



---

OFFERYNNAU STATUDOL  
CYMRU

---

---

WELSH STATUTORY  
INSTRUMENTS

---

**2021 Rhif 1177 (Cy. 290)**

**2021 No. 1177 (W. 290)**

**CYNLLUNIO GWLAD A  
THREF, CYMRU**

**TOWN AND COUNTRY  
PLANNING, WALES**

**Rheoliadau Adeiladau Rhestredig  
(Cytundebau Partneriaeth  
Dreftadaeth) (Cymru) 2021**

**The Listed Buildings (Heritage  
Partnership Agreements) (Wales)  
Regulations 2021**

**NODYN ESBONIADOL**

*(Nid yw'r nodyn hwn yn rhan o'r Rheoliadau)*

**EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

Mae'r Rheoliadau hyn wedi eu gwneud o dan bwerau a roddir i Weinidogion Cymru gan Ddeddf Cynllunio (Adeiladau Rhestredig ac Ardaloedd Cadwraeth) 1990 (p. 9) ("Deddf 1990"). Maent yn gwneud darpariaeth ynghylch cytundebau partneriaeth dreftadaeth sy'n ymwneud ag adeiladau rhestredig yng Nghymru.

These Regulations are made under powers given to the Welsh Ministers by the Planning (Listed Buildings and Conservation Areas) Act 1990 (c. 9) ("the 1990 Act"). They make provision about heritage partnership agreements relating to listed buildings in Wales.

Mae Deddf 1990 yn amddiffyn adeiladau o ddiddordeb pensaernïol neu hanesyddol arbennig, a all gynnwys adeiladau, strwythurau neu adeileddau. Mae Deddf 1990 yn darparu bod rhaid i Weinidogion Cymru lunio rhestr o adeiladau o'r fath yng Nghymru. Dim ond os ydynt wedi eu hawdurdodi gan yr awdurdod cynllunio lleol neu gan Weinidogion Cymru y caniateir i fathau penodol o waith gael eu cyflawni ar "adeilad rhestredig". Yr enw ar yr awdurdodiad hwn yw "cydsyniad adeilad rhestredig" ac fe'i rhoddir o dan Ran 1 o Ddeddf 1990.

The 1990 Act protects buildings of special architectural or historic interest, which may include buildings, structures or erections. The 1990 Act provides that the Welsh Ministers must compile a list of such buildings in Wales. Particular types of works may only be carried out to a "listed building" if they are authorised by the local planning authority or by the Welsh Ministers. This authorisation is called "listed building consent" and is granted under Part 1 of the 1990 Act.

Diwygiodd Deddf yr Amgylchedd Hanesyddol (Cymru) 2016 (dccc 4) Ddeddf 1990 i gyflwyno "cytundeb partneriaeth dreftadaeth". Cytundeb yw hwn rhwng perchennog adeilad rhestredig yng Nghymru a naill ai'r awdurdod cynllunio lleol neu Weinidogion Cymru neu'r ddau. Gall fod partiön ychwanegol hefyd i gytundeb partneriaeth treftadaeth, gan gynnwys unrhyw berson sydd â gwybodaeth arbennig am yr adeilad rhestredig neu sydd â

The Historic Environment (Wales) Act 2016 (anaw 4) amended the 1990 Act to introduce a "heritage partnership agreement". This is an agreement between the owner of a listed building in Wales and either the local planning authority or the Welsh Ministers or both. There may also be additional parties to a heritage partnership agreement, including any person who has special knowledge of or interest in the listed building, generally or specifically. Section 26M(2) of the 1990

diddordeb ynddo, yn gyffredinol neu'n benodol. Mae adran 26M(2) o Ddeddf 1990 yn darparu y caiff cytundebau partneriaeth dreftadaeth ymwneud â mwy nag un adeilad rhestredig ar yr amod bod naill ai'r awdurdod cynllunio lleol perthnasol neu Weinidogion Cymru yn barti iddo ynghyd â pherchennog ar yr adeilad neu ran o'r adeilad.

Caiff cytundeb partneriaeth dreftadaeth roi cydsyniad adeilad rhestredig o dan adran 8(1) o Ddeddf 1990 mewn cysylltiad â gwaith penodedig ar gyfer addasu neu estyn yr adeilad rhestredig y mae'r cytundeb yn ymwneud ag ef. Caiff y cydsyniad hwnnw fod yn ddarostyngedig i amodau.

Mae adran 26M(3) o Ddeddf 1990 yn ei gwneud yn ofynnol i Weinidogion Cymru wneud Rheoliadau i wneud darpariaeth bellach ynghylch agweddau penodol ar gynnwys cytundebau partneriaeth dreftadaeth a'r gweithdrefnau ar gyfer cytuno ar gytundebau a'u terfynu.

Mae rheoliad 3 yn nodi materion y mae rhaid eu cynnwys mewn cytundeb partneriaeth dreftadaeth. Maent yn cynnwys pethau fel digon o wybodaeth i adnabod yr adeilad y mae'r cytundeb yn ymwneud ag ef, a hyd y cytundeb.

Mae rheoliadau 4 i 6 yn gwneud darpariaeth ynghylch gofynion ymgynghori a chyhoeddusrwydd mewn amgylchiadau penodol. Yr amgylchiadau hynny yw lle y caiff cydsyniad adeilad rhestredig ei roi neu ei amrywio ar gyfer gwaith a fyddai'n effeithio ar gymeriad adeilad rhestredig fel adeilad o ddiddordeb pensaernïol neu hanesyddol arbennig neu lle caiff hyd y cytundeb ei estyn.

Mae rheoliad 5 yn darparu bod rhaid i'r awdurdod cynllunio lleol ymgynghori â Gweinidogion Cymru cyn iddo wneud cytundeb partneriaeth dreftadaeth neu ei amrywio.

Mae rheoliad 6 yn ei gwneud yn ofynnol i awdurdod cynllunio lleol roi cyhoeddusrwydd i gytundebau partneriaeth dreftadaeth drafft neu amrywiadau drafft ar gytundebau mewn nifer o ffyrdd. Mae'r rheini'n cynnwys eu dwyn i sylw unrhyw berchennog a meddiannydd hirdymor nad yw'n barti arfaethedig i'r cytundeb neu'r amrywiad a sicrhau bod y cytundeb neu'r amrywiad arfaethedig ar gael i'r cyhoedd edrych arno ac ar wefan am nifer penodedig o ddiwrnodau. Rhaid arddangos hysbysiad o'r cytundeb neu'r amrywiad arfaethedig gerllaw'r adeilad a'i gyflwyno i bartion penodol sydd â buddiant. Rhaid caniatáu o leiaf 21 o ddiwrnodau i sylwadau gael eu gwneud.

Act provides that heritage partnership agreements may relate to more than one listed building provided that either the relevant local planning authority or the Welsh Ministers are party to it together with an owner of the building or part of the building.

A heritage partnership agreement may grant listed building consent under section 8(1) of the 1990 Act in respect of specified works for the alteration or extension of the listed building to which the agreement relates. That consent may be subject to conditions.

Section 26M(3) of the 1990 Act requires the Welsh Ministers to make Regulations to make further provision about certain aspects of the content of heritage partnership agreements and the procedures for agreeing and terminating agreements.

