



OFFERYNNAU STATUDOL
CYMRU

WELSH STATUTORY
INSTRUMENTS

2017 Rhif 638 (Cy. 144)

2017 No. 638 (W. 144)

**CYNLLUNIO GWLAD A
THREF, CYMRU**

**TOWN AND COUNTRY
PLANNING, WALES**

Rheoliadau Cynllunio (Adeiladau
Rhestredig ac Ardaloedd
Cadwraeth) (Cymru) (Diwygio Rhif
2) 2017

The Planning (Listed Buildings and
Conservation Areas) (Wales)
(Amendment No. 2) Regulations
2017

NODYN ESBONIADOL

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

Mae'r Rheoliadau hyn yn diwygio Rheoliadau Cynllunio (Adeiladau Rhestredig ac Ardaloedd Cadwraeth) (Cymru) 2012.

Mae rheoliad 2 yn disodli'r gofyniad bod cais am gydsyniad adeilad rhestredig yn dod gyda datganiad dylunio a mynediad, ac yn ei le yn rhoi gofyniad bod cais am gydsyniad adeilad rhestredig neu gydsyniad ardal gadwraeth yn dod gyda datganiad o'r effaith ar dreftadaeth. Mae hefyd yn ychwanegu at y ddarpariaeth bresennol ynghylch y ffurf a'r dull ar gyfer hawlio digollediad, i gynnwys cyfeiriad at hawliadau sy'n codi o dan adran 28B (digollediad am gollod neu ddifrod a achoswyd gan warchodaeth interim) ac adran 44D (hysbysiadau stop dros dro: digolledu), ill dwy o Ddeddf Cynllunio (Adeiladau Rhestredig ac Ardaloedd Cadwraeth) 1990.

Mae rheoliad 3 yn cynnwys darpariaeth drosiannol.

Mae asesiad effaith wedi ei lunio mewn perthynas â'r Rheoliadau hyn. Mae copïau ar gael gan Wasanaethau yr Amgylchedd Hanesyddol (Cadw), Llywodraeth Cymru, Plas Carew, Caerdydd, CF15 7QQ ac ar wefan Llywodraeth Cymru ar www.llyw.cymru.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Planning (Listed Buildings and Conservation Areas) (Wales) Regulations 2012.

Regulation 2 replaces the requirement that an application for listed building consent is accompanied by a design and access statement, with a requirement that an application for listed building or conservation area consent is accompanied by a heritage impact statement. It also adds to existing provision about the form and manner in which claims for compensation are made, to include reference to claims arising under section 28B (compensation for loss or damage caused by interim protection) and section 44D (temporary stop notices: compensation), both of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Regulation 3 contains a transitional provision.

An impact assessment has been prepared in relation to these Regulations. Copies are available from Historic Environment Services (Cadw), Welsh Government, Plas Carew, Cardiff, CF15 7QQ and on the Welsh Government's website at www.wales.gov.uk.

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**The Planning (Listed Buildings and
Conservation Areas) (Wales)
(Amendment No. 2) Regulations
2017**

Gwnaed 4 Mai 2017

Made 4 May 2017

*Gosodwyd gerbron Cynulliad Cenedlaethol
Cymru* 8 Mai 2017

*Laid before the National Assembly
for Wales* 8 May 2017

Yn dod i rym yn unol â rheoliad 1(3)

*Coming into force in accordance with
regulation 1(3)*

Mae Gweinidogion Cymru, drwy arfer y pwerau a roddir i'r Ysgrifennydd Gwladol gan adrannau 10, 28, 29, 74, 91(1) a 93 o Ddeddf Cynllunio (Adeiladau Rhestredig ac Ardaloedd Cadwraeth) 1990(2) ac sydd bellach yn arferadwy ganddynt hwy(3), a thrwy arfer y pwerau a roddir iddynt gan adrannau 28B a 44D o'r Ddeddf honno(4), yn gwneud y Rheoliadau a ganlyn:

The Welsh Ministers, in exercise of the powers conferred on the Secretary of State by sections 10, 28, 29, 74, 91(1) and 93 of the Planning (Listed Buildings and Conservation Areas) Act 1990(2) and now exercisable by them(3), and in exercise of the powers conferred on them by sections 28B and 44D of that Act(4), make the following Regulations:

