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OFFERYNNAU STATUDOL CYMRU

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**2012 Rhif 793 (Cy.108)**

**CYNLLUNIO GWLAD A THREF, CYMRU**

Rheoliadau Cynllunio (Adeiladau Rhestredig ac Ardaloedd Cadwraeth)  
(Cymru) 2012

<i>Gwnaed</i>	<i>10 Mawrth 2012</i>
<i>Gosodwyd gerbron Cynulliad Cenedlaethol Cymru</i>	<i>13 Mawrth 2012</i>
<i>Yn dod i rym</i>	<i>30 Ebrill 2012</i>

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WELSH STATUTORY INSTRUMENTS

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**2012 No. 793 (W.108)**

**TOWN AND COUNTRY PLANNING, WALES**

The Planning (Listed Buildings and Conservation Areas) (Wales)  
Regulations 2012

<i>Made</i>	<i>10 March 2012</i>
<i>Laid before the National Assembly for Wales</i>	<i>13 March 2012</i>
<i>Coming into force</i>	<i>30 April 2012</i>

£9.75





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OFFERYNNAU STATUDOL  
CYMRU

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WELSH STATUTORY  
INSTRUMENTS

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**2012 Rhif 793 (Cy.108)**

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**CYNLLUNIO GWLAD A  
THREF, CYMRU**

**TOWN AND COUNTRY  
PLANNING, WALES**

Rheoliadau Cynllunio (Adeiladau  
Rhestredig ac Ardaloedd  
Cadwraeth) (Cymru) 2012

The Planning (Listed Buildings and  
Conservation Areas) (Wales)  
Regulations 2012

**NODYN ESBONIADOL**

**EXPLANATORY NOTE**

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

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

Mae'r Rheoliadau hyn yn cydgrynhoi, gyda diwygiadau, Reoliadau Cynllunio (Adeiladau Rhestredig ac Ardaloedd Cadwraeth) 1990 ("y prif Reoliadau") ac offerynnau diwygio dilynol, i'r graddau y maent yn gymwys i Gymru. Mae'r rhan fwyaf o ddarpariaethau'r prif Reoliadau i'w cario ymlaen, yn ddarostyngedig, mewn rhai achosion, i fân newidiadau drafftio. Cymerwyd y cyfle i ad-drefnu peth o'r deunydd.

These Regulations consolidate with amendments the Planning (Listed Buildings and Conservation Areas) Regulations 1990 ("the principal Regulations") and subsequent amending instruments, in so far as they apply to Wales. Most provisions of the principal Regulations are carried forward subject, in some cases, to minor drafting changes. The opportunity has been taken to re-order some of the material.

Mae rheoliadau 3 a 4 yn gwneud newidiadau i ffurf a chynnwys ceisiadau am ganiatâd adeilad rhestredig a chaniatâd ardal gadwraeth a cheisiadau i amrywio neu ollwng amodau sydd ynghlwm â'r caniatâd adeilad rhestredig neu ganiatâd ardal gadwraeth. Rhaid i geisiadau gael eu gwneud ar ffurflen a ddarperir gan Weinidogion Cymru a chynnwys yr wybodaeth ragnodedig.

Regulations 3 and 4 make changes to the form and content of applications for listed building and conservation area consents and applications to vary or discharge conditions attached to listed building or conservation area consents. Applications must be made on a form provided by the Welsh Ministers and include the prescribed information.

Mae'r Rheoliadau'n gwneud darpariaethau gweithdrefnol ar gyfer ceisiadau am ganiatâd adeilad rhestredig, caniatâd ardal gadwraeth, amrywio neu ollwng amodau sydd ynghlwm â chaniatâd adeilad rhestredig neu ganiatâd ardal gadwraeth ac am apelau o ran y materion hyn (rheoliadau 3 i 12).

The Regulations make procedural provisions for applications for listed building consent, for conservation area consent, for the variation or discharge of conditions attached to listed building or conservation area consents and for appeals in respect of these matters (regulations 3 to 12).

Mae'r Rheoliadau hefyd yn darparu ar gyfer materion gweithdrefnol eraill mewn perthynas â chaniatâd adeilad rhestredig a chaniatâd ardal gadwraeth: darpariaethau gweithdrefnol ar gyfer digolledu a hysbysiadau prynu adeilad rhestredig (rheoliad 13); y modd y mae'n rhaid i ddirymiad neu addasiad diwrthwynebiad i orchmynion caniatâd gael

The Regulations also provide for other procedural matters relating to listed building and conservation area consents: procedural provisions for compensation and listed building purchase notices (regulation 13); the manner that unopposed revocation or modification of consent orders must be advertised (regulation 14); for the application and modification of legislation in

eu hysbysebu (rheoliad 14); ar gyfer cymhwyso ac addasu deddfwriaeth mewn perthynas â hysbysiadau gorfodi ar gyfer adeiladau rhestredig ac adeiladau sydd heb eu rhestru mewn ardaloedd cadwraeth (rheoliadau 15 ac 16) a hysbysiadau o adeiladau rhestredig (rheoliad 17).

Mae'r Rheoliadau'n cynnwys darpariaethau trosiannol ar gyfer ceisiadau am ganiatâd adeilad rhestredig a chaniatâd ardal gadwraeth a wnaed o fewn mis i'r Rheoliadau hyn ddod i rym. Mae'r Rheoliadau'n dirymu offerynnau statudol blaenorol y maent yn eu disodli ac yn gwneud diwygiadau canlyniadol i offerynnau eraill.

Paratowyd asesiad effaith mewn perthynas â'r Rheoliadau hyn. Fe'i rhoddwyd yn llyfrgell Llywodraeth Cymru a gellir cael copïau ohono gan: Y Gyfarwyddiaeth Gynllunio, Llywodraeth Cymru, Parc Cathays, Caerdydd, CF10 3NQ.

relation to enforcement notices for listed buildings and unlisted buildings in conservation areas (regulations 15 and 16) and notices of listed buildings (regulation 17).

The Regulations contain transitional provisions for applications for listed building and conservation area consent made within one month of these Regulations coming into force. The Regulations revoke previous statutory instruments which they replace and make consequential amendments to other instruments.

An impact assessment was prepared in relation to these Regulations. It has been placed in the library of the Welsh Government and copies may be obtained from the Planning Directorate, the Welsh Government, Cathays Park, Cardiff, CF10 3NQ.

**2012 Rhif 793 (Cy.108)**

**CYNLLUNIO GWLAD A  
THREF, CYMRU**

**Rheoliadau Cynllunio (Adeiladau  
Rhestredig ac Ardaloedd  
Cadwraeth) (Cymru) 2012**

*Gwnaed* 10 Mawrth 2012  
*Gosodwyd gerbron Cynulliad  
Cenedlaethol Cymru* 13 Mawrth 2012  
*Yn dod i rym* 30 Ebrill 2012

Mae Gweinidogion Cymru, drwy arfer y pwerau a roddwyd i'r Ysgrifennydd Gwladol gan adrannau 2, 10, 11, 19, 20, 21, 25, 28, 29, 32, 42, 74, 82, 82B, 82F, 91(1) a 93 o Ddeddf Cynllunio (Adeiladau Rhestredig ac Ardaloedd Cadwraeth) 1990(2) ac sydd bellach yn arferadwy ganddynt hwy(3), yn gwneud y Rheoliadau a ganlyn.

**Enwi, cychwyn a chymhwyso**

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau Cynllunio (Adeiladau Rhestredig ac Ardaloedd Cadwraeth) (Cymru) 2012 a deuant i rym ar 30 Ebrill 2012.

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(1) *Gweler* y diffiniad o "prescribed".

(2) 1990 p.9. Diwygiwyd adrannau 2 a 32(1) gan adran 20(4) o Ddeddf Llywodraeth Leol (Cymru) 1994 (p.19) a pharagraff 25 o Atodlen 6 iddi. Diwygiwyd adran 10 gan adrannau 42 a 118 o Ddeddf Cynllunio a Phrynu Gorfodol 2004 (p.5) ("Deddf 2004"). Diwygiwyd adran 32(4) gan adran 31 o Ddeddf Cynllunio a Digolledu 1991 (p.34) a pharagraff 44 o Atodlen 6 iddi ("Deddf 1991") a mewnosodwyd is-adran (4A) gan baragraff 33 o Atodlen 10 i Ddeddf yr Amgylchedd 1990 (p.25). Diwygiwyd adran 74(3) gan O.S. 2006/1281. Diwygiwyd adran 82 gan adran 25 o Ddeddf 1991 a pharagraff 24 o Atodlen 3 iddi a diwygiwyd dros dro is-adran (1) gan adran 6 o Ddeddf Cynllunio (Darpariaethau Canlyniadol) 1990 (p.11) ac Atodlen 4 iddi, tan y caiff diwrnod ei bennu drwy Orchymyn o dan yr Atodlen honno. Mewnosodwyd adrannau 82B a 82F gan adrannau 83 a 79 o Ddeddf 2004 yn ôl eu trefn. Diwygiwyd adran 93(1) gan baragraff 33 o Atodlen 10 i Ddeddf yr Amgylchedd a mewnosodwyd is-adrannau (6A) a (6B) gan adran 118 o Ddeddf 2004 ac Atodlen 6 iddi.

(3) Trosglwyddwyd swyddogaethau o dan yr adrannau hynny, i'r graddau yr oeddent yn arferadwy mewn perthynas â Chymru, i Gynulliad Cenedlaethol Cymru gan Orchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999 (O.S. 1999/672). 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.

**2012 No. 793 (W.108)**

**TOWN AND COUNTRY  
PLANNING, WALES**

**The Planning (Listed Buildings and  
Conservation Areas) (Wales)  
Regulations 2012**

*Made* 10 March 2012  
*Laid before the National  
Assembly for Wales* 13 March 2012  
*Coming into force* 30 April 2012

The Welsh Ministers, in exercise of the powers conferred on the Secretary of State by sections 2, 10, 11, 19, 20, 21, 25, 28, 29, 32, 42, 74, 82, 82B, 82F, 91(1) and 93 of the Planning (Listed Buildings and Conservation Areas) Act 1990(2) and now exercisable by them(3), make the following Regulations.

**Title, commencement and application**

1.—(1) The title of these Regulations is the Planning (Listed Buildings and Conservation Areas) (Wales) Regulations 2012 and they come into force on 30 April 2012.

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(1) *See* the definition of "prescribed".

(2) 1990 c.9. Sections 2 and 32(1) were amended by section 20(4) and Schedule 6, paragraph 25 of the Local Government (Wales) Act 1994 (c.19). Section 10 was amended by sections 42 and 118 of the Planning and Compulsory Purchase Act 2004 (c.5) ("the 2004 Act"). Section 32(4) was amended by section 31 and Schedule 6, paragraph 44 of the Planning and Compensation Act 1991 (c.34) ("the 1991 Act") and subsection (4A) was inserted by Schedule 10, paragraph 33 of the Environment Act 1990 (c.25). Section 74(3) was amended by S.I. 2006/1281. Section 82 was amended by section 25 and Schedule 3, paragraph 24 of the 1991 Act and subsection (1) was temporarily amended by section 6 and Schedule 4 of the Planning (Consequential Provisions) Act 1990 (c.11) until such day as may be appointed by Order under that Schedule. Sections 82B and 82F were inserted by sections 83 and 79 of the 2004 Act respectively. Section 93(1) was amended by Schedule 10, paragraph 33 of the Environment Act and subsections (6A) and (6B) were inserted by section 118 and Schedule 6 of the 2004 Act.

(3) Functions under those sections, 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). 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.

(2) Mae'r Rheoliadau hyn yn gymwys i Gymru.

## Dehongli

2.—(1) Yn y Rheoliadau hyn—

mae i "cyfathrebiad electronig" yr ystyr a roddir i "*electronic communication*" yn adran 15(1) o Deddf Cyfathrebiadau Electronig 2000(1); ac

ystyr "y Ddeddf" ("*the Act*") yw Deddf Cynllunio (Adeiladau Rhestredig ac Ardaloedd Cadwraeth) 1990.

(2) Yn y Rheoliadau hyn, mewn perthynas â defnyddio cyfathrebiadau electronig at unrhyw ddiben yn y Rheoliadau hyn y mae modd ei gyflawni yn electronig—

- (a) bydd yr ymadrodd "cyfeiriad" ("*address*") yn cynnwys unrhyw rif neu gyfeiriad a ddefnyddir at ddibenion cyfathrebiadau o'r fath, ac eithrio pan fydd y Rheoliadau hyn yn gosod rhwymedigaeth ar unrhyw berson i roi enw a chyfeiriad i berson arall, ni fydd y rhwymedigaeth wedi ei chyflawni oni roddir cyfeiriad post gan y person y gosodir y rhwymedigaeth arno;
- (b) bydd cyfeiriadau at ffurflenni, planiau, hysbysiadau a dogfennau eraill, neu at gopiâu o'r dogfennau hynny, yn cynnwys cyfeiriadau at y dogfennau hynny, neu at gopiâu ohonynt, ar ffurf electronig.

(3) Bydd paragraffau (4) i (7) yn gymwys pan fydd person yn defnyddio cyfathrebiad electronig er mwyn cyflawni unrhyw ofyniad sydd yn y Rheoliadau hyn i roi neu anfon unrhyw ffurflen, plan, hysbysiad neu ddogfen arall at unrhyw berson arall.

(4) Rhaid cymryd y bydd y gofyniad wedi'i gyflawni pan fydd y ffurflen, plan, hysbysiad neu ddogfen arall a drosglwyddir drwy gyfrwng cyfathrebiad electronig—

- (a) yn rhai y gall y derbyniwr gael gafael arnynt,
- (b) yn ddarllenadwy ym mhob manylyn o bwys, ac
- (c) yn ddigon parhaol fel bod modd eu defnyddio i gyfeirio atynt yn nes ymlaen.

(5) Ym mharagraff (4), ystyr "yn ddarllenadwy ym mhob manylyn o bwys" ("*legible in all material respects*") yw bod yr wybodaeth a geir yn y ffurflen, plan, hysbysiad neu ddogfen arall ar gael i'r derbyniwr i'r un graddau o leiaf â phe bai wedi ei hanfon, neu ei rhoi drwy gyfrwng dogfen ar ffurf brintiedig.

(6) Os cafwyd y cyfathrebiad electronig gan y derbyniwr y tu allan i'w oriau busnes, rhaid cymryd ei fod wedi ei gael ar y diwrnod gwaith nesaf; ac at y

(2) These Regulations apply to Wales.

