

Y Pwyllgor Cymunedau, Cydraddoldeb a Llywodraeth Leol

Lleoliad:
Ystafell Bwyllgora 2 – y Senedd

Dyddiad:
Dydd Iau, 18 Mehefin 2015

Amser:
09.00

Cynulliad
Cenedlaethol
Cymru

National
Assembly for
Wales



I gael rhagor o wybodaeth, cysylltwch â:

Sarah Beasley

Clerc y Pwyllgor

0300 200 6565

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Agenda

1 Cyflwyniad, ymddiheuriadau a dirprwyon

2 Bil Amgylchedd Hanesyddol (Cymru): sesiwn dystiolaeth 4 – Comisiwn Brenhinol Henebion Cymru (9.15 – 10.15) (Tudalennau 1 – 30)

Christopher Catling, Prif Weithredwr

Jonathan Hudson, Comisiynydd

David Thomas, Pennaeth Gwasanaethau Cyhoeddus

Egwyl (10.15 – 10.30)

3 Bil Amgylchedd Hanesyddol (Cymru): sesiwn dystiolaeth 5 – Yr Ymddiriedolaeth Genedlaethol, Cymru (10.30 – 11.30) (Tudalennau 31 – 35)

Dr Emma Plunkett-Dillon, Is-gadeirydd

4 Papurau i'w nodi (Tudalennau 36 – 42)

5 Cynnig o dan Reol Sefydlog 17.42 (vi) i benderfynu gwahardd y cyhoedd o weddill y cyfarfod

6 Bil yr Amgylchedd Hanesyddol (Cymru): trafod y dystiolaeth a gafwyd yn sesiynau 4 a 5 (11.30 – 11.45)

7 Ystyried blaenraglen waith (11.45 – 11.55) (Tudalennau 43 – 45)

8 Y Bil Rhentu Cartrefi (Cymru): trafod yr adroddiad terfynol (11.55 – 12.55) (Tudalennau 46 – 150)

Mae cyfyngiadau ar y ddogfen hon

Bil yr Amgylchedd Hanesyddol (Cymru)

Tystiolaeth ysgrifenedig yn cefnogi'r bil gan Gomisiwn Brenhinol Henebion Cymru (CBHC)

1.0 Cefndir

1.1 Y Comisiwn Brenhinol, a sefydlwyd drwy Warant Frenhinol ym 1908, yw'r corff cenedlaethol sy'n gyfrifol am arolygu a chofnodi amgylchedd hanesyddol Cymru. Un o'n prif weithgareddau yw cynnal Cofnod Henebion Cenedlaethol Cymru, ac yn y cyswllt rydym yn gyfrifol am fonitro datblygiad y Cofnodion Amgylchedd Hanesyddol (CAHion) rhanbarthol sy'n cael eu cynnal gan bedair Ymddiriedolaeth Archaeolegol Cymru (YAC).

1.2 Mae'r ddau fath hyn o gofnod yn wahanol ond yn ategu ei gilydd. Yn eu hanfod, mae'r CAHion yn ffurfio catalog o wybodaeth am y gorffennol, a cheir ynddynt ddata ar lefel uchel. Mae'r Cofnod Henebion Cenedlaethol yn ychwanegu dyfnder at y wybodaeth hon, ar ffurf llawer o wahanol fathau o ddata, gan gynnwys lluniadau deongliadol, cynlluniau, trychiadau, adroddiadau cloddio, nodiadau maes, a 150 o flynyddoedd o ffotograffau.

1.3 Oherwydd ein gwaith mewn perthynas â chynnal Cofnod Henebion Cenedlaethol Cymru a monitro datblygiad y Cofnodion Amgylchedd Hanesyddol, bydd ein tystiolaeth i'r Pwyllgor Cymunedau, Cydraddoldeb a Llywodraeth Leol yn canolbwyntio'n bennaf ar Ran 4 o Fil yr Amgylchedd Hanesyddol (Cymru), sy'n ymdrin â'r gofyniad i awdurdodau cynllunio lleol yng Nghymru greu a chynnal CAHion.

