OFFERYNNAU STATUDOL CYMRU

WELSH STATUTORY INSTRUMENTS

2024 Rhif 926 (Cy. 152)

2024 No. 926 (W. 152)

YR AMGYLCHEDD HANESYDDOL, CYMRU

HISTORIC ENVIRONMENT, WALES

Rheoliadau Adeiladau Rhestredig (Cytundebau Partneriaethau) (Cymru) 2024

The Listed Buildings (Partnership Agreements) (Wales) Regulations 2024

NODYN ESBONIADOL

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

Mae'r Rheoliadau hyn wedi eu gwneud o dan bwerau a roddir i Weinidogion Cymru gan Ddeddf yr Amgylchedd Hanesyddol (Cymru) 2023 ("Deddf 2023"). Mae Deddf 2023 yn ffurfio rhan o god o gyfraith sy'n ymwneud ag amgylchedd hanesyddol Cymru. Mae'r Rheoliadau hyn hefyd yn ffurfio rhan o'r Cod hwnnw.

Mae'r Rheoliadau yn gwneud darpariaeth ynghylch cytundebau partneriaethau sy'n ymwneud ag adeiladau rhestredig yng Nghymru.

Mae Deddf 2023 yn gwarchod adeiladau o ddiddordeb pensaernïol neu hanesyddol arbennig, a all gynnwys adeiladau neu strwythurau. Mae Deddf 2023 yn darparu bod rhaid i Weinidogion Cymru gynnal rhestr o adeiladau o'r fath yng Nghymru. Ni chaniateir i fathau penodol o waith gael eu cyflawni i "adeilad rhestredig" oni bai bod y gwaith wedi ei awdurdodi gan yr awdurdod cynllunio neu gan Weinidogion Cymru. Yr enw ar yr awdurdodiad hwn yw "cydsyniad adeilad rhestredig" ac fe'i rhoddir o dan Ran 3 o Ddeddf 2023.

Mae'r fframwaith ar gyfer cytundeb partneriaeth wedi ei nodi yn adrannau 113 i 116 o Ddeddf 2023. Mae cytundeb partneriaeth yn gytundeb rhwng perchennog adeilad rhestredig yng Nghymru a naill ai'r awdurdod cynllunio neu Weinidogion Cymru

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are made under powers given to the Welsh Ministers by the Historic Environment (Wales) Act 2023 ("the 2023 Act"). The 2023 Act forms part of a code of law relating to the historic environment of Wales. These Regulations also form part of that Code.

The Regulations make provision about partnership agreements relating to listed buildings in Wales.

The 2023 Act protects buildings of special architectural or historic interest, which may include buildings or structures. The 2023 Act provides that the Welsh Ministers must maintain 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 planning authority or by the Welsh Ministers. This authorisation is called "listed building consent" and is granted under Part 3 of the 2023 Act.

The framework for a partnership agreement is set out in sections 113 to 116 of the 2023 Act. A partnership agreement is an agreement between the owner of a listed building in Wales and either the planning authority or the Welsh Ministers or both. There may

neu'r ddau. Gall fod partïon ychwanegol hefyd i gytundeb partneriaeth, gan gynnwys unrhyw berson sydd â gwybodaeth arbennig am yr adeilad rhestredig neu sydd â diddordeb arbennig ynddo, yn gyffredinol neu'n benodol. Caiff cytundeb partneriaeth ymwneud â mwy nag un adeilad rhestredig, ar yr amod, ar gyfer pob adeilad, fod naill ai'r awdurdod cynllunio y mae'r adeilad neu ran ohono yn ei ardal, neu Weinidogion Cymru, yn barti iddo ynghyd â pherchennog ar yr adeilad neu ran o'r adeilad.

also be additional parties to a partnership agreement, including any person who has special knowledge of or special interest in the listed building, generally or specifically. A partnership agreement may relate to more than one listed building, provided that, for every building, either the planning authority in whose area the building or part of it is situated, or the Welsh Ministers, are party to it together with an owner of the building or part of the building.

Caiff cytundeb partneriaeth roi cydsyniad adeilad rhestredig o dan adran 89(1) o Ddeddf 2023 mewn cysylltiad â rhaglen waith a bennir yn y cytundeb. Dim ond ar gyfer addasu neu estyn yr adeilad rhestredig y mae'r cytundeb yn gymwys iddo y caniateir cyflawni'r gwaith. Caiff y cydsyniad hwnnw fod yn ddarostyngedig i amodau.

