



OFFERYNNAU STATUDOL
CYMRU

WELSH
STATUTORY INSTRUMENTS

2009 Rhif 1024 (Cy.87)

2009 No. 1024 (W.87)

**CYNLLUNIO GWLAD A
THREF, CYMRU**

**TOWN AND COUNTRY
PLANNING, WALES**

Gorchymyn Cynllunio Gwlad a
Thref (Gweithdrefn Datblygu
Cyffredinol) (Diwygio) (Cymru)
2009

The Town and Country Planning
(General Development Procedure)
(Amendment) (Wales) Order
2009

NODYN ESBONIADOL

EXPLANATORY NOTE

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

(This note is not part of the Order)

Mae Gorchymyn Cynllunio Gwlad a Thref (Gweithdrefn Datblygu Cyffredinol) 1995 ("Gorchymyn 1995") yn pennu'r gweithdrefnau sy'n gysylltiedig â cheisiadau cynllunio, apelau i Weinidogion Cymru a materion cysylltiedig i'r graddau nad yw'r rhain wedi'u gosod yn Neddf Cynllunio Gwlad a Thref 1990. Mae'r Gorchymyn hwn yn diwygio Gorchymyn 1995 o ran Cymru.

The Town and Country Planning (General Development Procedure) Order 1995 ("the 1995 Order") specifies the procedures connected with planning applications, appeals to the Welsh Ministers and related matters so far as these are not laid down in the Town and Country Planning Act 1990. This Order amends the 1995 Order in relation to Wales.

Mae erthygl 2(1) yn rhoi erthygl 4D newydd yn lle'r hen un yng Ngorchymyn 1995. Mae'r erthygl 4D newydd yn gwneud darpariaeth ar gyfer datganiadau dylunio a mynediad y mae'n ofynnol eu bod yn mynd gyda cheisiadau penodedig am ganiatâd cynllunio. Mae paragraff (1)(c) o'r erthygl 4D newydd yn darparu, ar gyfer categorïau cyfyngedig o geisiadau, ei bod yn ofynnol darparu datganiad sy'n ymdrin â materion mynediad yn unig.

Article 2(1) substitutes a new article 4D into the 1995 Order. The new article 4D makes provision for design and access statements, which are required to accompany specified applications for planning permission. Paragraph (1)(c) of the new article 4D provides that, for limited categories of application, a statement dealing only with access matters is required.

Mae'r erthygl 4D newydd yn disodli erthygl 4D fel y'i mewnosodwyd yng Ngorchymyn 1995 gan Orchymyn Cynllunio Gwlad a Thref (Gweithdrefn Datblygu Cyffredinol) (Diwygio) (Cymru) 2006 (O.S. 2006/3390 (Cy.310)), a wnaeth ddarpariaeth ar gyfer datganiadau mynediad.

The new article 4D replaces article 4D as inserted into the 1995 Order by the Town and Country Planning (General Development Procedure) (Amendment) (Wales) Order 2006 (S.I. 2006/3390 (W.310)), which made provision for access statements.

Mae erthygl 2(3) yn gwneud diwygiad canlyniadol i Orchymyn 1995.

Article 2(3) makes a consequential amendment to the 1995 Order.

Lluniwyd asesiad effaith rheoleiddiol a gellir cael copïau oddi wrth yr Is-adran Gynllunio, Llywodraeth Cynulliad Cymru, Parc Cathays, Caerdydd CF10 3NQ.

A regulatory impact assessment has been prepared and copies can be obtained from Planning Division, Welsh Assembly Government, Cathays Park, Cardiff CF10 3NQ.

2009 Rhif 1024 (Cy.87)

**CYNLLUNIO GWLAD A
THREF, CYMRU**

**Gorchymyn Cynllunio Gwlad a
Thref (Gweithdrefn Datblygu
Cyffredinol) (Diwygio) (Cymru)
2009**

Gwnaed 18 Ebrill 2009
*Gosodwyd gerbron Cynulliad
Cenedlaethol Cymru* 21 Ebrill 2009
Yn dod i rym 1 Mehefin 2009

Mae Gweinidogion Cymru yn gwneud y Gorchymyn hwn drwy arfer y pwerau a roddwyd i'r Ysgrifennydd Gwladol gan adrannau 59, 61(1), 62 a 69 o Ddeddf Cynllunio Gwlad a Thref 1990(1) ac sydd bellach yn arferadwy gan Weinidogion Cymru(2).

