynt. Mae Cadw yn barod i roi cyngor ar gynnwys archaeolegol polisiâu y cynigir eu cynnwys mewn cynlluniau drafft a dylid ymgynghori â hwy yn gynnar wrth eu paratoi. Gall hyn fod o gymorth penodol mewn ardaloedd trefol am ei bod yn bosibl nad yw'r gweddillion archaeolegol pwysig yno wedi'u nodi'n ddigonol drwy gyfrwng eu cofrestru.

Canllawiau Cynllunio (Cymru): Polisi Cynllunio 1996, paragraffau 135 a 137.

Cofnodion Safleoedd a Henebion – SMR

9. Mae gan nifer fach o awdurdodau cynllunio lleol eu staff archaeolegol eu hunain a'u cofnodion safleoedd a henebion eu hunain. Cyngor yr awdurdodau nad oes ganddynt ddarpariaeth fewnol fel hyn i ddefnyddio arbenigedd yr Ymddiriedolaethau Archaeolegol Cymreig, ym maes rheoli datblygu a chyngor archaeolegol, i'r eithaf a hynny, os oes modd, drwy fabwysiadu yn ffurfiol y Cofnodion Safleoedd a Henebion (SMR) a gedwir gan yr Ymddiriedolaethau.

Gweler Atodiad 2 paragraffau 10–12.

Ceisiadau Cynllunio

10. Mae dymunoldeb cadw heneb a'i gefndir yn ystyriaeth berthnasol wrth benderfynu ar gais cynllunio boed yr heneb hwnnw wedi'i gofrestru ai peidio. Dylai datblygwyr ac awdurdodau lleol roi sylw i ystyriaethau archaeolegol ac ymdrin â hwy o ddechrau'r broses o reoli datblygu. Lle mae'r awdurdodau cynllunio lleol yn ymwybodol o fygythiad real a phenodol i safle archaeolegol hysbys o ganlyniad i'r posibilrwydd y caiff hawliau datblygu a ganiateir eu hymarfer, gall y byddant yn dymuno ystyried defnyddio'u pwerau i dynnu'r hawliau hynny yn ôl a'i gwneud yn ofynnol bod caniatâd cynllunio penodol yn cael ei sicrhau cyn y gall y datblygiad fynd rhagddo. Rhaid sicrhau cymeradwyaeth yr Ysgrifennydd Gwladol i'r mwyafrif o gyfarwyddiadau o'r fath, naill ai cyn iddynt ddod i rym neu o fewn chwe mis o'u gwneud.

Canllawiau Cynllunio (Cymru): Polisi Cynllunio 1996, paragraff 134.

Nodir hawliau datblygu a ganiateir yn Atodlen 2 o'r Gorchymyn Cynllunio Gwlad a Thref (Datblygu Cyffredinol a Ganiateir) 1995. Ceir pwerau i dynnu'r hawliau hynny'n ôl o dan Erthygl 4 o'r Gorchymyn hwnnw.

Ceir cyngor pellach ar ddefnyddio Cyfarwyddiadau Erthygl 4 yn Atodiad D o Gylchlythyr 29/95 y Swyddfa Gymreig.

(a) Y Cam Cyntaf: Ymgynghori Cynnar rhwng Datblygwyr ac Awdurdodau Cynllunio

11. Dylai datblygwyr drafod eu cynlluniau rhagarweiniol gyda'r awdurdodau cynllunio yn gynnar. Pan fydd cynlluniau manwl wedi'u paratoi ac arian wedi'i drefnu, mae hyblygrwydd yn llawer anos a drutach. Er eu lles eu hunain felly, dylai darpar-ddatblygwyr ym mhob achos gynnwys gwerthusiad cychwynnol, fel rhan o'u hymchwil i botensial datblygu safle, sef ymchwil y byddant yn ei chynnal cyn gwneud cais cynllunio, i weld a yw'n hysbys bod y safle yn cynnwys, neu'n debygol o gynnwys, gweddillion archaeolegol. Y cam cyntaf fydd cyfeirio at yr SMR rhanbarthol (p'un ai'r awdurdod lleol neu'r Ymddiriedolaeth Archaeolegol ranbarthol sy'n ei gadw). Bydd yr SMR yn darparu gwybodaeth am y lleoliadau lle mae'n hysbys bod gweddillion archaeolegol yn bodoli, neu'n debygol o fodoli, ac am eu harwyddocâd cymharol.

Canllawiau Cynllunio (Cymru): Polisi Cynllunio 1996, paragraff 136.

(b) Asesiadau Archaeolegol

12. Bydd yr ymgynghori hwn yn helpu i roi rhybudd ymlaen llaw i ddarpar-ddatblygwyr ynghylch sensitifrwydd archaeolegol safle. O ganlyniad gallent ddymuno comisiynu eu hasesiad archaeolegol eu hunain gan gorff neu ymgynghorydd archaeolegol â chymwysterau proffesiynol. Nid oes rhaid i hyn gynnwys gwaith maes. Fel rheol mae'r asesiad yn golygu gwerthusiad desg o'r wybodaeth sy'n bodoli: gall wneud defnydd effeithiol o gofnodion darganfyddiadau blaenorol, gan gynnwys unrhyw fapiau hanesyddol a gedwir yn archifau'r awdurdod lleol ac mewn amgueddfeydd a swyddfeydd cofnodion lleol, neu o dechnegau arolygu geoffisegol. O dan rai amgylchiadau, gall fod angen Asesiad Amgylcheddol ffurfiol.

Cyfeiriad

Gweler Atodiad 1,
paragraffau 22 a 23.

(c) Gwerthusiadau Maes

13. Lle mae trafodaethau cynnar gyda'r awdurdodau cynllunio lleol neu ymchwil y datblygwr ei hun yn dangos y gall gweddillion archaeolegol pwysig fodoli, dylai'r awdurdod cynllunio ofyn i'r darpar-ddatblygwr drefnu bod gwerthusiad archaeolegol yn cael ei gynnal yn y maes cyn i unrhyw benderfyniad ar y cais cynllunio gael ei wneud. Mae gwerthusiad o'r fath yn hollol wahanol i gloddiad archaeolegol llawn. Fel rheol mae'n weithred gyflym a rhad, sy'n cynnwys arolygu'r tîr a/neu agor ffosydd ar raddfa fach, ond corff archaeolegol neu archaeolegydd â chymwysterau proffesiynol a ddylai wneud y gwaith. Mae gwerthusiadau fel hyn yn helpu i ddiffinio cymeriad a graddfa'r gweddillion archaeolegol sy'n bodoli yn ardal y datblygiad arfaethedig, ac felly nodi'r pwysau y dylid eu rhoi ar eu cadw. Mae hefyd yn darparu gwybodaeth ddefnyddiol ar gyfer adnabod dewisiadau posibl ar gyfer lleihau neu osgoi difrod.

*Mae Sefydliad yr
Archaeolegwyr Maes
(gweler Atodiad 2,
paragraff 7) yn
cyhoeddi cyfeirlyfr
o aelodau (unigolion
a chyrff archaeolegol)
y gall datblygwyr
ddymuno cysylltu
â hwy.*

14. Dylai'r awdurdodau cynllunio lleol ddisgwyl i ddatblygwyr ddarparu canlyniadau asesiadau a/neu werthusiadau o'r fath fel rhan o'u cais ar gyfer safleoedd lle ceir rheswm da dros gredu bod gweddillion o bwysigrwydd archaeolegol yn bodoli. Os nad yw'r datblygwr yn fodlon gwneud hynny o'u gwirfodd, gall yr awdurdod cynllunio ddymuno ystyried a fyddai'n briodol cyfarwyddo'r ceisydd i roi rhagor o wybodaeth. Bydd angen i'r awdurdodau ystyried gwrthod caniatâd i gynigion nad ydynt wedi'u dogfennu'n ddigonol.