2.0 Gwerth y Cofnodion Amgylchedd Hanesyddol

2.1 Rydym yn croesawu'n fawr iawn gymalau 33 i 36 o'r Bil, sy'n gofyn i bob awdurdod cynllunio lleol yng Nghymru 'lunio a chyhoeddi cofnod amgylchedd hanesyddol sy'n ymwneud â'i ardal'. Mae gennym sawl rheswm dros gefnogi'r mesur hwn. Mae'r CAHion yn ffynhonnell gwybodaeth werthfawr a hygyrch am yr amgylchedd hanesyddol a all gael eu defnyddio i:

- i. gefnogi ymdrechion cadwraeth a stiwardiaeth gyfrifol o'r amgylchedd hanesyddol
- ii. rhoi gwybodaeth i berchnogion a datblygwyr am unrhyw asedau treftadaeth a all effeithio ar sut y gallant ddefnyddio eu tir a'u heiddo, gan roi'r eglurder sydd ei angen arnynt i baratoi ceisiadau cynllunio llwyddiannus

- iii. cyfrannu at wneud penderfyniadau o fewn y drefn cynllunio a rheoli datblygiadau, gan gynnwys trafodaethau cyn gwneud cais a cheisiadau am gydsyniad
- iv. cefnogi gwelliannau amgylcheddol, twristiaeth ddiwylliannol a mentrau addysgol
- v. galluogi pobl i ddarganfod, mwynhau a deall treftadaeth leol.

2.2 Yr angen am safonau uchel

Er mwyn cyflawni'r holl amcanion hyn, mae angen i CAHion fod yn hygyrch, cywir a chyfoes: am y rheswm hwn croesawn yn fawr y pwyslais a roddir yn y Bil a'r Canllawiau Statudol ar yr angen i ddarparwyr gwasanaeth CAH gael eu harchwilio gan y Comisiwn Brenhinol bob pum mlynedd. Croesawn hefyd y sylw y bydd Gweinidogion Cymru yn adolygu'n rheolaidd y modd y bydd awdurdodau lleol yn cyflawni eu cyfrifoldebau CAH ac yn gweithio gyda'r rheiny sy'n methu â chydymffurfio er mwyn cytuno ar gynllun i gywiro'r diffygion.

3.0 Y CAHion presennol

- 3.1 Mae CAHion, wrth gwrs, yn bodoli eisoes, a chawsant eu rheoli a'u datblygu gan bedair Ymddiriedolaeth Archaeolegol Cymru dros nifer o ddegawdau, felly nid ydym yn ystyried bod y Bil yn gosod baich arbennig o drwm ar awdurdodau cynllunio lleol. Mae'r buddsoddiad cychwynnol wedi'i wneud, ond yn fuan iawn y gallai'r CAHion fethu â chyflawni eu rôl briodol yn y system gynllunio pe baent yn colli eu cyfoesedd. Felly mae angen parhau i fuddsoddi mewn cynnal a gwella'r CAHion. Mae'r Canllawiau Statudol yn nodi'n glir y dylid cyflogi staff curadurol cymwysedig a chymwys i ymgymryd â'r dasg hon. Gan mai'r awdurdodau cynllunio lleol fydd yn gyfrifol am sicrhau mynediad i CAH, bydd yn bwysig sicrhau bod yr awdurdodau hyn yn cydnabod y bydd angen iddynt wneud cyfraniad rhesymol a chymesur at y costau hanfodol hyn.

4.0 Darparwyr gwasanaeth eraill

- 4.1 Sut bynnag, nodwn nad yw'r Bil yn datgan y dylid defnyddio'r CAHion presennol ac nad yw'r Canllawiau Statudol cysylltiedig ar Gofnodion Amgylchedd Hanesyddol yng Nghymru yn cymryd yn ganiataol mai hyn fydd yn digwydd. Yn lle hynny, mae'r Canllawiau Statudol yn disgrifio'r hyn a ddylai fod mewn CAH, sut y dylai gael ei reoli a pha safonau y mae'n rhaid eu bodloni, ac yn ddamcaniaethol gallai rhai awdurdodau lleol benderfynu mynd y tu allan i'r ddarpariaeth CAH bresennol a sefydlu a chynnal eu CAH eu hunain, neu gontractio'r gwaith i ddarparwyr gwasanaeth gwahanol heblaw am Ymddiriedolaethau Archaeolegol Cymru.
- 4.2 Felly mae perygl y bydd llawer gwahanol ymagwedd at CAHion ac rydym yn pryderu y gallai hyn arwain at ddarnio'r gwasanaeth; er gwaethaf y Canllawiau Statudol ar safonau, gallai hyn arwain at ddiffyg cysondeb cenedlaethol a allai ddrysu defnyddwyr a bod yn rhwystr i ddefnydd ehangach o'r CAHion. Dylid osgoi hyn a rhoi'r pwyslais ar rôl allweddol Porth