A partnership agreement may grant listed building consent under section 89(1) of the 2023 Act in respect of a programme of works specified in the agreement. The works may only be for the alteration or extension of the listed building to which the agreement applies. That consent may be subject to conditions.

Mae adran 114(5) o Ddeddf 2023 yn ei gwneud yn ofynnol i Weinidogion Cymru wneud Rheoliadau i wneud darpariaeth bellach ynghylch y gweithdrefnau ymgynghori a chyhoeddusrwydd ar gyfer cytuno ar gytundebau a'u hamrywio.

Section 114(5) of the 2023 Act requires the Welsh Ministers to make Regulations to make further provision about the consultation and publicity procedures for agreeing and varying agreements.

Mae rheoliadau 3 i 6 yn gwneud darpariaeth ynghylch gofynion ymgynghori a chyhoeddusrwydd o dan amgylchiadau penodol. Yr amgylchiadau hynny yw pan fo cytundeb partneriaeth yn 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 pan fo hyd y cytundeb yn cael ei estyn.

Regulations 3 to 6 make provision about consultation and publicity requirements in certain circumstances. Those circumstances are where a partnership agreement grants or varies 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.

Mae rheoliad 4 yn darparu bod rhaid i'r awdurdod cynllunio ymgynghori â Gweinidogion Cymru cyn iddo wneud neu amrywio cytundeb partneriaeth.

Regulation 4 provides that the planning authority must consult with the Welsh Ministers before it makes or varies a partnership agreement.

Mae rheoliad 5 yn ei gwneud yn ofynnol i awdurdod cynllunio roi cyhoeddusrwydd i gytundebau partneriaethau drafft neu amrywiadau drafft i gytundebau mewn nifer o ffyrdd. Mae'r rheini'n cynnwys dwyn cytundeb neu amrywiad i sylw unrhyw berchennog a thenant hirdymor nad yw'n barti arfaethedig i'r cytundeb na'r amrywiad, a rhoi'r cytundeb neu'r amrywiad arfaethedig ar gael i'r cyhoedd edrych arno ac ar wefan am nifer penodedig o ddiwrnodau. Rhaid arddangos hysbysiad am y cytundeb neu'r amrywiad arfaethedig yn agos i'r adeilad a'i gyflwyno i bartïon penodol sydd â buddiant. Rhaid caniatáu o leiaf 21 o ddiwrnodau i sylwadau gael eu cyflwyno.

Regulation 5 requires a planning authority to publicise draft partnership agreements or draft variations to agreements in a number of ways. Those include drawing an agreement or variation to the attention of any owner and long-term tenant 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 6 yn darparu bod rhaid i'r awdurdod cynllunio gyhoeddi rhestr, drwy ddulliau electronig, o gytundebau partneriaethau y mae'r awdurdod yn barti iddynt ac sydd mewn effaith. Rhaid iddo hefyd, cyn gynted ag y bo'n ymarferol ar ôl ymrwymo i gytundeb partneriaeth newydd neu amrywio cytundeb presennol, ddiweddaru'r rhestr a chyflwyno copi o'r cytundeb neu'r amrywiad i Weinidogion Cymru.

Mae rheoliad 7 yn dirymu Rheoliadau Adeiladau Rhestredig (Cytundebau Partneriaeth Dreftadaeth) (Cymru) 2021.

Ystyriwyd Cod Ymarfer Gweinidogion Cymru ar gynnal Asesiadau Effaith Rheoleiddiol mewn perthynas â'r Rheoliadau hyn. O ganlyniad, ystyriwyd nad oedd yn angenrheidiol cynnal asesiad effaith rheoleiddiol o'r costau a'r manteision sy'n debygol o ddeillio o gydymffurfio â'r Rheoliadau hyn.

Regulation 6 provides that the planning authority must publish a list, by electronic means, of partnership agreements to which it is a party and which are in effect. It must also, as soon as practicable after entering into a new partnership agreement or varying an existing agreement, update the list and submit a copy of the agreement or variation to the Welsh Ministers.

Regulation 7 revokes the Listed Buildings (Heritage Partnership Agreements) (Wales) Regulations 2021.

The Welsh Ministers' Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result it was not considered necessary to carry out a regulatory impact assessment as to the likely costs and benefits of complying with these Regulations.