*Rheoliad 4 o'r
Rheoliadau Cynllunio
Gwlad a Thref
(Ceisiadau) 1988.*

(d) Ymgynghori gan yr Awdurdodau Cynllunio

15. Pan gaiff ceisiadau cynllunio eu gwneud heb drafod ymlaen llaw gyda'r awdurdodau cynllunio lleol, dylai'r awdurdodau geisio nodi'r ceisiadau hynny sydd â goblygiadau archaeolegol, ac asesu eu heffaith archaeolegol debygol trwy ymgynghori â Swyddog Archaeolegol yr awdurdod lleol, Archaeolegydd Parc Cenedlaethol neu'r Ymddiriedolaeth Archaeolegol ranbarthol. Pan welir bod cynnig datblygu penodol yn debygol o effeithio ar weddillion archaeolegol, gall fod angen gofyn i geiswyr ddarparu gwybodaeth fanylach ynghylch eu cynllun – er enghraifft, y math o seiliau sydd i'w defnyddio – neu gellir gofyn iddynt wneud gwerthusiad. Dylai'r awdurdodau cynllunio sicrhau hefyd fod ganddynt wybodaeth gyflawn am natur a phwysigrwydd y safle archaeolegol a'i gefndir. Dylent ofyn felly am gyngor archaeolegol. Yn achos cynnig datblygu sy'n debygol o effeithio ar safle heneb cofrestredig, mae'n ofynnol i'r awdurdodau cynllunio lleol ymgynghori â'r Ysgrifennydd Gwladol (Cadw). Mewn achosion eithriadol, lle codir materion o fwy na phwysigrwydd lleol, gellir galw ceisiadau i mewn i'w penderfynu gan yr Ysgrifennydd Gwladol.

*Erthygl 10(1)(n) o'r
Gorchymyn Cynllunio
Gwlad a Thref
(Gweithdrefn
Ddatblygu Gyffredinol)
1995.*

Penderfyniadau Cynllunio

Cyfeiriad

16. Mae'r Ysgrifennydd Gwladol yn cydnabod y bydd i ba raddau y gellir neu y dylid cadw gweddillion archaeolegol yn dibynnu ar nifer o ffactorau. Rhaid asesu'r achos dros gadw gweddillion archaeolegol ar ragoriaethau unigol pob achos, gan gymryd i ystyriaeth y polisiâu archaeolegol mewn cynlluniau datblygu, ynghyd â phob polisi ac ystyriaeth berthnasol arall, gan gynnwys pwysigrwydd cynhenid y gweddillion, a mesur y rhain yn erbyn yr angen am y datblygiad arfaethedig.

*Canllawiau Cynllunio
(Cymru): Polisi
Cynllunio 1996,
paragraff 134.*

(a) Cadw Gweddillion Archaeolegol in-situ

17. Pan fydd gan yr awdurdod cynllunio ddigon o wybodaeth, mae yna amrediad o ddewisiadau ar gyfer penderfynu ar geisiadau cynllunio sy'n effeithio ar weddillion archaeolegol a'u cefndir. Lle bydd datblygiad arfaethedig yn effeithio ar weddillion archaeolegol o bwysigrwydd cenedlaethol, boed y rheiny wedi'u cofrestru ai peidio, a'u cefndir, dylai fod rhagdybiaeth o blaid eu cadwraeth ffisegol in situ h.y., rhagdybiaeth yn erbyn cynigion a fyddai'n golygu eu haddasu'n sylweddol neu'n peri difrod, neu a fyddai'n creu effaith sylweddol ar gefndir y gweddillion gweladwy. O dan rai amgylchiadau, gall fod yn bosibl cadw gweddillion archaeolegol pwysig lle mae datblygwyr yn paratoi cynlluniau cydymdeimladol drwy ddefnyddio, er enghraifft, sylfeini sy'n osgoi tarfu ar y gweddillion yn gyfan gwbl neu sy'n lleihau'r difrod trwy godi lefelau'r tir o dan strwythur newydd arfaethedig neu drwy leoli llecynnau wedi'u tirlunio neu fannau agored yn ofalus. Mae technegau ar gael i selio gweddillion archaeolegol o dan adeilad neu'r tirlun, gan sicrhau felly y cânt eu cadw at y dyfodol er nad oes modd eu cyrraedd am y tro.

*Canllawiau Cynllunio
(Cymru): Polisi
Cynllunio 1996,
paragraffau 134 a137.*

(b) Cadw Gweddillion Archaeolegol drwy Gofnodi

18. Bydd yna achlysuron, yn enwedig lle mae gweddillion o bwysigrwydd llai o dan sylw, lle y gall yr awdurdodau cynllunio benderfynu nad yw arwyddocâd y gweddillion archaeolegol yn ddigonol o'i fesur yn erbyn yr holl ystyriaethau perthnasol eraill, gan gynnwys yr angen am ddatblygu, i gyfiawnhau eu cadwraeth ffisegol in situ, ac y dylai'r datblygiad arfaethedig fynd rhagddo. Mewn achosion o'r fath, bydd angen i'r awdurdodau cynllunio eu bodloni eu hunain fod y datblygwr wedi gwneud trefniadau priodol a boddhaol ar gyfer cloddio a chofnodi'r gweddillion archaeolegol a chyhoeddi'r canlyniadau. Os nad yw hyn eisoes wedi'i sicrhau trwy ryw fath o gytundeb gwirfoddol, dylai'r awdurdodau cynllunio ystyried rhoi caniatâd cynllunio o dan amodau sy'n darparu ar gyfer cloddio a chofnodi'r gweddillion cyn i'r datblygu ddechrau. Gall fod angen, fel y cam eithaf, i'r awdurdodau cynllunio lleol ystyried gwrthod caniatâd cynllunio lle nad yw'r datblygwr yn ceisio darparu ar gyfer gweddillion pwysig.

*Canllawiau Cynllunio
(Cymru): Polisi
Cynllunio 1996,
paragraff 138.*

19. O safbwynt archaeolegol, fel y dewis ail orau y dylid trin gwaith cloddio. Mae gwyddor archaeoleg yn datblygu'n gyflym. Mae cloddio'n golygu dinistr llwyr i dystiolaeth (heblaw'r arteffactau a all gael eu symud) y mae bron yn sicr y gallai technegau'r dyfodol dynnu mwy o wybodaeth ohoni nag sy'n bosibl ar hyn o bryd. Gall gwaith cloddio lyncu arian ac amser, a gall y bydd rhaid pwysu a mesur y darganfyddiadau ar frys yn erbyn fframwaith ymchwil annigonol. Gwell felly yw cadw gweddillion archaeolegol pwysig in situ.

(c) Trefniadau ar gyfer Ymchwilio i Weddillion Archaeolegol,
gan gynnwys Cyllid

Cyfeiriad

20. Dylid cyflawni gwaith ymchwil archaeolegol, megis cloddio a chofnodi, cyn i'r datblygiad ddechrau, gan weithio yn ôl briff a baratowyd gan yr awdurdod cynllunio (gan gyfeirio at eu hymgyngorwyr archaeolegol). Gellir ymchwilio trwy gytundebau a wneir rhwng y datblygwr, yr archaeolegydd a'r awdurdod cynllunio. Dylai cytundebau o'r fath sicrhau a gweithredu cynllun priodol o ymchwilio archaeolegol, yn ôl amserlen gytûn, a darparu ar gyfer cyhoeddi canlyniadau'r gwaith cloddio wedyn. Mewn achosion penodol pan fo'r datblygwr yn gorff cymunedol dielw, megis ymddiriedolaeth elusenol neu gymdeithas tai, sy'n methu â chodi arian i ddarparu ar gyfer cloddio a chofnodi dilynol heb galedi amhriodol, neu yn achos unigolyn sydd yn yr un ffordd heb fodd i ariannu gwaith o'r fath, gellir gwneud cais i'r Ysgrifennydd Gwladol am gymorth ariannol.