Enwi, cychwyn, dehongli a chymhwyso

1.—(1) Enw'r Gorchymyn hwn yw Gorchymyn Cynllunio Gwlad a Thref (Gweithdrefn Datblygu Cyffredinol) (Diwygio) (Cymru) 2009 a daw i rym ar 1 Mehefin 2009.

(2) Mae'r Gorchymyn hwn yn gymwys o ran Cymru.

2009 No. 1024 (W.87)

**TOWN AND COUNTRY
PLANNING, WALES**

**The Town and Country Planning
(General Development Procedure)
(Amendment) (Wales) Order
2009**

Made 18 April 2009
*Laid before the National
Assembly for Wales* 21 April 2009
Coming into force 1 June 2009

The Welsh Ministers make this Order in exercise of the powers conferred upon the Secretary of State by sections 59, 61(1), 62 and 69 of the Town and Country Planning Act 1990(1) and which are now exercisable by the Welsh Ministers(2).

**Title, commencement, interpretation and
application**

1.—(1) The title of this Order is the Town and Country Planning (General Development Procedure) (Amendment) (Wales) Order 2009 and it comes into force on 1 June 2009.

(2) This Order applies in relation to Wales.

(1) 1990 p.8. Amnewidiwyd adran 62 gan Ddeddf Cynllunio a Phrynu Gorfodol 2004 (p.5), adran 42.

(2) Trosglwyddwyd swyddogaethau o dan yr adrannau perthnasol o Ddeddf 1990, i'r graddau yr oeddynt yn arferadwy mewn perthynas â Chymru, i Gynulliad Cenedlaethol Cymru gan Orchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999 (O.S. 1999/672). *Gweler* y cofnod ar gyfer Deddf 1990 yn Atodlen 1 i'r Gorchymyn hwnnw, fel y'i hamnewidiwyd gan erthygl 4 o Orchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 2000 (O.S. 2000/253) (Cy.5) ac Atodlen 3 iddo ac fel y'i diwygiwyd gan adran 118(3) o Ddeddf 2004. Yn rhinwedd adran 162 o Ddeddf Llywodraeth Cymru 2006 (p.32) a pharagraff 30 o Atodlen 11 iddi, mae'r swyddogaethau hynny yn arferadwy bellach gan Weinidogion Cymru.

(1) 1990 c.8. Section 62 was substituted by the Planning and Compulsory Purchase Act 2004 (c.5), section 42.

(2) Functions under the relevant sections of the 1990 Act, so far as exercisable in relation to Wales, were transferred to the National Assembly for Wales by the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672). *See* the entry for the 1990 Act in Schedule 1 to that Order, as substituted by article 4 of, and Schedule 3 to, the National Assembly for Wales (Transfer of Functions) Order 2000 (S.I. 2000/253) (W.5) and amended by section 118(3) of the 2004 Act. By virtue of section 162 of, and paragraph 30 of Schedule 11 to, the Government of Wales Act 2006 (c.32), those functions are now exercisable by the Welsh Ministers.

**Diwygio Gorchymyn Cynllunio Gwlad a Thref
(Gweithdrefn Datblygu Cyffredinol) 1995**

2.—(1) Mae Gorchymyn Cynllunio Gwlad a Thref (Gweithdrefn Datblygu Cyffredinol) 1995(1) wedi'i ddiwygio fel a ganlyn.

(2) Yn lle erthygl 4D (Datganiadau mynediad: Cymru) rhodder—

"Design and access statements: Wales

4D.—(1) This article applies to an application for planning permission which is not an application for planning permission for—

- (a) engineering or mining operations;
- (b) development of an existing dwellinghouse, or development within the curtilage of such a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse as such; or
- (c) a material change in the use of land or buildings, provided that if the new use will necessitate access by an employee or involves the provision of services to the public or to a section of the public, with or without payment, then this article applies to the application as if—
 - (i) in paragraph (3), for "a design and access statement" there were substituted "an access statement";
 - (ii) in paragraph (5), for "A design and access statement must, in relation to access," there were substituted "An access statement must"; and
 - (iii) paragraphs 3(a), (4) and (6) were omitted.

(2) For the purposes of paragraph (1)(c) "the provision of services" includes the provision of any goods or facilities.

(3) An application for planning permission to which this article applies must be accompanied by a statement ("a design and access statement") explaining—

- (a) the design principles and concepts that have been applied to the development; and
- (b) how issues relating to access to the development have been dealt with.

