CYNULLIAD CENEDLAETHOL CYMRU

OFFERYNNAU STATUDOL

2002 Rhif 1877 (Cy.186)

CYNLLUNIO GWLAD A THREF, CYMRU

Gorchymyn Cynllunio Gwlad a Thref (Gweithdrefn Datblygu Cyffredinol) (Diwygio) (Cymru) 2002

NODYN ESBONIADOL

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

Mae'r Gorchymyn hwn yn diwygio Gorchymyn Cynllunio Gwlad a Thref (Gweithdrefn Datblygu Cyffredinol) 1995 mewn perthynas â Chymru er mwyn ei gwneud hi'n ofynnol bod datganiad ysgrifenedig bod y cyfarpar a gosodiad y mae'r cais yn perthyn iddynt wedi'u cynllunio fel y byddant, ar ôl cael eu hadeiladu neu'u hosod, yn gweithio yn y fath fodd ag i gydymffurfio'n llawn â gofynion canllawiau'r Comisiwn Rhyngwladol ar Amddiffyn rhag Ymbelydredd Anïoneiddio ar ddatguddio'r cyhoedd i amleddau radio yn cyd-fynd â phob cais i awdurdod cynllunio lleol yng Nghymru am ganiatâd cynllunio ar gyfer datblygu sy'n cynnwys adeiladu neu osod un neu fwy o antenâu er mwyn gweithredu system delathrebu.

Mae llawer ffurf ar ddatblygu sy'n perthyn i gyfarpar telathrebu yn mwynhau hawliau datblygu a ganiateir o dan Ran 24 o Atodlen 2 i Orchymyn Cynllunio Gwlad a Thref (Datblygu Cyffredinol a Ganiateir) 1995. Trwy ddiwygiad i'r Gorchymyn hwnnw, mae gofyniad yn cael ei gyflwyno hefyd fod datganiad tebyg yn cyd-fynd â cheisiadau i awdurdodau cynllunio lleol yng Nghymru am ddyfarniadau ynghylch a yw cymeradwyaeth o flaen llaw yn ofynnol o dan y Gorchymyn hwnnw lle bo gofyn am gais felly mewn cysylltiad â datblygu sy'n ymwneud ag adeiladu neu osod un neu fwy o antenâu.

NATIONAL ASSEMBLY FOR WALES

STATUTORY INSTRUMENTS

2002 No. 1877 (W.186)

TOWN AND COUNTRY PLANNING, WALES

The Town and Country Planning (General Development Procedure) (Amendment) (Wales) Order 2002

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Town and Country Planning (General Development Procedure) Order 1995 in relation to Wales so as to require any application to a local planning authority in Wales for planning permission for development which involves the construction or installation of one or more antennas for the purpose of operating a telecommunications system to be accompanied by a written declaration that the equipment and installation to which the application relates is so designed that it will, when constructed or installed, operate in full compliance with the requirements of the radio frequency public exposure guidelines of the International Commission on Non-ionising Radiation Protection.

Many forms of development relating to telecommunications apparatus enjoy permitted development rights under Part 24 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995. A requirement for a similar declaration to accompany applications to local planning authorities in Wales for determinations as to whether prior approval is required under that Order where such an application is required in connection with development relating to the construction or installation of one or more antennas is also being introduced by an amendment to that Order.

OFFERYNNAU STATUDOL

2002 Rhif 1877 (Cy.186)

CYNLLUNIO GWLAD A THREF, CYMRU

Gorchymyn Cynllunio Gwlad a Thref (Gweithdrefn Datblygu Cyffredinol) (Diwygio) (Cymru) 2002

Wedi'i wneud	*18 Gorffennaf 2002*
Yn dod i rym	*1 Awst 2002*

Mae Cynulliad Cenedlaethol Cymru, drwy arfer y pwerau a roddwyd i'r Ysgrifennydd Gwladol gan adrannau 59, 61(1), 65, 69, 71, 73(3), 74, 77(4), 78, 79(4), 188, 193, 196(4) a 333(7) o Ddeddf Cynllunio Gwlad a Thref 1990, a pharagraffau 5, 6, 7(6) ac 8(6) o Atodlen 1 iddi(**a**), ac sydd bellach yn arferadwy gan Gynulliad Cenedlaethol Cymru(**b**), a phob pŵer arall sy'n ei alluogi yn y cyswllt hwnnw, drwy hyn yn gwneud y Gorchymyn canlynol:

Enwi, cychwyn a chymhwyso

1. -(1) Enw'r Gorchymyn hwn yw Gorchymyn Cynllunio Gwlad a Thref (Gweithdrefn Datblygu Cyffredinol) (Diwygio) (Cymru) 2002 ac mae'n dod i rym ar 1 Awst 2002.

(2) Mae'r Gorchymyn hwn yn gymwys i Gymru.

Dehongli

2. Yn y Gorchymyn hwn, ystyr "Gorchymyn 1995" yw Gorchymyn Cynllunio Gwlad a Thref (Gweithdrefn Datblygu Cyffredinol) 1995(**c**) ac mae unrhyw gyfeiriad at erthygl â rhif yn gyfeiriad at yr erthygl sy'n dwyn y rhif hwnnw yng Ngorchymyn 1995.

(a) 1990 p.8.