21. Gall cytundebau ar gyfer ymchwiliadau archaeolegol, cyhoeddi canlyniadau a'u hadneuo mewn archifdy cyhoeddus dynodedig fod ar sawl gwahanol ffurf. Er enghraifft, hwyrach y bydd y datblygwyr neu eu hymgyngorwyr archaeolegol a'r awdurdodau cynllunio lleol yn dymuno gwneud cytundeb cynllunio gwirfoddol. Gall y cytundebau hyn ddarparu ar gyfer cloddio a chofnodi safleoedd cyn i waith datblygu ddechrau. Mae cytundebau gwirfoddol yn debygol o ddarparu mwy o hyblygrwydd a budd i'r holl bartïon nag y gellid ei ddarparu trwy ddulliau statudol eraill. Mae ganddynt y fantais o nodi'n eglur raddau ymrwymiad y datblygwr ac felly maent yn lleihau ansicrwydd ynghylch goblygiadau ariannol gorfod ildio i unrhyw gyfyngiadau archaeolegol a phosiblwydd oedi annisgwyl yn y rhaglen adeiladu.

Adran 106 o Ddeddf Cynllunio Gwlad a Thref 1990 sy'n cynnwys pŵerau statudol ynglŷn â rhwymedigaethau cynllunio a phŵerau statudol tebyg eraill.

Gellir cael cytundebau enghreifftiol rhwng datblygwyr a'r corff archaeolegol priodol sy'n rheoleiddio ymchwiliadau a chloddiaid safleoedd archaeolegol oddi wrth Sefydliad yr Archaeolegwyr Maes (gweler Atodiad 2, paragraff 7).

Amodau Cynllunio

22. Dylai'r awdurdodau cynllunio geisio sicrhau y caiff gwrthdrawiadau posibl eu datrys a chytundebau gyda datblygwyr eu cwblhau cyn rhoi caniatâd cynllunio. Lle bo'n rhaid defnyddio amodau cynllunio, dylai'r awdurdodau sicrhau eu bod yn deg, yn rhesymol ac yn ymarferol. Mae'n agored i'r awdurdod cynllunio lleol osod amodau wedi'u cynllunio i ddiogelu heneb ac i sicrhau bod briff gwyllo yn cael ei gadw (naill ai'n barhaus neu o bryd i'w gilydd) yn ystod y cyfnod adeiladu gan archaeolegydd â chymwysterau addas. Mae amodau ar y llinellau hyn yn gymorth i sicrhau y gellir eu cloddio, eu cofnodi ac adrodd arnynt os caiff gweddillion o arwyddocâd archaeolegol eu tarfu yn ystod y gwaith.

Cylchlythyr 35/95 y Swyddfa Gymreig, paragraff 81.

Canllawiau Cynllunio (Cymru) Polisi Cynllunio 1996, paragraff 137.

23. Mewn achosion lle mae'r awdurdodau cynllunio wedi penderfynu y gellir rhoi caniatâd cynllunio, ond ar sail amod negyddol, awgrymir y model canlynol:

Cylchlythyr 35/95 y Swyddfa Gymreig, Atodiad A, amod enghreifftiol 55.

Canllawiau Cynllunio (Cymru): Polisi Cynllunio 1996, paragraff 139.

“Ni chaiff yr un datblygiad ddigwydd o fewn yr ardal a nodir [sef yr ardal o ddiddordeb archaeolegol] nes bod y ceisydd, neu eu hasiantau neu eu hollynwyr mewn teitl, wedi sicrhau bod rhaglen o waith archaeolegol wedi'i gweithredu yn unol â chynllun ymchwilio ysgrifenedig sydd wedi'i gyflwyno gan y ceisydd ac wedi'i gymeradwyo gan yr awdurdod cynllunio lleol.” (Bydd datblygwyr yn dymuno sicrhau, wrth lunio cynllun, fod amserlen ar gyfer yr archwiliad wedi'i gynnwys o fewn manylion y cynllun cytûn).

Darganfod Gweddillion Archaeolegol yn Ystod Gwaith Datblygu

Cyfeiriad

24. Diben y canllawiau uchod yw lleihau'r achlysuron lle mae problemau cwbl annisgwyl yn codi yn ystod gwaith datblygu. Er hynny, ac er gwaethaf yr ymchwil orau cyn cais cynllunio, gall fod adegau pan na ddaw presenoldeb gweddillion archaeolegol i'r golwg ond pan fydd y datblygu wedi dechrau. Gall datblygwyr ddymuno ystyried eu hyswiro'u hunain yn erbyn y perygl o golled sylweddol tra'n diogelu diddordeb gweddillion hanesyddol a ddarganfyddir yn annisgwyl ar y safle. Nid yw gwrthdrawiadau a all ddigwydd fel arall rhwng datblygwyr ac archaeolegwyr bob amser yn hawdd i'w datrys. Lle bernir bod darganfyddiadau archaeolegol newydd o ddiddordeb cenedlaethol gan yr Ysgrifennydd Gwladol, yn unol â'r meini prawf y mae wedi'u cyhoeddi, mae gan yr Ysgrifennydd Gwladol bŵer i gofrestru'r gweddillion. Os felly, byddai angen i'r datblygwyr geisio caniatâd heneb cofrestredig ar wahân cyn iddynt barhau â'r gwaith. Mae hefyd yn agored i'r awdurdod cynllunio neu i'r Ysgrifennydd Gwladol dynnu caniatâd cynllunio yn ôl os bernir bod hynny'n angenrheidiol, ac mewn achos o'r fath mae yna ddarpariaeth ar gyfer iawndal. Ond, ran amlaf, dylai fod yn bosibl i'r partiön ddatrys y materion trwy drafodaeth wirfoddol a gwneud trefniadau sy'n foddhaol i'r ddau barti.

*Gweler Atodiadau
1 a 3.*

C: DILEU PPG 16 (CYMRU)

25. Mae'r cyngor yn y Cylchlythyr hyn yn disodli'r cyngor yn PPG16 (Cymru) sydd drwy hyn wedi'i ddileu.

Awdurdodau Unedol }
Parciau Cenedlaethol } Cymru

T J Cassidy
Prif Weithredwr
Cadw: Henebion Cymru

TREFNIADAU DEDDFWRIAETHOL

Cofrestru Henebion o Bwysigrwydd Cenedlaethol

1. O dan Ddeddf Mannau Archaeolegol a Henebion 1979 (Deddf 1979) mae'n ddyletswydd ar yr Ysgrifennydd Gwladol i lunio a chadw cofrestr o henebion; mae gan yr henebion ar y gofrestr ddiogelwch statudol. Dewis yr Ysgrifennydd Gwladol yw cynnwys henebion ar y gofrestr er bod rhaid i henebion a ychwanegir fod o bwysigrwydd cenedlaethol. Nodir y meini prawf anstatudol ar gyfer cofrestru a gyhoeddwyd ym 1983 (a'u hailddatgan ym 1990) yn Atodiad 3. Mae'r Arolygiaeth Henebion yn gyfrifol am roi cyngor ynghylch pa henebion y dylid eu hystyried ar gyfer cofrestru ac a ddylid dadgofrestru heneb neu a ddylid adolygu'r cofnod neu'r ardal sydd wedi'i diogelu. Yn ymarferol, mae llawer o'r argymhellion yn deillio o awgrymiadau a wneir i'r Arolygiaeth gan weithwyr maes Comisiwn Brenhinol Henebion Cymru (RCAHMW), Ymddiriedolaethau Archaeoleg Cymru, awdurdodau lleol neu barciau cenedlaethol. Ni ellir cofrestru anheddau a feddiannir nac eglwysi a ddefnyddir at ddibenion eglwysig.

2. Fel rheol ymgynghorir â pherchnogion cyn ychwanegu safleoedd at y gofrestr, er nad yw hyn yn ofyniad statudol a'i bod yn bosibl na fydd amser bob tro mewn achosion lle mae'r datblygu ar fin cychwyn. Caiff safleoedd cofrestredig eu cofrestru fel pridiant yn y Gofrestrfa Pridiannau Tir Leol a'u hysbysu i'r Cofnod Safleoedd a Henebion. Mae Cadw'n cyhoeddi rhestrau o henebion cofrestredig. Dylid cyfeirio ymholiadau ynghylch y rhestrau hyn at yr Adran Gweinyddu Henebion, Cadw: Henebion Cymru, Adeilad y Goron, Parc Cathays, Caerdydd CF1 3NQ. Ffôn 01222 500200.