Cymru Hanesyddol sy'n darparu man mynediad clir i nifer o gofnodion a luniwyd at wahanol ddibenion ac sy'n ategu ei gilydd.

5.0 Porth Cymru Hanesyddol

5.1 Mae'r Comisiwn Brenhinol wedi gweithio'n galed yn ystod y blynyddoedd diwethaf i ddod â'r data am yr amgylchedd hanesyddol a ddelir gan wahanol gyrff yng Nghymru o dan yr un fantell: porth ar-lein Cymru Hanesyddol sy'n dwyn ynghyd ddata y CAHion a gwybodaeth sydd yn nwylo cyrff megis Cadw, yr Ymddiriedolaeth Genedlaethol, Amgueddfa Cymru, a Chofnod Henebion Cenedlaethol Cymru y Comisiwn Brenhinol, gan greu'r hyn y gellid ei alw'n 'CAH cenedlaethol estynedig'. Mae'r CAH estynedig hwn o bwys aruthrol i'r sawl sy'n chwilio am wybodaeth fanylach nag a geir o fewn y CAHion presennol, ac mae'r symud tuag at safonau cyffredin a mwy o integreiddio yn rhywbeth y byddem yn ei gymeradwyo yn hytrach na lluosogi gwasanaethau.

5.2 Mae ein profiad ni o weithio gyda'r CAHion presennol a ddelir gan Ymddiriedolaethau Archaeolegol Cymru wedi dangos eu bod yn cael eu rheoli'n dda. Ymgyngherasom ag archwiliadau yn 2005 a 2010 ac rydym wrthi ar hyn o bryd yn cynnal archwiliad pum mlynedd arall er mwyn llywio eu rhaglenni gwaith at y dyfodol. Hoffem yn arbennig gymeradwyo eu creadigrwydd wrth ddarparu mynediad ehangach i'r cyhoedd a galluogi'r cyhoedd i gyrchu data'r CAHion, a llwytho eu harsylwadau eu hunain i fyny drwy gyfrwng llechi cyfrifiadurol a ffonau symudol.

6.0 Adran 17 o'r Bil

6.1 Rydym yn falch o weld bod ymdrech yn cael ei gwneud i gryfhau'r gyfraith mewn perthynas â'r 'amddiffyniad o anwybodaeth' yn ymwneud â Datgelu Metel. Mae caniatáu i 'anwybodaeth' gael ei defnyddio'n amddiffyniad yn golygu y bydd hi bron yn amhosibl erlyn troseddwr gan y bydd y baich ar yr erlyniad i brofi bod y datgelwr metel yn llwyr ymwybodol o unrhyw ddynodiadau diogelu sydd mewn grym.

6.2 Yn lle hynny, yn yr un modd ag y dylai datgelwr metel geisio caniatâd y perchennog tir cyn dechrau chwilio, mae'n iawn y dylai'r baich fod ar y datgelwr metel i wirio a yw safle wedi'i ddiogelu ai peidio. Oherwydd yr holl wybodaeth sydd ar gael yn hwylus ar-lein drwy borth Cymru Hanesyddol, mae'n hawdd iawn gwirio a yw tir wedi'i ddynodi ai peidio, ac mae'r 'amddiffyniad o anwybodaeth' yn anos ei gyfiawnhau yn awr nag ar unrhyw adeg yn y gorffennol.