## Interpretation

2.—(1) In these Regulations—

"the Act" ("*y Ddeddf*") means the Planning (Listed Buildings and Conservation Areas) Act 1990; and

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

(2) In these Regulations, in relation to the use of electronic communications for any purpose of these Regulations which is capable of being effected electronically—

- (a) the expression "address" ("*cyfeiriad*") includes any number or address used for the purposes of such communications, except that where these Regulations impose an obligation on any person to provide a name and address to another person, the obligation is not fulfilled unless the person on whom it is imposed provides a postal address;
- (b) references to forms, plans, notices and other documents, or to copies of such documents, include references to such documents or copies of them in electronic form.

(3) Paragraphs (4) to (7) apply where an electronic communication is used by a person for the purpose of fulfilling any requirement in these Regulations to give or send any form, plan, notice or other document to any other person.

(4) The requirement must be taken to be fulfilled where the form, plan, notice or other document transmitted by means of the electronic communication is—

- (a) capable of being accessed by the recipient,
- (b) legible in all material respects, and
- (c) sufficiently permanent to be used for subsequent reference.

(5) In paragraph (4), "legible in all material respects" ("*yn ddarllenadwy ym mhob manylyn o bwys*") means that the information contained in the form, plan, notice or other document is available to the recipient to no lesser extent than it would be if sent or given by means of a document in printed form.

(6) Where the electronic communication is received outside the recipient's business hours, it must be taken to have been received on the next working day; and for

(1) 2000 p.7. Diwygiwyd adran 15(1) gan adran 406(1) o Ddeddf Cyfathrebiadau 2003 (p. 21) a pharagraff 158 o Atodlen 17 iddi.

(1) 2000 c.7. Section 15(1) was amended by section 406(1) and Schedule 17, paragraph 158 of the Communications Act 2003 (c. 21).

diben hwn ac at ddibenion paragraff (2) o reoliad 8, ystyr "diwrnod gwaith" ("*working day*") yw diwrnod nad yw'n ddydd Sadwrn, dydd Sul, Gwyl y Banc neu wyliau cyhoeddus arall.

(7) Mae gofyniad yn y Rheoliadau hyn, y dylai unrhyw ddogfen fod yn ysgrifenedig, wedi ei gyflawni pan fo'r ddogfen honno yn bodloni'r meini prawf ym mharagraff (4), ac mae "yn ysgrifenedig" ("*written*") ac ymadroddion cytras i'w dehongli yn unol â hynny.

### **Ceisiadau am ganiatâd adeilad rhestredig neu ganiatâd ardal gadwraeth**

3.—(1) Yn ddarostyngedig i baragraff (7), rhaid i ganiatâd adeilad rhestredig neu ganiatâd ardal gadwraeth—

- (a) cael ei wneud yn ysgrifenedig, i awdurdod cynllunio lleol, ar ffurflen a gyhoeddwyd gan Weinidogion Cymru (neu ffurflen sy'n cael effaith sylweddol debyg);
- (b) cynnwys y manylion a bennir neu y cyfeirir atynt yn y ffurflen; ac
- (c) dod gyda'r canlynol, boed hynny yn electronig neu fel arall—
  - (i) y planiau, lluniadau a'r wybodaeth o'r math sy'n angenrheidiol i ddisgrifio'r gwaith sydd o dan sylw yn y cais;
  - (ii) ac eithrio pan fo'r cais yn cael ei wneud drwy gyfathrebiad electronig neu fod yr awdurdod cynllunio lleol yn mynegi bod llai yn ofynnol, 3 chopi o'r ffurflen; a
  - (iii) ac eithrio pan gyflwynir hwy drwy gyfathrebiad electronig neu fod yr awdurdod cynllunio lleol yn mynegi bod llai yn ofynnol, 3 chopi o unrhyw blaniau, lluniadau neu wybodaeth sy'n dod gyda'r cais y cyfeirir atynt ym mharagraff (i).

(2) Rhaid i unrhyw blaniau neu luniadau sydd yn ofynnol i'w darparu gan baragraff (1)(c)(i) gael eu llunio i raddfa a ddynodir, ac yn achos planiau, rhaid iddynt ddangos cyfeiriad y gogledd.

(3) Pan fo'r awdurdod cynllunio lleol y mae'n rhaid cyflwyno'r cais iddo yn cael—

- (a) cais sy'n cydymffurfio â gofynion paragraff (1);
- (b) y dystysgrif sy'n ofynnol gan reoliad 7;
- (c) mewn achos lle y mae rheoliad 6 yn gymwys iddo, y datganiad cynllunio a mynediad;

rhaid i'r awdurdod, cyn gynted ag y bo'n rhesymol ymarferol, anfon cydnabyddiaeth i'r ceisydd yn y termau a nodir yn Rhan 1 o Atodlen 1 (neu mewn termau sylweddol debyg iddynt).

(4) Pan fo awdurdod cynllunio lleol yn barnu, wedi iddo anfon y gydnabyddiaeth fel sy'n ofynnol gan baragraff (3), fod y cais yn annilys, rhaid iddo, cyn

this purpose and the purposes of paragraph (2) of regulation 8, "working day" ("*diwrnod gwaith*") means a day which is not a Saturday, Sunday, Bank Holiday or other public holiday.

(7) A requirement in these Regulations that any document should be in writing is fulfilled where that document meets the criteria in paragraph (4), and "written" ("*yn ysgrifenedig*") and cognate expressions are to be construed accordingly.

### **Applications for listed building consent or for conservation area consent**

3.—(1) Subject to paragraph (7), an application for listed building consent or conservation area consent must—

- (a) be made in writing to a local planning authority on a form published by the Welsh Ministers (or a form to substantially the same effect);
- (b) include the particulars specified or referred to in the form; and
- (c) be accompanied, whether electronically or otherwise, by—
  - (i) such plans, drawings and information as are necessary to describe the works which are the subject of the application;
  - (ii) except where the application is made by electronic communication or the local planning authority indicate that fewer are required, 3 copies of the form; and
  - (iii) except where they are submitted by electronic communication or the local planning authority indicate that fewer are required, 3 copies of any plans, drawings or information accompanying the application referred to in paragraph (i).

(2) Any plans or drawings required to be provided by paragraph (1)(c)(i) must be drawn to an identified scale and, in the case of plans, must show the direction of north.

(3) When the local planning authority with whom the application has to be lodged receive—

- (a) an application which complies with the requirements of paragraph (1);
- (b) the certificate required by regulation 7;
- (c) in a case to which regulation 6 applies, the design and access statement;

the authority must, as soon as is reasonably practicable, send to the applicant an acknowledgement in the terms (or substantially in the terms) set out in Part 1 of Schedule 1.

(4) Where, after sending an acknowledgement as required by paragraph (3), the local planning authority form the opinion that the application is invalid they

gynted ag y bo'n rhesymol ymarferol, hysbysu'r ceisydd bod y cais yn annilys.

(5) Pan gafwyd cais dilys o dan baragraff (1) gan awdurdod cynllunio lleol, cyfnod o 8 wythnos yw'r amser a ganiateir i'r awdurdod roi hysbysiad o'i benderfyniad i'r ceisydd neu roi hysbysiad iddo o gyfeirio'r cais at Weinidogion Cymru, yn cychwyn ar y dyddiad y cyflwynwyd y cais a'r dystysgrif o dan reoliad 7 i'r awdurdod, neu, (ac eithrio pan fo'r ceisydd eisoes wedi rhoi hysbysiad o apêl i Weinidogion Cymru) gyfnod arall y cytunir arno, ar unrhyw adeg, yn ysgrifenedig rhwng y ceisydd a'r awdurdod.

(6) Rhaid i bob hysbysiad o benderfyniad neu hysbysiad o gyfeirio at Weinidogion Cymru o'r fath gael ei wneud yn ysgrifenedig, a phan fo awdurdod cynllunio lleol yn penderfynu rhoi caniatâd adeilad rhestredig neu ganiatâd ardal gadwraeth yn ddarostyngedig i amodau, neu eu gwrthod, rhaid i'r hysbysiad ddatgan y rhesymau dros y penderfyniad a rhaid iddo ddod gyda hysbysiad yn y termau a nodir yn Rhan 2 o Atodlen 1 (neu mewn termau sylweddol debyg iddynt).

(7) Caiff cais am ganiatâd adeilad rhestredig neu ganiatâd ardal gadwraeth neu gais am amrywio neu ollwng amodau sydd ynghlwm wrth ganiatâd adeilad rhestredig neu ganiatâd ardal gadwraeth a wnaed ar neu ar ôl 30 Ebrill 2012 a chyn 31 Mai 2012, gan unrhyw un heblaw awdurdod cynllunio lleol, gael ei wneud yn ysgrifenedig ar ffurflen a gynlluniwyd gan yr awdurdod cynllunio lleol a rhaid iddi ddod gyda dau gopi pellach o'r ffurflen, planiau a lluniadau.

#### **Ceisiadau i amrywio neu ollwng amodau sydd ynghlwm wrth ganiatâd adeilad rhestredig neu ganiatâd ardal gadwraeth**

4.—(1) Rhaid i gais i awdurdod cynllunio lleol i amrywio neu ollwng amodau sydd ynghlwm wrth ganiatâd adeilad rhestredig neu ganiatâd ardal gadwraeth a roddwyd mewn perthynas â'r adeilad hwnnw, gael ei wneud yn unol â rheoliad 3(1).

(2) Mae paragraffau (3) i (6) o reoliad 3 yn cael effaith mewn perthynas â chais o dan y rheoliad hwn, fel y maent yn cael effaith mewn perthynas â chais o dan reoliad 3(1), ac eithrio'r cyfeiriad yn rheoliad 3(6) at hysbysiad yn y termau a nodir yn Rhan 2 o Atodlen 1, y rhodder yn ei le, gyfeiriad at hysbysiad yn y termau a nodir yn Rhan 3 o'r Atodlen honno.

#### **Cais am ganiatâd adeilad rhestredig neu ganiatâd ardal gadwraeth o ran tir y Goron**

5. Mae darpariaethau canlynol y Rheoliadau hyn, yn eu cymhwysiad i wneud a phenderfynu ceisiadau am ganiatâd adeilad rhestredig a chaniatâd ardal gadwraeth o ran tir y Goron, yn cael effaith yn ddarostyngedig i'r addasiadau canlynol—

must, as soon as is reasonably practicable, notify the applicant that the application is invalid.

(5) Where a valid application under paragraph (1) has been received by a local planning authority, the time within which the authority must give notice to the applicant of their decision or of the reference of the application to the Welsh Ministers is a period of 8 weeks beginning with the date the application and the certificate under regulation 7 are lodged with the authority or (except where the applicant has already given notice of appeal to the Welsh Ministers) such other period as may at any time be agreed upon in writing between the applicant and the authority.

(6) Every such notice of decision or reference to the Welsh Ministers must be in writing and where the local planning authority decide to grant listed building consent or conservation area consent subject to conditions or to refuse it, the notice must state the reasons for the decision and must be accompanied by a notification in the terms (or substantially in the terms) set out in Part 2 of Schedule 1.

(7) An application for listed building consent or conservation area consent or an application to vary or discharge conditions attached to a listed building consent or conservation area consent made on or after 30 April 2012 and before 31 May 2012, otherwise than by a local planning authority, may be made in writing on a form devised by the local planning authority and must be accompanied by two further copies of the form, plans and drawings.

#### **Applications to vary or discharge conditions attached to listed building consent or conservation area consent**

4.—(1) An application to a local planning authority for the variation or discharge of conditions attached to a listed building consent or conservation area consent granted in respect of that building must be made in accordance with regulation 3(1).

(2) Paragraphs (3) to (6) of regulation 3 have effect in relation to an application under this regulation as they have effect in relation to an application under regulation 3(1), except that for the reference in regulation 3(6) to a notification in the terms set out in Part 2 of Schedule 1, there is substituted reference to a notification in the terms set out in Part 3 of that Schedule.

#### **Application for listed building or conservation area consent in respect of Crown land**

5. The following provisions of these Regulations, in their application to the making and determination of applications for listed building consent and conservation area consent in respect of Crown land, have effect subject to the following modifications—



- (a) yn rheoliad 3(3)(b), yn lle "y dystysgrif sy'n ofynnol gan reoliad 7" rhodder "y dystysgrif neu ddogfen arall sy'n ofynnol gan reoliad 7";
- (b) yn rheoliad 7—
  - (i) ym mharagraff (1) ar ôl "oni bai bod" mewnosoder "y dogfennau a ddisgrifir ym mharagraff (1A), neu", a
  - (ii) ar ôl paragraff (1) mewnosoder—  
"(1A) Rhaid i gais am ganiatâd adeilad rhestredig neu ganiatâd ardal gadwraeth o ran tir y Goron, ddod gyda'r canlynol—
    - (a) datganiad bod y cais yn cael ei wneud o ran tir y Goron; a
    - (b) pan fo cais yn cael ei wneud gan berson sydd wedi ei awdurdodi yn ysgrifenedig gan yr awdurdod priodol, copi o'r awdurdodiad hwnnw."

### **Datganiadau dylunio a mynediad**

6.—(1) Rhaid i unrhyw gais i awdurdod cynllunio lleol am ganiatâd adeilad rhestredig ddod gyda datganiad ("datganiad dylunio a mynediad") sy'n esbonio—

- (a) yr egwyddorion a'r cysyniadau dylunio sydd wedi eu cymhwyso i'r gwaith; a
- (b) yn ddarostyngedig i baragraff (4), sut yr ymdriniwyd â materion sy'n ymwneud â mynediad i'r adeilad.

(2) Rhaid i ddatganiad dylunio a mynediad, mewn perthynas â dyluniad—

- (a) esbonio'r egwyddorion a'r cysyniadau dylunio sydd wedi eu cymhwyso i'r agweddau canlynol ar y gwaith—
  - (i) ymddangosiad;
  - (ii) cynaliadwyedd amgylcheddol;
  - (iii) cynllun; a
  - (iv) graddfa; a
- (b) esbonio sut y mae'r egwyddorion a'r cysyniadau y cyfeirir atynt yn is-baragraff (a) yn cymryd y canlynol i ystyriaeth—
  - (i) pwysigrwydd pensaernïol neu hanesyddol arbennig yr adeilad;
  - (ii) nodweddion ffisegol penodol yr adeilad sy'n cyfiawnhau ei fod wedi ei ddynodi'n adeilad rhestredig; a
  - (iii) lleoliad yr adeilad.

