CYNULLIAD CENEDLAETHOL CYMRU

OFFERYNNAU STATUDOL

2006 Rhif 3316 (Cy.301)

CYNLLUNIO GWLAD A THREF, CYMRU

Rheoliadau Cynllunio (Adeiladau Rhestredig ac Ardaloedd Cadwraeth) (Diwygio) (Cymru) 2006

NODYN ESBONIADOL

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

Mae rheoliad 3 o Reoliadau Cynllunio (Adeiladau Rhestredig ac Ardaloedd Cadwraeth) 1990 ("Rheoliadau 1990") yn gwneud darpariaeth o ran ceisiadau i awdurdodau cynllunio lleol ar gyfer cydsyniad adeilad rhestredig neu gydsyniad ardal gadwraeth.

Mae rheoliad 2 o'r Rheoliadau hyn yn mewnosod rheoliad 3B newydd i Reoliadau 1990. Mae erthygl 3B newydd yn gymwys o ran Cymru ac mae'n darparu o ran y gofyniad i ddatganiadau mynediad fynd gyda cheisiadau am gydsyniad adeilad rhestredig. Mae'r ddarpariaeth newydd o ganlyniad i adran 42 o Ddeddf Cynllunio a Phrynu Gorfodol 2004 a fewnosododd y gofyniad "datganiadau mynediad" yn Neddf Cynllunio (Adeiladau Rhestredig ac Ardaloedd Cadwraeth) 1990.

NATIONAL ASSEMBLY FOR WALES

STATUTORY INSTRUMENTS

2006 No. 3316 (W.301)

TOWN AND COUNTRY PLANNING, WALES

The Planning (Listed Buildings and Conservation Areas) (Amendment) (Wales) Regulations 2006

EXPLANATORY NOTE

(This note is not part of the Regulations)

Regulation 3 of the Planning (Listed Buildings and Conservation Areas) Regulations 1990 ("the 1990 Regulations") makes provision in relation to applications to local planning authorities for listed building consent or conservation area consent.

Regulation 2 of these Regulations inserts regulation 3B into the 1990 Regulations. The new regulation 3B applies in relation to Wales and makes provision in respect of the requirement for access statements to accompany applications for listed building consent. The new provision is in consequence of section 42 of the Planning and Compulsory Purchase Act 2004, which inserted the "access statements" requirement into the Planning (Listed Buildings and Conservation Areas) Act 1990.

OFFERYNNAU STATUDOL

2006 Rhif 3316 (Cy.301)

CYNLLUNIO GWLAD A THREF, CYMRU

Rheoliadau Cynllunio (Adeiladau Rhestredig ac Ardaloedd Cadwraeth) (Diwygio) (Cymru) 2006

Wedi'u gwneud	*12 Rhagfyr 2006*
Yn dod i rym	*30 Mehefin 2007*

Mae Cynulliad Cenedlaethol Cymru ("y Cynulliad Cenedlaethol"), drwy arfer y pwerau a roddwyd i'r Ysgrifennydd Gwladol gan adrannau 10(3), (4)(b) a (5) a 93(1)(b) o Ddeddf Cynllunio (Adeiladau Rhestredig ac Ardaloedd Cadwraeth) 1990(**1**), ac sydd bellach yn arferadwy o ran Cymru gan Gynulliad Cenedlaethol(**2**), yn gwneud y Rheoliadau a ganlyn:

Enwi, cychwyn a chymhwyso

1.-(1) Enw'r Rheoliadau hyn yw Rheoliadau Cynllunio (Adeiladau Rhestredig ac Ardaloedd Cadwraeth) (Diwygio) (Cymru) 2006.

(2) Daw'r Rheoliadau hyn i rym ar 30 Mehefin 2007.

(3) Mae'r Rheoliadau hyn yn gymwys o ran Cymru.

Diwygio Rheoliadau Cynllunio (Adeiladau Rhestredig ac Ardaloedd Cadwraeth) 1990

2. Ar ôl rheoliad 3A (datganiadau dylunio a mynediad) o Reoliadau Cynllunio (Adeiladau Rhestredig ac Ardaloedd Cadwraeth) 1990(**3**), mewnosoder-

(**1**) 1990 p.9. Diwygiwyd adran 10 gan adran 42(6) i (8) o Ddeddf Cynllunio a Phrynu Gorfodol 2004 (p.5). Gweler adran 91(1) o Ddeddf Cynllunio (Adeiladau Rhestredig ac Ardaloedd Cadwraeth) 1990 i gael y diffiniad o "prescribed".

(**2**) Trosglwyddwyd swyddogaethau'r Ysgrifennydd Gwladol, o ran Cymru, gan erthygl 2 o Orchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999 ac Atodlen 1 iddo (O.S. 1999/672). *Gweler* y cofnod ar gyfer Deddf Cynllunio (Adeiladau Rhestredig ac Ardaloedd Cadwraeth) 1990 yn Atodlen 1 i Orchymyn 1999 fel y'i diwygiwyd gan adran 118(3) o Ddeddf Cynllunio a Phrynu Gorfodol 2004.