3. Mae'r gofrestr bresennol o bron 3,000 o safleoedd wedi'i llunio dros gyfnod o fwy na chan mlynedd, ers cyflwyno'r diogelwch statudol cyntaf i henebion ym 1882. Ond, cydnabyddir nad yw'n cynnwys sampl ddigonol o'r gweddillion archaeolegol helaeth y gwyddys eu bod wedi goroesi yng Nghymru. Mae Cadw felly wedi dechrau rhaglen i werthuso'r holl weddillion archaeolegol hysbys yng Nghymru ac i nodi'r rhai a all fod yn addas i'w cofrestru. Mae'r ymarfer hwn yn cael ei gynnal mewn ymgynghoriad agos â buddiannau archaeolegol a disgwylir cynnydd sylweddol yn y nifer o henebion o ganlyniad i'r ymarfer. Ond hyd yn oed wedyn, oherwydd y meini prawf llym ar gyfer cofrestru, mae nifer fawr o safleoedd sydd wedi'u nodi'n debygol o barhau heb eu cofrestru. Bydd a gânt eu cofrestru ai peidiò yn dibynnu ar werth y gweddillion, ymrwymiad perchnogion yr henebion a'r cyhoedd a pholisïau'r awdurdodau lleol.

4. Fel enghraifft ddethol o archaeoleg y genedl, mae'r gofrestr yn wahanol i'r rhestr fwy cynhwysfawr o adeiladau o ddiddordeb pensaernïol neu hanesyddol arbennig a lunnir o dan Adran 1 o Ddeddf Cynllunio (Adeiladau Rhestredig ac Ardaloedd Cadwraeth) 1990. Ond yn fras, mae henebion cofrestredig yn cymharu o ran eu pwysigrwydd ag adeiladau rhestredig Gradd 1 neu Radd II*. Lle mae adeiladau wedi'u rhestru ac wedi'u cofrestru, y ddeddfwriaeth henebion sy'n cael blaenoriaeth ac mae angen caniatâd heneb cofrestredig yn hytrach na chaniatâd adeilad rhestredig ar gyfer gwaith.

Rheoli Gwaith ar Henebion Cofrestredig

5. Pan fydd heneb wedi'i gofrestru, mae angen caniatâd yr Ysgrifennydd Gwladol cyn gwneud unrhyw waith a fyddai'n golygu dymchwel, dinistrio, difrodi, symud, trwsio, addasu, ychwanegu at, boddi neu orchuddio'r heneb. Mae cwmpas y rheolaeth felly'n fwy helaeth a mwy manwl na'r rheolaeth a gymhwysir at adeiladau rhestredig. Dim ond ar gyfer cynigion manwl y gellir rhoi caniatâd ac yn wahanol i ganiatâd cynllunio nid oes darpariaeth ar gyfer rhoi caniatâd amlinellol. Er hynny

mae yna ddeg caniatâd dosbarth mewn grym ar hyn o bryd sy'n galluogi perchnogion i fynd ymlaen â rhai mathau penodol o waith – cânt eu rhestru yn Atodiad 4. Mae gan yr Ysgrifennydd Gwladol bŵer i ddiddymu neu ddiwygio caniatâd (boed wedi'i ganiatáu yn dilyn cais neu wedi'i ganiatáu yn dybiedig trwy ganiatâd dosbarth).

6. Er y gall henebion ar dir y Goron gael eu cofrestru (Adran 50 o Ddeddf 1979), mae gwaith gan neu ar ran y Llywodraeth ar dir o'r fath wedi'i esemptio o reolau caniatâd henebion statudol ar hyn o bryd. Er hynny, mae'n dal i ddod o dan y weithdrefn anstatudol a adnabyddir fel cliriad heneb cofrestredig sy'n dilyn gweithdrefnau tebyg i ganiatâd heneb cofrestredig.

7. Nodir ffurflen gais am ganiatâd heneb cofrestredig mewn Rheoliadau [Rheoliadau Henebion (Ceisiadau am Ganiatâd Heneb Cofrestredig) 1981] a gellir cael ffurflenni oddi wrth Cadw.

8. Lle bo'n briodol, bydd yr Ysgrifennydd Gwladol yn ymgynghori â Chomisiwn Brenhinol ar Henebion Cymru, Cyngor Archaeoleg Prydain, yr Ymddiriedolaeth Archaeolegol Gymreig ranbarthol a'r awdurdod lleol perthnasol ynghylch ceisiadau am ganiatâd heneb cofrestredig. Gellir ymgynghori â buddiannau archaeolegol neu berthnasol eraill hefyd, yn ôl yr angen.

9. Mae'n ofynnol o dan baragraff 3(2) o Ran 1 o Atodlen 1 o Ddeddf 1979 i'r Ysgrifennydd Gwladol gynnal ymchwiliad lleol neu roi cyfle i'r ceisydd am ganiatâd heneb cofrestredig gael gwrandawriad cyn gwneud penderfyniad ar gais. Fel rheol gyffredinol, dim ond yn yr achosion hynny lle mae mater cysylltiedig ger ei fron yn ffurfiol ar gyfer penderfyniad ac i fod i gael gwrandawriad mewn ymchwiliad cyhoeddus, e.e. apêl yn erbyn gwrthod caniatâd cynllunio, y mae'n bolisi ganddo cynnal ymchwiliad cyhoeddus, yn niffyg cais oddi wrth y ceisydd.

10. I helpu ceisydd i benderfynu a yw'n dymuno ymarfer ei hawl i gael gwrandawriad, arfer yr Ysgrifennydd Gwladol yw rhoi'r gwahoddiad mewn llythyr yn nodi penderfyniad dros dro ar gais ar sail y dystiolaeth a gyflwynwyd gydag ef, unrhyw sylwadau a wnaethpwyd gan y rhai yr ymgynghorwyd â hwy neu bartïon sydd â diddordeb a'r cyngor a roddwyd gan yr Arolygydd Rhanbarthol Henebion. Bydd yr Arolygydd rhanbarthol wedi ymweld â'r safle, lle mae hynny'n angenrheidiol, ac wedi datrys unrhyw amheuan neu amwysedd ynghylch natur y gwaith arfaethedig cyn cyflwyno'i argymhelliaid manwl gan gynnwys rhestr o amodau i'w hatodi i delerau unrhyw ganiatâd. Gall trafodaethau safle roi gwybodaeth am geisiadau ond maent yn gyfan gwbl heb ragfarn i ystyriaeth yr Ysgrifennydd Gwladol ar gais am ganiatâd heneb cofrestredig.

Polisi'r Ysgrifennydd Gwladol

11. Mae'r Ysgrifennydd Gwladol o'r farn mai cadw henebion yw prif ddiben cofrestru ac felly y dylai fod yna ragdybiaeth o blaid eu cadwraeth ffisegol wrth ystyried ceisiadau am ganiatâd i wneud gwaith iddynt hy rhagdybiaeth yn erbyn cynigion a fyddai'n golygu eu haddasu'n sylweddol neu achosi difrod iddynt, neu a fyddai'n cael effaith sylweddol ar gefndir gweddillion gweladwy. Wrth ystyried ceisiadau am ganiatâd heneb cofrestredig felly, bydd yr Ysgrifennydd Gwladol yn disgwyl i'r ceiswyr (yn enwedig lle bwriedir gosod piblinellau, ceblau neu garthffosydd o dan y ddaear), ddangos nad oes llwybr na lleoliad ymarferol arall yn bodoli, sy'n osgoi'r heneb, a bod yr angen i wneud y gwaith yn fwy na'r rhagdybiaeth o blaid diogelu heneb o bwysigrwydd cenedlaethol.

12. Lle mae adeilad wedi'i restru ac wedi'i gofrestru, mae Adran 61 o Ddeddf Cynllunio (Adeiladau Rhestredig ac Ardaloedd Cadwraeth) 1990 yn darparu nad oes angen gwneud cais am ddymchwel, addasu neu ymestyn y strwythur ond o dan ddarpariaethau Adran 2 o Ddeddf 1979 gan y tybir bod y ddeddfwriaeth honno'n cael blaenoriaeth. Wrth benderfynu ar gais am waith ar adeilad o'r fath, bydd yr

Ysgrifennydd Gwladol yn parhau i roi sylw i'w bolisiau cyhoeddedig ynghylch adeiladau rhestredig yn enwedig ynglŷn â'r angen i archwilio dibenion eraill, lle caiff dymchwel ei gynnig, ac i gadw nodweddion pwysig lle caiff addasiadau eu cynnig.