7.0 Adran 37 o'r Bil

7.1 Nodwn fod Adran 37 o'r Bil yn gofyn bod Gweinidogion Cymru yn sefydlu Panel Cyngori ar Amgylchedd Hanesyddol Cymru i roi 'cyngor ... ar faterion yn ymwneud â llunio, datblygu a gweithredu polisi a strategaeth mewn perthynas â'r amgylchedd hanesyddol yng Nghymru'. Bydd gofyn i'r Panel gyhoeddi rhaglen waith sy'n nodi'r 'materion y mae'n bwriadu rhoi cyngor i Weinidogion Cymru arnynt yn ystod cyfnod o dair blynedd'.

7.2 Hoffem geisio sicrwydd y bydd panel cynghori o'r fath yn manteisio ar amrywiaeth eang o gyngor wrth benderfynu ar ei agenda, ac yn ceisio tystiolaeth yn eu trafodaethau gan yr amrywiaeth eang o gyrff treftadaeth sydd i'w cael yng Nghymru. Byddem yn fwy na pharod i gynnig peth cymorth i Cadw gyda gwaith y Panel, er mwyn sicrhau bod ei raglen waith yn gynrychiadol o'r swyddogaethau y byddwn ni ac eraill yn eu cyflawni yn ogystal â'r rheiny a arweinir gan Cadw.

8.0 Darpariaeth arforol

8.1 Yn olaf, fel y corff sy'n gyfrifol am wneud cofnod o dreftadaeth arforol ac alltraeth, rydym yn pryderu bod y Bil presennol a'r canllawiau ategol yn ymwneud yn bennaf â threftadaeth ar y tir. Ar adeg pan fo ein dyfroedd tiriogaethol o dan fwy o bwysau datblygu nag erioed, mae angen casglu gwybodaeth gynhwysfawr a chyfoes ar frys am dreftadaeth arforol gyfoethog Cymru yn sylfaen ar gyfer penderfyniadau cynllunio yn y dyfodol. Gobeithiwn y bydd mesurau i fynd i'r afael â'r angen hwn yn cael eu hymgorffori yn y Bil hwn neu mewn deddfwriaeth ac arweiniad yn y dyfodol sy'n rhoi sylw i dreftadaeth arforol a datblygu alltraeth.



**Ymddiriedolaeth
Genedlaethol
National Trust**

Y Pwyllgor Cymunedau, Cydraddoldeb a Llywodraeth Leol
Communities, Equality and Local Government Committee
CELG(4)-17-15 Papur 2 / Paper 2

Item 3

Emily.Keenan@nationaltrust.org.uk
07766820767

Written Evidence Submission- National Trust Wales to the Communities, Equality and Local Government Committee on the Historic Environment Bill June 2015

Introduction

National Trust Wales places great importance on the conservation and management of all aspects of the historic environment, including archaeological sites, designed and cultural landscapes, buildings, architecture and parks and gardens. We want the special places of Wales to be available forever, for everyone.

We care for 175 Scheduled Ancient Monuments and 381 listed buildings. We have three sites in guardianship – managed by Cadw on behalf of Welsh Government. We have 15 registered Parks and Gardens and own a significant part of Wales' registered historic landscapes. We work with many partners to protect and promote enjoyment of the historic environment, including Cadw, the Royal Commission for Ancient and Historic Monuments Wales, four archaeological trusts, Natural Resources Wales, the Institute of Historic Building Conservation, Wales Environment Link, the Campaign for the Protection of Rural Wales and the Council for British Archaeology. We are also an active member of the Historic Environment Group.

We welcome the Historic Environment (Wales) Bill as the first Wales-only legislation for the care and protection of our distinct historic environment. In many ways the Bill shows a willingness to build on and expand the current legislative framework for protection of our historic environment and as such it is a consolidation and enhancement rather than a radical new approach. We support the direction of travel and believe many of the provisions do represent a positive change for our historic environment. Our primary concern is around the implementation of the new measures, specifically those at Local Authority level, where resource pressures may lead to a lack of capacity to take work forward. Our hope is, that Welsh Government will go beyond this Bill to take a proactive approach to our historic environment and bring forward more radical solutions to reduce the number of historic buildings, monuments and landscapes at risk.