(3) Yn ddarostyngedig i baragraff (4), rhaid i ddatganiad dylunio a mynediad, mewn perthynas â mynediad, esbonio'r canlynol—

- (a) y polisi neu'r dull a fabwysiadwyd mewn perthynas â mynediad, gan gynnwys—
  - (i) pa ddulliau mynediad amgen a ystyriwyd; a

- (a) in regulation 3(3)(b), for "the certificate required by regulation 7" substitute "the certificate or other document required by regulation 7";
- (b) in regulation 7—
  - (i) in paragraph (1) after "accompanied by" insert "the documents described in paragraph (1A) or", and
  - (ii) after paragraph (1) insert—  
"(1A) An application for listed building or conservation area consent in respect of Crown land must be accompanied by—
    - (a) a statement that the application is made in respect of Crown land; and
    - (b) where the application is made by a person authorised in writing by the appropriate authority, a copy of that authorisation."

### **Design and access statements**

6.—(1) Any application to a local planning authority for listed building consent must be accompanied by a statement ("a design and access statement") explaining—

- (a) the design principles and concepts that have been applied to the works; and
- (b) subject to paragraph (4), how issues relating to access to the building have been dealt with.

(2) 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 works—
  - (i) appearance;
  - (ii) environmental sustainability;
  - (iii) layout; and
  - (iv) scale; and
- (b) explain how the principles and concepts referred to in sub-paragraph (a) take 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.

(3) Subject to paragraph (4), a design and access statement must, in relation to access, explain—

- (a) the policy or approach adopted as to access, including—
  - (i) what alternative means of access have been considered; and

- (ii) sut y cymerwyd y polisiau mewn perthynas â mynediad yn y cynllun datblygu(1) i ystyriaeth;
- (b) sut y mae'r polisi neu'r dull a fabwysiadwyd mewn perthynas â mynediad yn cymryd y canlynol i ystyriaeth—
  - (i) pwysigrwydd pensaernïol neu hanesyddol arbennig yr adeilad;
  - (ii) nodweddion ffisegol penodol yr adeilad sy'n cyfiawnhau ei fod wedi ei ddynodi'n adeilad rhestredig; a
  - (iii) lleoliad yr adeilad;
- (c) sut yr aethpwyd i afael â materion penodol, a allai effeithio ar fynediad i'r adeilad; ac
- (ch) sut y cynhelir y nodweddion sy'n sicrhau mynediad i'r adeilad.

(4) Nid yw paragraffau (1)(b) a (3) yn gymwys mewn perthynas â chais am ganiatâd adeilad rhestredig i wneud gwaith nad yw ond yn effeithio ar du mewn i adeilad.

(5) Yn y rheoliad hwn—

ystyr "cynllun" ("*layout*") yw'r modd y mae'r gwaith wedi ei leoli a'i gyfeirio mewn perthynas â'r adeilad y mae'n ymwneud ag ef ac adeiladau eraill, llwybrau a gofodau;

ystyr "graddfa" ("*scale*") yw hyd a lled a dimensiynau'r gwaith mewn perthynas â'r adeilad a'i amgylchoedd; ac

ystyr "ymddangosiad" ("*appearance*"), mewn perthynas â'r gwaith a'r adeilad y mae'r gwaith yn ymwneud ag ef, yw'r agweddau o'r gwaith a'r adeilad sydd yn penderfynu'r argraff weledol y maent yn eu gwneud, gan gynnwys y ffurf allanol y mae'r gwaith a'r adeilad wedi eu hadeiladu ynddi, eu pensaernïaeth, nodweddion, deunydd, addurno, goleuo, lliw a'u gwriad.

### Tystysgrif sydd i ddod gyda cheisiadau ac apelau

7.—(1) Rhaid i awdurdod cynllunio lleol beidio â chroesawu unrhyw gais o dan reoliad 3 neu 4 oni bai bod un o'r tystysgrifau canlynol wedi ei llofnodi gan y ceisydd neu ar ei ran, yn dod gydag ef—

- (a) tystysgrif sy'n datgan nad oedd neb, ar ddechrau'r cyfnod o 21 o ddiwrnodau sy'n dod i ben ar ddyddiad y cais, (ar wahân i'r ceisydd) yn berchennog ar yr adeilad neu unrhyw ran ohono;

- (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.

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

(5) In this regulation—

"appearance" ("*ymddangosiad*"), in relation to the works and the building to which the works relate, means the aspects of the works and the building which determine the visual impression they make, including the external built form of the works and the building, their architecture, features, materials, decoration, lighting, colour and texture;

"layout" ("*cynllun*") means the way in which the works are situated and orientated in relation to the building to which the works relate and to other buildings, routes and spaces; and

"scale" ("*graddfa*") means the extent and dimensions of the works in relation to the building and its surroundings.

### Certificate to accompany applications and appeals

7.—(1) A local planning authority must not entertain any application under regulation 3 or 4 unless it is accompanied by one of the following certificates signed by or on behalf of the applicant—

- (a) a certificate stating that, at the beginning of the period of 21 days ending with the date of the application, no person (other than the applicant) was the owner of the building or any part of it;

(1) *Gweler* adrannau 38 a 62 o Ddeddf 2004; y darpariaethau trosiannol yn erthygl 3 o Orchymyn Deddf Cynllunio a Phrynu Gorfodol 2004 (Cychwyn Rhif 6, Darpariaethau Trosiannol ac Arbedion) 2005 (O.S. 2005/2847) a'r darpariaethau trosiannol yn Rhan III o Atodlen 5 i Ddeddf Llywodraeth Leol (Cymru) 1994 (p.19).

(1) *See* sections 38 and 62 of the 2004 Act; the transitional provisions in article 3 of the Planning and Compulsory Purchase Act 2004 (Commencement No.6, Transitional Provisions and Savings) Order 2005 (S.I. 2005/2847) and the transitional provisions of Part III of Schedule 5 to, the Local Government (Wales) Act 1994 (c.19).

- (b) tystysgrif sy'n datgan bod y ceisydd wedi rhoi hysbysiad o'r cais sy'n ofynnol i bob person (ar wahân i'r ceisydd) a oedd yn berchennog ar yr adeilad neu unrhyw ran ohono ar ddechrau'r cyfnod hwnnw, ac yn nodi enwau'r personau hynny, y cyfeiriadau lle y rhoddwyd hysbysiad o'r cais iddynt, yn eu trefn a dyddiad cyflwyno pob hysbysiad o'r fath;
- (c) tystysgrif sy'n datgan bod y ceisydd yn methu â dyroddi tystysgrif yn unol ag is-baragraffau (a) neu (b), bod y ceisydd wedi rhoi'r hysbysiad o'r cais sy'n ofynnol i un neu ragor o'r personau hynny a grybwyllir yn is-baragraff (b) fel a bennir ar y dystysgrif (yn nodi enwau'r personau hynny, y cyfeiriadau lle y rhoddwyd hysbysiad o'r cais iddynt, yn eu trefn, a dyddiad cyflwyno pob hysbysiad o'r fath), bod y ceisydd wedi cymryd y camau hynny sy'n rhesymol agored iddo (gan bennu'r camau a gymerwyd) i ganfod enwau a chyfeiriadau'r personau hynny sydd ar ôl a bod y ceisydd wedi methu â'u cael;
- (ch) tystysgrif sy'n datgan bod y ceisydd yn methu â dyroddi tystysgrif yn unol ag is-baragraff (a), bod y ceisydd wedi cymryd y camau hynny sy'n rhesymol agored iddo (gan bennu'r camau a gymerwyd) i ganfod enwau a chyfeiriadau'r personau a grybwyllir yn is-baragraff (b) ond wedi methu â'u cael.

(2) Rhaid hefyd i unrhyw dystysgrif o'r fath fel a grybwyllir ym mharagraff (1)(c) neu baragraff (1)(ch) gynnwys datganiad bod yr hysbysiad o'r cais sy'n ofynnol, fel a nodir yn y dystysgrif, wedi cael ei gyhoeddi, ar ddyddiad a bennir yn y dystysgrif (nad yw'n gynt na dechrau'r cyfnod a grybwyllir ym mharagraff (1)(a)) mewn papur newydd lleol sy'n cylchredeg yn yr ardal leol y mae'r adeilad wedi ei leoli ynddi.

(3) Pan fo cais o dan reoliad 3 neu 4 yn dod gyda thystysgrif o'r math a grybwyllir ym mharagraff (1)(b), paragraff (1)(c), neu baragraff (1)(ch), o ran yr awdurdod cynllunio lleol—

- (a) rhaid iddo beidio â phenderfynu cais cyn diwedd y cyfnod o 21 o ddiwrnodau sy'n cychwyn gyda'r dyddiad sy'n ymddangos ar y dystysgrif fel y dyddiad diweddaraf o'r dyddiadau cyflwyno'r hysbysiadau fel a grybwyllir yn y dystysgrif, neu, os yw'n hwyrach, ddyddiad cyhoeddi'r hysbysiad fel y crybwyllir felly;
- (b) wrth benderfynu'r cais rhaid iddo gymryd i ystyriaeth unrhyw sylwadau sy'n ymwneud ag ef sy'n cael eu gwneud iddo cyn diwedd y cyfnod hwnnw gan unrhyw berson sy'n bodloni'r awdurdod hwnnw fod y person yn berchennog ar yr adeilad neu unrhyw ran ohono; ac

- (b) a certificate stating that the applicant has given the requisite notice of the application to all persons (other than the applicant) who at the beginning of that period were owners of the building or any part of it, and setting out the names of those persons, the addresses at which notice of the application was given to them respectively, and the date of service of each such notice;
- (c) a certificate stating that the applicant is unable to issue a certificate in accordance with either sub-paragraphs (a) or (b), that the applicant has given the requisite notice of the application to such one or more of the persons mentioned in sub-paragraph (b) as are specified in the certificate (setting out their names, the addresses at which notice of the application was given to them respectively, and the date of service of each such notice), that the applicant has taken such steps as are reasonably open to them (specifying the steps taken) to ascertain the names and addresses of the remainder of those persons and that the applicant has been unable to do so;
- (d) a certificate stating that the applicant is unable to issue a certificate in accordance with sub-paragraph (a), that the applicant has taken such steps as are reasonably open to them (specifying the steps taken) to ascertain the names and addresses of the persons mentioned in sub-paragraph (b) but has been unable to do so.

(2) Any such certificate as is mentioned in paragraph (1)(c) or paragraph (1)(d) must also contain a statement that the requisite notice of the application, as set out in the certificate, has been on a date specified in the certificate (which must not be earlier than the beginning of the period mentioned in paragraph (1)(a)) published in a local newspaper circulating in the locality in which the building is situated.

(3) Where an application under regulation 3 or 4 is accompanied by such a certificate as is mentioned in paragraph (1)(b), paragraph (1)(c), or paragraph (1)(d), the local planning authority—

- (a) must not determine the application before the end of the period of 21 days beginning with the date appearing from the certificate to be the latest of the dates of service of notices as mentioned in the certificate, or, if later, the date of publication of a notice as so mentioned;
- (b) must in determining the application take into account any representations relating to it which are made to them before the end of that period by any person who satisfies them that the person is an owner of the building or any part of it; and

(c) rhaid iddo roi hysbysiad o'i benderfyniad i bawb sydd wedi gwneud sylwadau yr oedd yn ofynnol iddo eu hystyried yn unol ag is-baragraff (b).

(4) At ddibenion y rheoliad hwn, ystyr "perchennog" ("owner") yw person sydd, am y tro yn berchennog ystâd o ran y ffi syml neu â hawl i denantiaeth a roddwyd neu a estynnwyd am gyfnod pendant o flynyddoedd nad oes llai na saith mlynedd i fynd cyn y daw i ben.

(5) Bydd darpariaethau'r rheoliad hwn yn gymwys, gydag unrhyw addasiadau angenrheidiol, pan fo cais o dan reoliad 3 neu 4 yn cael ei gyfeirio (neu'n cael ei farnu y cyfeiriwyd felly) i Weinidogion Cymru o dan adran 12(1) o'r Ddeddf, neu, mewn perthynas ag apêl i Weinidogion Cymru o dan adrannau 20 neu 21 o'r Ddeddf, fel y maent yn gymwys mewn perthynas â chais sy'n cael ei benderfynu gan yr awdurdod cynllunio lleol.

(6) Bydd darpariaethau'r rheoliad hwn yn gymwys pan fo cais am ganiatâd adeilad rhestredig yn cael ei wneud i Weinidogion Cymru o dan adran 82B(2)(2) o'r Ddeddf, fel y maent yn gymwys mewn perthynas â chais sy'n cael ei benderfynu gan yr awdurdod cynllunio lleol gyda'r addasiadau canlynol—

(a) ym mharagraff (1) yn lle "Rhaid i awdurdod cynllunio lleol beidio â chrosawu unrhyw gais o dan reoliad 3 neu 4" rhodder "Rhaid i Weinidogion Cymru beidio â chrosawu unrhyw gais o dan adran 82B(2) o'r Ddeddf";

(b) hepgorer paragraff (3).

(7) Rhaid i dystysgrif sy'n cael ei dyroddi at ddibenion y rheoliad hwn fod ar ffurf a gyhoeddwyd gan Weinidogion Cymru, neu ffurf sydd ag effaith sylweddol debyg.

(8) Rhaid i'r hysbysiadau gofynnol, at ddibenion y rheoliad hwn, mewn perthynas â cheisiadau fod yn y ffurfiau a nodir yn Rhan 1 o Atodlen 2.

(9) Rhaid i'r hysbysiadau gofynnol, at ddibenion y rheoliad hwn, mewn perthynas ag apelau fod yn y ffurfiau a nodir yn Rhan 2 o Atodlen 2.

### Defnyddio cyfathrebiadau electronig

8.—(1) Mae paragraff (2) o'r rheoliad hwn yn gymwys pan fo cyfathrebiad electronig yn cael ei ddefnyddio at y diben o wneud cais—

(a) o dan reoliad 3; neu

(b) o dan reoliad 4.

(c) must give notice of their decision to every person who has made representations which they were required to take into account in accordance with sub-paragraph (b).

(4) For the purposes of this regulation, "owner" ("perchennog") means a person who is for the time being the estate owner in respect of the fee simple or is entitled to a tenancy granted or extended for a term of years certain of which not less than seven years remain unexpired.

(5) The provisions of this regulation will apply, with any necessary modifications, where an application under regulation 3 or 4 is referred (or is deemed to have been referred) to the Welsh Ministers under section 12(1) of the Act or, in relation to an appeal to the Welsh Ministers under sections 20 or 21 of the Act, as they apply in relation to an application which falls to be determined by the local planning authority.

(6) The provisions of this regulation will apply where an application for listed building consent is made to the Welsh Ministers under section 82B(2)(2) of the Act, as they apply in relation to an application which falls to be determined by the local planning authority with the following modifications—

(a) in paragraph (1) for "A local planning authority must not entertain any application under regulation 3 or 4" substitute "The Welsh Ministers must not entertain any application under section 82B(2) of the Act";

(b) omit paragraph (3).

(7) A certificate issued for the purposes of this regulation must be in the form published by the Welsh Ministers, or in a form substantially to the like effect.