Troseddau yn Gysylltiedig â Henebion Cofrestredig

13. Creodd Deddf 1979 nifer o droseddau'n gysylltiedig â henebion. Gall erlyniadau llwyddiannus gyda chyhoeddusrwydd da yn erbyn y rhai sy'n gwneud gwaith diawdurdod i henebion, neu'n difrodi henebion, fod yn ataliad gwerthfawr i ddifrod neu ddinistr bwriadol ar henebion, a pholisi'r Swyddfa Gymreig yw dechrau achos lle bernir y gellir cynnal achos da. Mae'r Ddeddf yn darparu nifer o amddiffyniadau gan gynnwys anwybodaeth wirioneddol a rhesymol o statws cofrestredig y safle, a'r angen am waith at ddibenion iechyd a diogelwch.

14. Mae Adran 28 o Ddeddf 1979 yn ei gwneud yn drosedd dinistrio neu ddifrodi heneb sydd wedi'i ddiogelu – a ddiffinnir fel heneb cofrestredig neu unrhyw heneb o dan berchnogaeth neu warchodaeth yr Ysgrifennydd Gwladol neu awdurdod lleol yn rhinwedd Deddf 1979. Nid yw'r pŵer i erlyn troseddwyd wedi'i gyfyngu i'r Ysgrifennydd Gwladol. Gall awdurdodau lleol a'r Heddlu hefyd ddechrau erlyniadau pan ydynt hwy wedi darganfod troseddau.

15. Am nad oes gan y mwyafrif o'r awdurdodau lleol yng Nghymru arbenigedd archaeolegol mewnol, bydd yr Ysgrifennydd Gwladol (trwy Cadw) yn parhau i gymryd yr awenau wrth ymchwilio ac erlyn troseddau sy'n deillio o ddifrod i henebion cofrestredig pan gaiff digwyddiadau eu hadrodd iddo, neu eu darganfod ganddo. Yn achos heneb cofrestredig sy'n perthyn i awdurdod lleol, neu o dan warchodaeth awdurdod lleol, byddai fel rheol yn disgwyl i'r awdurdod lleol fod yn gyfrifol am erlyn troseddwyd er y bydd cyngor archaeolegol ar gael oddi wrth Cadw os oes ei angen (gan gynnwys darparu tyst arbenigol). Awgrymir felly y dylai'r awdurdodau lleol gysylltu â Cadw cyn erlyn. Bydd yr awdurdodau lleol yn parhau yn gyfan gwbl gyfrifol am erlyniadau sy'n deillio o ddifrod i henebion sydd wedi'u diogelu ond heb eu cofrestru.

Canfodyddion Metalau

16. Mae'r mwyafrif o ddefnyddwyr canfodyddion metal yn ymddwyn yn gyfrifol. Er hynny, gall defnyddio canfodyddion metalau yn anghyfreithlon greu difrod difrifol i henebion – nid yn unig i ffabrig yr heneb, ond hefyd i'w ddehongliad a'i ddealltwriaeth pan fydd arteffactau wedi'u symud o'u cyd-destun archaeolegol. O dan Adran 42 o Ddeddf 1979 mae'n drosedd defnyddio canfodyddion metalau mewn man wedi'i ddiogelu (unrhyw le sydd naill ai'n safle heneb cofrestredig neu'n heneb sy'n perthyn i'r Ysgrifennydd Gwladol, neu yng ngofal yr Ysgrifennydd Gwladol, neu awdurdod lleol) heb ganiatâd ymlaen llaw gan yr Ysgrifennydd Gwladol y bydd angen gwneud cais ysgrifenedig iddo. Ni chaiff caniatâd ei roi fel rheol ac eithrio at ddibenion ymchwil bona fide, di-ddinistr neu i adfer eitemau gwerthfawr o eiddo sydd wedi'u colli, e.e. modrwyon ac oriaduron.

Rheoli Henebion

17. Ni all diogelwch statudol ynddo'i hun sicrhau cadwraeth heneb yn y dyfodol. Ran amlaf mae'n hanfodol datblygu cynllun rheoli a gwneud gwaith cynnal-a-chadw rheolaidd i rwystro dirywiad graddol adeilad neu safle. Mae ar ddadfeilion, yn gymaint ag adeiladau a ddefnyddir, angen mân waith trwsio cyson i rwystro'u dirywiad. Gall henebion mewn caeau glas gael eu difrodi'n ddifrifol yn sgil esgeulustod sy'n gadael i blâu a llwyni neu goed gynyddu, neu oherwydd arferion ffermio anaddas. Er mai'r perchennog biau'r cyfrifoldeb am drwsio a chynnal henebion, gall Cadw ddarparu cyngor a chymorth ariannol o ddau brif fath ar gyfer cadw safleoedd pwysig.

18. Rhoir grantiau o dan Adran 24 o Ddeddf 1979 gan yr Ysgrifennydd Gwladol yn bennaf tuag at gostau cadw, cynnal a rheoli henebion, ac yn llai cyffredin felly eu rhoi tuag at brynu henebion sydd mewn perygl o gael eu difrodi neu eu dinistrio.

19. Gall cytundebau rheoli a wneir o dan Adran 17 o Ddeddf 1979 naill ai gan yr Ysgrifennydd Gwladol neu gan yr awdurdodau lleol roi cymorth ariannol i ddeiliaid y tir er mwyn hybu rheolaeth fanteisiol ar henebion mewn caeau fel arfer, drwy waith megis rheoli plâu a chwyn a rheoli lefelau stocio. Mae'r cytundebau'n rhedeg am nifer o flynyddoedd a gallant gynnwys taliad cychwynnol i dalu costau unrhyw waith cyfalaf, megis ffensio.

20. Mae Cadw'n darparu cyngor ar reoli henebion, yn bennaf trwy'r Arolygiaeth Henebion ond hefyd trwy rwydwaith o Wardeniaid Henebion Maes sydd wedi'u neilltuo i ardaloedd unigol. Mae'r Wardeniaid yn arbennig yn archwilio henebion ar sail reolaidd, gan adrodd ar eu cyflwr ac maent ar gael i drafod mesurau gyda pherchnogion/deiliaid ac awdurdodau lleol ar gyfer gwell rheolaeth ar safleoedd.

Cadw Drwy Gofnodion

21. O dan adran 45 o Ddeddf 1979, gall yr Ysgrifennydd Gwladol gynnig cymorth ariannol ar gyfer cadw drwy gofnodi. Yn nhermau ansawdd, rhaid i'r safleoedd fod o bwysigrwydd cenedlaethol wedi'u mesur yn erbyn y meini prawf cyhoeddedig (Atodiad 3). Rhaid i'r gwaith cloddio gyd-fynd â blaenoriaethau academiaidd cyfredol. Mae'r pwyslais presennol yn fwy ac yn fwy ar brojectau a all fwrw goleuni ar gwestiynau ymchwil pwysig a llenwi bylchau yn ein gwybodaeth. Ni threfnir bod arian ar gael fel rheol oni bai bod y safle o dan fygythiad.

Asesiad Amgylcheddol

22. Ar gyfer rhai mathau o ddatblygiad (wedi'u rhestru yn Atodlenni 1 a 2 o Reoliadau Cynllunio Gwlad a Thref (Asesu Effeithiau Amgylcheddol) 1988, fel y'u diwygiwyd) gall asesiad amgylcheddol (AA) ffurfiol fod yn angenrheidiol. Lle mae AA yn ofynnol, rhaid i'r datblygwr ddarparu datganiad amgylcheddol yn nodi'r wybodaeth a bennir yn Atodlen 3 o'r Rheoliadau ynghylch y safle ac effeithiau sylweddol tebygol y datblygiad arfaethedig ar yr amgylchedd. Dylai hyn gynnwys gwybodaeth am unrhyw effeithiau sylweddol ar asedau perthnasol a'r dreftadaeth ddiwylliannol, megis nodweddion archaeolegol ac arteffactau dynol eraill, a'r mesurau a ragwelir i osgoi, lleihau neu adfer effeithiau andwyol.