Bill Formation Process

We have found the process of the formation of the Historic Environment Bill to be consultative and

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Cadeirydd Pwyllgor Cymru/ Chair of the Wales Committee: Mr Keith James OBE
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Tudalen y pecyn 31

well-communicated.

The National Trust was part of process from the beginning and greatly welcomed the opportunity to participate. We support the open approach taken by Cadw when first exploring the potential opportunities provided by new legislation such as the horizon scanning workshops. It could be argued that such an approach will raise expectations beyond what can actually be achieved through any given piece of legislation. However, we feel this risk is more than justified by the engagement and ideas generated by such exercises.

We particularly appreciated working with Cadw on the specific aspects of the bill especially the 'Landscapes, Parks and Gardens and Battlefields' workshop at Stackpole which we jointly hosted.

Once the process was clarified we supported the steady progress through the legislative process and believe that the level of consultation was appropriate. Towards the end of the process the steps being taken and their justification was easy to understand. The connection between the Bill and the supporting documents such as changes to planning guidance and statutory guidance is clear.

The General Principles of the Historic Environment (Wales) Bill

Below we outline our views on individual elements of the Bill;

Greater Protection for Scheduled Ancient Monuments

We strongly support the measures in the Bill that will give greater parity to the protection of Scheduled Ancient Monuments. Provision of the same type of statutory care as Listed Buildings will provide better protection to much of our Welsh heritage.

Interim Protection and Temporary Stop Notices

National Trust Wales can see the value in introducing temporary stop notices in providing more effective protection to Listed Buildings and Scheduled Ancient Monuments. However, we believe that a major issue currently inhibiting the effective use of stop notices is that Local Planning Authorities are wary of the potential cost of delaying works which they might later have to compensate the owner for. This issue is not currently addressed in the Bill, but if it could be the use of stop notices would be more frequent and so heritage protection more effective.

We agree that interim protection is essential in preventing damage to a monument or building while consultation is being undertaken prior to designation. Interim protection should apply for all assets from when an application is made to throughout the consultation, decision-making and review period.

Control of Works Affecting Scheduled Monuments

National Trust Wales wholly welcomes measures outlined in the Bill which place a responsibility on the individual to take reasonable steps to find out whether there is a scheduled monument in the area where works are planned, in order to prevent damage and destruction of them. We agree that there has been a need to better defend our protected monuments and places and believe that the proposed measures will make a valuable contribution to this protection in the future.

Buildings at Risk

We are pleased to see the Bill's provisions to lend greater protection to Listed Buildings, however, we would have wished to see far greater emphasis on Buildings at Risk in the Historic Environment Bill. We wish to see greater monitoring, greater intervention, greater reporting, and far more emphasis on reducing the buildings at risk in Wales. The Bill needs to stimulate a far more proactive approach to partnership solutions to Buildings at Risk in Wales, and a greater dialogue on solutions to loss of heritage.

Landscapes

As an organisation particularly concerned with the protection and conservation of the Welsh landscape we feel that the proposals in this document which address landscape are weak. From our perspective this is an area in which the Historic Environment Bill has failed to deliver. We acknowledge the difficulties in registering and protecting large areas, but this legislation has failed to address the issue. In doing so misses the 'bigger picture' in terms of protecting our Historic Environment.

We do not agree that the register of historic landscapes delivers the Welsh Government's contribution to the European Landscape Convention. An active and holistic approach is needed. In order to achieve this holistic approach it must be ensured that provisions relating to landscape in the Heritage and Environment Bill are integrated and the management and protection of the historic environment is firmly embedded in any ecosystems approach to landscape management.

The complexity of working with the Natural Resources Management Plan have not been considered by this Bill. Our understanding is that the proposed natural resources planning areas will be established through the Environment Bill. The strong suggestion is that these will be catchment based which will conflict with the boundaries of the registered historic landscapes. We are extremely concerned that how to marry these approaches has not been considered. Without evidence of real joined up thought and working we cannot feel confident that the historic environment will be given due consideration in what will be a complex and multi-stakeholder process. We would still like to see a formal process through which Cadw and other bodies with expertise in heritage and the historic landscape can provide input to the Natural Resource Management Planning.