Regulation 3 sets out matters which must be included in a heritage partnership agreement. They include things such as enough information to identify the building to which the agreement relates and the duration of the agreement.

Regulations 4 to 6 make provision about consultation and publicity requirements in certain circumstances. Those circumstances are where they grant or vary listed building consent for works which would affect the character of a listed building as a building of special architectural or historic interest or where they extend the duration of an agreement.

Regulation 5 provides that the local planning authority must consult with the Welsh Ministers before they make or vary a heritage partnership agreement.

Regulation 6 requires a local planning authority to publicise draft heritage partnership agreements or draft variations to agreements in a number of ways. Those include drawing it to the attention of any owner and long-term occupier who is not a proposed party to the agreement or variation and making the proposed agreement or variation available for public inspection and on a website for a specified number of days. Notice of the proposed agreement or variation must be displayed near the building and served on certain interested parties. A minimum of 21 days must be allowed for representations to be made.

Mae rheoliad 7 yn ei gwneud yn ofynnol i'r awdurdod cynllunio lleol neu Weinidogion Cymru roi sylw arbennig i ddymunoldeb cadw'r adeilad neu ei leoliad neu unrhyw nodweddion o ddiddordeb pensaernïol neu hanesyddol arbennig wrth iddynt ystyried a ddylid gwneud cytundeb neu ei amrywio.

Mae rheoliad 8 yn darparu bod rhaid i'r awdurdod cynllunio lleol gyhoeddi rhestr o'r cytundebau partneriaeth dreftadaeth y mae'n barti iddynt sydd mewn effaith a bod rhaid iddo, cyn gynted ag y bo'n ymarferol ar ôl gwneud cytundeb partneriaeth dreftadaeth neu amrywiad, gynnwys cyfeiriad at y cytundeb neu'r amrywiad mewn rhestr, a gyhoeddir drwy ddulliau electronig, a chyflwyno copi i Weinidogion Cymru.

Mae rheoliadau 9 a 10 yn darparu i awdurdodau cynllunio lleol neu Weinidogion Cymru, drwy orchymyn, derfynu cytundeb partneriaeth dreftadaeth neu unrhyw ddarpariaeth mewn cytundeb o'r fath, heb gytundeb partïon eraill y cytundeb. Rhaid i unrhyw orchymyn a wneir gan awdurdod cynllunio lleol gael ei gadarnhau gan Weinidogion Cymru cyn y gall gael effaith.

Mae rheoliad 11 yn darparu ar gyfer gweithdrefn i arfer y pwerau terfynu hynny; sef mai dim ond pan fyddant yn cyflwyno hysbysiad o'u bwriad i bartïon â buddiant y caiff yr awdurdod cynllunio lleol neu Weinidogion Cymru, yn ôl y digwydd, wneud hynny. Mae gan y partïon hynny 28 o ddiwrnodau i ofyn am gyfle i gael gwrandawriad gan Weinidogion Cymru.

Mae rheoliad 12 yn darparu ar gyfer y digollediad y gall fod yn ofynnol i'r awdurdod cynllunio lleol ei dalu ar ôl i gytundeb partneriaeth dreftadaeth gael ei derfynu. Os yw person wedi mynd i wariant penodedig neu wedi dioddef colled neu ddifrod fel arall o ganlyniad i'r terfyniad, gall fod yn ofynnol i'r awdurdod cynllunio lleol ddigolledu'r person hwnnw.

Mae rheoliad 13 yn darparu bod y darpariaethau yn Neddf 1990 a restrir yn yr Atodlen wedi eu datgymhwyso neu eu haddasu at ddibenion cytundebau partneriaeth dreftadaeth.

Ystyriwyd Cod Ymarfer Gweinidogion Cymru ar gynnal Aseidiadau Effaith Rheoleiddiol mewn perthynas â'r Rheoliadau hyn. O ganlyniad, lluniwyd aseiad effaith rheoleiddiol o'r costau a'r manteision sy'n debygol o ddeillio o gydymffurfio â'r Rheoliadau hyn. Gellir cael copi oddi wrth: Cadw, Llywodraeth Cymru, Tŷ'r Afon, Heol Bedwas, Caerffili, CF83 8WT ac ar wefan Llywodraeth Cymru ar [www.llyw.cymru](http://www.llyw.cymru).

Regulation 7 requires the local planning authority or the Welsh Ministers to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest in considering whether to make or vary an agreement.

Regulation 8 provides that the local planning authority must publish a list of the heritage partnership agreements to which it is a party which are in effect and must, as soon as practicable after making a heritage partnership agreement or variation, include reference to the agreement or variation in a list, published by electronic means, and submit a copy to the Welsh Ministers.

Regulations 9 and 10 provide for local planning authorities or the Welsh Ministers, by order to terminate a heritage partnership agreement or any provision of such an agreement, without the agreement of the other parties to the agreement. Any order made by a local planning authority must be confirmed by the Welsh Ministers before it can take effect.

Regulation 11 provides for a procedure for exercising those powers of termination; that the local planning authority or the Welsh Ministers, as the case may be, may only do so where they serve notice of their intentions on interested parties. Those parties have 28 days within which to require the opportunity of being heard by the Welsh Ministers.

Regulation 12 provides for the compensation that the local planning authority may be required to pay after a heritage partnership agreement is terminated. If a person has incurred specified expenditure or has otherwise sustained loss or damage as a result of the termination, the local planning authority may be required to compensate that person.

Regulation 13 provides that the provisions of the 1990 Act listed in the Schedule are disapplied or modified for the purposes of heritage partnership agreements.

The Welsh Ministers' Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result a regulatory impact assessment has been prepared as to the likely costs and benefits of complying with these Regulations. A copy can be obtained from Cadw, Welsh Government, Tŷ'r Afon, Bedwas Road, Caerphilly, CF83 8WT and from the Welsh Government's website at [www.gov.wales](http://www.gov.wales).

**2021 Rhif 1177 (Cy. 290)**

**CYNLLUNIO GWLAD A  
THREF, CYMRU**

**Rheoliadau Adeiladau Rhestredig  
(Cytundebau Partneriaeth  
Dreftadaeth) (Cymru) 2021**

*Gwnaed* 20 Hydref 2021

*Yn dod i rym* 1 Ionawr 2022

Mae Gweinidogion Cymru, drwy arfer y pwerau a roddir gan adrannau 26M(3), (4) a (5) a 93(6A)(1) o Ddeddf Cynllunio (Adeiladau Rhestredig ac Ardaloedd Cadwraeth) 1990(2), yn gwneud y Rheoliadau a ganlyn.

Yn unol ag adran 93(3A)(3) o'r Ddeddf honno, gosodwyd drafft o'r offeryn hwn gerbron Senedd Cymru ac fe'i cymeradwywyd ganddi drwy benderfyniad.

**Enwi a chychwyn**

1. Enw'r Rheoliadau hyn yw Rheoliadau Adeiladau Rhestredig (Cytundebau Partneriaeth Dreftadaeth) (Cymru) 2021 a deuant i rym ar 1 Ionawr 2022.