(8) The requisite notices for the purposes of this regulation in relation to applications must be in the forms set out in Part 1 of Schedule 2.

(9) The requisite notices for the purposes of this regulation in relation to appeals must be in the forms set out in Part 2 of Schedule 2.

### Use of electronic communications

8.—(1) Paragraph (2) of this regulation applies where an electronic communication is used for the purpose of making an application—

(a) under regulation 3; or

(b) under regulation 4.

(1) Diwygiwyd adran 12 gan adran 17 o Ddeddf Trafnidiaeth a Gweithfeydd 1992 (p. 42).

(2) Mewnosodwyd adran 82B gan adran 83 o Ddeddf Cynllunio a Phrynu Gorfodol 2004 (p.5).

(1) Section 12 was amended by section 17 of the Transport and Works Act 1992 (c. 42).

(2) Section 82B was inserted by section 83 of the Planning and Compulsory Purchase Act 2004 (c. 5).

(2) Rhaid i'r cyfeiriad ym mharagraff (5) o reoliad 3 at y dyddiad y cyflwynir y ffurflen a'r dystysgrif i'r awdurdod cynllunio lleol gael ei ddehongli fel cyfeiriad at y dyddiad pan drosglwyddwyd y ffurflen a'r dystysgrif i'r awdurdod drwy'r cyfathrebiad electronig; ond pan fo'r cyfathrebiad yn dod i law y tu allan i oriau busnes yr awdurdod, rhaid cymryd ei fod wedi dod i law ar ddiwrnod gwaith nesaf yr awdurdod.

(3) Pan fo awdurdod cynllunio lleol yn cynnal gwefan at ddiben hysbysebu ceisiadau, mae rheoliad 10 yn gymwys, gydag addasiadau ym mharagraff (4).

(4) Yn rheoliad 10—

(a) yn lle is-baragraff (a) o baragraff (1) rhodder—

"(a)rhaid iddo gyhoeddi hysbysiad mewn papur newydd sy'n cylchredeg yn yr ardal leol y mae'r adeilad wedi ei leoli ynddi, sy'n mynegi natur y gwaith sydd o dan sylw yn y cais, ac yn gwneud y canlynol—

- (i) yn enwi man o fewn yr ardal leol lle y mae copi o'r cais ac o'r holl blaniau a dogfennau eraill a gyflwynwyd gydag ef ar gael i'w harchwilio gan y cyhoedd ar bob awr resymol yn ystod y cyfnod o 21 o ddiwrnodau sy'n cychwyn ar ddyddiad cyhoeddi'r hysbysiad; a
- (ii) yn nodi cyfeiriad y wefan lle y mae copi o'r cais ac o'r holl blaniau a dogfennau eraill a gyflwynwyd gydag ef ar gael i'w harchwilio gan y cyhoedd yn ystod y cyfnod o 21 o ddiwrnodau sy'n cychwyn ar ddyddiad cyhoeddi'r hysbysiad, a'r man ar y wefan lle y gellir cael gafael ar y dogfennau hynny, a sut y gellir cael gafael arnynt; a";

(b) ym mharagraff (2), yn lle "ddau gyfnod canlynol" rhodder "cyfnodau canlynol", ac yn lle "ddau gyfnod hwnnw" rhodder "cyfnodau hynny", ac yn is-baragraff (a) ar ôl "is-baragraff (a)" mewnosoder "(i) neu (ii)".

(5) Mae paragraff (6) o'r rheoliad hwn yn gymwys pan fo person yn defnyddio cyfathrebiad electronig ar gyfer unrhyw un o'r dibenion canlynol—

- (a) gwneud cais o dan reoliad 3;
- (b) gwneud cais o dan adran 82B(2) o'r Ddeddf am ganiatâd;
- (c) gwneud cais o dan reoliad 4;
- (ch) rhoi hysbysiad o apêl i Weinidogion Cymru o dan reoliad 12;
- (d) gwneud cais am ddigolledu o dan reoliad 13,

(2) The reference in paragraph (5) of regulation 3 to the date when the form and certificate are lodged with the local planning authority must be construed as a reference to the date when the form and certificate are transmitted to the authority by means of the electronic communication; but where the communication is received outside the authority's business hours, it must be taken to have been received on the authority's next working day.

(3) Where a local planning authority maintain a website for the purpose of advertising applications, regulation 10 applies with the modifications in paragraph (4).

(4) In regulation 10—

(a) for sub-paragraph (a) of paragraph (1), substitute—

"(a)publish in a local newspaper circulating in the locality in which the building is situated a notice indicating the nature of the works which are the subject of the application and—

- (i) naming a place within the locality where a copy of the application and of all plans and other documents submitted with it are open to inspection by the public at all reasonable hours during the period of 21 days beginning with the date of publication of the notice; and
- (ii) stating the address of a website where a copy of the application and of all plans and other documents submitted with it are open to inspection by the public during the period of 21 days beginning with the date of publication of the notice, and the place on the website where such documents may be accessed, and how they may be accessed; and";

(b) in paragraph (2), omit "both of" in both places in which it occurs, and in sub-paragraph (a) after "sub-paragraph (a)" insert "(i) or (ii)".

(5) Paragraph (6) of this regulation applies where a person uses electronic communications for any of the following purposes—

- (a) making an application under regulation 3;
- (b) making an application under section 82B(2) of the Act for consent;
- (c) making an application under regulation 4;
- (d) giving notice of appeal to the Welsh Ministers under regulation 12;
- (e) making a claim under regulation 13 for

neu gyflwyno hysbysiad prynu adeilad rhestredig o dan y rheoliad hwnnw.

(6) Mewn achos y mae'r paragraff hwn yn gymwys iddo, ac eithrio pan ymddengys bwriad i'r gwrthwyneb, cymerir bod y person sy'n gwneud y cais neu yr hawliad neu yn rhoi neu yn cyflwyno'r hysbysiad, wedi cytuno—

- (a) i ddefnyddio cyfathrebiadau electronig at bob diben mewn perthynas â'r cais, apêl, hawliad neu hysbysiad (yn ôl y digwydd) sy'n gallu cael ei gyflawni drwy ddefnyddio cyfathrebiadau o'r fath;
- (b) mai'r cyfeiriad at ddiben cyfathrebiadau o'r fath yw'r cyfeiriad at ymgorfforir yn y cais, apêl, hawliad neu hysbysiad neu a gysylltir â hwynt yn rhesymegol;
- (c) y bernir bod cytundeb o dan y paragraff hwn yn bodoli tan i'r ceisydd roi hysbysiad yn ysgrifenedig o'i ddyddiad i ddirymu'r cytundeb (ac mae'r dirymiad hwnnw yn cael effaith ar ddyddiad a bennir gan y ceisydd, nad yw'n llai na saith niwrnod ar ôl y dyddiad y rhoddir yr hysbysiad).

#### Ceisiadau gan awdurdodau cynllunio lleol

9.—(1) O ran ceisiadau gan awdurdodau cynllunio lleol mewn perthynas â gwneud gwaith dymchwel, newid neu estyn adeiladau rhestredig neu ar gyfer dymchwel adeiladau sydd heb eu rhestru mewn ardaloedd cadwraeth, mae darpariaethau'r Ddeddf a bennir yn adran 82(3) o'r Ddeddf yn cael effaith yn ddarostyngedig i'r eithriadau a'r addasiadau sydd wedi eu rhagnodi yn y rheoliad hwn.

(2) Pan fo'n ofynnol i awdurdod cynllunio lleol gael caniatâd adeilad rhestredig i ddymchwel, newid neu estyn adeilad rhestredig yn ei ardal neu gael caniatâd ardal gadwraeth i ddymchwel adeilad o fewn ardal gadwraeth yn ei ardal, rhaid i'r awdurdod wneud cais i Weinidogion Cymru am y caniatâd hwnnw.

(3) Rhaid i unrhyw gais o'r fath fod ar ffurf cais i awdurdod cynllunio lleol a bernir ei fod wedi ei gyfeirio at Weinidogion Cymru o dan adran 12 o'r Ddeddf. Mae darpariaethau'r adran honno yn gymwys i benderfyniad ar y cais gan Weinidogion Cymru.

(4) Pan fo awdurdod cynllunio lleol yn gwneud cais am ganiatâd o dan baragraff (2) rhaid iddo wneud y canlynol cyn ei anfon at Weinidogion Cymru—

- (a) cyhoeddi hysbysiad, yn y papur newydd lleol sy'n cylchredeg yn yr ardal leol y mae'r adeilad wedi ei leoli ynddi, sy'n mynegi natur y gwaith sydd o dan sylw yn y cais ac yn enwi man o fewn yr ardal leol lle y mae copi o'r cais ac o'r holl blaniau a dogfennau eraill y mae'n fwriad ganddo eu cyflwyno i Weinidogion Cymru

compensation, or serving a listed building purchase notice under that regulation.

(6) In a case to which this paragraph applies, and except where a contrary intention appears, the person making the application or claim or giving or serving the notice is taken to have agreed—

- (a) to the use of electronic communications for all purposes relating to the application, appeal, claim or notice (as the case may be) which are capable of being effected using such communications;
- (b) that the address for the purpose of such communications is the address incorporated into or otherwise logically associated with the application, appeal, claim or notice;
- (c) that deemed agreement under this paragraph subsists until the applicant gives notice in writing that the applicant wishes to revoke the agreement (and such revocation takes effect on a date specified by the applicant being not less than seven days after the date on which the notice is given).

#### Applications by local planning authorities

9.—(1) In relation to applications by local planning authorities relating to the execution of works for the demolition, alteration or extension of listed buildings or for the demolition of unlisted buildings in conservation areas, the provisions of the Act specified in section 82(3) of the Act have effect subject to the exceptions and modifications prescribed in this regulation.

(2) Where a local planning authority require listed building consent for the demolition, alteration or extension of a listed building in their area or conservation area consent for the demolition of a building within a conservation area in their area, the authority must make an application to the Welsh Ministers for that consent.

(3) Any such application must be in the form of an application to the local planning authority and is deemed to have been referred to the Welsh Ministers under section 12 of the Act. The provisions of that section apply to the determination of the application by the Welsh Ministers.

(4) Where a local planning authority are making an application for consent under paragraph (2) they must, before sending it to the Welsh Ministers—

- (a) publish in a local newspaper circulating in the locality in which the building is situated a notice indicating the nature of the works which are the subject of the application and naming a place within the locality where a copy of the application and of all the plans and other documents which it is intended to submit to the

gydag ef, ar gael i'w harchwilio gan y cyhoedd ar bob awr resymol yn ystod y cyfnod o 21 o ddiwrnodau sy'n cychwyn ar ddyddiad cyhoeddi'r hysbysiad; a

- (b) am ddim llai na 7 niwrnod, arddangos hysbysiad sydd yn cynnwys yr un manylion ag sy'n ofynnol eu cynnwys yn yr hysbysiad sydd i'w gyhoeddi, ar yr adeilad neu ger yr adeilad, yn unol ag is-baragraff (a).

(5) Nid yw paragraff (4) yn gymwys i unrhyw gais gan awdurdod cynllunio lleol sy'n ymwneud â gwaith nad yw ond yn effeithio ar du mewn i adeilad a oedd pan hysbysodd Gweinidogion Cymru'r awdurdod ddiwethaf, yn adeilad o ddiddordeb pensaernïol neu hanesyddol arbennig, wedi ei ddisbarthu'n adeilad rhestredig Gradd II (di-seren).

(6) Rhaid i gais gan awdurdod cynllunio lleol i Weinidogion Cymru o dan baragraff (2) uchod, ddod gyda chopi o'r holl sylwadau a wnaed yn briodol mewn perthynas â'r cais.

(7) O ran adeilad rhestredig neu adeilad mewn ardal gadwraeth sy'n eiddo i awdurdod cynllunio lleol, caiff Gweinidogion Cymru gyflwyno unrhyw hysbysiad yr awdurdod awdurdod cynllunio lleol i'w gyflwyno mewn perthynas ag adeilad rhestredig neu adeilad mewn ardal gadwraeth.

### Hysbysebu ceisiadau

**10.**—(1) Yn ddarostyngedig i baragraff (3), pan fo cais yn cael ei wneud o dan reoliad 3 neu 4 i awdurdod cynllunio lleol mewn perthynas ag unrhyw adeilad, rhaid i'r awdurdod—

- (a) cyhoeddi hysbysiad, mewn papur newydd lleol sy'n cylchredeg yn yr ardal leol y mae'r adeilad wedi ei leoli ynddi, sy'n mynegi natur y gwaith sydd o dan sylw yn y cais ac yn enwi man o fewn yr ardal leol lle y mae copi o'r cais ac o'r holl blaniau a dogfennau eraill a roddwyd gydag ef ar gael i'w harchwilio gan y cyhoedd ar bob awr resymol yn ystod y cyfnod o 21 o ddiwrnodau sy'n cychwyn ar ddyddiad cyhoeddi'r hysbysiad; a
- (b) am ddim llai na 7 niwrnod, arddangos hysbysiad sydd yn cynnwys yr un manylion ag sy'n ofynnol eu cynnwys yn yr hysbysiad sydd i'w gyhoeddi, ar yr adeilad hwnnw neu ger yr adeilad hwnnw, yn unol ag is-baragraff (a).

(2) Yn ddarostyngedig i baragraff (3), rhaid i'r awdurdod cynllunio lleol beidio â phenderfynu ar gais o dan reoliad 3 neu 4 cyn i'r ddau gyfnod canlynol ddod i ben, sef—

- (a) y cyfnod o 21 o ddiwrnodau y cyfeirir ato yn is-baragraff (a) o baragraff (1); a
- (b) y cyfnod o 21 o ddiwrnodau sy'n cychwyn ar y dyddiad y cafodd yr hysbysiad sy'n ofynnol gan is-baragraff (b) o baragraff (1) ei arddangos gyntaf,

Welsh Ministers with it are open to inspection by the public at all reasonable hours during the period of 21 days beginning with the date of publication of the notice; and

- (b) for not less than 7 days display on or near the building a notice containing the same particulars as are required to be contained in the notice to be published in accordance with sub-paragraph (a).

(5) Paragraph (4) does not apply to any application by a local planning authority relating to works affecting only the interior of a building which when last notified to the authority by the Welsh Ministers as a building of special architectural or historic interest was classified as a Grade II (unstarred) listed building.

(6) An application by a local planning authority to the Welsh Ministers under paragraph (2) above must be accompanied by a copy of all representations duly made in relation to the application.

(7) In relation to a listed building or a building in a conservation area belonging to a local planning authority, the Welsh Ministers may serve any notice authorised to be served by a local planning authority in relation to a listed building or a building in a conservation area.