23. Lle mae datblygiad y mae angen AA ar ei gyfer yn effeithio ar safle heneb cofrestredig, rhaid ymgynghori â'r Ysgrifennydd Gwladol ynghylch y datganiad amgylcheddol a gyflwynir ac fe all ef ddarparu gwybodaeth i helpu i baratoi'r datganiad (er nad yw'n ofynnol iddo wneud hynny). Gwelir rhagor o wybodaeth am weithdrefnau AA yng Nghylchlythyr 23/88 y Swyddfa Gymreig ac yn y llyfryn *Environmental Assessment – A Guide to the Procedures* a gyhoeddwyd gan Wasg Ei Mawrhydi.

Parthau Cynllunio Syml (PCS)

24. Nodir y darpariaethau ynglŷn â PCS yn adrannau 82 i 87 ac Atodlen 7 o Ddeddf Cynllunio Gwlad a Thref 1990 fel y'i diwygiwyd gan Ddeddf Cynllunio ac Iawndal 1991. Effaith PCS yw rhoi caniatâd cynllunio i fathau penodol o ddatblygiad o fewn y cynllun. Lle mae gweddillion archaeolegol yn gorwedd o fewn ardal y PCS arfaethedig, gall fod yn angenrheidiol teilwra'r cynllun i ddarparu ar eu cyfer. Mae henebion o fewn PCS yn dal yn destun caniatâd heneb cofrestredig.

ATODIAD 2

CYRFF A MUDIADAU ALLWEDDOL, A CHOFNODION SAFLEOEDD A HENEBION

Y Llywodraeth Ganolog

1. Ysgrifennydd Gwladol Cymru sy'n gyfrifol am osod y fframwaith cyffredinol ar gyfer y system gynllunio ac am ddiogelu'r dreftadaeth adeiledig, gan gynnwys archaeoleg. Caiff y swyddogaethau hyn eu gweithredu trwy Cadw: Henebion Cymru, Asiantaeth Weithredol o fewn y Swyddfa Gymreig. Mae'r Ysgrifennydd Gwladol yn gyfrifol hefyd am lunio a chynnal cofrestr statudol o henebion o bwysigrwydd cenedlaethol ac am reoli gwaith ar henebion cofrestredig o'r fath trwy weithdrefn caniatâd heneb cofrestredig (gweler Atodiad 1, paragraffau 5 i 10).

Comisiwn Brenhinol Henebion Cymru (RCAHMW)

2. Corff arolygu a chofnodi cenedlaethol yw RCWHMW. Ei nod yw llunio archif gynhwysfawr a chronfa ddata genedlaethol o henebion ac adeiladau hanesyddol yng Nghymru (y Cofnod Henebion Cenedlaethol) a threfnu eu bod ar gael i'w defnyddio gan unigolion a chyrrff sy'n ymwneud â deall, cadw a rheoli'r amgylchedd adeiledig. Mewn cydweithrediad â'r pedair Ymddiriedolaeth Archaeoleg yng Nghymru a chyrrff trefnadaeth eraill yng Nghymru, mae'r Comisiwn yn datblygu cronfa ddata gyfrifiadur genedlaethol o safleoedd a henebion o ddiddordeb archaeolegol a phensaernïol. Gall swyddogion y Comisiwn ddarparu cyngor ac asesiad o safleoedd unigol o fewn cyd-destun cenedlaethol.

Awdurdodau Cynllunio Lleol

3. Mae gan yr awdurdodau cynllunio lleol nifer o gyfrifoldebau allweddol mewn perthynas â safleoedd archaeolegol a henebion o fewn eu hardaloedd. Er enghraifft, gall fod ganddynt weddillion, adeiladau neu safleoedd mawr yn eu gofal; gallant gaffael henebion a rhoi cymorth grant i'w cadw a gallant helpu i gyflwyno a rheoli safleoedd hanesyddol sy'n cyfrannu at dirlun, amwynderau ac economi lleol eu hardal; yn olaf, mae ganddynt rôl hanfodol mewn diogelu'r dreftadaeth archaeolegol trwy eu swyddogaethau rheoli datblygu. Er bod gan y Parciau Cenedlaethol arbenigedd archaeolegol mewnol, dim ond ychydig o awdurdodau sydd â gwasanaeth archaeolegol y gallant dynnu arno at ddibenion cynllunio, hamdden ac addysg, ond gall yr awdurdodau sydd heb yr arbenigedd angenrheidiol i drafod materion archaeolegol yn fewnol ofyn am gyngor gan yr Ymddiriedolaethau Archaeolegol Cymreig neu gyrff archaeolegol proffesiynol eraill (gweler y rhestr isod).

Ymddiriedolaethau Archaeolegol Cymru

4. Sefydlwyd y pedair Ymddiriedolaeth Archaeolegol Gymreig ranbarthol yng nghanol y 1970au – yn gofalu am ardaloedd cyn siroedd Clwyd–Powys, Dyfed, Morgannwg–Gwent a Gwynedd. Cwmnïau cyfyngedig annibynnol gyda statws elusennol yw'r rhain, sy'n cynnal staff archaeolegol proffesiynol ac yn darparu gwasanaethau archaeolegol eang o fewn eu hardaloedd. Tair o'r swyddogaethau y maent yn eu perfformio yw: (1) cadw Cofnodion Safleoedd a Henebion, (2) darparu cyngor archaeolegol i'r awdurdodau cynllunio ac eraill a (3) gweithredu cynlluniau i liniaru canlyniadau archaeolegol datblygu, trefol a gwledig, trwy gloddio neu ddulliau priodol eraill.

Cymdeithas Swyddogion Archaeolegol Llywodraeth Leol (ALGAO)

5. ALGAO yw'r corff cenedlaethol sy'n cynrychioli swyddogion archaeolegol proffesiynol sy'n gweithio mewn llywodraeth leol neu gyrff cyfatebol. Mae'n ceisio cydgysylltu a chynrychioli eu barn i'r Llywodraeth a chyrrff archaeolegol ac amgylcheddol cenedlaethol eraill.

Cyngor Archaeoleg Prydain (CBA)

6. Y CBA yw'r prif gorff cynrychioliadol ar gyfer archaeoleg ym Mhrydain ac mae ei aelodaeth yn cynnwys mudiadau cenedlaethol a lleol, unedau ac ymddiriedolaethau archaeolegol, amgueddfeydd a phrifysgolion. Mae'n ceisio cydgysylltu a chynrychioli barn y gymuned archaeolegol a chyflwyno'r farn honno i'r Llywodraeth ac eraill. Mae hefyd yn ceisio hybu diddordeb y cyhoedd mewn archaeoleg. Mae'n ffynhonnell cyngor ar bolisiâu cynllunio lleol a bydd llawer o awdurdodau'n ymgynghori ag ef yn gyson. CBA Cymru yw'r grŵp rhanbarthol ar gyfer Cymru.

Sefydliad Archaeolegwyr Maes (IFA)

7. Yr IFA yw sefydliad proffesiynol y DU ar gyfer archaeolegwyr. Mae'n ymwneud â diffinio a chynnal safonau a moeseg broffesiynol priodol mewn archaeoleg maes. Mae pob aelod yn cydymffurfio â Chod Ymddygiad ac mae yna weithdrefn ddisgyblu i ymchwilio a delio â honiadau o ymddygiad amhriodol. Cyhoeddir Cyfeirlyfr o Aelodau sy'n rhestru maes cofrestredig cymhwysedd pob aelod. Mae aelodaeth gorfforaethol o'r Sefydliad yn mynd yn ôl dosbarthiad MIFA, AIFA neu PIFA yn ôl profiad a chymwysterau.

