



CYNULLIAD CENEDLAETHOL CYMRU

NATIONAL ASSEMBLY FOR WALES

OFFERYNNAU STATUDOL

STATUTORY INSTRUMENTS

2006 Rhif 1388 (Cy.138)

2006 No. 1388 (W.138)

**CYNLLUNIO GWLAD A
THREF, CYMRU**

**TOWN AND COUNTRY
PLANNING, WALES**

Rheoliadau Cynllunio (Adeiladau
Rhestredig, Ardaloedd Cadwraeth a
Sylweddau Peryglus) (Diwygiadau
sy'n ymwneud â Thir y Goron)
(Cymru) 2006

The Planning (Listed Buildings,
Conservation Areas and Hazardous
Substances) (Amendments Relating
to Crown Land) (Wales)
Regulations 2006

NODYN ESBONIADOL

EXPLANATORY NOTE

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

(This note is not part of the Order)

Mae'r Rheoliadau hyn yn addasu darpariaethau a geir mewn dwy set o Reoliadau i'r graddau y mae'r darpariaethau hynny yn ymwneud â chaniatâd adeilad rhestredig, ardal gadwraeth neu sylweddau peryglus ac y mae a wnelont â thir y Goron.

These Regulations modify provisions contained in two sets of Regulations insofar as those provisions relate to listed building, conservation area or hazardous substances consent and involve Crown land.

Diwygiodd adran 83 o Ddeddf Cynllunio a Phrynu Gorfodol 2004 ("Deddf 2004") Ddeddf Cynllunio (Adeiladau Rhestredig ac Ardaloedd Cadwraeth) 1990 drwy fewnosod adran 82B newydd ynddi. Mae hon yn gwneud darpariaeth ar gyfer ceisiadau brys am waith ar adeiladau ar dir y Goron sy'n rhestredig neu sydd mewn ardaloedd cadwraeth ac yn darparu i geisiadau o'r fath gael eu gwneud yn uniongyrchol i'r Ysgrifennydd Gwladol. Mae adran 82B(8) yn gosod dyletswydd ar yr Ysgrifennydd Gwladol i roi cyhoeddusrwydd i'r cais yn unol ag unrhyw ofynion a ragnodwyd. Yn unol â hyn, mae'r Rheoliadau hyn yn diwygio Rheoliadau Cynllunio (Adeiladau Rhestredig ac Ardaloedd Cadwraeth) 1990 (O.S. 1990/1519) i ragnodi'r gofynion hynny i roi cyhoeddusrwydd (rheoliad 2).

Section 83 of the Planning and Compulsory Purchase Act 2004 ("the 2004 Act") amended the Planning (Listed Buildings and Conservation Areas) Act 1990 by inserting a new section 82B. This makes provision for urgent applications for works to buildings on Crown land which are listed or which are in conservation areas and provides for such applications to be made directly to the Secretary of State. Section 82B(8) imposes a duty on the Secretary of State to publicise the application in accordance with any prescribed requirements. Accordingly, these Regulations amend the Planning (Listed Buildings and Conservation Areas) Regulations 1990 (S.I. 1990/1519) to prescribe those publicity requirements (regulation 2).

Diwygiodd adran 79 o Ddeddf 2004 Ddeddf Cynllunio (Sylweddau Peryglus) 1990 drwy fewnosod adran 30B newydd. Mae'r adran honno, o ran darpariaeth drosiannol, yn barnu bod caniatâd sylweddau peryglus wedi cael ei roi mewn perthynas â sylweddau peryglus sy'n bresennol ar dir y Goron cyn y dyddiad y mae Rhan 7 o Ddeddf 2004 (sy'n cymhwyso'r Deddfau

Section 79 of the 2004 Act amended the Planning (Hazardous Substances) Act 1990 by inserting a new section 30B. This makes transitional provision for hazardous substances consent to be granted in relation to hazardous substances present on Crown land before the date on which Part 7 of the 2004 Act (which applies the planning Acts to the Crown) was commenced. Section 30B requires a claim for deemed hazardous

Cynllunio i'r Goron) yn cael ei chychwyn. Mae adran 30B yn ei gwneud yn ofynnol i gais gael ei wneud am yr hyn a fernir yn ganiatâd sylweddau peryglus yn y ffurf ragnodedig a chan gynnwys yr wybodaeth ragnodedig. Mae hefyd yn darparu y gall yr hyn a fernir yn ganiatâd fod yn ddarostyngedig i amodau penodol - gan gynnwys unrhyw amod sy'n rhagnodedig. Yn unol â hynny, mae'r Rheoliadau hyn yn diwygio Rheoliadau Cynllunio (Sylweddau Peryglus) 1992 (O.S. 1992/656) er mwyn rhagnodi ffurf a chynnwys y cais a'r amodau y bydd yr hyn a fernir yn ganiatâd yn ddarostyngedig iddynt (rheoliad 3).