### Advertisement of applications

**10.**—(1) Subject to paragraph (3), where an application under regulation 3 or 4 is made to a local planning authority in respect of any building the authority must—

- (a) publish in a local newspaper circulating in the locality in which the building is situated a notice indicating the nature of the works which are the subject of the application and naming a place within the locality where a copy of the application and of all plans and other documents submitted with it are open to inspection by the public at all reasonable hours during the period of 21 days beginning with the date of publication of the notice; and
- (b) for not less than 7 days display on or near the said building a notice containing the same particulars as are required to be contained in the notice to be published in accordance with sub-paragraph (a).

(2) Subject to paragraph (3), an application under regulation 3 or 4 must not be determined by the local planning authority before both of the following periods have elapsed, namely—

- (a) the period of 21 days referred to in sub-paragraph (a) of paragraph (1); and
- (b) the period of 21 days beginning with the date on which the notice required by sub-paragraph (b) of paragraph (1) was first displayed,

ac wrth benderfynu ar y cais, rhaid i'r awdurdod roi ystyriaeth i unrhyw sylwadau a gafwyd mewn perthynas â'r cais cyn i'r ddau gyfnod hwnnw ddod i ben.

(3) Nid yw paragraffau (1) a (2) yn gymwys i unrhyw gais am—

- (a) caniatâd adeilad rhestredig i wneud gwaith nad yw ond yn effeithio ar du mewn yr adeilad, a oedd pan hysbysodd Gweinidogion Cymru'r awdurdod cynllunio lleol ddiwethaf, yn adeilad o ddiddordeb pensaernïol neu hanesyddol arbennig, wedi ei ddsbarthu'n adeilad rhestredig Gradd II (di-seren); neu
- (b) amrywio neu ollwng amodau sydd ynghlwm wrth ganiatâd adeilad rhestredig mewn cysylltiad â'r tu mewn i'r adeilad rhestredig Gradd II (di-seren) hwnnw.

### **Hysbyseb am geisiadau am waith brys mewn perthynas â datblygiad gan y Goron**

**11.**—(1) Yn ddarostyngedig i baragraff (2), pan fo cais o dan adran 82B(2) o'r Ddeddf yn cael ei wneud i Weinidogion Cymru mewn perthynas ag unrhyw adeilad rhaid i Weinidogion Cymru—

- (a) cyhoeddi hysbysiad mewn papur newydd sy'n cylchredeg yn yr ardal leol y mae'r adeilad wedi ei leoli ynddi—
  - (i) sydd yn mynegi natur y gwaith sydd o dan sylw yn y cais; a
  - (ii) sydd yn enwi man o fewn yr ardal leol lle y mae copi o'r cais ac o'r holl blaniau a dogfennau eraill a gyflwynwyd gydag ef ar gael i'w harchwilio gan y cyhoedd ar bob awr resymol yn ystod y cyfnod o 21 o ddiwrnodau sy'n cychwyn ar ddyddiad cyhoeddi'r hysbysiad; a
  - (iii) sydd yn nodi cyfeiriad y wefan lle y mae copi o'r cais ac o'r holl blaniau a dogfennau eraill a gyflwynwyd gydag ef ar gael i'w harchwilio gan y cyhoedd yn ystod y cyfnod hwnnw, yn ogystal â'r man ar y wefan lle y gellir cael gafael ar y dogfennau hynny, a sut y gellir cael gafael arnynt; a
- (b) am ddim llai na 7 niwrnod, arddangos hysbysiad sydd yn cynnwys yr un manylion ag sy'n ofynnol eu cynnwys yn yr hysbysiad sydd i'w gyhoeddi, ar yr adeilad hwnnw neu ger yr adeilad hwnnw, yn unol ag is-baragraff (a).

(2) Nid yw paragraff (1) yn gymwys i unrhyw gais am ganiatâd adeilad rhestredig i wneud gwaith nad yw ond yn effeithio ar du mewn i adeilad rhestredig Gradd II (di-seren), a oedd, pan hysbysodd Gweinidogion Cymru'r awdurdod ddiwethaf yn adeilad o ddiddordeb pensaernïol neu hanesyddol arbennig, wedi ei ddsbarthu'n adeilad rhestredig Gradd II (di-seren).

and in determining the application the authority must take into account any representations relating to the application which are received by them before both of those periods have elapsed.

(3) Paragraphs (1) and (2) do not apply to any application for—

- (a) listed building consent to carry out works affecting only the interior of a building which when last notified to the local planning authority by the Welsh Ministers as a building of special architectural or historic interest was classified as a Grade II (unstarred) listed building; or
- (b) the variation or discharge of conditions attached to a listed building consent in respect of the interior of such a Grade II (unstarred) listed building.

### **Advertisement of applications for urgent works relating to Crown development**

**11.**—(1) Subject to paragraph (2), where an application under section 82B(2) of the Act is made to the Welsh Ministers in respect of any building the Welsh Ministers must—

- (a) publish in a local newspaper circulating in the locality in which the building is situated a notice—
  - (i) indicating the nature of the works which are the subject of the application; and
  - (ii) naming a place within the locality where a copy of the application and of all plans and other documents submitted with it are open to inspection by the public at all reasonable hours during the period of 21 days beginning with the date of publication of the notice; and
  - (iii) stating the address of the website where a copy of the application and of all plans and other documents submitted with it are open to inspection by the public during that period, together with the place on the website where such documents may be accessed, and how they may be accessed; and
- (b) for not less than 7 days display on or near the said building a notice containing the same particulars as are required to be contained in the notice to be published in accordance with sub-paragraph (a).

(2) Paragraph (1) does not apply to any application for listed building consent to carry out works affecting only the interior of a Grade II (unstarred) listed building which, when last notified to the authority by the Welsh Ministers as a building of special architectural or historic interest, was classified as a Grade II (un-starred) listed building.



## Apelau

12.—(1) Rhaid i geisydd sy'n dymuno apelio—

- (a) yn erbyn penderfyniad awdurdod cynllunio lleol sydd—
  - (i) yn gwrthod caniatâd adeilad rhestredig neu ganiatâd ardal gadwraeth, neu'n rhoi un o'r ddau ganiatâd yn ddarostyngedig i amodau; neu
  - (ii) yn gwrthod amrywio neu ollwng yr amodau sydd ynghlwm wrth y caniatâd adeilad rhestredig neu ganiatâd ardal gadwraeth, neu, mewn perthynas ag ychwanegu amodau newydd o ganlyniad i unrhyw amrywiad neu ollyngiad o'r fath; neu
- (b) yn dilyn methiant awdurdod cynllunio lleol i roi hysbysiad o'i benderfyniad neu hysbysiad o gyfeirio'r cais at Weinidogion Cymru;

roi hysbysiad o apêl i Weinidogion Cymru (ar ffurflen a gafwyd gan Weinidogion Cymru) o fewn chwe mis i'r hysbysiad o benderfyniad neu ar ôl i'r cyfnod priodol a ganiateir o dan reoliad 3(5) ddod i ben, yn ôl y digwydd, neu'r cyfnod hirach y caiff Gweinidogion Cymru ei ganiatáu ar unrhyw adeg.

(2) Rhaid i berson o'r fath hefyd roi copi i Weinidogion Cymru o bob un o'r dogfennau canlynol—

- (i) y cais;
- (ii) yr holl blaniau, lluniadau, manylion a dogfennau a gyflwynwyd gyda'r cais, gan gynnwys copi o'r dystysgrif a roddwyd yn unol â rheoliad 7;
- (iii) hysbysiad o'r penderfyniad, os oes un;
- (iv) pob gohebiaeth briodol arall â'r awdurdod cynllunio lleol.

## Ceisiadau am ddigolledu a hysbysiadau prynu adeilad rhestredig

13.—(1) Rhaid i gais digolledu a wneir i awdurdod cynllunio lleol o dan adrannau 28 neu 29 o'r Ddeddf, neu hysbysiad prynu adeilad rhestredig a gyflwynir i gyngor sir neu fwrdeistref sirol neu awdurdod parc cenedlaethol o dan adran 32(1) o'r Ddeddf, gael ei wneud yn ysgrifenedig a rhaid iddo gael ei gyflwyno i'r awdurdod neu'r cyngor neu'r awdurdod parc cenedlaethol hwnnw drwy ei draddodi i swyddfa'r awdurdod, neu'r cyngor neu'r awdurdod parc cenedlaethol, wedi ei gyfeirio at y clerwr neu drwy ei anfon wedi ei gyfeirio ato drwy'r post rhagdaledig.

(1) Diwygiwyd adran 32(1) gan adran 20(4) o Ddeddf Llywodraeth Leol (Cymru) 1994 (p.19) ac Atodlen 6, paragraff 25 iddi. Mewnosodwyd adran 32(4A) gan adran 78 o Ddeddf yr Amgylchedd 1995 (p.25) ac Atodlen 10, paragraff 33(2) iddi. Mae diwygiadau eraill i'r adran hon nad ydynt yn berthnasol.

## Appeals

12.—(1) An applicant who wishes to appeal—

- (a) against a decision of a local planning authority—
  - (i) refusing listed building consent or conservation area consent or granting either such consent subject to conditions; or
  - (ii) refusing to vary or discharge the conditions attached to a listed building consent or a conservation area consent, or in respect of the addition of new conditions consequential upon any such variation or discharge; or
- (b) following the failure of a local planning authority to give notice of their decision or of the reference of the application to the Welsh Ministers;

must give notice of appeal to the Welsh Ministers (on a form obtained from the Welsh Ministers) within six months of notice of the decision or of the expiry of the appropriate period allowed under regulation 3(5), as the case may be, or such longer period as the Welsh Ministers may at any time allow.

(2) Such a person must also furnish the Welsh Ministers with a copy of each of the following documents—

- (i) the application;
- (ii) all relevant plans, drawings, particulars and documents submitted with the application, including a copy of the certificate given in accordance with regulation 7;
- (iii) the notice of the decision, if any;
- (iv) all other relevant correspondence with the local planning authority.

## Claims for compensation and listed building purchase notices

13.—(1) A claim for compensation made to a local planning authority under sections 28 or 29 of the Act, or a listed building purchase notice served on the council of a county or county borough or a national park authority under section 32(1) of the Act, must be in writing and must be served on that authority or council or national park authority by delivering it at the offices of the authority or council or national park authority addressed to the clerk or by sending it so addressed by prepaid post.

(1) Section 32(1) was amended by section 20(4) and Schedule 6, paragraph 25 of the Local Government (Wales) Act 1994 (c.19). Section 32(4A) was inserted by section 78 and Schedule 10, paragraph 33(2) of the Environment Act 1995 (c.25). There are other amendments to this section which are not relevant.

(2) Rhaid i unrhyw gais neu hysbysiad o'r fath fel a grybwyllir ym mharagraff (1), gael ei gyflwyno o fewn y cyfnod a ganlyn—

- (a) yn achos cais am ddigolledu, 6 mis; a
- (b) yn achos hysbysiad prynu adeilad rhestredig, 12 mis,

o'r dyddiad y rhoddwyd neu y gwnaethpwyd y penderfyniad y mae'r cais neu hysbysiad yn ymwneud ag ef, neu unrhyw gyfnod hirach a allai gael ei ganiatáu gan Weinidogion Cymru mewn unrhyw achos penodol.

### **Hysbyseb am orchymyn dirymu neu orchymyn addasu diwrthwynebiad**

14. Pan fo'n ofynnol, yn rhinwedd darpariaethau adran 25(2) o'r Ddeddf i hysbysebu gwneud gorchymyn o dan adran 23(1) o'r Ddeddf, o ran y gwaith ar adeilad, rhaid i'r awdurdod cynllunio lleol gyhoeddi'r hysbyseb mewn papur newydd lleol sy'n cylchredeg yn yr ardal leol y mae'r adeilad wedi ei leoli ynddi.

### **Cymhwyso Deddf Iechyd y Cyhoedd 1936 i hysbysadau gorfodi adeilad rhestredig**

15.—(1) Mae darpariaethau adrannau 276, 289 a 294 o Ddeddf Iechyd y Cyhoedd 1936(2) yn gymwys mewn perthynas â'r camau y mae'n ofynnol eu cymryd gan hysbysiad gorfodi adeilad rhestredig, fel pe bai—

- (a) y cyfeiriadau at awdurdod lleol yn gyfeiriadau at yr awdurdod cynllunio lleol sydd wedi dyroddi'r hysbysiad gorfodi;
- (b) y cyfeiriadau (ym mha ffurf bynnag) at wneud gwaith o dan Ddeddf Iechyd y Cyhoedd 1936 yn gyfeiriadau at gymryd camau y mae'n ofynnol i'w cymryd o dan yr hysbysiad;
- (c) y cyfeiriadau yn adran 289 at y meddiannydd yn gyfeiriadau at berson ar wahân i'r perchennog sydd â buddiant yn y fangre; ac
- (ch) y cyfeiriad yn adran 294 at "expenses under this Act" yn gyfeiriad at dreuliau a dynnwyd wrth gymryd y fath gamau.

(2) Mae treuliau sy'n adferadwy gan awdurdod cynllunio lleol o dan adran 42(1)(3) o'r Ddeddf, nes iddynt gael eu hadfer, yn arwystl sy'n rhwymo perchnogion olynol y tir yr oedd yr hysbysiad gorfodi adeilad rhestredig yn ymwneud ag ef a rhaid i'r arwystl gael effaith o'r dyddiad y cyflawnir gan yr awdurdod cynllunio lleol y camau a oedd yn ofynnol i'w cymryd gan yr hysbysiad gorfodi adeilad rhestredig.

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(1) Diwygiwyd adran 23 gan adran 118(1) o Ddeddf Cynllunio a Phrynu Gorfodol 2004 (p.5) ac Atodlen 6, paragraffau 19 a 21 iddi.

(2) 1936 p. 49.

(3) Diwygiwyd adran 42(1) gan adran 25 o Ddeddf Cynllunio a Digolledu 1991 (p.34) ac Atodlen 3, paragraff 21(a) iddi.

(2) The time within which any such claim or notice as is mentioned in paragraph (1) must be served is—

- (a) in the case of a claim for compensation, 6 months; and
- (b) in the case of a listed building purchase notice, 12 months,

from the date of the decision in respect of which the claim or notice is made or given, or such longer period as the Welsh Ministers may allow in any particular case.

### **Advertisement of unopposed revocation or modification order**

14. Where by virtue of the provisions of section 25(2) of the Act the making of an order under section 23(1) of the Act in respect of works to a building is required to be advertised, the local planning authority must publish the advertisement in a local newspaper circulating in the locality in which the building is situated.