2024 Rhif 926 (Cy. 152)

YR AMGYLCHEDD HANESYDDOL, CYMRU

Rheoliadau Adeiladau Rhestredig (Cytundebau Partneriaethau) (Cymru) 2024

Gwnaed	*9 Medi 2024*
Gosodwyd gerbron Senedd Cymru	*11 Medi 2024*
Yn dod i rym	*4 Tachwedd 2024*

Mae Gweinidogion Cymru, drwy arfer y pwerau a roddir iddynt gan adrannau 114(5), 209(2) a 211(3)(a) a (4) o Ddeddf yr Amgylchedd Hanesyddol (Cymru) 2023(**1**), yn gwneud y Rheoliadau a ganlyn.

Enwi, dod i rym a chod

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau Adeiladau Rhestredig (Cytundebau Partneriaethau) (Cymru) 2024.

(2) Daw'r Rheoliadau hyn i rym ar 4 Tachwedd 2024.

(3) Mae'r Rheoliadau hyn yn ffurfio rhan o god o gyfraith sy'n ymwneud ag amgylchedd hanesyddol Cymru(**2**).

Dehongli

2. Yn y Rheoliadau hyn—

mae i "adeilad rhestredig" ("*listed building*") yr ystyr a roddir yn adran 76(5) o Ddeddf 2023;

ystyr "amrywiad drafft" ("*draft variation*") yw amrywiad drafft i gytundeb partneriaeth;

(**1**) 2023 dsc 3.
(**2**) Gweler paragraffau 8 i 10 o'r Nodiadau Esboniadol i Ddeddf 2023, sydd i'w gweld yn https://www.legislation.gov.uk/asc/2023/3/notes/division/3/welsh.

2024 No. 926 (W. 152)

HISTORIC ENVIRONMENT, WALES

The Listed Buildings (Partnership Agreements) (Wales) Regulations 2024

Made	*9 September 2024*
Laid before Senedd Cymru	*11 September 2024*
Coming into force	*4 November 2024*

The Welsh Ministers, in exercise of the powers conferred on them by sections 114(5), 209(2) and 211(3)(a) and (4) of the Historic Environment (Wales) Act 2023(**1**), make the following Regulations.

Title, coming into force and code

1.—(1) The title of these Regulations is the Listed Buildings (Partnership Agreements) (Wales) Regulations 2024.

(2) These Regulations come into force on 4 November 2024.

(3) These Regulations form part of a code of law relating to the historic environment of Wales(**2**).

Interpretation

2. In these Regulations—

"the 2023 Act" ("*Deddf 2023*") means the Historic Environment (Wales) Act 2023;

"draft agreement" ("*cytundeb drafft*") means draft partnership agreement;

(**1**) 2023 asc 3.
(**2**) See paragraphs 8 to 10 of the Explanatory Notes to the 2023 Act, which can be found at https://www.legislation.gov.uk/asc/2023/3/notes/division/3.

ystyr "awdurdod cynllunio" ("*planning authority*") yw awdurdod cynllunio lleol o fewn yr ystyr a roddir i "local planning authority" gan Ran 1 o Ddeddf Cynllunio Gwlad a Thref 1990(**1**), ar gyfer ardal yng Nghymru;

ystyr "cytundeb drafft" ("*draft agreement*") yw cytundeb partneriaeth drafft;

ystyr "cytundeb partneriaeth" ("*partnership agreement*") yw cytundeb a wneir gan awdurdod cynllunio neu Weinidogion Cymru o dan adran 113 o Ddeddf 2023;

ystyr "Deddf 2023" ("*the 2023 Act*") yw Deddf yr Amgylchedd Hanesyddol (Cymru) 2023.

"draft variation" ("*amrywiad drafft*") means draft variation to a partnership agreement;

"listed building" ("*adeilad rhestredig*") has the meaning given in section 76(5) of the 2023 Act;

"partnership agreement" ("*cytundeb partneriaeth*") means an agreement made by a planning authority or the Welsh Ministers under section 113 of the 2023 Act;

"planning authority" ("*awdurdod cynllunio*") means a local planning authority within the meaning given by Part 1 of the Town and Country Planning Act 1990(**1**), for an area in Wales.

Ymgynghori ar gytundeb drafft ac amrywiad drafft a rhoi cyhoeddusrwydd iddynt: cyffredinol

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

(2) Ni chaiff awdurdod cynllunio 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, na

(b) estyn hyd y cytundeb,

oni bai bod gofynion rheoliadau 4 a 5 wedi eu bodloni.