Register of Historic Parks and Gardens

We very much welcome a statutory basis to the Register of Historic Parks and Gardens in Wales as provided in the Bill. We hope that the Welsh Government to commit the necessary resources to maintain and enhance the register.

However, we are concerned about the Minister's power of deletion of parks and gardens from the register. We would welcome clarification about the circumstances under which a park or garden might be deleted from the register and the process by which this would be judged in an open and public manner.

Heritage Partnership Agreements

We strongly support introduction of Heritage Partnership Agreements and contributed to early discussions as to how this might work. We are encouraged to see that the proposal for Heritage

Partnership Agreements has been based on pilot schemes in England and Wales which we hope have provided valuable lessons for implementation.

This approach could help to avoid duplication of work for us, for Local Planning Authorities and for Welsh Government. Such a system would benefit properties like Dolaucothi where large areas are protected but the significance of the archaeology varies. It would help us carry out routine tasks such as erecting signs and temporary structures and cyclical maintenance which is needed at such a property.

There will, however, be front-loaded resource implications if the establishment of such partnerships is going to be successful. If there are delays in establishing this process at LA level then take up of such agreements will suffer and potential for efficiency savings in the future will be lost.

Historic Environment Registers

We are pleased with the Bill's provisions which place a duty on LPAs to create and maintain HERs either within their own organisational or by a third party is being revisited. We view statutory footing for HERs as essential to effective planning. Organisations such as National Trust Wales are reliant on accessing sound HER data as are many other organisations. We would advocate learning from the Welsh Archaeological Trusts who have run a successful system up to this point.

Again we would like to raise the issue of resource in LAs for work on HERs. It may be the case that a service level agreement will allow the current arrangement to continue. If however, the work on the registers is to be bought inside LAs then resources need to be allocated to maintaining the registers and their conversion to SPG. Many of the staff who have a suitable skill set may find their jobs under threat due to cuts at Local Government level, making us question the feasibility of this role being performed by LAs long term.

Advisory Panel for the Historic Environment

National Trust Wales believes that the establishment of an Advisory Panel for the Historic Environment is a good idea. We support the Welsh Government taking a consultative approach to the historic environment in Wales and utilising expertise which sit outside of government.

However, we have previously raised concerns about the lack of differentiation between the role on the Advisory Panel for the Welsh Historic Environment and the Historic Environment Group currently in existence, and these concerns have not been addressed by the wording on the face of the Bill.

Duplication and overlap between the two groups will mean additional and unnecessary work for all involved. There is also a high cost associated with the creation of such a panel and given the stretched resources we refer to elsewhere in this document we feel consideration could be given to how else this money might be used.

Barriers to Implementation

1. Resource

The primary barrier to implementation will undoubtedly be resource at Local Authority

Level. Existing arrangements do not work to their full potential where they are not properly resourced and this will be no different for the new provisions made in the Bill. Our concern is that, at a time when Heritage and Built Conservation staff are at the front line of staffing cuts at Local Authority level the Bill may place additional requirements on these individuals without provision of additional resource. The HERs, for example, if bought back into LAs will require staff time to create and maintain, and will need to be followed up with all the process requirements for converting the register to formal Statutory Planning Guidance. Again when it comes to HPAs Welsh Government must ensure that resource and training are provided to ensure that the Authority is capable of putting the provisions of the Bill are put into practice.

2. Prioritisation at LA level

Going hand in hand with this is the recognition of the importance the historic environment in Local Authorities. Where the Planning Bill addresses culture change in Local Authorities this is not addressed in the Historic Environment Bill. If the Bill is going to place extra requirements on local authorities at a time of resource reduction there may be a need to look into how local authorities prioritise and resource decision making in the historic environment.

3. Supporting Documents

Although the Historic Environment (Wales) Bill will make important legislative changes, it cannot stand alone. There is a need for new draft policy, advice and guidance documents to be brought forward alongside the Bill. We are aware that this process is being undertaken within Welsh Government, and that many documents are coming forward from Cadw currently, and would value the opportunity to comment on supporting documents as they are brought forward.