(**3**) O.S. 1990/1519, y mae iddo ddiwygiadau nad ydynt yn berthnasol i'r offeryn hwn.

STATUTORY INSTRUMENTS

2006 No. 3316 (W.301)

TOWN AND COUNTRY PLANNING, WALES

The Planning (Listed Buildings and Conservation Areas) (Amendment) (Wales) Regulations 2006

Made	*12 December 2006*
Coming into force	*30 June 2007*

The National Assembly for Wales ("the National Assembly") in exercise of the powers conferred upon the Secretary of State by sections 10(3), (4)(b) and (5) and 93(1)(b) of the Planning (Listed Buildings and Conservation Areas) Act 1990(**1**), and which are now exercisable in relation to Wales by the National Assembly(**2**), makes the following Regulations:

Title, commencement and application

1.-(1) The title of these Regulations is the Planning (Listed Buildings and Conservation Areas) (Amendment) (Wales) Regulations 2006.

(2) These Regulations come into force on 30 June 2007.

(3) These Regulations apply in relation to Wales.

Amendment of the Planning (Listed Buildings and Conservation Areas) Regulations 1990

2. After regulation 3A (design and access statements) of the Planning (Listed Buildings and Conservation Areas) Regulations 1990(**3**), insert-

(**1**) 1990 c.9. Section 10 was amended by section 42(6) to (8) of the Planning and Compulsory Purchase Act 2004 (c.5). See section 91(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 for the definition of "prescribed".

(**2**) The functions of the Secretary of State were transferred, in relation to Wales, by article 2 of, and Schedule 1 to, the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672). *See* the entry for the Planning (Listed Buildings and Conservation Areas) Act 1990 in Schedule 1 to the 1999 Order as amended by section 118(3) of the Planning and Compulsory Purchase Act 2004.

(**3**) S.I. 1990/1519, to which there are amendments not relevant to this instrument.

"**3B. Access Statements: Wales**

(1) Any application to a local planning authority for listed building consent must, subject to paragraph (3), be accompanied by a statement ("an access statement") explaining how issues relating to access to the building have been dealt with.

(2) Subject to paragraph (3), an access statement must explain-

(a) the policy or approach adopted as to access, including-

(i) what alternative means of access have been considered, and

(ii) how policies relating to access in the development plan(**1**) have been taken into account,

(b) how the policy or approach adopted as to access takes account of-

(i) the special architectural or historic importance of the building,

(ii) the particular physical features of the building that justify its designation as a listed building, and

(iii) the building's setting,

(c) how any specific issues which might affect access to the building have been addressed; and

(d) how features which ensure access to the building will be maintained.

(3) Paragraphs (1) and (2) do not apply in relation to an application for listed building consent to carry out works affecting only the interior of a building.".

"**3B. Access Statements: Wales**

(1) Any application to a local planning authority for listed building consent must, subject to paragraph (3), be accompanied by a statement ("an access statement") explaining how issues relating to access to the building have been dealt with.

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(i) the special architectural or historic importance of the building,

(ii) the particular physical features of the building that justify its designation as a listed building, and

(iii) the building's setting,

(c) how any specific issues which might affect access to the building have been addressed; and

(d) how features which ensure access to the building will be maintained.

(3) Paragraphs (1) and (2) do not apply in relation to an application for listed building consent to carry out works affecting only the interior of a building.".

Llofnodwyd ar ran Cynulliad Cenedlaethol Cymru o dan adran 66(1) o Ddeddf Llywodraeth Cymru 1998(**2**)

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998(**2**)

12 Rhagfyr 2006

12 December 2006

D. Elis-Thomas

Llywydd y Cynulliad Cenedlaethol

The Presiding Officer of the National Assembly

(**1**) *Gweler* adran 38(4) o Ddeddf Cynllunio a Phrynu Gorfodol 2004 (p.5) i gael ystyr "development plan" a'r darpariaethau trosiannol a'r arbedion yn erthygl 3 o Orchymyn Cynllunio Gwlad a Thref a Phrynu Gorfodol 2004 (Cychwyn Rhif 6, Darpariaethau Trosiannol ac Arbedion) 2005 (O.S. 2005/2847) (C.118).

(**2**) 1998 p.38.

(**1**) *See* section 38(4) of the Planning and Compulsory Purchase Act 2004 (c.5) for the meaning of "development plan" and the transitional provisions and savings in article 3 of the Planning and Compulsory Purchase Act 2004 (Commencement No 6, Transitional Provisions and Savings) Order 2005 (S.I.2005/2847) (C.118).

(**2**) 1998 c.38.

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Rheoliadau Cynllunio (Adeiladau Rhestredig ac Ardaloedd Cadwraeth) (Diwygio) (Cymru) 2006

The Planning (Listed Buildings and Conservation Areas) (Amendment) (Wales) Regulations 2006

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