(3) Yn y rheoliad hwn ystyr "cydsyniad adeilad rhestredig" yw cydsyniad o dan adran 89(1) o Ddeddf 2023 ar gyfer gwaith penodedig ar gyfer addasu neu estyn yr adeilad rhestredig y mae'r cytundeb yn ymwneud ag ef.

Consultation and publicity on draft agreement and draft variation: general

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

(2) A 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 4 and 5 have been satisfied.

(3) In this regulation "listed building consent" means consent under section 89(1) of the 2023 Act for specified works for the alteration or extension of the listed building to which the agreement relates.

Ymgynghori â Gweinidogion Cymru ar gytundeb drafft neu amrywiad drafft

4.—(1) Y rhain yw'r gofynion y cyfeirir atynt yn rheoliad 3 sy'n ymwneud ag ymgynghori.

(2) Rhaid i awdurdod cynllunio—

(a) anfon copi o'r cytundeb drafft neu'r amrywiad drafft (yn ôl y digwydd) at Weinidogion Cymru, a

(b) gwahodd sylwadau gan Weinidogion Cymru o fewn cyfnod penodedig o 21 o ddiwrnodau o leiaf sy'n dechrau â'r diwrnod y mae'r cytundeb drafft neu'r amrywiad drafft yn dod i law Gweinidogion Cymru.

Consultation with the Welsh Ministers on draft agreement or draft variation

4.—(1) These are the requirements referred to in regulation 3 which relate to consultation.

(2) A 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 the Welsh Ministers within a specified period of at least 21 days beginning with the day on which the draft agreement or draft variation is received by them.

(**1**) 1990 p. 8.

(**1**) 1990 c. 8.

(3) Ond nid yw'n ofynnol i'r awdurdod cynllunio 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 arall wedi cydymffurfio â pharagraff (2) mewn perthynas â'r cytundeb drafft hwnnw neu'r amrywiad drafft hwnnw.

(4) Yn ystod y cyfnod ymgynghori a bennir o dan baragraff (2)(b), caiff Gweinidogion Cymru roi hysbysiad i'r awdurdod cynllunio 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 drafft neu amrywiad drafft

5.—(1) Y rhain yw'r gofynion y cyfeirir atynt yn rheoliad 3 sy'n ymwneud â chyhoeddusrwydd.

(2) Rhaid i awdurdod cynllunio—

(a) rhoi ar gael i'r cyhoedd edrych arnynt ar adegau rhesymol, am o leiaf 21 o ddiwrnodau mewn lle yn ardal leol yr adeilad rhestredig yr effeithir arno—

(i) y cytundeb drafft neu'r amrywiad drafft, a

(ii) manylion ynghylch sut y caniateir cyflwyno sylwadau ac erbyn pa ddyddiad;

(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,

(iii) datganiad bod y cytundeb drafft neu'r amrywiad drafft ar gael i'r cyhoedd edrych arno yn y lle ac ar yr adegau a nodir,

(iv) manylion ynghylch sut y caniateir cyflwyno sylwadau, a

(v) erbyn pa ddyddiad y mae rhaid i sylwadau ddod i law;

(3) But the planning authority is 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 planning authority has complied with paragraph (2) in relation to that draft agreement or draft variation.

(4) During the consultation period specified under paragraph (2)(b), the Welsh Ministers may give notice to the 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 agreement or draft variation

5.—(1) These are the requirements referred to in regulation 3 which relate to publicity.

(2) A planning authority must—

(a) make available for public inspection at reasonable hours, for at least 21 days at a place in the locality of the affected listed building—

(i) the draft agreement or draft variation, and

(ii) details of how and the date by which representations may be made;

(b) publish on its 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) 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) arddangos hysbysiad sy'n cynnwys yr wybodaeth a bennir yn is-baragraff (b) am o leiaf 21 o ddiwrnodau ar yr adeilad rhestredig y mae'r cytundeb drafft neu'r amrywiad drafft yn ymwneud ag ef neu'n agos iddo;

(d) rhoi copi o'r hysbysiad i—

(i) unrhyw denant 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 ac 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 gan fod ganddo wybodaeth arbennig am yr adeilad rhestredig neu am ran ohono, neu ddiddordeb arbennig yn yr adeilad rhestredig neu mewn rhan ohono, neu wybodaeth arbennig am adeiladau o ddiddordeb pensaernïol neu hanesyddol yn fwy cyffredinol, neu ddiddordeb arbennig ynddynt, ond nid yw'r gofyniad hwn yn gymwys pan fo paragraff (6) yn gymwys.