### **Application of the Public Health Act 1936 to listed building enforcement notices**

15.—(1) The provisions of sections 276, 289 and 294 of the Public Health Act 1936(2) apply in relation to steps required to be taken by a listed building enforcement notice, as if—

- (a) references to a local authority are references to the local planning authority who issued the enforcement notice;
- (b) references (in whatever form) to the execution of works under the Public Health Act 1936 are references to the taking of steps required to be taken under the notice;
- (c) references in section 289 to the occupier are references to a person other than the owner with an interest in the premises; and
- (d) the reference in section 294 to "expenses under this Act" is a reference to expenses incurred in the taking of such steps.

(2) The expenses recoverable by a local planning authority under section 42(1)(3) of the Act are, until recovered, a charge that is binding on successive owners of the land to which the listed building enforcement notice related and the charge must take effect as from the date of the completion by the local planning authority of the steps required to be taken by the listed building enforcement notice.

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(1) Section 23 was amended by section 118(1) and Schedule 6, paragraphs 19 and 21 of the Planning and Compulsory Purchase Act 2004 (c.5).

(2) 1936 c.49.

(3) Section 42(1) was amended by section 25 and Schedule 3, paragraph 21(a) of the Planning and Compensation Act 1991(c. 34).

### **Dymchwel adeiladau sydd heb eu rhestru mewn ardaloedd cadwraeth**

16. Yn eu cymhwysiad i adeiladau mewn ardaloedd cadwraeth, bydd darpariaethau'r Ddeddf y cyfeirir atynt yn adran 74(3) ac a nodir yng ngholofn (1) o Atodlen 3 yn cael effaith fel y maent yn cael effaith mewn perthynas ag adeiladau rhestredig, yn ddarostyngedig i'r canlynol—

- (a) bod "conservation area enforcement notice" yn cael ei roi yn lle unrhyw gyfeiriad at "listed building enforcement notice", a bod "conservation area purchase notice" yn cael ei roi yn lle unrhyw gyfeiriad at "listed building purchase notice"; a
- (b) yr eithriadau ac addasiadau ychwanegol (os oes rhai), a nodir gyferbyn â'r cyfryw ddarpariaethau yng ngholofn (2) o'r Atodlen honno.

### **Ffurfiâu ar hysbysiad bod adeilad wedi cael ei roi ar y rhestr, neu wedi cael ei dynnu oddi arni**

17. Mae'r ffurfiâu a nodir yn Atodlen 4 (neu ffurfiâu sydd ag effaith sylweddol debyg) yn ffurfiâu rhagnodedig ar hysbysiad at ddibenion adran 2(3) o'r Ddeddf.

### **Dirymiadau, Arbedion a Diwygiadau Canlyniadol**

18.—(1) Yn ddarostyngedig i baragraff (3), mae'r offerynnau statudol a bennir yng ngholofn gyntaf y tabl yn Atodlen 5 wedi eu dirymu, i'r graddau maent yn gymwys i Gymru, i'r graddau a bennir yn y rhes gyfatebol o'r drydedd golofn yn y tabl.

(2) Mae Rheoliadau Cynllunio (Adeiladau Rhestredig ac Ardaloedd Cadwraeth) 1995 ("y Prif Reoliadau"), fel y maent yn gymwys i Gymru, wedi eu harbed mewn perthynas ag unrhyw gais, apêl, cais am ddigolledu, hysbysiad prynu neu achosion eraill a gyflwynwyd neu a ddechreuwyd cyn 30 Ebrill 2012 ac yn unol â hyn rhaid ystyried neu benderfynu'r fath bethau drwy gyfeirio at y Prif Reoliadau.

(3) Pan fo Gweinidogion Cymru, o ganlyniad i orchymyn gan unrhyw lys (pa bryd bynnag y'i gwnaed), yn aillbenderfynu, ar ôl i'r Rheoliadau hyn ddod i rym, cais, apêl neu gais am ddigolledu, a wnaed o dan unrhyw ddarpariaeth o'r Prif Reoliadau, rhaid i'r aillbenderfyniad gael ei wneud drwy gyfeirio at y Rheoliadau hyn.

### **Demolition of unlisted buildings in conservation areas**

16. In their application to buildings in conservation areas, the provisions of the Act referred to in section 74(3) and set out in column (1) of Schedule 3 will have effect as they have effect in relation to listed buildings subject to—

- (a) the substitution of "conservation area enforcement notice" for any reference to "listed building enforcement notice", and the substitution of "conservation area purchase notice" for any reference to "listed building purchase notice"; and
- (b) the exceptions and additional modifications (if any) set out opposite such provisions in column (2) of that Schedule.

### **Form of notice that a building has become, or ceased to be, listed**

17. The forms set out in Schedule 4 (or forms substantially to the like effect) are the prescribed forms of notice for the purposes of section 2(3) of the Act.

### **Revocations, Savings and Consequential Amendments**

18.—(1) Subject to paragraph (3) the statutory instruments specified in the first column of the table in Schedule 5 are revoked, in so far as they apply to Wales, to the extent specified in the corresponding row of the third column of the table.

(2) The Planning (Listed Buildings and Conservation Areas) Regulations 1995 ("the Principal Regulations"), as they apply to Wales, are saved in relation to any application, appeal, compensation claim, purchase notice or other proceedings lodged or begun before the 30 April 2012 and accordingly consideration or determination of such must be made by reference to the Principal Regulations.

(3) Where, in consequence of an order of any court (whenever made) the Welsh Ministers re-determine, after the coming into force of these Regulations, an application, appeal or compensation claim made under any provision of the Principal Regulations, the re-determination must be made by reference to these Regulations.

*John Griffiths*

Gweinidog yr Amgylchedd a Datblygu Cynaliadwy, un  
o Weinidogion Cymru

Minister for Environment and Sustainable  
Development, one of the Welsh Ministers

10 Mawrth 2012

10 March 2012

## ATODLEN 1

Rheoliadau 3, 4

### Rhan 1

#### HYSBYSIAD I'W ANFON AT Y CEISYDD PAN DDAW'R CAIS I LAW

Daeth eich cais, sy'n ddyddiedig y i law ar (1).  
\*[Nid yw'r archwiliad i'r ffurflen gais a'r planiau a'r dogfennau sy'n dod gydag ef i ganfod os yw eich cais yn cydymffurfio â'r gofyniad statudol wedi ei gwblhau.]

Os darganfyddir, wedi archwilio pellach, fod eich cais yn annilys oherwydd methiant i gydymffurfio â'r gofynion hynny (neu am unrhyw reswm arall) fe gysylltw'n â chi eto cyn gynted ag y bo modd.]

Os, erbyn (2), \*[nad ydych wedi derbyn hysbysiad yn dweud bod eich cais yn annilys ac] nad yw'r awdurdod hwn wedi rhoi hysbysiad o'i benderfyniad i chi (ac nad ydych wedi cytuno ag ef, yn ysgrifenedig, y caniateir estyn y cyfnod y mae'n rhaid iddo roi ei benderfyniad i chi ynddo) cewch apelio at Weinidogion Cymru, yn unol ag adrannau 20 a 21 o Ddeddf Cynllunio (Adeiladau Rhestredig ac Ardaloedd Cadwraeth) 1990 drwy anfon hysbysiad o fewn chwe mis o'r dyddiad hwnnw (oni bai bod y cais eisoes wedi ei gyfeirio at Weinidogion Cymru gan yr awdurdod hwn). Rhaid i apelau gael eu gwneud ar ffurflen sydd i'w chael gan Weinidogion Cymru.

Nodiadau

\* Dileer os nad yw'n briodol

(1) Mewnosoder dyddiad pan ddaeth y dogfen(nau) y cyfeirir atynt yn rheoliad 3(1), neu 4(1) i law.

(2) Mewnosoder dyddiad sydd 8 wythnos o'r dyddiad y daeth y cais i law (fel a roddir yn (1)).

## SCHEDULE 1

Regulations 3, 4

### Part 1

#### NOTIFICATION TO BE SENT TO APPLICANT ON RECEIPT OF APPLICATION

Your application dated was received on (1).  
\*[Examination of the form of application and accompanying plans and documents to ascertain whether your application complies with the statutory requirement has not been completed.]

If on further examination it is found that the application is invalid for failure to comply with such requirements (or for any other reason) a further communication will be sent to you as soon as possible.]

If by (2) \*[you have not received notification that your application is invalid and] this authority have not given you notice of their decision (and you have not agreed with them in writing that the period within which their decision shall be given may be extended) you may appeal to the Welsh Ministers in accordance with sections 20 and 21 of the Planning (Listed Buildings and Conservation Areas) Act 1990 by notice sent within six months from that date (unless the application has already been referred by this authority to the Welsh Ministers). Appeals must be made on a form which is obtainable from the Welsh Ministers.

Notes

\* Delete where inappropriate

(1) Insert date when relevant document(s) referred to in regulation 3(1), or 4(1) were received.

(2) Insert date 8 weeks from date of receipt of application (as given at (1)).

HYSBYSIAD I'W ANFON AT Y CEISYDD  
WRTH WRTHOD CANIATÂD ADEILAD  
RHESTREDIG NEU GANIATÂD ARDAL  
GADWRAETH, NEU ROI CANIATÂD SY'N  
DDAROSTYNGEDIG I AMODAU (I'W  
HARDYSTIO GAN HYSBYSIADAU O  
BENDERFYNIAD)

(1) Os yw'r ceisydd wedi ei dramgwyddo gan benderfyniad yr awdurdod cynllunio lleol i wrthod rhoi caniatâd adeilad rhestredig neu ganiatâd ardal gadwraeth ar gyfer gwaith arfaethedig, neu ei roi yn ddarostyngedig i amodau, caiff y ceisydd apelio at Weinidogion Cymru yn unol ag adrannau 20 a 21 o Ddeddf Cynllunio (Adeiladau Rhestredig ac Ardaloedd Cadwraeth) 1990 o fewn chwe mis ar ôl cael yr hysbysiad hwn. (Rhaid i apelau gael eu gwneud ar ffurflen sydd i'w chael gan Weinidogion Cymru). Mae gan Weinidogion Cymru'r pŵer i ganiatáu cyfnod hirach i roi hysbysiad o apêl, ond ni fyddant, yn arferol, yn barod i arfer y pŵer hwn oni bai bod amgylchiadau arbennig sy'n esgusodi oedi rhoi'r hysbysiad o apêl.

(2) Os gwrthodwyd cais am ganiatâd adeilad rhestredig neu ganiatâd ardal gadwraeth, neu os rhoddwyd ef yn ddarostyngedig i amodau gan yr awdurdod cynllunio lleol neu gan Weinidogion Cymru, a bod perchennog y tir yn hawlio na ellir defnyddio'r tir, bellach, yn ei gyflwr presennol yn rhesymol fuddiol ac na ellir ei adfer i'w ddefnyddio'n rhesymol fuddiol drwy wneud unrhyw waith sydd wedi ei ganiatáu neu a fyddai wedi cael ei ganiatáu, caiff y perchennog gyflwyno hysbysiad prynu i gyngor y sir neu fwrdeistref sirol neu i'r awdurdod parc cenedlaethol lle y mae'r tir wedi ei leoli, sy'n ei gwneud yn ofynnol i'r cyngor neu'r awdurdod parc cenedlaethol hwnnw i brynu'r buddiant yn y tir yn unol â darpariaethau adran 32 o Ddeddf Cynllunio (Adeiladau Rhestredig ac Ardaloedd Cadwraeth) 1990.

NOTIFICATION TO BE SENT TO APPLICANT  
ON REFUSAL OF LISTED BUILDING CONSENT  
OR CONSERVATION AREA CONSENT, OR  
GRANT OF CONSENT SUBJECT TO  
CONDITIONS (TO BE ENDORSED ON NOTICES  
OF DECISION)

(1) If the applicant is aggrieved by the decision of the local planning authority to refuse listed building consent or conservation area consent for the proposed works, or to grant consent subject to conditions, the applicant may appeal to the Welsh Ministers in accordance with sections 20 and 21 of the Planning (Listed Buildings and Conservation Areas) Act 1990 within six months of receipt of this notice. (Appeals must be made on a form which is obtainable from the Welsh Ministers). The Welsh Ministers have power to allow a longer period for the giving of a notice of appeal but they will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal.

(2) If listed building consent or conservation area consent is refused, or granted subject to conditions, whether by the local planning authority or by the Welsh Ministers, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any works which have been or would be permitted, the owner may serve on the council of the county or county borough or the national park authority in which the land is situated a purchase notice requiring that council or national park authority to purchase the interest in the land in accordance with the provisions of section 32 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

HYSBYSIAD I'W ANFON AT Y CEISYDD  
 WRTH WRTHOD AMRYWIO NEU OLLWNG  
 AMODAU SYDD YNGHLWM WRTH GANIATÂD  
 ADEILAD RHESTREDIG NEU GANIATÂD  
 ARDAL GADWRAETH, NEU WRTH  
 YCHWANEGU AMODAU NEWYDD SY'N  
 GANLYNIAD I'R AMRYWIAD NEU'R  
 GOLLYNGIAD

Os yw'r ceisydd wedi ei dramgwyddo gan benderfyniad yr awdurdod cynllunio lleol—

- (a) i wrthod amrywio neu ollwng yr amodau sydd ynghlwm wrth y caniatâd adeilad rhestredig neu'r caniatâd ardal gadwraeth; neu
- (b) i ychwanegu amodau newydd o ganlyniad i unrhyw amrywiad neu ollyngiad o'r fath,

caiff y ceisydd apelio at Weinidogion Cymru yn unol ag adrannau 20 a 21 o Ddeddf Cynllunio (Adeiladau Rhestredig ac Ardaloedd Cadwraeth) 1990 o fewn chwe mis ar ôl cael yr hysbysiad hwn. (Rhaid i apelau gael eu gwneud ar ffurflen a gafwyd gan Weinidogion Cymru). Mae gan Weinidogion Cymru'r pŵer i ganiatáu cyfnod hirach i roi hysbysiad o apêl, ond, yn arferol, ni fyddant yn barod i arfer y pŵer hwn, oni bai bod amgylchiadau arbennig sy'n esgusodi'r oedi wrth roi'r hysbysiad o apêl.

NOTIFICATION TO BE SENT TO APPLICANT  
 ON REFUSAL TO VARY OR DISCHARGE  
 CONDITIONS ATTACHED TO LISTED BUILDING  
 CONSENT OR CONSERVATION AREA CONSENT,  
 OR ON THE ADDITION OF NEW CONDITIONS  
 CONSEQUENTIAL UPON VARIATION OR  
 DISCHARGE

If the applicant is aggrieved by the decision of the local planning authority—

- (a) to refuse to vary or discharge the conditions attached to a listed building consent or a conservation area consent; or
- (b) to add new conditions consequential upon any such variation or discharge,

the applicant may appeal to the Welsh Ministers in accordance with sections 20 and 21 of the Planning (Listed Buildings and Conservation Areas) Act 1990 within six months of receipt of this notice. (Appeals must be made on a form which is obtainable from the Welsh Ministers). The Welsh Ministers have power to allow a longer period for the giving of a notice of appeal but they will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal.