Yn rhinwedd erthygl 3 o Orchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999 (OS 1999/672), ynghyd ag adran 118(3) o Ddeddf 2004, mae swyddogaethau'r Ysgrifennydd Gwladol yn y materion hyn bellach yn arferadwy gan Gynulliad Cenedlaethol Cymru.

Ni luniwyd asesiad effaith reoleiddiol lawn ar gyfer yr offeryn hwn, gan nad yw'r offeryn yn effeithio o gwbl ar gostau busnesau, elusennau, cyrff gwirfoddol na'r sector cyhoeddus.

substances consent in the prescribed form and to contain prescribed information. It also enables deemed consent to be subject to certain conditions - including a condition which is prescribed. Accordingly these Regulations amend the Planning (Hazardous Substances) Regulations 1992 (S.I. 1992/656) to prescribe the form and content of the claim and the conditions to which a deemed consent will be subject (regulation 3).

By virtue of article 3 of the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672), together with section 118(3) of the 2004 Act, the functions of the Secretary of State in such matters are now exercisable by the National Assembly for Wales.

A full regulatory impact assessment has not been produced for this instrument as it has no impact on the costs of business, charities, voluntary bodies or the public sector.

2006 Rhif 1388 (Cy.138)**2006 No. 1388 (W.138)****CYNLLUNIO GWLAD A
THREF, CYMRU****TOWN AND COUNTRY
PLANNING, WALES**

Rheoliadau Cynllunio (Adeiladau Rhestredig, Ardaloedd Cadwraeth a Sylweddau Peryglus) (Diwygiadau sy'n ymwneud â Thir y Goron) (Cymru) 2006

The Planning (Listed Buildings, Conservation Areas and Hazardous Substances) (Amendments relating to Crown Land) (Wales) Regulations 2006

Wedi'u gwneud 23 Mai 2006

Made 23 May 2006

Yn dod i rym 7 Mehefin 2006

Coming into force 7 June 2006

Mae Cynulliad Cenedlaethol Cymru ("y Cynulliad Cenedlaethol"), drwy arfer y pwerau a roddwyd i'r Ysgrifennydd Gwladol gan adrannau 82B(8) a 93 o Ddeddf Cynllunio (Adeiladau Rhestredig ac Ardaloedd Cadwraeth) 1990(1) a chan adran 30B(2), (3) ac (8)(b) o Ddeddf Cynllunio (Sylweddau Peryglus) 1990(2), drwy hyn yn gwneud y Rheoliadau a ganlyn(3):

The National Assembly for Wales ("the National Assembly"), in exercise of the powers conferred upon the Secretary of State by sections 82B(8) and 93 of the Planning (Listed Buildings and Conservation Areas) Act 1990(1) and by section 30B(2), (3) and (8)(b) of the Planning (Hazardous Substances) Act 1990(2), makes the following Regulations(3):

Enwi, cychwyn a chymhwyso

1.-(1) Enw'r Rheoliadau hyn yw Rheoliadau Cynllunio (Adeiladau Rhestredig, Ardaloedd Cadwraeth a Sylweddau Peryglus) (Diwygiadau sy'n ymwneud â Thir y Goron) (Cymru) 2006 a deuant i rym ar 7 Mehefin 2006.

Title, commencement and application

1.-(1) The title of these Regulations is the Planning (Listed Buildings, Conservation Areas and Hazardous Substances) (Amendments relating to Crown Land) (Wales) Regulations 2006 and come into force on 7 June 2006.

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

(2) These Regulations apply in relation to Wales.

(1) 1990 p. 9. Mewnosodwyd adran 82B gan Ddeddf Cynllunio a Phrynu Gorfodol 2004 (p.5), adran 83(1). Gweler adran 91 i gael ystyr "prescribed".

(2) 1990 p.10. Mewnosodwyd adran 30B gan Ddeddf Cynllunio a Phrynu Gorfodol 2004, adran 79(3). Gweler adran 39(2) i gael ystyr "prescribed".

(3) Trosglwyddwyd swyddogaethau perthnasol yr Ysgrifennydd Gwladol o dan Ddeddf Cynllunio (Adeiladau Rhestredig ac Ardaloedd Cadwraeth) 1990 a Deddf Cynllunio (Sylweddau Peryglus) 1990 i'r graddau yr maent yn arferadwy o ran Cymru, i Gynulliad Cenedlaethol Cymru gan erthygl 2 ac Atodlen 1 i Orchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999 (O.S. 1999/672) fel y'u hestynnwyd gan adran 118(3) o Ddeddf 2004.