**Dehongli**

2.—(1) Yn y Rheoliadau hyn—  
mae i “adeilad rhestredig” yr ystyr a roddir i  
“listed building” yn adran 1(5) o Ddeddf 1990;

- (1) Mewnosodwyd adran 26M gan adran 28(1) o Ddeddf yr Amgylchedd Hanesyddol (Cymru) 2016 (decc 4) (“Deddf 2016”). Mewnosodwyd adran 93(6A) gan baragraff 26 o Atodlen 6 i Ddeddf Cynllunio a Phrynu Gorfodol 2004 (p. 5).
- (2) 1990 p. 9.
- (3) Mewnosodwyd adran 93(3A) gan adran 40(5) o Ddeddf 2016. Mae'r cyfeiriad yn adran 93(3A) at Gynulliad Cenedlaethol Cymru bellach yn cael effaith fel cyfeiriad at Senedd Cymru, yn rhinwedd adran 150A(2) o Ddeddf Llywodraeth Cymru 2006 (p. 32).

**2021 No. 1177 (W. 290)**

**TOWN AND COUNTRY  
PLANNING, WALES**

**The Listed Buildings (Heritage  
Partnership Agreements) (Wales)  
Regulations 2021**

*Made* 20 October 2021

*Coming into force* 1 January 2022

The Welsh Ministers, in exercise of the powers conferred by sections 26M(3), (4) and (5) and 93(6A)(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990(2), make the following Regulations.

In accordance with section 93(3A)(3) of that Act, a draft of this instrument has been laid before and approved by resolution of Senedd Cymru.

**Title and commencement**

1. The title of these Regulations is the Listed Buildings (Heritage Partnership Agreements) (Wales) Regulations 2021 and they come into force on 1 January 2022.

**Interpretation**

2.—(1) In these Regulations—  
“the 1990 Act” (“*Deddf 1990*”) means the  
Planning (Listed Buildings and Conservation  
Areas) Act 1990;

- (1) Section 26M was inserted by section 28(1) of the Historic Environment (Wales) Act 2016 (anaw 4) (“the 2016 Act”). Section 93(6A) was inserted by paragraph 26 of Schedule 6 to the Planning and Compulsory Purchase Act 2004 (c. 5).
- (2) 1990 c. 9.
- (3) Section 93(3A) was inserted by section 40(5) of the 2016 Act. The reference in section 93(3A) to the National Assembly for Wales now has effect as a reference to Senedd Cymru, by virtue of section 150A(2) of the Government of Wales Act 2006 (c. 32).

ystyr “amrywiad drafft” (“*draft variation*”) yw amrywiad drafft ar gytundeb partneriaeth dreftadaeth;

mae “awdurdod cynllunio lleol” i’w ddehongli yn unol â “local planning authority” yn Rhan 1 o Ddeddf Cynllunio Gwlad a Thref 1990(1);

ystyr “awdurdod cynllunio lleol perthnasol” (“*relevant local planning authority*”), mewn perthynas ag adeilad rhestredig, yw awdurdod cynllunio lleol y lleolir yr adeilad neu unrhyw ran ohono yn ei ardal;

ystyr “cydsyniad adeilad rhestredig” (“*listed building consent*”) yw cydsyniad o dan adran 8(1) o Ddeddf 1990;

mae i “cyfathrebiad electronig” yr ystyr a roddir i “*electronic communication*” yn adran 15(1) o Ddeddf Cyfathrebiadau Electronig 2000(2);

ystyr “cytundeb drafft” (“*draft agreement*”) yw cytundeb partneriaeth dreftadaeth drafft;

ystyr “cytundeb partneriaeth dreftadaeth” (“*heritage partnership agreement*”) yw cytundeb y mae awdurdod cynllunio lleol perthnasol neu Weinidogion Cymru wedi ei wneud o dan adran 26L o Ddeddf 1990;

ystyr “Deddf 1990” (“*the 1990 Act*”) yw Deddf Cynllunio (Adeiladau Rhestredig ac Ardaloedd Cadwraeth) 1990;

ystyr “meddiannydd hirdymor” (“*long-term occupier*”) yw meddiannydd o dan denantiaeth sy’n cael ei rhoi neu ei hestyn am dymor o flynyddoedd sicr nad oes llai na dwy flynedd ohono yn dal heb ddod i ben;

ystyr “perchennog” (“*owner*”), mewn perthynas ag adeilad rhestredig neu ran o adeilad o’r fath, yw person sydd am y tro—

- (a) yn berchennog yr ystâd mewn cysylltiad â’r ffi syml yn yr adeilad neu’r rhan, neu
- (b) â hawl i denantiaeth ar yr adeilad neu’r rhan sy’n cael ei rhoi neu ei hestyn am dymor o flynyddoedd sicr nad oes llai na 7 mlynedd ohono yn dal heb ddod i ben.

(2) Pan fo—

- (a) cyfathrebiad electronig yn cael ei ddefnyddio at ddiben cyflwyno neu roi hysbysiad neu ddogfen arall i unrhyw berson at ddibenion y Rheoliadau hyn, a

“draft agreement” (“*cytundeb drafft*”) means draft heritage partnership agreement;

“draft variation” (“*amrywiad drafft*”) means draft variation to a heritage partnership agreement;

“electronic communication” (“*cyfathrebiad electronig*”) has the meaning given in section 15(1) of the Electronic Communications Act 2000(1);

“heritage partnership agreement” (“*cytundeb partneriaeth dreftadaeth*”) means an agreement made by a relevant local planning authority or the Welsh Ministers under section 26L of the 1990 Act;

“listed building” (“*adeilad rhestredig*”) has the meaning given in section 1(5) of the 1990 Act;

“listed building consent” (“*cydsyniad adeilad rhestredig*”) means consent under section 8(1) of the 1990 Act;

“local planning authority” (“*awdurdod cynllunio lleol*”) is to be interpreted in accordance with Part 1 of the Town and Country Planning Act 1990(2);

“long-term occupier” (“*meddiannydd hirdymor*”) means an occupier under a tenancy which is granted or extended for a term of years certain of which not less than two years remain unexpired;

“owner” (“*perchennog*”) in relation to a listed building or part of such a building, means a person who is for the time being—

- (a) the estate owner in respect of the fee simple in the building or part, or
- (b) entitled to a tenancy of the building or part granted or extended for a term of years certain of which not less than 7 years remain unexpired;

“relevant local planning authority” (“*awdurdod cynllunio lleol perthnasol*”) in relation to a listed building, means a local planning authority in whose area the building or any part of the building is situated.

(2) Where—

- (a) an electronic communication is used for the purpose of serving or giving a notice or other document on or to any person for the purposes of these Regulations, and

(1) 1990 p. 8.

(2) 2000 p. 7.

(1) 2000 c. 7.

(2) 1990 c. 8.

- (b) bod y cyfathrebiad yn dod i law'r person hwnnw y tu allan i oriau busnes y person,

cymerir ei fod wedi dod i law ar y diwrnod gwaith nesaf.