ATODLEN 2

SCHEDULE 2

Rheoliad 7

Regulation 7

Rhan 1

Part 1

HYSBYSIAD I'W GYFLWYNO I UNIGOLION

NOTICE FOR SERVICE ON INDIVIDUALS

DEDDF CYNLLUNIO (ADEILADAU  
RHESTREDIG AC ARDALOEDD CADWRAETH)  
1990

PLANNING (LISTED BUILDINGS AND  
CONSERVATION AREAS) ACT 1990

Cynnig i [ddymchwel] [newid] [estyn] [amrywio neu  
ollwng amodau]\* (1).

Proposal for [demolishing] [altering] [extending]  
[varying or discharging conditions]\* (1).

DALIER SYLW bod cais yn cael ei wneud i [ (2)]  
[Weinidogion Cymru]\* gan (3) am [ganiatâd  
adeilad rhestredig] [ganiatâd ardal gadwraeth]  
[amrywio neu ollwng amodau]\* (4).

TAKE NOTICE that application is being made to the  
[ (2)] [Welsh Ministers]\* by (3) for [listed  
building consent] [conservation area consent]  
[variation or discharge of conditions]\* (4).

Os dymunwch wneud sylwadau am y cais, dylech eu  
gwneud yn ysgrifenedig, yn ddim hwyrach na (5) [i'r  
awdurdod cynllunio lleol] [i Weinidogion Cymru]\* yn  
(6).

If you wish to make representations about the  
application, you should make them in writing, not later  
than (5) to the [local planning authority] [Welsh  
Ministers]\* at (6).

Llofnodwyd .....

Signed .....

[ar ran .....

[on behalf of .....

Dyddiad .....

Date .....

HYSBYSIAD I'W GYHOEDDI YN Y PAPURAU  
NEWYDD LLEOL PAN NAD YW POB UN O'R  
PERCHNOGION YN HYSBYS, YN UNOL Â  
RHEOLIAD 7(2) O REOLIADAU CYNLLUNIO  
(ADEILADAU RHESTREDIG AC ARDALOEDD  
CADWRAETH) (CYMRU) 2012

NOTICE FOR PUBLICATION IN LOCAL  
NEWSPAPERS WHERE NOT ALL THE OWNERS  
ARE KNOWN, PURSUANT TO REGULATION  
7(2) OF THE PLANNING (LISTED BUILDINGS  
AND CONSERVATION AREAS) (WALES)  
REGULATIONS 2012

DEDDF CYNLLUNIO (ADEILADAU  
RHESTREDIG AC ARDALOEDD CADWRAETH)  
1990

PLANNING (LISTED BUILDINGS AND  
CONSERVATION AREAS) ACT 1990

Cynnig i [ddymchwel] [newid] [estyn] [amrywio neu  
ollwng amodau]\* (1).

Proposal for [demolishing] [altering] [extending]  
[varying or discharging conditions]\* (1).

Hysbysir drwy hyn fod cais yn cael ei wneud i [ (2)]  
[Weinidogion Cymru]\* gan (3) am [ganiatâd  
adeilad rhestredig] [ganiatâd ardal gadwraeth]  
[amrywio neu ollwng amodau]\* (4).

Notice is hereby given that application is being made  
to the [ (2)] [Welsh Ministers]\* by (3) for [listed  
building consent] [conservation area consent]  
[variation or discharge of conditions]\* (4).

Dylai unrhyw un o berchnogion yr adeilad (sef rhydd-  
ddeiliad neu les ddeiliad sydd â hawl i gyfnod sy'n  
weddill o saith mlynedd o leiaf) sydd eisiau gwneud  
sylwadau [i'r awdurdod lleol] [i Weinidogion Cymru]\*  
a nodir uchod ynglŷn â'r cais, eu gwneud yn  
ysgrifenedig, yn ddim hwyrach na (5) [i'r  
awdurdod cynllunio lleol] [i Weinidogion Cymru]\* yn  
(6).

Any owner of the building (namely a freeholder, or a  
leaseholder entitled to an unexpired term of at least  
seven years) who wishes to make representations to the  
above-mentioned [local planning authority] [Welsh  
Ministers]\* about the application should make them in  
writing not later than (5) to the [local planning  
authority] [Welsh Ministers]\* at (6).



Llofnodwyd .....

[ar ran .....]\*

Dyddiad .....

Signed .....

[on behalf of .....]\*

Date .....

Nodiadau

\* Dileer os nad yw'n briodol

(1) Mewnosoder enw, cyfeiriad neu leoliad yr adeilad gyda digon o fanylder i sicrhau y gellir ei adnabod.

(2) Mewnosoder enw'r awdurdod cynllunio lleol.

(3) Mewnosoder enw'r ceisydd.

(4) Mewnosoder disgrifiad o'r gwaith arfaethedig, ac enw, cyfeiriad neu leoliad yr adeilad, neu yn achos cais i amrywio neu ollwng amodau, mewnosoder disgrifiad o'r amrywiad neu'r gollyngiad arfaethedig.

(5) Mewnosoder dyddiad sydd heb fod yn llai na 20 o ddiwrnodau yn hwyrach na'r dyddiad y cyflwynwyd yr hysbysiad neu y cyhoeddwyd ef.

(6) Mewnosoder cyfeiriad yr awdurdod cynllunio lleol neu Weinidogion Cymru, fel y bo'n briodol.

Rhan 2

HYSBYSIAD I'W GYFLWYNO I UNIGOLION

DEDDF CYNLLUNIO (ADEILADAU RHESTREDIG AC ARDALOEDD CADWRAETH) 1990

Cynnig i [ddymchwel] [newid] [estyn] [amrywio neu ollwng amodau]\* (1).

DALIER SYLW bod apêl yn cael ei wneud i Weinidogion Cymru gan (2) [yn erbyn penderfyniad (3)] [am i (3) fethu â rhoi hysbysiad o benderfyniad]\* ar gais i (4).

Os dymunwch wneud sylwadau i Weinidogion Cymru ynglŷn â'r apêl, dylech eu gwneud heb fod yn hwyrach na (5), i Weinidogion Cymru yn (6).

Llofnodwyd .....

[ar ran .....]\*

Dyddiad .....

Notes

\* Delete where inappropriate

(1) Insert name, address or location of building with sufficient precision to ensure identification of it.

(2) Insert name of local planning authority.

(3) Insert name of applicant.

(4) Insert description of proposed works and name, address or location of building, or in the case of an application to vary or discharge conditions, insert description of the proposed variation or discharge.

(5) Insert date not less than 20 days later than the date on which the notice is served or published.

(6) Insert address of local planning authority or the Welsh Ministers, as appropriate.

Part 2

NOTICE FOR SERVICE ON INDIVIDUALS

PLANNING (LISTED BUILDINGS AND CONSERVATION AREAS) ACT 1990

Proposal for [demolishing] [altering] [extending] [varying or discharging conditions]\* (1).

TAKE NOTICE that an appeal is being made to the Welsh Ministers by (2) [against the decision of (3)] [on the failure of (3) to give notice of a decision]\* on an application to (4).

If you should wish to make representations to the Welsh Ministers about the appeal you should make them not later than (5), to the Welsh Ministers at (6).

Signed .....

[on behalf of .....]\*

Date .....

HYSBYSIAD I'W GYHOEDDI YN Y PAPURAU  
NEWYDD LLEOL

NOTICE FOR PUBLICATION IN LOCAL  
NEWSPAPERS

DEDDF CYNLLUNIO (ADEILADAU  
RHESTREDIG AC ARDALOEDD CADWRAETH)  
1990

PLANNING (LISTED BUILDINGS AND  
CONSERVATION AREAS) ACT 1990

Cynnig i [ddymchwel] [newid] [estyn] [amrywio neu  
ollwng amodau]\* (1).

Proposal for [demolishing] [altering] [extending]  
[varying or discharging conditions]\* (1).

Hysbysir drwy hyn fod apêl yn cael ei wneud i  
Weinidogion Cymru gan (2) [yn erbyn  
penderfyniad (3)] [am i (3) fethu â rhoi  
hysbysiad o benderfyniad]\* i (4).

Notice is hereby given that an appeal is being made to  
the Welsh Ministers by (2) [against the decision  
of (3)] [on the failure of (3) to give notice  
of a decision]\* to (4).

Dylai unrhyw un o berchnogion yr adeilad (sef rhydd-  
ddeiliad neu les ddeiliad sydd â hawl i gyfnod sy'n  
weddill o saith mlynedd o leiaf) sydd eisiau gwneud  
sylwadau i Weinidogion Cymru ynglŷn â'r apêl, eu  
gwneud yn ysgrifenedig, yn ddim hwyrach na (5) i  
Weinidogion Cymru yn (6).

Any owner of the building (namely, a freeholder, or a  
leaseholder entitled to an unexpired term of at least  
seven years) who wishes to make representations to the  
Welsh Ministers about the appeal should make them in  
writing, not later than (5), to the Welsh Ministers at  
(6).

Llofnodwyd .....

Signed .....

[ar ran .....]\*

[on behalf of .....]\*

Dyddiad .....

Date .....

Nodiadau

Notes

\* Dileer os nad yw'n briodol

\* Delete where inappropriate

(1) Mewnosoder enw, cyfeiriad neu leoliad yr  
adeilad gyda digon o fanylder i sicrhau y gellir ei  
adnabod.

(1) Insert name, address or location of building with  
sufficient precision to ensure identification of it.

(2) Mewnosoder enw'r apelydd.

(2) Insert name of appellant.

(3) Mewnosoder enw'r awdurdod cynllunio lleol.

(3) Insert name of local planning authority.

(4) Mewnosoder disgrifiad o'r gwaith arfaethedig, ac  
enw, cyfeiriad neu leoliad yr adeilad, neu yn achos cais  
i amrywio neu ollwng amodau, mewnosoder disgrifiad  
o'r amrywiad arfaethedig, neu'r amodau sydd i'w  
gollwng.

(4) Insert description of proposed works and name,  
address or location of building, or in the case of an  
application to vary or discharge conditions, insert  
description of the proposed variation or discharge.

(5) Mewnosoder dyddiad sydd heb fod yn llai na 20  
o ddiwrnodau yn hwyrach na'r dyddiad y cyflwynwyd  
yr hysbysiad neu y cyhoeddwyd ef.

(5) Insert date not less than 20 days later than the  
date on which the notice is served or published.

(6) Mewnosoder manylion y cyfeiriad ar gyfer  
apelio.

(6) Insert details of address for appeal.

(1)	(2)
<b>Darpariaethau'r Ddeddf sy'n ymwneud â rheoli adeiladau rhestredig</b>	<b>Eithriadau ac addasiadau ychwanegol (os oes rhai)</b>
Adran 7	Hepgorer y geiriau "or for its alteration or extension in any manner which would affect its character as a building of special architectural or historic interest".
Adran 8	1. Hepgorer is-adran (1).
	2. Yn is-adran (2), hepgorer paragraffau (b) ac (c).
	3. Yn is-adran (3)(a), hepgorer y geiriau "or for its alteration or extension".
	4. Hepgorer is-adrannau (4) i (7).
Adrannau 9 i 12	Dim.
Adran 13	Hepgorer.
Adran 14	Hepgorer.
Adran 15	1. Hepgorer is-adrannau (1) i (4).
	2. Yn is-adran (6) hepgorer "(1) or".
Adran 16	Hepgorer is-adran (2).
Adrannau 17 i 20	Dim.
Adran 21	Hepgorer is-adrannau (3) a (4).
Adran 22	Hepgorer is-adran (1)(b).
Adrannau 23 i 26	Dim.
Adran 28	Dim.
Adrannau 32 i 33	Dim.
Adran 34	Hepgorer is-adran (2)(c).
Adran 35 i 37	Dim.
Adran 38	Yn is-adran (1), yn lle'r geiriau "the character of the building as one of

(1)	(2)
<b>Provisions of the Act relating to listed building control</b>	<b>Exceptions and additional modifications (if any)</b>
Section 7	Omit the words "or for its alteration or extension in any manner which would affect its character as a building of special architectural or historic interest".
Section 8	1. Omit subsection (1).
	2. In subsection (2), omit paragraphs (b) and (c).
	3. In subsection (3)(a), omit the words "or for its alteration or extension".
	4. Omit subsections (4) to (7).
Sections 9 to 12	None.
Section 13	Omit.
Section 14	Omit.
Section 15	1. Omit subsections (1) to (4).
	2. In subsection (6) omit "(1) or".
Section 16	Omit subsection (2).
Sections 17 to 20	None.
Section 21	Omit subsections (3) and (4).
Section 22	Omit subsection (1)(b).
Sections 23 to 26	None.
Section 28	None.
Sections 32 to 33	None.
Section 34	Omit subsection (2)(c).
Section 35 to 37	None.
Section 38	In subsection (1), for the words "the character of the building as one of

	special architectural or historic interest", rhodder y geiriau "the character or appearance of the conservation area in which the building is situated".
Adran 39	Yn is-adran (1)—
	(i) yn lle paragraff (a) rhodder y paragraff canlynol "(a) that retention of the building is not necessary in the interests of preserving or enhancing the character or appearance of the conservation area in which it is situated."
	(ii) hepgorer paragraff (i).
Adran 40	Dim.
Adran 41	Hepgorer is-adran (6)(c).
Adrannau 42 i 44	Dim.
Adran 45	Hepgorer
Adran 46	1. Hepgorer is-adran (2)(b).
	2. Hepgorer is-adran (5).
Adran 56	Yn lle'r geiriau "sections 47 and 48 or section 54", rhodder y geiriau "section 54 where a direction has been made in respect of that building under section 76(1)".
Adrannau 62 i 65	Dim.
Adran 66(1)	Hepgorer.
Adran 82(2) i (4)	1. Yn is-adran (2) hepgorer y geiriau "alteration or extension".
	2. Yn is-adrannau (2)-(4) rhaid i'r eithriadau a'r addasiadau a grybwyllir yn rheoliad 13 a hefyd fel a grybwyllir yn y golofn hon, gael effaith mewn perthynas â'r ddarpariaeth briodol a grybwyllir yn adran 82(3).
Adrannau 82A i 82B	Dim.

	special architectural or historic interest", substitute the words "the character or appearance of the conservation area in which the building is situated".
Section 39	In subsection (1)—
	(i) substitute the following paragraph for paragraph (a) "(a) that retention of the building is not necessary in the interests of preserving or enhancing the character or appearance of the conservation area in which it is situated."
	(ii) omit paragraph (i).
Section 40	None.
Section 41	Omit subsection (6)(c).
Sections 42 to 44	None.
Section 45	Omit
Section 46	1. Omit subsection (2)(b).
	2. Omit subsection (5).
Section 56	For the words "sections 47 and 48 or section 54", substitute the words "section 54 where a direction has been made in respect of that building under section 76(1)".
Sections 62 to 65	None.
Section 66(1)	Omit.
Section 82(2) to (4)	1. In subsection (2) omit the words "alteration or extension".
	2. In subsections (2)-(4) the exceptions and modifications mentioned in regulation 13 and also as mentioned in this column, must have effect in relation to the appropriate provision mentioned in section 82(3).
Sections 82A to 82B	None.