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

(a) paragraff (2)(c) os yw awdurdod cynllunio 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 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 ynghylch cytundeb drafft neu amrywiad drafft ddod i law fod—

(a) mewn perthynas â rhoi'r 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 rhoddir y cytundeb drafft neu'r amrywiad drafft ar gael o dan y paragraff hwnnw;

(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 tenant 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 special 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 planning authority is not required to comply with—

(a) paragraph (2)(c) if another 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 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) 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) mewn perthynas â chyhoeddi crynodeb o'r cytundeb drafft neu'r amrywiad drafft ar ei wefan 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 symud ymaith, 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 warchod yr hysbysiad, ac, os oes angen, i'w amnewid.

(6) Pan mai'r awdurdod cynllunio yw perchennog adeilad neu adeiladau rhestredig y mae'r cytundeb drafft neu'r amrywiad drafft yn ymwneud ag ef neu 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) i unrhyw berson y mae'n ymddangos iddynt ei fod yn briodol gan fod ganddo wybodaeth arbennig am yr adeilad rhestredig neu am ran ohono, neu ddiddordeb arbennig yn yr adeilad rhestredig neu mewn rhan ohono, neu wybodaeth arbennig am adeiladau o ddiddordeb pensaernïol neu hanesyddol yn fwy cyffredinol, neu ddiddordeb arbennig ynddynt, 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 6 sy'n ei gwneud yn ofynnol i awdurdod cynllunio 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, neu o dan unrhyw ddeddfiad, neu gan orchymyn llys.

(9) Yn y rheoliad hwn—

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

(a) yn berchen ar yr ystad rydd-ddaliadol yn yr adeilad neu'r rhan, neu

(b) in relation to publishing a summary of the draft agreement or draft variation on its 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 it has taken reasonable steps for the protection of the notice, and, if necessary, its replacement.

(6) Where the 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 special 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 6 requires a 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.

(9) In this regulation—

"long-term tenant" ("*tenant hirdymor*") means a tenant under a lease which is granted or extended for a fixed term that has at least 2 years left to run;

(b) yn denant o dan les ar yr adeilad neu'r rhan a roddir neu a estynnir am gyfnod penodol sydd ag o leiaf 7 mlynedd yn weddill;

ystyr "tenant hirdymor" ("*long-term tenant*") yw tenant o dan les a roddir neu a estynnir am gyfnod penodol sydd ag o leiaf 2 flynedd yn weddill.

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

(a) an owner of the freehold estate in the building or part, or

(b) a tenant under a lease of the building or part granted or extended for a fixed term that has at least 7 years left to run.

Gofyniad cyhoeddusrwydd: rhestr a chopïau o gytundebau partneriaethau ac amrywiadau

6. Rhaid i'r awdurdod cynllunio—

(a) cyhoeddi rhestr, drwy ddulliau electronig, o'r holl gytundebau partneriaethau sydd mewn effaith ac y mae'r awdurdod yn barti iddynt, a

(b) cyn gynted ag y bo'n ymarferol ar ôl i gytundeb partneriaeth 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.

Publicity requirement: list and copies of partnership agreements and variations

6. The planning authority must—

(a) publish a list, by electronic means, of all partnership agreements that are in effect to which it is a party, and

(b) as soon as practicable after a 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.

Dirymu

7. Mae Rheoliadau Adeiladau Rhestredig (Cytundebau Partneriaeth Dreftadaeth) (Cymru) 2021(**1**) wedi eu dirymu.

Revocation

7. The Listed Buildings (Heritage Partnership Agreements) (Wales) Regulations 2021(**1**) are revoked.

Jane Hutt

Ysgrifennydd y Cabinet dros Ddiwylliant, Cyfiawnder Cymdeithasol, Trefnydd a'r Prif Chwip, un o Weinidogion Cymru
9 Medi 2024

Cabinet Secretary for Culture, Social Justice, Trefnydd and Chief Whip, one of the Welsh Ministers

9 September 2024

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Argraffwyd a chyhoeddwyd yn y DU gan Y Llyfrfa Cyf dan awdurdod a goruchwyliaeth Saul Nassé, Rheolwr Llyfrfa Ei Fawrhydi ac Argraffydd Deddfau Senedd y Brenin.

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(**1**) O.S. 2021/1177 (Cy. 290).

(**1**) S.I. 2021/1177 (W. 290).

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