### **Materion y mae rhaid eu cynnwys mewn cytundeb partneriaeth dreftadaeth**

3.—(1) Rhaid i gytundeb partneriaeth dreftadaeth gynnwys—

- (a) digon o wybodaeth i adnabod yr adeilad y mae'r cytundeb yn ymwneud ag ef, gan gynnwys plan;
- (b) unrhyw blaniau a lluniadau eraill sy'n angenrheidiol i ddisgrifio'r gwaith a gwmpesir gan y cytundeb;
- (c) y dyddiad y mae'r cytundeb yn cael effaith ohono;
- (d) hyd y cytundeb.

(2) Gweler hefyd yr adrannau a ganlyn yn Neddf 1990—

- (a) adran 26L(8) (materion eraill y caniateir eu cynnwys mewn cytundeb partneriaeth dreftadaeth);
- (b) adran 26M(1) (yn gwneud darpariaeth atodol ar gyfer gofynion partneriaeth dreftadaeth).

### **Ymgynghori a chyhoeddu rwydd ynglŷn â chytundeb partneriaeth dreftadaeth drafft ac amrywiad drafft: cyffredinol**

4.—(1) Ni chaiff awdurdod cynllunio lleol wneud cytundeb partneriaeth dreftadaeth oni bai bod gofynion rheoliadau 5 a 6 wedi eu bodloni.

(2) Ni chaiff awdurdod cynllunio lleol amrywio cytundeb presennol er mwyn—

- (a) rhoi neu amrywio cydsyniad adeilad rhestredig ar gyfer gwaith a fyddai'n effeithio ar gymeriad adeilad rhestredig fel adeilad o ddiddordeb pensaernïol neu hanesyddol arbennig, neu
- (b) estyn hyd y cytundeb,

oni bai bod gofynion rheoliadau 5 a 6 wedi eu bodloni.

### **Ymgynghori â Gweinidogion Cymru ar gytundeb partneriaeth dreftadaeth drafft neu amrywiad drafft**

5.—(1) Dyma'r gofynion y cyfeirir atynt yn rheoliad 4 sy'n ymwneud ag ymgynghori.

- (b) the communication is received outside the person's business hours by that person,

it is taken to have been received on the next working day.

### **Matters which must be included in heritage partnership agreement**

3.—(1) A heritage partnership agreement must include—

- (a) enough information to identify the building to which the agreement relates, including a plan;
- (b) such other plans and drawings which are necessary to describe the works which are covered by the agreement;
- (c) the date from which the agreement has effect;
- (d) the duration of the agreement.

(2) See also the following sections of the 1990 Act—

- (a) section 26L(8) (other matters that may be included in a heritage partnership agreement);
- (b) section 26M(1) (making supplemental provision for heritage partnership requirements).

### **Consultation and publicity on draft heritage partnership agreement and draft variation: general**

4.—(1) A local planning authority may not make a heritage partnership agreement unless the requirements of regulations 5 and 6 have been satisfied.

(2) A local planning authority may not vary an existing agreement so as to—

- (a) grant or vary listed building consent for works which would affect the character of a listed building as a building of special architectural or historic interest, or
- (b) extend the duration of the agreement,

unless the requirements of regulations 5 and 6 have been satisfied.

### **Consultation with the Welsh Ministers on draft heritage partnership agreement or draft variation**

5.—(1) These are the requirements referred to in regulation 4 which relate to consultation.

(2) Rhaid i awdurdod cynllunio lleol—

- (a) anfon copi o'r cytundeb drafft neu'r amrywiad drafft (yn ôl y digwydd) at Weinidogion Cymru, a
- (b) gwahodd sylwadau ganddynt o fewn cyfnod penodedig o 21 o ddiwrnodau o leiaf sy'n dechrau â'r diwrnod y daw'r cytundeb drafft neu'r amrywiad drafft i law.

(3) Ond nid yw'n ofynnol i'r awdurdod cynllunio lleol gydymffurfio â pharagraff (2)—

- (a) os yw Gweinidogion Cymru yn barti arfaethedig i'r cytundeb drafft neu'r amrywiad drafft, neu
- (b) os yw awdurdod cynllunio lleol arall wedi cydymffurfio â pharagraff (2) mewn perthynas â hwy a'r un cytundeb drafft neu amrywiad drafft.

(4) Yn ystod y cyfnod ymgynghori a bennir o dan baragraff (2)(b), caiff Gweinidogion Cymru roi hysbysiad i'r awdurdod cynllunio lleol a wahoddodd sylwadau fod arnynt angen rhagor o amser i ystyried y cytundeb drafft neu'r amrywiad drafft.

(5) Os bydd Gweinidogion Cymru yn rhoi'r hysbysiad a bennir ym mharagraff (4), estynnir y cyfnod ymgynghori ym mharagraff (2)(b) am y cyfnod a bennir yn yr hysbysiad hwnnw.

#### **Gofynion cyhoeddusrwydd: cytundeb partneriaeth dreftadaeth drafft neu amrywiad drafft**

6.—(1) Dyma'r gofynion y cyfeirir atynt yn rheoliad 4 sy'n ymwneud â chyhoeddusrwydd.

(2) Rhaid i awdurdod cynllunio lleol—

- (a) trefnu bod y cytundeb drafft neu'r amrywiad drafft ar gael i'r cyhoedd edrych arno, ynghyd â manylion ynghylch sut y caniateir cyflwyno sylwadau ac erbyn pa ddyddiad—
  - (i) mewn man yn yr ardal y mae'r adeilad rhestredig yr effeithir arno wedi ei leoli ynddi;
  - (ii) ar oriau rhesymol;
  - (iii) am o leiaf 21 o ddiwrnodau;
- (b) cyhoeddi ar ei wefan am o leiaf 21 o ddiwrnodau—
  - (i) cyfeiriad neu leoliad yr adeilad rhestredig y mae'r cytundeb drafft neu'r amrywiad drafft yn ymwneud ag ef,
  - (ii) crynodeb o'r cytundeb drafft neu'r amrywiad drafft,

(2) A local planning authority must—

- (a) send a copy of the draft agreement or draft variation (as the case may be) to the Welsh Ministers, and
- (b) invite representations from them within a specified period of at least 21 days beginning with the day on which the draft agreement or draft variation is received.

(3) But the local planning authority are not required to comply with paragraph (2) if—

- (a) the Welsh Ministers are a proposed party to the draft agreement or draft variation, or
- (b) another local planning authority has complied with paragraph (2) in relation to them and the same draft agreement or draft variation.

(4) During the consultation period specified under paragraph (2)(b), the Welsh Ministers may give notice to the local planning authority who invited representations that they require further time in which to consider the draft agreement or draft variation.

(5) If the Welsh Ministers give the notice specified in paragraph (4), the consultation period in paragraph 2(b) is extended for the period specified in that notice.

#### **Publicity requirements: draft heritage partnership agreement or draft variation**

6.—(1) These are the requirements referred to in regulation 4 which relate to publicity.