(b) Trosglwyddwyd swyddogaethau'r Ysgrifennydd Gwladol o dan adrannau 59, 61(1), 65, 69, 71, 73(3), 74, 77(4), 78, 79(4), 188, 193, 196(4) a 333(7), a pharagraffau 5, 6, 7(6) ac 8(6) o Atodlen 1 i Gynulliad Cenedlaethol Cymru gan erthygl 2 o Orchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999, O.S.1999/672 ac Atodlen 1 iddo.

(c) O.S.1995/419.

STATUTORY INSTRUMENTS

2002 No. 1877 (W.186)

TOWN AND COUNTRY PLANNING, WALES

The Town and Country Planning (General Development Procedure) (Amendment) (Wales) Order 2002

Made	*18th July 2002*
Coming into force	*1st August 2002*

The National Assembly for Wales, in exercise of the powers conferred on the Secretary of State by sections 59, 61(1), 65, 69, 71, 73(3), 74, 77(4), 78, 79(4), 188, 193, 196(4), and 333(7) of, and paragraphs 5, 6, 7(6) and 8(6) of Schedule 1 to, the Town and Country Planning Act 1990(**a**) and now exercisable by it(**b**) and of all other powers enabling it in that behalf, hereby make the following Order:

Citation, commencement and application

1. -(1) This Order may be cited as the Town and Country Planning (General Development Procedure) (Amendment) (Wales) Order 2002 and comes into force on the 1st August 2002.

(2) This Order applies to Wales.

Interpretation

2. In this Order, "the 1995 Order" means the Town and Country Planning (General Development Procedure) Order 1995(**c**) and any reference to a numbered article is a reference to the article bearing that number in the 1995 Order.

(a) 1990 c. 8.

(b) The functions of the Secretary of State under sections 59, 61(1), 65, 69, 71, 73(3), 74, 77(4), 78, 79(4), 188, 193, 196(4), and 333(7), and paragraphs 5, 6, 7(6) and 8(6) of Schedule 1, were 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.

(c) S.I. 1995/419.

Diwygio Gorchymyn 1995

3. Mewnosodwch yng Ngorchymyn 1995, ar ôl erthygl 5-

"Declaration to accompany application to a local planning authority in Wales for planning permission for certain telecommunications developments.

5A.-(1) This article applies to any application for planning permission which:

(a) is made to a local planning authority in Wales; and

(b) relates to development which involves the construction or installation of one or more antennas for the purpose of operating a telecommunications system.

(2) For the purposes of this Article-

"telecommunications system" has the meaning assigned to that term by section 4(1) of the Telecommunications Act 1984(**a**) (meaning of "telecommunications system" and related expressions).

(3) An application to which this Article applies must be accompanied by a written declaration that the equipment and installation to which the application relates is so designed that it will, when constructed or installed, operate, having regard to its location and the manner in which it has been constructed or installed, in full compliance with the requirements of the radio frequency public exposure guidelines of the International Commission on Non-ionising Radiation Protection, as expressed in EU Council recommendation of 12 July 1999(**b**) on the limitation of exposure of the general public to electromagnetic fields (0 Hz to 300 GHz)."

Darpariaethau trosiannol

4. Nid yw'r diwygiadau sy'n cael eu gwneud i Orchymyn 1995 gan y Gorchymyn hwn yn gymwys mewn perthynas â cheisiadau am ganiatâd cynllunio a wneir cyn y daw'r Gorchymyn hwn i rym.

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

18 Gorffennaf 2002

John Marek

Dirprwy Lywydd y Cynulliad Cenedlaethol

(a) 1984 p. 12; diwygiwyd adran 10 gan O.S. 1997/2930.

(b) 1999/519/EC.

(c) 1998 p.38

Amendment of the 1995 Order

3. Insert in the 1995 Order, after Article 5-

"Declaration to accompany application to a local planning authority in Wales for planning permission for certain telecommunications developments.

5A.-(1) This article applies to any application for planning permission which:

(a) is made to a local planning authority in Wales; and

(b) relates to development which involves the construction or installation of one or more antennas for the purpose of operating a telecommunications system .

(2) For the purposes of this Article-

"telecommunications system" has the meaning assigned to that term by section 4(1) of the Telecommunications Act 1984(**a**) (meaning of "telecommunications system" and related expressions);

(3) An application to which this Article applies must be accompanied by a written declaration that the equipment and installation to which the application relates is so designed that it will, when constructed or installed, operate, having regard to its location and the manner in which it has been constructed or installed, in full compliance with the requirements of the radio frequency public exposure guidelines of the International Commission on Non-ionising Radiation Protection, as expressed in EU Council recommendation of 12 July 1999(**b**) on the limitation of exposure of the general public to electromagnetic fields (0 Hz to 300 GHz)."

Transitional provisions

4. The amendments made to the 1995 Order by this Order do not apply in relation to applications for planning permission which are made before this Order comes into force.

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

18th July 2002

The Deputy Presiding Officer of the Assembly

(a) 1984 c. 12; section 10 was amended by S.I. 1997/2930.

(b) 1999/519/EC.

(c) 1998 c. 38.

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2002 Rhif 1877 (Cy.186)

CYNLLUNIO GWLAD A THREF, CYMRU

Gorchymyn Cynllunio Gwlad a Thref (Gweithdrefn Datblygu Cyffredinol) (Diwygio) (Cymru) 2002

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The Town and Country Planning (General Development Procedure) (Amendment) (Wales) Order 2002

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