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

(2) 1990 p. 9; diwygiwyd adran 10 gan adrannau 42, 118 a 120 o Ddeddf Cynllunio a Phrynu Gorfodol 2004 (p. 5) ("Deddf 2004") ac Atodlen 9 iddi. Ceir diwygiadau eraill i adran 10 nad ydynt yn berthnasol i'r offeryn hwn. Diwygiwyd adran 29 gan adrannau 25(5) a 41(3) o Ddeddf yr Amgylchedd Hanesyddol (Cymru) 2016 (dccc 4) ("Deddf 2016"). Diwygiwyd adran 74 gan adran 63 o Ddeddf Menter a Diwygio Rheoleiddio 2013 (p. 24) a pharagraffau 7 a 12 o Atodlen 17 iddi. Ceir diwygiadau eraill i adran 74 nad ydynt yn berthnasol i'r offeryn hwn. Diwygiwyd adran 93 gan baragraff 33 o Atodlen 10 i Ddeddf yr Amgylchedd 1995 (p. 25); gan adran 118 o Ddeddf 2004 ac Adodlen 6 iddi; a chan adran 40 o Ddeddf 2016. Ceir diwygiadau eraill i adran 93 nad ydynt yn berthnasol i'r offeryn hwn.

(3) Trosglwyddwyd swyddogaethau'r Ysgrifennydd Gwladol i Gynulliad Cenedlaethol Cymru gan erthygl 2 o Orchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999 (O.S. 1999/672). Mae swyddogaethau Cynulliad Cenedlaethol Cymru yn arferadwy bellach gan Weinidogion Cymru yn rhinwedd adran 162 o Ddeddf Llywodraeth Cymru 2006 (p. 32) a pharagraffau 30 a 32 o Atodlen 11 iddi.

(4) Mewnosodwyd adran 28B gan adran 24(3) o Ddeddf 2016. Mewnosodwyd adran 44D gan adran 29(1) o'r Ddeddf honno.

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

(2) 1990 c. 9; section 10 was amended by sections 42, 118 and 120 of, and Schedule 9 to, the Planning and Compulsory Purchase Act 2004 (c. 5) ("the 2004 Act"). There are other amendments to section 10 not relevant to this instrument. Section 29 was amended by sections 25(5) and 41(3) of the Historic Environment (Wales) Act 2016 (anaw 4) ("the 2016 Act"). Section 74 was amended by section 63 of, and paragraphs 7 and 12 of Schedule 17 to the Enterprise and Regulatory Reform Act 2013 (c. 24). There are other amendments to section 74 not relevant to this instrument. Section 93 was amended by Schedule 10, paragraph 33 of the Environment Act 1995 (c. 25); by section 118 of, and Schedule 6 to, the 2004 Act; and by section 40 of the 2016 Act. There are other amendments to section 93 not relevant to this instrument.

(3) The functions of the Secretary of State were transferred to the National Assembly for Wales by article 2 of the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672). The functions of the National Assembly for Wales are now exercisable by the Welsh Ministers by virtue of section 162 of, and paragraphs 30 and 32 of Schedule 11 to, the Government of Wales Act 2006 (c. 32).

(4) Section 28B was inserted by section 24(3) of the 2016 Act. Section 44D was inserted by section 29(1) of that Act.

Enwi, cychwyn a chymhwys

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau Cynllunio (Adeiladau Rhestredig ac Ardaloedd Cadwraeth) (Cymru) (Diwygio Rhif 2) 2017.

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

(3) Daw'r Rheoliadau hyn i rym ar y dyddiadau a ganlyn—

- (a) y rheoliad hwn, rheoliad 2(1), i'r graddau y mae'n ymwneud â rheoliad 2(4) a (5), a rheoliad 2(4) a (5), ar 31 Mai 2017; a
- (b) rheoliad 2(1), i'r graddau y mae'n ymwneud â gweddill y darpariaethau, a gweddill y darpariaethau, ar 1 Medi 2017.

Diwygiadau i Reoliadau Cynllunio (Adeiladau Rhestredig ac Ardaloedd Cadwraeth) (Cymru) 2012

2.—(1) Mae Rheoliadau Cynllunio (Adeiladau Rhestredig ac Ardaloedd Cadwraeth) (Cymru) 2012(1) wedi eu diwygio fel a ganlyn.