In order to discuss this evidence further please contact;

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Eitem 4

18 Mehefin 2015- Papurau i'w nodi

Rhif papur:	Mater	Oddi wrth	Cam gweithredu
Papurau cyhoeddus i'w nodi			
3	Bil Rhentu Cartrefi (Cymru)	Gweinidog Cymunedau a Threchu Tlodi	Gwybodaeth ychwanegol yn dilyn y cyfarfod ar 20 Mai 2015
4	Ymchwiliad i Gynlluniau Strategol Cymraeg mewn Addysg	Cadeirydd, Pwyllgor Plant, Pobl Ifanc ac Addysg	
5	Bil yr Amgylchedd Hanesyddol (Cymru)	Dirprwy Weinidog Diwylliant, Chwaraeon a Thwristiaeth	

Y Pwyllgor Cymunedau, Cydraddoldeb a Llywodraeth Leol
Communities, Equality and Local Government Committee
CELG(4)-17-15 Papur 3 / Paper 3



Ein cyf/Our ref: LF/LG/0571/15

Christine Chapman AM
Chair
Communities, Equality and Local Government Committee
National Assembly for Wales
Cardiff
CF99 1NA

9 June 2015

Dear Christine

Renting Homes (Wales) Bill

At the Communities, Equality and Local Government Committee meeting on 20 May, I offered to share the calculation behind the estimated cost of solicitors becoming familiar with the Bill's provisions. As you know, the cost features in the Bill's Explanatory Memorandum and Regulatory Impact Assessment.

Legal professionals update their knowledge of changes in law as part of their day to day business and through continuing professional development activity. They are highly skilled at absorbing the detail of legislation and changes to it. As set out in the Regulatory Impact Assessment, it is considered that one day is a reasonable amount of time for lawyers to become familiar with the changes that will be brought about by the Renting Homes (Wales) Bill.

The cost of one day's familiarisation was calculated using information from the Law Society publication *Private practice solicitor's salaries 2013 – The Law Society's PC Holder Survey 2013*. This report is available online at:

<https://www.lawsociety.org.uk/policy-campaigns/research-trends/fact-sheets/documents/private-practice-earnings-2013/>

The calculation within the Regulatory Impact Assessment is based upon an estimate of 2,600 solicitors in Wales. However, additional research and discussions with the sector have shown that not all solicitors would be required or need to undertake this familiarisation; for example, many senior partners or those specialising in criminal or non-housing matters.

Therefore, based on an estimate of 1,800 solicitors undertaking this training, which is on the generous side, and calculated on an average income of £48,632 per annum and an average of 253 working days per annum, the daily cost is £192.00. The rounded cost of £346,000 in the Explanatory Memorandum is derived by multiplying £192.00 by the number of solicitors, which equates to £346,000.

I hope this provides the necessary clarification and I look forward to publication of the Committee's report.

Regards
Lesley

Lesley Griffiths AC / AM

Y Gweinidog Cymunedau a Threchgu Tlodi
Minister for Communities and Tackling Poverty

Christine Chapman AC
Cadeirydd y Pwyllgor Cymunedau, Cydraddoldeb a
Llywodraeth Leol

11 Mehefin 2015

Annwyl Christine

Ymchwiliad i Gynlluniau Strategol Cymraeg mewn Addysg

Ysgrifennaf atoch i'ch hysbysu o ymchwiliad cyfredol y Pwyllgor Plant, Pobl Ifanc ac Addysg i Gynlluniau Strategol Cymraeg mewn Addysg.

Meddyliais y byddai'n ddefnyddiol tynnu sylw eich Pwyllgor at yr ymchwiliad hwn gan fod y Gymraeg yn rhan o'ch cylch gwaith.

Mae rhagor o fanylion am yr ymchwiliad ar gael ar [wefan y Pwyllgor](#). Byddwn ni, wrth gwrs, yn rhannu ein canfyddiadau â chi maes o law.