Adran 82C	Hepgorer is-adrannau (6)(g) a (h).
Adran 82D	Dim.
Adran 90(2) i (4)	Dim.

Section 82C	Omit subsections (6)(g) and (h).
Section 82D	None.
Section 90(2) to (4)	None.

ATODLEN 4

SCHEDULE 4

Rheoliad 17

Regulation 17

HYSBYSIAD BOD ADEILAD WEDI CAEL EI  
RESTRU

NOTICE THAT A BUILDING HAS BECOME  
LISTED

IMPORTANT—

PWYSIG - MAE'R CYFATHREBIAD HWN YN  
EFFEITHIO AR EICH EIDDO

THIS COMMUNICATION AFFECTS YOUR  
PROPERTY

DEDDF CYNLLUNIO (ADEILADAU  
RHESTREDIG AC ARDALOEDD CADWRAETH)  
1990

PLANNING (LISTED BUILDINGS AND  
CONSERVATION AREAS) ACT 1990

ADEILADAU SYDD O DDIDDORDEB  
PENSAERNIOL NEU HANESYDDOL ARBENNIG

BUILDINGS OF SPECIAL ARCHITECTURAL  
OR HISTORIC INTEREST

I:

To:

HYSBYSIR DRWY HYN fod yr adeilad a elwir yn  
ac a leolir yn ar , wedi cael ei gynnwys, ar  
restr o adeiladau sydd o ddiddordeb pensaernïol neu  
hanesyddol arbennig a lunnir gan Weinidogion Cymru  
o dan adran 1 o Ddeddf Cynllunio (Adeiladau  
Rhestredig ac Ardaloedd Cadwraeth) 1990.

NOTICE IS HEREBY GIVEN that the building known  
as situated in has on been included in a list of  
buildings of special architectural or historic interest  
compiled by the Welsh Ministers under section 1 of the  
Planning (Listed Buildings and Conservation Areas)  
Act 1990.

Dyddiad

Date

(Clerc Tref)

(Town Clerk)

(Clerc y Cyngor)

(Clerk of the Council)

(Prif Weithredwr)

(Chief Executive)

Noder:

Note

Rhestru Adeiladau sydd o Ddiddordeb Pensaernïol  
neu Hanesyddol Arbennig

Listing of Buildings of Special Architectural or  
Historic Interest

Mae'r hysbysiad uchod wedi ei gyfeirio atoch fel  
perchennog neu feddiannydd yr adeilad a enwir, sydd  
wedi ei gynnwys ar un o'r rhestri o adeiladau sydd o  
ddiddordeb pensaernïol neu hanesyddol arbennig o dan  
adran 1 o Ddeddf Cynllunio (Adeiladau Rhestredig ac  
Ardaloedd Cadwraeth) 1990 gan Weinidogion Cymru.  
Mae'r rhestri yn cael eu llunio gan Weinidogion Cymru  
fel dyletswydd statudol wedi iddynt ymgynghori â  
phersonau neu gyrff y maent yn ymddangos yn briodol  
iddynt, fel personau neu gyrff sydd yn meddu ar  
wybodaeth arbennig o adeiladau sydd o ddiddordeb  
pensaernïol neu hanesyddol, neu fod ganddynt  
ddiddordeb arbennig ynddynt.

The above notice is addressed to you as owner or  
occupier of the building named, which has been  
included in one of the lists of buildings of special  
architectural or historic interest under section 1 of the  
Planning (Listed Buildings and Conservation Areas)  
Act 1990 by the Welsh Ministers. The lists are  
compiled by the Welsh Ministers as a statutory duty  
after consultation with persons or bodies as appear to  
them appropriate as having special knowledge of, or  
interest in, buildings of architectural or historic  
interest.

Nid yw'r hysbysiad hwn yn galw arnoch chi i  
weithredu oni bai eich bod ar unrhyw adeg yn bwriadu  
dymchwel yr adeilad neu'n bwriadu gwneud unrhyw  
waith (boed hynny'n fewnol neu'n allanol) a fydd yn  
effeithio ar ei gymeriad. Bryd hynny, bydd angen i chi  
gael "caniatâd adeilad rhestredig", hynny yw, caniatâd  
yr awdurdod cynllunio lleol (y Cyngor) i wneud y  
gwaith y dymunwch ei wneud.

This notice does not call for any action on your part  
unless you propose at any time to demolish the  
building or to do any works (either to the exterior or the  
interior) which would affect its character. In that event  
you will need to seek "listed building consent", that is  
to say, the consent of the local planning authority (the  
Council) to the work you wish to do.

Dylech nodi, fodd bynnag, ei bod yn dramgwydd i wneud y cyfryw waith heb sicrhau caniatâd adeilad rhestredig. Gall cael eich collfarnu am y tramgwydd hwn olygu dirwy neu hyd yn oed garchariad. Er hynny, pan fo gwaith brys yn angenrheidiol er budd diogelwch neu iechyd neu ar gyfer cadw'r adeilad, yn cael ei wneud heb ganiatâd, bydd gennych amddiffyniad os profir y canlynol—

- (a) nad oedd hi'n ymarferol i sicrhau diogelwch neu iechyd neu gadw'r adeilad drwy wneud gwaith atgyweirio neu waith sy'n rhoi cynhaliath dros dro neu'n rhoi cysgod dros dro iddo;
- (b) bod y gwaith a wnaed yn gyfyngedig i'r lleiafswm o gamau yr oedd eu hangen ar unwaith; ac
- (c) bod hysbysiad ysgrifenedig wedi cael ei roi i'r awdurdod cynllunio lleol, yn cyfiawnhau gwneud y gwaith mewn manylder cyn gynted ac y bo'n rhesymol ymarferol i wneud hynny.

Mae rhai adeiladau wedi eu heithrio o'r gofyniad i gael caniatâd adeilad rhestredig, yn benodol, adeiladau eglwysig sy'n cael eu defnyddio at ddibenion eglwysig am y tro, (ond dylid nodi hefyd nad yw'r eithriad hwn yn gymwys i adeilad a ddefnyddir fel preswylfa i weinidog yr efengyl nac i adeilad sydd ar gael i'w ddefnyddio felly, a chaiff Gweinidogion Cymru, drwy orchymyn o dan adran 60 o Ddeddf 1990, gyfyngu ar yr eithriad neu ei wahardd).

Er nad oes hawl apelio statudol, fel y cyfryw, yn erbyn rhoi adeilad ar y rhestr, nid ydych wedi eich gwahardd rhag ysgrifennu at Weinidogion Cymru, ar unrhyw amser, i hawlio y dylai'r adeilad beidio â bod yn rhestredig ar y sail, nad yw, mewn gwirionedd, o ddiddordeb pensaernïol na hanesyddol arbennig. Bydd unrhyw honiad o'r fath, gyda'r dystiolaeth sy'n cefnogi'r honiad, yn cael ei ystyried gan Weinidogion Cymru mewn ymgynghoriad â'u cynghorwyr statudol. Mae nodyn cyfarwyddyd ar y weithdrefn ar gael gan Weinidogion Cymru. Yn ychwanegol, pan wrthodir caniatâd adeilad rhestredig gan awdurdod cynllunio lleol neu pan roddir ef yn ddarostyngedig i amodau, mae gennych yr hawl i apelio at Weinidogion Cymru; ac un o'r seiliau a ganiateir ar gyfer apêl yw nad yw'r adeilad yn un sydd o ddiddordeb pensaernïol na hanesyddol arbennig.

Os ydych yn bwriadu, ar unrhyw adeg, gweithredu mewn modd a all gael effaith ar gymeriad eich adeilad, yr ydym yn eich cynghori'n gryf i gyfeirio at ddarpariaethau Deddf Cynllunio (Adeiladau Rhestredig ac Ardaloedd Cadwraeth) 1990 a Rheoliadau Cynllunio (Adeiladau Rhestredig ac Ardaloedd Cadwraeth) (Cymru) 2012 (O.S. 2012/793 (Cy.108)). Gellir cael manylion pellach gan eich awdurdod cynllunio lleol.

You should however note that it is an offence to carry out any of these works without obtaining listed building consent. A conviction for this offence could result in a fine or even imprisonment. Nevertheless where works which are urgently necessary in the interests of safety or of health or for the preservation of the building are carried out without consent it is a defence to prove that—

- (a) it was not practicable to secure safety or health or the preservation of the building by works of repair or works for affording temporary support or shelter;
- (b) the works carried out were limited to the minimum measures immediately necessary; and
- (c) notice in writing justifying in detail the carrying out of the works was given to the local planning authority as soon as reasonably practicable.

Certain buildings are exempt from the requirement to obtain listed building consent, notably ecclesiastical buildings which are for the time being used for ecclesiastical purposes (but it should also be noted that this exemption does not apply to a building used or available for use as a residence by a minister of religion and that the exemption may be restricted or excluded by an order of the Welsh Ministers under section 60 of the 1990 Act).

Although there is no statutory right of appeal as such against the listing of a building, you are not precluded at any time from writing to the Welsh Ministers claiming that the building should cease to be listed on the ground that it is not in fact of special architectural or historic interest. Any such claim, with the evidence supporting it, will be carefully considered by the Welsh Ministers in consultation with their statutory advisers. A guidance note on the procedure is available from the Welsh Ministers. In addition, where listed building consent is refused by a local planning authority or is granted subject to conditions, there is a right of appeal to the Welsh Ministers; and one of the grounds for an appeal may be that the building is not of special architectural or historic interest.

If at any time you propose to take any action which may affect the character of your building, you would be well advised to refer to the provisions of the Planning (Listed Buildings and Conservation Areas) Act 1990, and of the Planning (Listed Buildings and Conservation Areas) (Wales) Regulations 2012 (S.I. 2012/793 (W.108)). Further details can be obtained from your local planning authority.

HYSBYSIAD BOD ADEILAD WEDI PEIDIO Â  
BOD YN ADEILAD RHESTREDIG

PWYSIG - MAE'R CYFATHREBIAD HWN YN  
EFFEITHIO AR EICH EIDDO

DEDDF CYNLLUNIO (ADEILADAU  
RHESTREDIG AC ARDALOEDD CADWRAETH)  
1990

ADEILADAU SYDD O DDIDDORDEB  
PENSAERNIOL NEU HANESYDDOL ARBENNIG

I:

HYSBYSIR DRWY HYN fod yr adeilad a elwir yn  
ac a leolir yn wedi cael ei eithrio, drwy ddiwygiad  
a wnaed gan Weinidogion Cymru o dan adran 1(1) o  
Ddeddf Cynllunio (Adeiladau Rhestredig ac Ardaloedd  
Cadwraeth) 1990 ar , o restr o adeiladau sydd o  
ddiddordeb pensaernïol neu hanesyddol arbennig a  
lunnir gan Weinidogion Cymru.

Dyddiad:

(Clerc Tref)

(Clerc y Cyngor)

(Prif Weithredwr)

NOTICE THAT A BUILDING HAS CEASED TO  
BE LISTED

IMPORTANT—

THIS COMMUNICATION AFFECTS YOUR  
PROPERTY

PLANNING (LISTED BUILDINGS AND  
CONSERVATION AREAS) ACT 1990

BUILDINGS OF SPECIAL ARCHITECTURAL  
OR HISTORIC INTEREST

To:

NOTICE IS HEREBY GIVEN that the building known  
as situated in has, by an amendment made by the  
Welsh Ministers under section 1(1) of the Planning  
(Listed Buildings and Conservation Areas) Act 1990  
on , been excluded from the list of buildings of  
special architectural or historic interest compiled by  
the Welsh Ministers.

Date:

(Town Clerk)

(Clerk of the Council)

(Chief Executive)



Offerynnau Statudol a Ddirymir i'r graddau  
maent yn gymwys i GymruStatutory Instruments Revoked in so far as  
they apply to Wales

<i>Enw'r Offeryn</i>	<i>Y Cyfeirnod</i>	<i>Graddau'r Dirymu</i>
Rheoliadau Cynllunio Gwlad a Thref (Adeiladau Rhestredig yng Nghymru ac Adeiladau mewn Ardaloedd Cadwraeth yng Nghymru) (Ffurflenni Cymraeg) 1990	1990/1147	Y Rheoliadau cyfan
Rheoliadau Cynllunio (Adeiladau Rhestredig ac Ardaloedd Cadwraeth) 1990	1990/1519	Y Rheoliadau cyfan
Rheoliadau Cynllunio Gwlad a Thref (Hysbysiadau Gorfodi ac Apelau) 1991	1991/2804	Rheoliad 10(2)
Rheoliadau Cynllunio (Adeiladau Rhestredig, Ardaloedd Cadwraeth a Sylweddau Peryglus) (Diwygiadau sy'n ymwneud â Thir y Goron) (Cymru) 2006	2006/1388 (Cy.138)	Rheoliad 2
Rheoliadau Cynllunio (Adeiladau Rhestredig ac Ardaloedd Cadwraeth) (Diwygio) (Cymru) 2009	2009/1026 (Cy.88)	Y Rheoliadau cyfan

<i>Title of Instrument</i>	<i>Reference</i>	<i>Extent of Revocation</i>
The Town and Country Planning (Listed Buildings in Wales and Buildings in Conservation Areas in Wales) (Welsh Forms) Regulations 1990	1990/1147	The whole of the Regulations
The Planning (Listed Buildings and Conservation Areas) Regulations 1990	1990/1519	The whole of the Regulations
The Town and Country Planning (Enforcement Notices and Appeals) Regulations 1991	1991/2804	Regulation 10(2)
The Planning (Listed Buildings, Conservation Areas and Hazardous Substances) (Amendments relating to Crown Land) (Wales) Regulations 2006	2006/1388 (W.138)	Regulation 2
The Planning (Listed Buildings and Conservation Areas) (Amendment) (Wales) Regulations 2009	2009/1026 (W.88)	The whole of the Regulations





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