(2) Yn rheoliad 3(3) yn lle is-baragraff (c) rhodder—

“(c) y datganiad o'r effaith ar dreftadaeth sy'n ofynnol gan reoliad 6;”.

(3) Yn lle rheoliad 6 a'i bennawd rhodder—

“Datganiadau o'r effaith ar dreftadaeth

6.—(1) Rhaid i unrhyw gais i awdurdod cynllunio lleol am ganiatâd adeilad rhestredig neu ganiatâd ardal gadwraeth ddod gyda datganiad o'r effaith ar dreftadaeth.

(2) Mewn perthynas â chais am ganiatâd adeilad rhestredig, rhaid i ddatganiad o'r effaith ar dreftadaeth gynnwys—

- (a) disgrifiad o'r gwaith arfaethedig (“y gwaith”), gan gynnwys egwyddorion a chysyniadau dylunio a rhestr o'r gwaith;
- (b) esboniad o'r amcan y bwriedir ei gyflawni gan y gwaith a pham bod y gwaith yn ddymunol neu'n angenrheidiol;
- (c) datganiad sy'n disgrifio diddordeb pensaernïol neu hanesyddol arbennig yr adeilad y mae'r cais yn ymwneud ag ef a'i arwyddocâd, gan gyfeirio'n benodol at y rhan o'r adeilad y mae'r gwaith yn effeithio arni;

(1) O.S. 2012/793 (Cy. 108), y mae iddo ddiwygiadau nad ydynt yn berthnasol i'r offeryn hwn.

Title, commencement and application

1.—(1) The title of these Regulations is the Planning (Listed Buildings and Conservation Areas) (Wales) (Amendment No. 2) Regulations 2017.

(2) These Regulations apply to Wales.

(3) These Regulations come into force on the following dates—

- (a) this regulation, regulation 2(1), so far as it relates to regulation 2(4) and (5), and regulation 2(4) and (5), on 31 May 2017; and
- (b) regulation 2(1), so far as it relates to the remaining provisions, and the remaining provisions, on 1 September 2017.

Amendments to the Planning (Listed Buildings and Conservation Areas) (Wales) Regulations 2012

2.—(1) The Planning (Listed Buildings and Conservation Areas) (Wales) Regulations 2012(1) are amended as follows.

(2) In regulation 3(3) for sub-paragraph (c) substitute—

“(c) the heritage impact statement required by regulation 6;”.

(3) For regulation 6 and its heading substitute—

“Heritage impact statements

6.—(1) Any application to a local planning authority for listed building consent or conservation area consent must be accompanied by a heritage impact statement.

(2) In relation to an application for listed building consent, a heritage impact statement must contain—

- (a) a description of the proposed works (“the works”), including design principles and concepts and a schedule of works;
- (b) an explanation of the objective that the works are intended to achieve and why they are desirable or necessary;
- (c) a statement that describes the special architectural or historic interest of the building to which the application relates and its significance with particular reference to the part of the building affected by the works;

(1) S.I. 2012/793 (W. 108), to which there are amendments not relevant to this instrument.

- (d) asesiad o effaith y gwaith ar ddiddordeb pensaernïol neu hanesyddol arbennig yr adeilad a'i arwyddocâd, gan gynnwys disgrifiad o unrhyw fanteision neu niwed posibl i'r diddordeb hwnnw;
- (e) crynodeb o'r opsiynau a ystyriwyd at ddiben cyflawni'r amcan y cyfeirir ato ym mharagraff (2)(b) a'r rhesymau dros ffafrio'r cynigion y mae'r cais yn ymwneud â hwy; ac
- (f) yn ddarostyngedig i baragraff (4), disgrifiad o sut yr ymdriniwyd ag unrhyw faterion sy'n ymwneud â mynediad sy'n codi mewn perthynas â'r gwaith.