(2) A local planning authority must—

- (a) make available for public inspection, the draft agreement or draft variation together with details of how and the date by which representations may be made—
  - (i) at a place in the locality in which the affected listed building is situated;
  - (ii) at reasonable hours;
  - (iii) for at least 21 days;
- (b) publish on their website for at least 21 days—
  - (i) the address or location of the listed building to which the draft agreement or the draft variation relates,
  - (ii) a summary of the draft agreement or the draft variation,

- (iii) datganiad bod y cytundeb drafft neu'r amrywiad drafft ar gael i'r cyhoedd edrych arno yn y man ac ar yr adegau a nodir,
  - (iv) manylion am sut y caniateir cyflwyno sylwadau, a
  - (v) erbyn pa ddyddiad y mae rhaid i sylwadau ddod i law;
- (c) arddangos hysbysiad sy'n cynnwys yr wybodaeth a bennir yn is-baragraff (b) am o leiaf 21 o ddiwrnodau ar neu gerllaw'r adeilad rhestredig y mae'r cytundeb drafft neu'r amrywiad drafft yn ymwneud ag ef;
- (d) rhoi copi o'r hysbysiad i—
- (i) unrhyw feddiannydd hirdymor adeilad rhestredig neu ran o adeilad rhestredig y mae'r cytundeb drafft neu'r amrywiad drafft yn ymwneud ag ef,
  - (ii) unrhyw berchennog ar yr adeilad rhestredig neu ran ohono y mae'r cytundeb drafft neu'r amrywiad drafft yn ymwneud ag ef na fwriedir iddo fod yn barti i'r cytundeb drafft na'r amrywiad drafft, a
  - (iii) unrhyw berson y mae'n ymddangos i'r awdurdod ei fod yn briodol am fod ganddo wybodaeth arbennig am yr adeilad rhestredig neu ran ohono, neu adeiladau o ddiddordeb pensaernïol neu hanesyddol yn fwy cyffredinol, neu ddiddordeb arbennig yn y rhain, ond nid yw'r gofyniad hwn yn gymwys pan fo paragraff (6) yn gymwys.

(3) Ond nid yw'n ofynnol i'r awdurdod cynllunio lleol gydymffurfio â'r canlynol—

- (a) paragraff (2)(c) os oes awdurdod cynllunio lleol arall wedi cydymffurfio â'r paragraff hwnnw mewn perthynas â'r un cytundeb drafft neu'r un amrywiad drafft;
- (b) paragraff (2)(d) mewn cysylltiad ag unrhyw berson sy'n barti arfaethedig i'r cytundeb drafft neu'r amrywiad drafft neu sydd wedi cael hysbysiad gan awdurdod cynllunio lleol arall mewn perthynas â'r un cytundeb drafft neu'r un amrywiad drafft.

(4) Rhaid i ddyddiad a bennir yn unol â pharagraff (2) fel y dyddiad erbyn pryd y mae rhaid i sylwadau ddod i law ynghylch cytundeb drafft neu amrywiad drafft fod—

- (iii) a statement that the draft agreement or draft variation is available for public inspection at the place and times indicated,
  - (iv) details of how representations may be made, and
  - (v) the date by which representations must be received;
- (c) display a notice including the information specified in sub-paragraph (b) for at least 21 days on or near the listed building to which the draft agreement or draft variation relates;
- (d) give a copy of the notice to—
- (i) any long-term occupier of a listed building or part of a listed building to which the draft agreement or draft variation relates,
  - (ii) any owner of the listed building or part of it to which the draft agreement or draft variation relates who is not proposed to be a party to the draft agreement or draft variation, and
  - (iii) any person who appears to the authority appropriate as having special knowledge of, or interest in, the listed building or part of the listed building or in buildings of architectural or historic interest more generally, but this requirement does not apply where paragraph (6) applies.

(3) But the local planning authority is not required to comply with—

- (a) paragraph (2)(c) if another local planning authority has complied with that paragraph in relation to the same draft agreement or the same draft variation;
- (b) paragraph (2)(d) in respect of any person who is a proposed party to the draft agreement or draft variation or who has been given a notice by another local planning authority in relation to the same draft agreement or the same draft variation.

(4) A date specified in accordance with paragraph (2) as the date by which representations must be received about a draft agreement or draft variation must be—



- (a) mewn perthynas â threfnu bod y cytundeb drafft neu'r amrywiad drafft ar gael i'r cyhoedd edrych arno o dan baragraff (2)(a), o leiaf 21 o ddiwrnodau ar ôl y dyddiad y trefnir ei fod ar gael o dan y paragraff hwnnw;
- (b) mewn perthynas â chyhoeddi crynodeb o'r cytundeb drafft neu'r amrywiad drafft ar eu gwefan o dan baragraff (2)(b), o leiaf 21 o ddiwrnodau ar ôl y dyddiad y cyhoeddir y crynodeb;
- (c) mewn perthynas ag arddangos hysbysiad o dan baragraff (2)(c), o leiaf 21 o ddiwrnodau ar ôl y dyddiad yr arddangosir yr hysbysiad;
- (d) mewn perthynas â rhoi copi o'r hysbysiad o dan baragraff (2)(d), o leiaf 21 o ddiwrnodau ar ôl y dyddiad y rhoddir yr hysbysiad.

(5) Pan fo'r hysbysiad y cyfeirir ato ym mharagraff (2)(c) wedi ei ddileu, wedi ei guddio neu wedi ei ddifwyno cyn diwedd y cyfnod o 21 o ddiwrnodau, a hynny heb fod bai ar yr awdurdod a'i harddangosodd, trinnir yr awdurdod fel pe bai wedi cydymffurfio â'r paragraff hwnnw os yw wedi cymryd camau rhesymol i ddiogelu'r hysbysiad, ac, os oes angen, i'w amnewid.

(6) Pan fo'r awdurdod cynllunio lleol yn berchennog ar adeilad neu adeiladau rhestredig y mae'r cytundeb drafft neu'r amrywiad drafft yn ymwneud â hwy, mae paragraff (7) yn gymwys.

(7) Rhaid i Weinidogion Cymru roi copi o'r hysbysiad y cyfeirir ato ym mharagraff (2)(d)(iii) unrhyw berson y mae'n ymddangos iddynt ei fod yn briodol am fod ganddo wybodaeth arbennig am yr adeilad rhestredig neu ran ohono, neu adeiladau o ddiddordeb pensaernïol neu hanesyddol yn fwy cyffredinol, neu ddiddordeb arbennig yn y rhain, oni bai bod y person hwnnw'n barti arfaethedig i'r cytundeb drafft neu i'r amrywiad drafft.

(8) Nid oes dim yn y rheoliad hwn nac yn rheoliad 8 yn ei gwneud yn ofynnol i awdurdod cynllunio lleol gyhoeddi gwybodaeth—

- (a) sy'n gyfrinach fasnach,
- (b) os yw ei datgelu yn debygol o niweidio buddiant masnachol unrhyw berson fel arall,
- (c) y byddai ei datgelu'n gyfystyr â thor cyfrinachedd y gallai unrhyw berson ddwyn achos llys yn ei gylch, neu
- (d) y gwaherddir ei datgelu gan unrhyw ddeddfiad, o dan unrhyw ddeddfiad neu gan orchymyn llys.

- (a) in relation to making the draft agreement or draft variation available for public inspection under paragraph (2)(a), at least 21 days after the date it is made available under that paragraph;
- (b) in relation to publishing a summary of the draft agreement or draft variation on their website under paragraph (2)(b), at least 21 days after the date the summary is published;
- (c) in relation to displaying a notice under paragraph (2)(c), at least 21 days after the date the notice is displayed;
- (d) in relation to giving a copy of the notice under paragraph (2)(d), at least 21 days after the date the notice is given.