Yn gywir



Ann Jones AC / AM
Cadeirydd / Chair



Ken Skates AC / AM
Y Dirprwy Weinidog Diwylliant, Chwaraeon a Thwristiaeth
Deputy Minister for Culture, Sport and Tourism



Llywodraeth Cymru
Welsh Government

Eich cyf/Your ref:
Ein cyf/Our ref: LF/KS/0583/15

Christine Chapman AC
Cadeirydd y Pwyllgor Cymunedau, Cydraddoldeb a Llywodraeth Leol

10 Mehefin 2015

Annwyl Christine,

Bil yr Amgylchedd Hanesyddol (Cymru)

Ysgrifennaf yn dilyn y llythyr a gawsoch gan Jocelyn Davies, AC, Cadeirydd y Pwyllgor Cyllid, yn nodi rhai o'r materion ariannol efallai yr hoffai'r Pwyllgor Cymunedau, Cydraddoldeb a Llywodraeth Leol eu hystyried wrth iddo graffu ar y Bil. Meddyliais efallai y byddai'n ddefnyddiol i mi egluro rhai o'r pwyntiau a godwyd er mwyn llywio eich ystyriaethau pellach.

Mae nifer o bryderon y Pwyllgor Cyllid yn adleisio pryderon y sawl a ymatebodd i'r ymgynghoriad ar gynigion ar gyfer yr amgylchedd hanesyddol yn 2013, sef *Dyfodol ein gorffennol*. Er enghraifft, cododd y Pwyllgor Cyllid amheuan ynghylch effaith ariannol y Bil ar awdurdodau lleol, gan ddyfynnu pryderon a fynegwyd gan ymgynghoreion, gan gynnwys Cyngor Sir Penfro, yn 2013. Codwyd pwynt tebyg o ran Cyngor Bwrdeistref Sirol Blaenau Gwent pan ymddangosais ger bron eich pwyllgor ar 4 Mehefin.

Hoffwn achub ar y cyfle hwn i bwysleisio bod gwahaniaethau sylweddol rhwng y cynigion a gyflwynwyd yn 2013 a darpariaethau'r Bil.

Gwrthodwyd rhai o gynigion yr ymgynghoriad gan fod ymatebwyr o'r farn y byddent yn arwain at gostau ychwanegol i awdurdodau lleol heb unrhyw fuddiannau gwirioneddol, megis system ffurfiol ar gyfer ardystio na fyddai angen caniatâd adeilad rhestredig ar gyfer y gwaith. Diystyrwyd cynigion eraill gan fod awdurdodau cynllunio lleol yn pryderu y gallent o bosibl roi diogelwch asedau hanesyddol yn y fantol, megis uno'r drefn ar gyfer caniatâd ardal gadwraeth a'r drefn ar gyfer caniatâd cynllunio.

Felly, credaf fod yr Asesiad Effaith Rheoleiddiol yn llygad ei le wrth ddod i'r casgliad na fydd y Bil yn arwain at gostau ychwanegol uchel i awdurdodau lleol.

Serch hynny, fel y nododd Jocelyn Davies, bydd costau posibl i awdurdodau lleol yn deillio o'u gallu i arfer pwerau disgresiwn newydd yn y Bil, gan gynnwys estyn cwmpas y gwaith brys i adeiladau rhestredig a chyflwyno cytundebau partneriaeth dreftadaeth. Mynegodd y Pwyllgor Cyllid bryder penodol am y costau a'r arbedion tebygol sy'n gysylltiedig ag

awdurdodau lleol yn ymrwymo i gytundebau o'r fath. Wrth gwrs, trefniadau gwirfoddol yw'r trefniadau hyn a'r eithriad yw y bydd buddiannau cost hirdymor ac, yn bwysicach na hynny, fuddiannau cadwraeth gwirioneddol.

Edrychaf ymlaen at drafod y materion hyn gyda'r Pwyllgor Cymunedau, Cydraddoldeb a Llywodraeth Leol maes o law.

Rwyf yn anfon copi o'r llythyr hwn at Jocelyn Davies, Cadeirydd y Pwyllgor Cyllid.

Yr eiddoch yn gywir,



Ken Skates AC / AM

Y Dirprwy Weinidog Diwylliant, Chwaraeon a Thwristiaeth
Deputy Minister for Culture, Sport and Tourism

Mae cyfyngiadau ar y ddogfen hon

Eitem 8

Yn rhinwedd paragraff(au) vi o Reol Sefydlog 17.42

Mae cyfyngiadau ar y ddogfen hon