(3) Mewn perthynas â chais am ganiatâd ardal gadwraeth, rhaid i ddatganiad o'r effaith ar dreftadaeth gynnwys—

- (a) disgrifiad o'r gwaith arfaethedig ("y gwaith dymchwel"), gan gynnwys rhestr o'r gwaith;
- (b) esboniad o'r amcan y bwriedir ei gyflawni gan y gwaith dymchwel a pham bod dymchwel yn ddymunol neu'n angenrheidiol;
- (c) disgrifiad o sut y mae unrhyw adeilad y bwriedir ei ddymchwel yn cyfrannu at gymeriad neu olwg yr ardal gadwraeth;
- (d) asesiad o effaith y gwaith dymchwel ar gymeriad neu olwg yr ardal gadwraeth, gan gynnwys disgrifiad o unrhyw fanteision neu niwed posibl i gymeriad neu olwg yr ardal;
- (e) crynodeb o'r opsiynau a ystyriwyd at ddiben cyflawni'r amcan y cyfeirir ato ym mharagraff (3)(b) a'r rhesymau dros ffafrio dymchwel.

(4) Nid yw paragraff (2)(f) yn gymwys mewn perthynas â cheisiadau am ganiatâd adeilad rhestredig ar gyfer gwaith a fyddai'n effeithio ar fynedfa i, neu o fewn, unrhyw ran o adeilad rhestredig a ddefnyddir fel annedd breifat."

(4) Yn rheoliad 13(1) yn lle "o dan adrannau 28 neu 29 o'r Ddeddf," rhodder "o dan adrannau 28, 29 neu 44D o'r Ddeddf,".

- (d) an assessment of the impact of the works on the special architectural or historic interest of the building and its significance, including a description of any potential benefits or harm to that interest;
- (e) a summary of the options considered for the purpose of achieving the objective referred to in paragraph (2)(b) and the reasons why the proposals to which the application relates are preferred; and
- (f) subject to paragraph (4), a description of how any issues relating to access which arise in relation to the works have been dealt with.

(3) In relation to an application for conservation area consent, a heritage impact statement must contain—

- (a) a description of the proposed works ("the demolition works"), including a schedule of works;
- (b) an explanation of the objective that the demolition works are intended to achieve and why demolition is desirable or necessary;
- (c) a description of the contribution any building which is proposed to be demolished makes to the character or appearance of the conservation area;
- (d) an assessment of the impact of the demolition works on the character or appearance of the conservation area, including a description of any potential benefits or harm to the character or appearance of the area;
- (e) a summary of the options considered for the purpose of achieving the objective referred to in paragraph (3)(b) and the reasons why demolition is preferred.

(4) Paragraph (2)(f) does not apply in relation to applications for listed building consent for works which would affect the means of access to, or within, any part of a listed building which is used as a private dwelling."

(4) In regulation 13(1) for "under sections 28 or 29 of the Act," substitute "under sections 28, 29 or 44D of the Act,".

(5) Ar ôl rheoliad 13(1) mewnosoder—

“(1A) Rhaid i gais am ddiogledu a wneir i Weinidogion Cymru o dan adran 28B o'r Ddeddf gael ei wneud yn ysgrifenedig, a rhaid iddo gael ei gyflwyno i Weinidogion Cymru drwy ei draddodi i swyddfeydd Gweinidogion Cymru, neu drwy ei anfon i'r swyddfeydd hynny drwy bost rhagdaledig.”

(6) Yng ngeiriau agoriadol rheoliad 13(2) yn lle “mharagraff (1)” rhodder “mharagraff (1) neu (1A)”.

Darpariaeth drosiannol

3. Nid yw rheoliad 2(2) a (3) yn gymwys i gais am gydsyniad adeilad rhestredig nac i gais am gydsyniad ardal gadwraeth a wneir cyn 1 Medi 2017.

(5) After regulation 13(1) insert—

“(1A) A claim for compensation made to the Welsh Ministers under section 28B of the Act must be in writing and must be served on the Welsh Ministers by delivering it at the offices of the Welsh Ministers or by sending it to those offices by prepaid post.”

(6) In the opening words of regulation 13(2) for “paragraph (1)” substitute “paragraph (1) or (1A)”.

Transitional provision

3. Regulation 2(2) and (3) does not apply to an application for listed building consent or conservation area consent made before 1 September 2017.

Ken Skates

Ysgrifennydd y Cabinet dros yr Economi a'r Seilwaith, un o Weinidogion Cymru

4 Mai 2017

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Cabinet Secretary for Economy and Infrastructure, one of the Welsh Ministers

4 May 2017

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