(5) Where the notice referred to in paragraph (2)(c) is, without the fault of the authority that displayed it, removed, obscured or defaced before the end of the 21 day period, the authority is treated as having complied with that paragraph if they have taken reasonable steps for the protection of the notice, and, if necessary, its replacement.

(6) Where the local planning authority is the owner of a listed building or buildings to which the draft agreement or the draft variation relates, paragraph (7) applies.

(7) The Welsh Ministers must give a copy of the notice referred to in paragraph (2)(d)(iii) to any person who it appears to them appropriate as having special knowledge of, or interest in, the listed building or part of the listed building or in buildings of architectural or historic interest more generally, unless that person is a proposed party to the draft agreement or to the draft variation.

(8) Nothing in this regulation or in regulation 8 requires a local planning authority to publish information—

- (a) which is a trade secret,
- (b) if disclosure is likely to otherwise prejudice the commercial interest of any person,
- (c) the disclosure of which would constitute a breach of confidence actionable by any person, or
- (d) the disclosure of which is prohibited by or under any enactment or by an order of a court.

## **Ystyried a ddylid gwneud neu amrywio cytundeb**

7. Wrth ystyried a ddylid gwneud neu amrywio cytundeb partneriaeth dreftadaeth i roi cydsyniad adeilad rhestredig, rhaid i'r awdurdod cynllunio lleol perthnasol neu Weinidogion Cymru roi sylw arbennig i ddymunoldeb cadw'r adeilad neu ei leoliad neu unrhyw nodweddion o ddiddordeb pensaernïol neu hanesyddol arbennig sydd ganddo.

## **Gofyniad cyhoeddusrwydd: rhestr a chopïau o gytundebau partneriaeth dreftadaeth ac amrywiadau**

8. Rhaid i'r awdurdod cynllunio lleol—

- (a) cyhoeddi rhestr, drwy ddulliau electronig, o'r holl gytundebau partneriaeth dreftadaeth sydd mewn effaith y mae'n barti iddynt, a
- (b) cyn gynted ag y bo'n ymarferol ar ôl i gytundeb partneriaeth dreftadaeth gael ei wneud, neu i gytundeb presennol gael ei amrywio—
  - (i) ychwanegu'r cytundeb neu'r amrywiad at y rhestr, a
  - (ii) cyflwyno copi o'r cytundeb neu'r amrywiad i Weinidogion Cymru.

## **Terfynu cytundeb partneriaeth dreftadaeth gan yr awdurdod cynllunio lleol**

9.—(1) Caiff awdurdod cynllunio lleol, drwy orchymyn, derfynu unrhyw gytundeb partneriaeth dreftadaeth y mae'n barti iddo neu unrhyw ddarpariaeth mewn cytundeb o'r fath.

(2) Caiff gorchymyn a wneir o dan y rheoliad hwn gynnwys darpariaeth atodol, gysylltiedig, ddarfodol, drosiannol neu ddarpariaeth arbed.

(3) Nid yw gorchymyn a wneir gan yr awdurdod cynllunio lleol o dan baragraff (1) yn cael effaith oni chaiff ei gadarnhau gan Weinidogion Cymru o dan reoliad 11(4).

(4) Caiff gorchymyn i derfynu cytundeb partneriaeth dreftadaeth, mewn perthynas ag unrhyw gydsyniad adeilad rhestredig a roddwyd gan y cytundeb mewn cysylltiad ag unrhyw waith, gael ei arfer unrhyw bryd cyn i'r gwaith hwnnw gael ei gwblhau, ond nid yw'r terfyniad yn effeithio ar hynny o'r gwaith hwnnw ag a gyflawnwyd yn flaenorol.

## **Consideration of whether to make or vary agreement**

7. In considering whether to make or vary a heritage partnership agreement to grant listed building consent, the relevant local planning authority or the Welsh Ministers must have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

## **Publicity requirement: list and copies of heritage partnership agreements and variations**

8. The local planning authority must—

- (a) publish a list, by electronic means, of all heritage partnership agreements that are in effect to which it is a party, and
- (b) as soon as practicable after a heritage partnership agreement is made, or an existing agreement is varied—
  - (i) add the agreement or variation to the list, and
  - (ii) submit a copy of the agreement or variation to the Welsh Ministers.

## **Termination of heritage partnership agreement by the local planning authority**

9.—(1) A local planning authority may, by order, terminate any heritage partnership agreement to which it is a party or any provision of such an agreement.

(2) An order made under this regulation may include supplementary, incidental, transitory, transitional or saving provision.

(3) An order made by the local planning authority under paragraph (1) does not take effect unless it is confirmed by the Welsh Ministers under regulation 11(4).

(4) An order to terminate a heritage partnership agreement may, in relation to any listed building consent granted by the agreement in respect of any works, be exercised at any time before those works have been completed, but the termination does not affect so much of those works as has been previously carried out.

## **Terfynu cytundeb partneriaeth treftadaeth gan Weinidogion Cymru**

10.—(1) Caiff Gweinidogion Cymru, drwy orchymyn, derfynu unrhyw gytundeb partneriaeth dreftadaeth neu unrhyw ddarpariaeth mewn cytundeb o'r fath.

(2) Caiff gorchymyn a wneir o dan y rheoliad hwn gynnwys darpariaeth atodol, gysylltiedig, ddarfodol, drosiannol neu ddarpariaeth arbed.

(3) Caiff gorchymyn i derfynu cytundeb partneriaeth dreftadaeth, mewn perthynas ag unrhyw gydsyniad adeilad rhestredig a roddwyd gan y cytundeb mewn cysylltiad ag unrhyw waith, gael ei arfer unrhyw bryd cyn i'r gwaith hwnnw gael ei gwblhau, ond nid yw'r terfyniad yn effeithio ar hynny o'r gwaith hwnnw ag a gyflawnwyd yn flaenorol.

## **Gweithdrefn ar gyfer terfynu cytundeb partneriaeth dreftadaeth**

11.—(1) Pan fo awdurdod cynllunio lleol wedi gwneud gorchymyn sy'n terfynu cytundeb partneriaeth dreftadaeth neu unrhyw ddarpariaeth ynddo, neu pan fo Gweinidogion Cymru yn bwriadu gwneud gorchymyn o'r fath, rhaid i'r corff sy'n gwneud neu'n bwriadu gwneud y gorchymyn gyflwyno hysbysiad—

- (a) i bartïon y cytundeb,
- (b) i unrhyw feddiannydd hirdymor yr adeilad y mae'r cytundeb partneriaeth dreftadaeth yn ymwneud ag ef (os nad yw'n barti i'r cytundeb), ac
- (c) i unrhyw berson arall y bydd y gorchymyn yn effeithio arno yn eu barn hwy.

(2) Rhaid i'r hysbysiad bennu cyfnod o ddim llai nag 28 o ddiwrnodau sy'n dechrau â'r dyddiad y cyflwynir yr hysbysiad, pryd y caiff unrhyw berson y'i cyflwynir iddo ofyn am gyfle i ymddangos gerbron person a benodir gan Weinidogion Cymru at y diben hwnnw a chael gwrandawriad ganddo.