Amgueddfeydd ac Oriolau Cenedlaethol Cymru

8. Amgueddfeydd ac Oriolau Cenedlaethol Cymru yw'r corff cenedlaethol sy'n ymwneud â dogfennu a chadw arteffactau sy'n cynrychioli treftadaeth Cymru o'r cyfnod cynhanesiol cynharaf hyd at y cyfnod modern. Mae gan yr Amgueddfa staff archaeolegol proffesiynol, gyda chymhwyster ym mhob maes o'r ddisgyblaeth, sy'n gallu cynnig cyngor ac asesiad o safleoedd. Mae cofnod yr Amgueddfa o safleoedd lle cafwyd arteffactau yn arbennig o bwysig gan y gall roi arwydd o bresenoldeb safleoedd sydd fel arall heb eu hadnabod.

Cyngor Amgueddfeydd Cymru

9. Mae'r Cyngor yn rhoi cyngor a chymorth grant i'w aelodau ynglŷn â rheoli casgliadau archaeolegol gan gynnwys polisi casglu, dehongli, cyflwr amgylcheddol a chadwraeth ac mae hefyd yn darparu gwasanaeth labordy mewn cysylltiad â'r olaf. Mae'n gallu helpu gyda gwaith dadansoddi a chadwraeth in situ. Mae'n ymwneud â deunyddiau sy'n cael eu cloddio ar hyn o bryd yn ogystal â chasgliadau sy'n bodoli eisoes.

Cofnodion Safleoedd a Henebion (SMR)

10. Gofyniad cyntaf unrhyw bolisi sydd â'r nod o ddiogelu a rheoli gweddillion archaeolegol yw cofnod o bob safle sy'n hysbys. Yng Nghymru mae cofnodion o'r fath ym meddiant y pedair Ymddiriedolaeth Archaeolegol Gymreig a chan rai awdurdodau lleol. At ei gilydd, mae awdurdodau cynllunio lleol wedi mabwysiadu'r cofnodion safleoedd a henebion sydd ym meddiant yr Ymddiriedolaethau Archaeolegol Gymreig at ddibenion rheoli datblygu.

11. Mae datblygu cofnodion cyson ar lefel ranbarthol yn darparu offeryn anhepgorol at lunio Cynlluniau Datblygu Unedol ac at benderfynu ar geisiadau cynllunio. Yn fwy cyffredinol, mae'r SMR yn gam cyntaf pwysig yn rheolaeth a

chyflwyniad cadarnhaol y tirlun hanesyddol at ddibenion addysg a hamdden ac fel ffynhonnell ar gyfer mewnbwn i broiectau hanes lleol, cadwraeth a thwristiaeth.

12. Yn ddelfrydol dylai'r SMR gael tair prif elfen: rhestr, disgrifiad ac asesiad o'r holl henebion hysbys; cofnod map (fel rheol ar raddfa o 1:10,000) sy'n nodi ffiniau'r safle ac archif sy'n cynnwys cofnodion manwl o safleoedd penodol, megis awyrluniau, adroddiadau ar arolygon a chloddiaid, cyfeirnodau a chofnodion ysgrifenedig a graffig eraill. Yng Nghymru mae'r dasg o lunio a monitro'r cofnod yn gorwedd fel rheol gyda'r Swyddog Cofnodion Safleoedd a Henebion naill ai o fewn yr awdurdod lleol neu yn yr Ymddiriedolaeth Archaeolegol Gymreig briodol a all ddarparu cyngor manwl, yn arbennig i swyddogion cynllunio lleol.

Cyfeiriadau Cyrff a Mudiadau Allweddol

1. Cadw: Henebion Cymru
Asiantaeth Weithredol
Adeiladau'r Goron, Parc Cathays
Caerdydd CF1 3NQ
Ffôn 01222 500200
 2. Comisiwn Brenhinol
Henebion Cymru
Adeilad y Goron, Plas Crug
Aberystwyth SY23 1NJ
Ffôn 01970 621233
 3. Cymdeithas Awdurdodau Lleol:
 - i. Cymdeithas Llywodraeth
Leol Cymru
10/11 Raleigh Walk
Glanfa Iwerydd
Caerdydd CF1 5LN
Ffôn 01222 462722
 - ii. Cymdeithas Swyddogion
Archaeolegol Llywodraeth Leol
Adran yr Amgylchedd
Neuadd y Sir
Hertford SG13 8DN
Ffôn 01992 555244
 4. i. Cyngor Archaeoleg Prydain
Bowes Morrell House
111 Walmgate
Caerefrog YO1 2UA
Ffôn 01904 671417
 - ii. Cyngor Archaeoleg
Prydain, Cymru
d/o Ymddiriedolaeth
Archaeolegol Clwyd-Powys
7a Church Street
Y Trallwng SY21 7DL
Ffôn 01938 553670
5. Sefydliad Archaeolegwyr Maes
Prifysgol Manceinion
Oxford Road
Manceinion M13 9PL
Ffôn 0161 275 2304
 6. Cynhadledd Sefydlog Rheolwyr
Unedau Archaeolegol
Prifysgol Manceinion, Oxford Road
Manceinion M13 9PL
Ffôn 0161 275 2304
 7. Ymddiriedolaethau Archaeolegol
Rhanbarthol:
 - i. Ymddiriedolaeth Clwyd-Powys
7a Church Street
Y Trallwng SY21 7DL
Ffôn 01938 553670
 - ii. Ymddiriedolaeth Archaeolegol
Dyfed Gyf.
Neuadd y Sir, Stryd Caerfyrddin
Llandeilo
Ffôn 01558 823121
 - iii. Ymddiriedolaeth Archaeolegol
Morgannwg-Gwent Gyf.
Ferryside Warehouse, Bath Lane
Abertawe SA1 1RD
Ffôn 01792 655208
 - iv. Ymddiriedolaeth Archaeolegol
Gwynedd Gyf.
Ffordd Garth, Bangor LL57 2RP
Ffôn 01248 352535
 8. Amgueddfeydd ac Oriolau
Cenedlaethol Cymru
Parc Cathays
Caerdydd CF1 3NP
Ffôn 01222 397951
 9. Cyngor Amgueddfeydd Cymru
The Courtyard
Letty Street, Cathays
Caerdydd CF2 4EL
Ffôn 01222 225432

ATODIAD 3

MEINI PRAWF YR YSGRIFENNYDD GWLADOL AR GYFER COFRESTRU HENEBION

Caiff y meini prawf canlynol (nad ydynt mewn unrhyw drefn o ran eu pwysigrwydd) eu defnyddio i asesu pwysigrwydd cenedlaethol heneb ac i ystyried a yw'n briodol eu cofrestru. Er hynny ni ddylid cymryd y meini prawf fel rhai diffiniol; yn hytrach maent yn ddangosyddion sy'n cyfrannu at ddyfarniad ehangach ar sail amgylchiadau unigol yr achos.

- (i) **Cyfnod:** dylid ystyried cadw pob math o henebion sy'n nodweddu categori neu gyfnod.
- (ii) **Prinder:** mae rhai categorïau o henebion mewn rhai cyfnodau sydd mor brin fel y dylid cadw pob enghraifft sy'n goroesi ac sydd â rhywfaint o botensial archaeolegol o hyd. Ond yn gyffredinol, rhaid gwneud detholiad sy'n portreadu'r nodweddiadol a'r cyffredin yn ogystal â'r prin. Dylai'r broses hon gymryd i ystyriaeth bob agwedd ar ddsbarthiad dosbarth penodol o heneb, mewn cyddestun cenedlaethol a rhanbarthol.
- (iii) **Dogfennaeth:** gall fod mwy o arwyddocâd i heneb yn sgil bodolaeth cofnodion o ymchwiliad blaenorol neu, yn achos henebion mwy diweddar, yn sgil tystiolaeth aregol mewn cofnodion ysgrifenedig cyfoes.
- (iv) **Gwerth Grŵp:** gall gwerth un heneb (megis system gaeau) gael ei gyfoethogi'n fawr gan ei gysylltiad â henebion cyfoes perthnasol (megis anheddiad neu fynwent) neu â henebion o wahanol gyfnodau. Mewn rhai achosion mae'n well diogelu'r grŵp cyfan o henebion, gan gynnwys tir cysylltiedig a chyfagos, yn hytrach na diogelu ambell heneb unigol o fewn y grŵp.
- (v) **Goroesi/Cyflwr:** mae goroesiad potensial archaeolegol heneb o dan ac uwchben y tir yn ystyriaeth arbennig o bwysig a dylid ei asesu mewn perthynas â'i gyflwr presennol a'r nodweddion sydd wedi goroesi.
- (vi) **Breuder/Breguster:** gellir dinistrio tystiolaeth archaeolegol bwysig iawn o rai henebion maes drwy aredig unwaith neu drwy driniaeth anghydymdeimladol; byddai henebion bregus o'r fath yn elwa'n arbennig o gael y diogelwch a geir trwy gofrestru. Mae yna hefyd strwythurau sy'n sefyll ar ffurf neu o gymhlethdod penodol y gall eu gwerth unwaith eto gael ei leihau'n sylweddol gan esgeulustod neu driniaeth ddiotal ac y mae'n well iddynt gael diogelwch heneb cofrestredig, hyd yn oed os yw'r strwythurau hyn eisoes yn adeiladau hanesyddol rhestredig.
- (vii) **Amrywiaeth:** gellir dethol rhai henebion i'w cofrestru oherwydd bod ganddynt gyfuniad o nodweddion o ansawdd uchel, eraill oherwydd un nodwedd bwysig.
- (viii) **Potensial:** ar adegau, ni ellir pennu natur y dystiolaeth yn fanwl ond gall fod yn bosibl dogfennu rhesymau sy'n rhag-weld ei bodolaeth a'i phwysigrwydd ac felly yn dangos cyfiawnhad dros gofrestru. Caiff hyn ei gyfyngu fel rheol i safleoedd yn hytrach na henebion sy'n sefyll.