(4) A design and access statement must, in relation to design—

- (a) explain the design principles and concepts that have been applied to the following aspects of the development—

**Amendment of the Town and Country Planning
(General Development Procedure) Order 1995**

2.—(1) The Town and Country Planning (General Development Procedure) Order 1995(1) is amended as follows.

(2) For article 4D (Access statements: Wales) substitute—

"Design and access statements: Wales

4D.—(1) This article applies to an application for planning permission which is not an application for planning permission for—

- (a) engineering or mining operations;
- (b) development of an existing dwellinghouse, or development within the curtilage of such a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse as such; or
- (c) a material change in the use of land or buildings, provided that if the new use will necessitate access by an employee or involves the provision of services to the public or to a section of the public, with or without payment, then this article applies to the application as if—
 - (i) in paragraph (3), for "a design and access statement" there were substituted "an access statement";
 - (ii) in paragraph (5), for "A design and access statement must, in relation to access," there were substituted "An access statement must"; and
 - (iii) paragraphs 3(a), (4) and (6) were omitted.

(2) For the purposes of paragraph (1)(c) "the provision of services" includes the provision of any goods or facilities.

(3) An application for planning permission to which this article applies must be accompanied by a statement ("a design and access statement") explaining—

- (a) the design principles and concepts that have been applied to the development; and
- (b) how issues relating to access to the development have been dealt with.

(4) A design and access statement must, in relation to design—

- (a) explain the design principles and concepts that have been applied to the following aspects of the development—

(1) O.S. 1995/419. Gwnaethpwyd diwygiadau perthnasol gan O.S. 1997/2971, 2004/3156 (Cy.273) a 2006/3390 (Cy.310).

(1) S.I. 1995/419. Relevant amendments were made by S.I. 1997/2971, 2004/3156 (W.273) and 2006/3390 (W.310).

- (i) environmental sustainability;
- (ii) movement to, from and within the development;
- (iii) character; and
- (iv) community safety; and

(b) demonstrate the steps taken to appraise the context of the development and how the design of the development takes that context into account in relation to its proposed use and each of the aspects specified in sub-paragraph (a).

(5) A design and access statement must, in relation to access, explain—

- (a) the policy or approach adopted as to access and how policies relating to access in the development plan(1) have been taken into account;
- (b) how any specific issues which might affect access to the development have been addressed; and
- (c) how features which ensure access to the development will be maintained.

(6) In this article—

"amount" means—

- (a) in relation to residential development, the number of proposed units for residential use; and
- (b) in relation to all other forms of development, the proposed floor space for each proposed use forming part of the development;

"character" includes any landscaping comprised in the development and the amount, layout, scale and appearance of the development; and

"context" means the physical, social, economic and policy context of the development."

(3) Ym mharagraff (4)(a) o erthygl 25 (cofrestr ceisiadau), ar ôl "accompanying" mewnosoder "design and access statement or".

- (i) environmental sustainability;
- (ii) movement to, from and within the development;
- (iii) character; and
- (iv) community safety; and

(b) demonstrate the steps taken to appraise the context of the development and how the design of the development takes that context into account in relation to its proposed use and each of the aspects specified in sub-paragraph (a).

(5) A design and access statement must, in relation to access, explain—

- (a) the policy or approach adopted as to access and how policies relating to access in the development plan(1) have been taken into account;
- (b) how any specific issues which might affect access to the development have been addressed; and
- (c) how features which ensure access to the development will be maintained.

(6) In this article—

"amount" means—

- (a) in relation to residential development, the number of proposed units for residential use; and
- (b) in relation to all other forms of development, the proposed floor space for each proposed use forming part of the development;

"character" includes any landscaping comprised in the development and the amount, layout, scale and appearance of the development; and

"context" means the physical, social, economic and policy context of the development."

(3) In paragraph (4)(a) of article 25 (register of applications), after "accompanying" insert "design and access statement or".

(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 Deddf Cynllunio a Phrynu Gorfodol 2004 (Cychwyn Rhif 6, Darpariaethau Trosiannol ac Arbedion) 2005 (O.S. 2005/2847) (C.118).

(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).

Jane Davidson

Y Gweinidog dros yr Amgylchedd, Cynaliadwyedd a
Thai, un o Weinidogion Cymru

Minister for Environment, Sustainability and Housing,
one of the Welsh Ministers

18 Ebrill 2009

18 April 2009

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