(3) Os bydd person y cyflwynir yr hysbysiad iddo yn gofyn felly o fewn y cyfnod hwnnw, rhaid i Weinidogion Cymru roi cyfle o'r fath i'r person hwnnw ac i unrhyw awdurdod cynllunio lleol sy'n barti i'r cytundeb partneriaeth dreftadaeth cyn iddynt wneud y gorchymyn neu ei gadarnhau.

(4) Caiff Gweinidogion Cymru gadarnhau gorchymyn a gyflwynir iddynt gan awdurdod cynllunio lleol naill ai heb ei addasu neu gydag addasiadau.

## **Termination of heritage partnership agreement by the Welsh Ministers**

10.—(1) The Welsh Ministers may, by order, terminate any heritage partnership agreement or any provision of such an agreement.

(2) An order made under this regulation may include supplementary, incidental, transitory, transitional or saving provision.

(3) An order to terminate a heritage partnership agreement may, in relation to any listed building consent granted by the agreement in respect of any works, be exercised at any time before those works have been completed, but the termination does not affect so much of those works as has been previously carried out.

## **Procedure for termination of heritage partnership agreement**

11.—(1) Where a local planning authority have made, or the Welsh Ministers propose to make, an order terminating a heritage partnership agreement or any provision of it, the body making or proposing to make the order must serve notice on—

- (a) the parties to the agreement,
- (b) any long-term occupier of the building to which the heritage partnership agreement relates (if they are not a party to the agreement), and
- (c) any other person who in their opinion will be affected by the order.

(2) The notice must specify a period of not less than 28 days starting with the date the notice is served, within which any person on whom it is served may require an opportunity to appear before and be heard by a person appointed by the Welsh Ministers for that purpose.

(3) If within that period a person on whom the notice is served so requires, the Welsh Ministers must give such an opportunity both to that person and to any local planning authority who is party to the heritage partnership agreement before they make or confirm the order.

(4) The Welsh Ministers may confirm an order submitted to them by a local planning authority either without modification or with modifications.

## **Digollediad pan derfynir cytundeb partneriaeth dreftadaeth yn gyfan gwbl neu'n rhannol**

**12.**—(1) Mae'r rheoliad hwn yn gymwys pan derfynir cytundeb partneriaeth dreftadaeth neu unrhyw ddarpariaeth mewn cytundeb o'r fath drwy orchymyn o dan reoliad 9 neu 10.

(2) Yn y rheoliad hwn, mae cyfeiriadau at yr awdurdod cynllunio lleol—

- (a) yn achos gorchymyn a wneir o dan reoliad 9, yn gyfeiriadau at yr awdurdod cynllunio lleol a wnaeth y gorchymyn;
- (b) yn achos gorchymyn a wneir o dan reoliad 10, yn gyfeiriadau at yr awdurdod cynllunio lleol y lleolir yr adeilad neu unrhyw ran o'r adeilad sy'n arwain at y gwariant, y golled neu'r difrod yn ei ardal.

(3) Rhaid i'r awdurdod cynllunio lleol dalu digollediad i berson os yw'r amodau ym mharagraff (4) wedi eu bodloni.

(4) Yr amodau yw—

- (a) bod y person wedi mynd i wariant wrth gyflawni gwaith y mae'r terfyniad yn peri ei fod yn waith ofer, neu wedi dioddef colled neu ddifrod fel arall y gellir eu priodoli'n uniongyrchol i'r terfyniad,
- (b) bod yr hawliad yn cael ei wneud mewn ysgriflen i'r awdurdod cynllunio lleol, ac
- (c) bod yr hawliad yn cael ei gyflwyno o fewn cyfnod o 6 mis sy'n dechrau â'r dyddiad y mae'r terfyniad yn cael effaith.

(5) Yn ddarostyngedig i baragraff (7), nid oes digollediad yn daladwy o dan y rheoliad hwn mewn cysylltiad â'r canlynol—

- (a) unrhyw waith a gyflawnwyd cyn i'r cytundeb neu'r ddarpariaeth berthnasol gael effaith, neu
- (b) unrhyw golled neu ddifrod arall (heb fod yn golled neu ddifrod sy'n ddibrisiant yng ngwerth buddiant mewn tir) sy'n deillio o unrhyw beth a wnaed neu nas gwnaed cyn i'r cytundeb gael effaith.

(6) Caiff Gweinidogion Cymru, ar ôl ymgynghori â'r holl awdurdodau cynllunio lleol sydd yn barti i'r cytundeb, neu a fu'n barti iddo, gyfarwyddo, pan fo awdurdod cynllunio lleol yn atebol i dalu digollediad o dan y rheoliad hwn, fod ganddo hawl i gael ad-daliad o'r cyfan o'r digollediad neu unrhyw gyfran ohono a gyfarwyddir ganddynt oddi wrth un neu ragor o awdurdodau a bennir yn y cyfarwyddyd.

## **Compensation where heritage partnership agreement terminated in whole or part**

**12.**—(1) This regulation applies where a heritage partnership agreement or any provision of such an agreement is terminated by an order under regulation 9 or 10.

(2) In this regulation, references to the local planning authority are—

- (a) in the case of an order made under regulation 9, the local planning authority who made the order;
- (b) in the case of an order made under regulation 10, the local planning authority in whose area the building or any part of the building which gives rise to the expenditure, loss or damage is situated.

(3) The local planning authority must pay compensation to a person if the conditions in paragraph (4) are met.

(4) The conditions are that—

- (a) the person has incurred expenditure in carrying out works which are rendered abortive by the termination, or has otherwise sustained loss or damage which is directly attributable to the termination,
- (b) the claim is made in writing to the local planning authority, and
- (c) the claim is served within a period of 6 months beginning with the date on which the termination takes effect.

(5) Subject to paragraph (7), no compensation is payable under this regulation in respect of—

- (a) any works carried out before the agreement or relevant provision had effect, or
- (b) any other loss or damage (not being loss or damage consisting of depreciation of the value of an interest in land) arising out of anything done or omitted to be done before the agreement had effect.

(6) The Welsh Ministers may, after consultation with all the local planning authorities who are or were party to the agreement, direct that where a local planning authority is liable to pay compensation under this regulation it is entitled to be reimbursed the whole of the compensation or such proportion of it as they may direct from one or more authorities specified in the direction.

(7) At ddibenion y rheoliad hwn, mae gwariant yr eir iddo wrth baratoi planiau at ddibenion unrhyw waith, neu ar faterion tebyg eraill sy'n paratoi ar gyfer unrhyw waith, i'w gymryd fe pe bai wedi ei gynnwys yn y gwariant yr eir iddo wrth gyflawni'r gwaith hwnnw.

### **Datgymhwyso ac addasu Deddf 1990**

**13.—**(1) Mae'r Atodlen yn datgymhwyso darpariaethau Deddf 1990 at ddibenion cytundebau partneriaeth dreftadaeth ac mae'n cymhwyso darpariaethau a grybwyllir yn adran 26M(5)(a) o Ddeddf 1990 gydag addasiadau at y dibenion hynny.