GORCHYMYN HENEBION (CANIATADAU DOSBARTH) 1994
(OS 1994 RHIF 1381)

Atodlen

Erthygl 2(1) a (2)

Dosbarthiadau neu ddisgrifiadau o weithfeydd y caiff caniatâd heneb cofrestredig ei roi ar eu cyfer gan erthygl 2 o'r Gorchymyn hwn

**Dosbarth 1: Gweithfeydd Amaethyddiaeth,
Garddwriaith a Choedwigaeth**

Gweithfeydd a ganiateir:

Gweithfeydd amaethyddiaeth, garddwriaeth a choedwigaeth o'r un math â'r gweithfeydd a oedd gynt yn cael eu gwneud yn gyfreithiol yn yr un lleoliad ac yn yr un llecyn o fewn y lleoliad hwnnw o fewn cyfnod o chwe blynedd yn union cyn y dyddiad y mae'r gwaith yn dechrau; ond heb gynnwys gweithfeydd sy'n perthyn i un neu ragor o'r categorïau canlynol:

Gweithfeydd na chaniateir mohonynt:

- (a) yn achos tir sydd wedi'i aredig, unrhyw waith sy'n debygol o darfu ar bridd unrhyw ran o'r tir yn is na'r dyfnder y mae'r rhan honno wedi'i haredig yn gyfreithiol yn flaenorol;
- (b) yn achos tir heblaw tir wedi'i aredig, unrhyw waith sy'n debygol o darfu ar y pridd yn is na dyfnder o 300 milimetr;
- (c) isbriddio, gwaith traenio, plannu neu ddadwreiddio coed, gwrychoedd neu brysgwydd, stripio'r uwchbridd, gwaith tipio, neu dorri a symud tyweirch yn fasnachol;
- (d) dymchwel, symud, ymestyn, addasu neu darfu ar unrhyw adeilad, strwythur neu waith neu eu gweddillion;
- (e) codi unrhyw adeilad neu strwythur; ac
- (f) yn achos gwaith heblaw gwaith garddio domestig, gosod llwybrau, manau caled neu sylfeini ar gyfer adeiladau neu godi ffensys neu rwystrau eraill.

**Dosbarth 2: Gweithfeydd Corfforaeth Glo Prydain
neu eu Trwyddedeion**

Gweithfeydd a ganiateir: Gwaith a wneir fwy na 10 metr islaw lefel y tir gan Gorfforaeth Glo Prydain, neu unrhyw berson yn gweithredu'n unol â thrwydded a roddwyd gan y Gorfforaeth o dan adran 36(2) o Ddeddf Gwladoli'r Diwydiant Glo 1946(a).

Dosbarth 3: Gweithfeydd Gan Fwrdd Dyfrffyrdd Prydain

Gweithfeydd a ganiateir: Gwaith a wneir gan Fwrdd Dyfrffyrdd Prydain, mewn perthynas â thir yn eu perchnogaeth neu yn eu meddiant, sef gwaith i drwsio neu i gynnal-a-chadw, nad yw'n golygu addasiad sylweddol ar heneb cofrestredig, sy'n hanfodol er mwyn sicrhau bod camlas yn gweithredu.

Dosbarth 4: Gweithfeydd ar Gyfer Trwsio neu Gynnal-a-Chadw Peiriannau

Gweithfeydd a ganiateir: Gwaith i drwsio neu gynnal-a-chadw peiriannau, sef gwaith nad yw'n golygu addasiad sylweddol ar heneb cofrestredig.

Dosbarth 5: Gweithfeydd Brys Angenrheidiol ar Gyfer Diogelwch neu Iechyd

Gweithfeydd a ganiateir: Gwaith brys sy'n angenrheidiol er mwyn diogelwch neu iechyd ar yr amod:

- (a) bod y gwaith wedi'i gyfyngu i'r mesurau lleiaf sy'n angenrheidiol ar unwaith; a
- (b) bod hysbysiad ysgrifenedig yn cyfiawnhau'n fanwl yr angen am y gwaith yn cael ei roi i'r Ysgrifennydd Gwladol cyn gynted ag y bo'n rhesymol ymarferol.

Dosbarth 6: Gweithfeydd Gan Gomisiwn Adeiladau Hanesyddol a Henebion Lloegr

Nid yw'n gymwys yng Nghymru.

Dosbarth 7: Gweithfeydd Gwerthuso Archaeolegol

Gweithfeydd a ganiateir: Gwaith gwerthuso archaeolegol a wneir gan neu ar ran person sydd wedi gwneud cais am ganiatâd o dan adran 2 o'r Ddeddf, sef gwaith a wneir:

- (a) er mwyn rhoi gwybodaeth i'r Ysgrifennydd Gwladol y mae arno ei hangen i benderfynu'r cais hwnnw;
- (b) o dan arolygiaeth person a gymeradwywyd at y diben hwnnw yn ysgrifenedig gan yr Ysgrifennydd Gwladol neu'r Comisiwn; ac
- (c) yn unol â manyleb ysgrifenedig a gymeradwywyd at y diben hwnnw gan yr Ysgrifennydd Gwladol neu'r Comisiwn.

Dosbarth 8: Gweithfeydd a Wneir o dan rai Cytundebau yn Ymwneud a Henebion

Gweithfeydd a ganiateir: Gwaith i gynnal-a-chadw neu i gadw heneb cofrestredig neu ei amwynderau sef gwaith a wneir yn unol â thelerau cytundeb ysgrifenedig rhwng deiliad yr heneb a'r Ysgrifennydd Gwladol neu'r Comisiwn o dan adran 17(a) o'r Ddeddf.

Dosbarth 9: Gweithfeydd Gyda Chymorth Grant o dan Adran 24 o'r Ddeddf

Gweithfeydd a ganiateir: Gwaith i gadw, cynnal neu reoli heneb cofrestredig, sef gwaith a wneir yn unol â thelerau cytundeb ysgrifenedig y mae'r Ysgrifennydd Gwladol neu'r Comisiwn yn ad-dalu neu'n cyfrannu tuag at gostau'r gwaith odano yn unol â'u pwerau o dan adran 24(b) o'r Ddeddf.

Dosbarth 10: Gweithfeydd a Wneir Gan Gomisiwn Brenhinol Henebion Cymru neu Gomisiwn Brenhinol Henebion Lloegr

Gweithfeydd a ganiateir: Gwaith yn cynnwys gosod marcwyr arolwg i ddyfnder heb fod yn fwy na 300 milimetr at ddibenion arolwg mesuredig o weddillion gweladwy a wneir gan Gomisiwn Brenhinol Henebion Cymru neu Gomisiwn Brenhinol Henebion Lloegr.