(1) 1990 c. 9. Section 82B was inserted by the Planning and Compulsory Purchase Act 2004 (c. 5), section 83(1). See section 91 for the meaning of "prescribed".

(2) 1990 c. 10.. Section 30B was inserted by the Planning and Compulsory Purchase Act 2004, section 79(3). See section 39(2) for the meaning of "prescribed".

(3) The relevant functions of the Secretary of State under the Planning (Listed Buildings and Conservation Areas) Act 1990 and the Planning (Hazardous Substances) Act 1990, were, insofar as exercisable in relation to Wales, transferred to the National Assembly for Wales by article 2 of and Schedule 1 to the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672) as extended by section 118(3) of the 2004 Act.

Diwygio Rheoliadau Cynllunio (Adeiladau Rhestredig ac Ardaloedd Cadwraeth) 1990

2.-(1) Diwygir Rheoliadau Cynllunio (Adeiladau Rhestredig ac Ardaloedd Cadwraeth) 1990(1) fel a ganlyn.

(2) Ar ôl rheoliad 5A (cyhoedduswydd ar gyfer ceisiadau sy'n effeithio ar osodiad adeiladau rhestredig) mewnosoder-

"Advertisement of applications for urgent works relating to Crown development in Wales

5B.-(1) Subject to paragraph (2), where an application under section 82B(2)(2) (urgent works relating to Crown development) of the Act is made to the National Assembly in respect of any building the National Assembly 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, will be 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, will be 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 National Assembly as a building of special architectural or historic interest was classified as a Grade II (unstarred) listed building."

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

2.-(1) The Planning (Listed Buildings and Conservation Areas) Regulations 1990(1) are amended as follows.

(2) After regulation 5A (publicity for applications affecting setting of listed buildings) insert-

"Advertisement of applications for urgent works relating to Crown development in Wales

5B.-(1) Subject to paragraph (2), where an application under section 82B(2)(2) (urgent works relating to Crown development) of the Act is made to the National Assembly in respect of any building the National Assembly 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, will be 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, will be 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 National Assembly as a building of special architectural or historic interest was classified as a Grade II (unstarred) listed building."

(1) O.S. 1990/1519.

(2) Mewnosodwyd adran 82B gan Ddeddf Cynllunio a Phrynu Gorfodol 2004 (p. 5), adran 83(1).

(1) S.I. 1990/1519.

(2) Section 82B was inserted by the Planning and Compulsory Purchase Act 2004 (c. 5), section 83(1).

Diwygio Rheoliadau Cynllunio (Sylweddau Peryglus) 1992

3.-(1) Diwygir Rheoliadau Cynllunio (Sylweddau Peryglus) 1992(1) fel a ganlyn.

(2) Yn rheoliad 14 (cais am yr hyn a fernir yn ganiatâd), ar ôl "section 11" mewnosoder "or 30B".

(3) Yn rheoliad 15 (amodau ar yr hyn a fernir yn ganiatâd), ar ôl "section 11(7)(b)" mewnosoder "and section 30B(8)(b)".

(4) Yn Atodlen 2 (ffurfiau, hysbysiadau a thystysgrifau rhagnodedig) yn Ffurf 8-

- (a) yn y pennawd, ar ôl "Section 11" ychwaneger "and 30B";
- (b) yn y nodiadau i Ran 2, ar ôl "1999" yn nodyn (c) mewnosoder "or, in the case of applications for deemed consent under section 30B, 7 Mehefin 2006"; ac
- (c) yn y nodyn i Ran 5, ar ôl "section 11(7)" mewnosoder ", or, as the case may be, section 30B(8)".

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

23 Mai 2006

Llywydd y Cynulliad Cenedlaethol

Amendment of the Planning (Hazardous Substances) Regulations 1992

3.-(1) The Planning (Hazardous Substances) Regulations 1992(1) are amended as follows.

(2) In regulation 14 (claim for deemed consent), after "section 11" insert "or 30B".

(3) In regulation 15 (conditions on deemed consent), after "section 11(7)(b)" insert "and section 30B(8)(b)".

(4) In Schedule 2 (prescribed forms, notices and certificates) in Form 8-

- (a) in the heading, after "Section 11" add "and 30B";
- (b) in the notes to Part 2, after "1999" in note (c) insert "or, in the case of applications for deemed consent under section 30B, 7 June, 2006"; and
- (c) in the note to Part 5, after "section 11(7)" insert ", or, as the case may be, section 30B(8)".

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

23 May 2006

The Presiding Officer of the National Assembly

D. Elis-Thomas

(1) O.S. 1992/656. Gwnaed diwygiadau perthnasol gan O.S. 1999/981.

(2) 1998 p.38.

(1) S.I. 1992/656. Relevant amendments were made by S.I. 1999/981.

(2) 1998 c.38.

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