(2) At ddibenion y Rheoliadau hyn, mae unrhyw gyfeiriad yn Neddf 1990 at ddarpariaeth o'r Ddeddf a gymhwysir ag addasiadau gan yr Atodlen yn gyfeiriad at y ddarpariaeth fel y mae'n gymwys yn rhinwedd yr Atodlen honno.

(7) For the purpose of this regulation, expenditure incurred in the preparation of plans for the purposes of any works, or upon other similar matters preparatory to any works, are to be taken to be included in the expenditure incurred in carrying out those works.

### **Disapplication and modification of the 1990 Act**

**13.—**(1) The Schedule disapples provisions of the 1990 Act for the purposes of heritage partnership agreements and applies provisions mentioned in section 26M(5)(a) of the 1990 Act with modifications for those purposes.

(2) For the purposes of these Regulations, any reference in the 1990 Act to a provision of the Act which is applied with modifications by the Schedule is a reference to the provision as it applies by virtue of that Schedule.

*Dawn Bowden*

Y Dirprwy Weinidog y Celfyddydau a Chwaraeon, a'r Prif Chwip o dan awdurdod Gweinidog yr Economi, un o Weinidogion Cymru  
20 Hydref 2021

Deputy Minister for Arts and Sport, and Chief Whip under authority of the Minister for Economy, one of the Welsh Ministers  
20 October 2021

<i>Y ddarpariaeth yn Neddf 1990</i>	<i>Y datgymhwysiad neu'r addasiad a gymhwysir at ddibenion darpariaethau eraill yn y Rheoliadau hyn</i>	<i>Provision in 1990 Act</i>	<i>Disapplication or modification applied for the purposes of other provisions of these Regulations</i>
Adran 18 (cyfyngu hyd cydsyniad adeilad rhestredig)	Nid yw'r adran yn gymwys.	Section 18 (limit of duration of listed building consent)	Section does not apply.
Adran 19 (cais am amrywio neu ollwng amodau)	Nid yw'r adran yn gymwys.	Section 19 (application for variation or discharge of conditions)	Section does not apply.
Adran 31 (darpariaethau cyffredinol ynghylch digollediad am ddibrisiant)	Mae adran 31 yn gymwys fel pe bai'r cyfeiriadau at adran 28 yn gyfeiriadau at reoliad 12 o'r Rheoliadau hyn.	Section 31 (general provisions as to compensation for depreciation)	Section 31 applies as if references to section 28 were references to regulation 12 of these Regulations.
Adran 62 (dilysrwydd gorchmynion a phenderfyniadau penodol)	Mae adran 62 yn gymwys fel pe bai yn is-adran (1)(a)— (a) y cyfeiriad at adran 23 yn gyfeiriad at reoliad 9 o'r Rheoliadau hyn, a (b) y cyfeiriad at adran 26 yn gyfeiriad at reoliad 10 o'r Rheoliadau hyn.	Section 62 (validity of certain orders and decisions)	Section 62 applies as if in subsection (1)(a)— (a) the reference to section 23 were a reference to regulation 9 of these Regulations, and (b) the reference to section 26 were a reference to regulation 10 of these Regulations.
Adran 63 (achos i amau dilysrwydd gorchmynion, penderfyniadau a chyfarwyddydau eraill)	Mae adran 63 yn gymwys fel pe bai, yn is-adran (3A)(a), yr isod yn cael ei roi yn lle paragraffau (a) a (b)— “(a) in the case of an application relating to an order under regulation 9 of the Listed Buildings (Heritage Partnership Agreements) (Wales)	Section 63 (proceedings for questioning validity of other orders, decisions and directions)	Section 63 applies as if in subsection (3A), for paragraphs (a) and (b) there were substituted— “(a) in the case of an application relating to an order under regulation 9 of the Listed Buildings (Heritage Partnership Agreements) (Wales)

	<p>Regulations 2021, the date on which the order is confirmed;</p> <p>(b) in the case of an application relating to an order under regulation 10 of the Listed Buildings (Heritage Partnership Agreements) (Wales) Regulations 2021, the date on which the order is made;”.</p>		<p>Regulations 2021, the date on which the order is confirmed;</p> <p>(b) in the case of an application relating to an order under regulation 10 of the Listed Buildings (Heritage Partnership Agreements) (Wales) Regulations 2021, the date on which the order is made;”</p> <p>.</p>
Adran 86 (eiddo eglwysig)	Mae adran 86 yn gymwys fel pe bai, yn is-adran (3), y cyfeiriad at adran 29 yn gyfeiriad at reoliad 12 o’r Rheoliadau hyn.	Section 86 (ecclesiastical property)	Section 86 applies as if in subsection (3), the reference to section 29 were a reference to regulation 12 of these Regulations.
Adran 88 (hawliau mynediad)	<p>Mae adran 88 yn gymwys fel pe bai—</p> <p>(a) yn is-adran (2)(a), cyfeiriadau at yr adrannau a ganlyn yn Neddf 1990 yn gyfeiriadau at y rheoliadau a ganlyn yn y Rheoliadau hyn—</p> <p>(i) adran 23 – at reoliad 9;</p> <p>(ii) adran 26 – at reoliad 10, a</p> <p>(b) yn is-adran (4), y cyfeiriad at adran 28 yn gyfeiriad at reoliad 12 o’r Rheoliadau hyn.</p>	Section 88 (rights of entry)	<p>Section 88 applies as if—</p> <p>(a) in subsection (2)(a), references to the following sections of the 1990 Act were to the following regulations of these Regulations—</p> <p>(i) section 23 – to regulation 9;</p> <p>(ii) section 26 – to regulation 10, and</p> <p>(b) in subsection (4), the reference to section 28 were a reference to regulation 12 of these Regulations.</p>

Adran 90  
(darpariaethau  
ariannol)

Mae adran 90 yn gymwys fel  
pe bai cyfeiriadau at yr  
adrannau a ganlyn yn  
gyfeiriadau at y rheoliadau a  
ganlyn yn y Rheoliadau hyn—

- (a) adran 16(2) – at  
reoliad 7,
- (b) adran 24 – at reoliad  
11,
- (c) adran 26 – at reoliad  
10, a
- (d) adran 28 – at reoliad  
12.

Section 90 (financial  
provisions)

Section 90 applies as if  
references to the following  
sections are references to the  
following regulations in these  
Regulations—

- (a) section 16(2) – to  
regulation 7,
- (b) section 24 – to  
regulation 11,
- (c) section 26 – to  
regulation 10, and
- (d) section 28 – to  
regulation 12.

---

©<sup>h</sup> Hawlfraint y Goron 2021

Argraffwyd a chyhoeddwyd yn y Deyrnas Unedig gan The Stationery  
Office Limited o dan awdurdod ac arolygiaeth Jeff James, Rheolwr  
Gwasg Ei Mawrhydi ac Argraffydd Deddfau Seneddol y Frenhines.

---

© Crown copyright 2021

Printed and published in the UK by The Stationery Office Limited  
under the authority and superintendence of Jeff James,  
Controller of Her Majesty's Stationery Office and Queen's Printer of  
Acts of Parliament.

£6.90

<http://www.legislation.gov.uk/id/wsi/2021/1177>

ISBN 978-0-348-39144-2



9 780348 391442