



CYNULLIAD CENEDLAETHOL CYMRU

NATIONAL ASSEMBLY FOR WALES

OFFERYNNAU STATUDOL

STATUTORY INSTRUMENTS

2006 Rhif 3390 (Cy.310)

2006 No. 3390 (W.310)

**CYNLLUNIO GWLAD A
THREF, CYMRU**

**TOWN AND COUNTRY
PLANNING, WALES**

Gorchymyn Cynllunio Gwlad a
Thref (Gweithdrefn Datblygu
Cyffredinol) (Diwygio) (Cymru)
2006

The Town and Country Planning
(General Development Procedure)
(Amendment) (Wales) Order
2006

NODYN ESBONIADOL

EXPLANATORY NOTE

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

(This note is not part of the Order)

Mae Gorchymyn Cynllunio Gwlad a Thref (Gweithdrefn Datblygu Cyffredinol) 1995 (O.S. 1995/419) ("Gorchymyn 1995") yn pennu'r gweithdrefnau sy'n gysylltiedig â cheisiadau cynllunio, apelau i Gynulliad Cenedlaethol Cymru a materion cysylltiedig i'r graddau nad ydynt wedi'u gosod i lawr yn Neddf Cynllunio Gwlad a Thref 1990 neu mewn deddfwriaeth berthynol.

The Town and Country Planning (General Development Procedure) Order 1995 (S.I.1995/419) ("the 1995 Order") specifies the procedures connected with planning applications, appeals to the National Assembly for Wales and related matters so far as these are not laid down in the Town and Country Planning Act 1990 or related legislation.

Mae'r Gorchymyn hwn yn mewnosod erthygl 4D yng Ngorchymyn 1995. Mae erthygl 4D newydd yn gymwys o ran Cymru ac mae'n darparu ar gyfer datganiadau mynediad y mae'n ofynnol eu bod yn mynd gyda cheisiadau penodol am ganiatâd cynllunio.

This Order inserts article 4D into the 1995 Order. The new article 4D applies in relation to Wales and makes provision for access statements which are required to accompany certain applications for planning permission.

2006 Rhif 3390 (Cy.310)**2006 No. 3390 (W.310)****CYNLLUNIO GWLAD A
THREF, CYMRU****TOWN AND COUNTRY
PLANNING, WALES**

Gorchymyn Cynllunio Gwlad a
Thref (Gweithdrefn Datblygu
Cyffredinol) (Diwygio) (Cymru)
2006

The Town and Country Planning
(General Development Procedure)
(Amendment) (Wales) Order
2006

Wedi'i wneud 12 Rhagfyr 2006
Yn dod i rym 30 Mehefin 2007

Made 12 December 2006
Coming into force 30 June 2007

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

The National Assembly for Wales, in exercise of the powers conferred upon the Secretary of State by sections 59, 61(1), 62 and 69 of the Town and Country Planning Act 1990(1) and which are now exercisable by the National Assembly for Wales(2), makes the following Order:

Enwi, cychwyn a chymhwyso

1.-(1) Enw'r Gorchymyn hwn yw Gorchymyn Cynllunio Gwlad a Thref (Gweithdrefn Datblygu Cyffredinol) (Diwygio) (Cymru) 2006.

(2) Daw'r Gorchymyn hwn i rym ar 30 Mehefin 2007.

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

Title, commencement and application

1.-(1) The title of this Order is the Town and Country Planning (General Development Procedure) (Amendment) (Wales) Order 2006.

(2) This Order comes into force on 30 June 2007.

(3) This Order applies in relation to Wales.

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

2. Mae Gorchymyn Cynllunio Gwlad a Thref (Gweithdrefn Datblygu Cyffredinol) 1995(3) wedi'i ddiwygio yn unol ag erthygl 3 o'r Gorchymyn hwn.

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

2. The Town and Country Planning (General Development Procedure) Order 1995(3) is amended in accordance with article 3 of this Order.

(1) 1990 p.8. Amnewidiwyd adran 62 gan Ddeddf Cynllunio a Phrynu Gorfodol 2004 (p.5), adran 42(1). *Gweler* adran 336(1) o Ddeddf Cynllunio Gwlad a Thref 1990 i gael y diffiniad o "prescribed".

(2) Trosglwyddwyd swyddogaethau perthnasol yr Ysgrifennydd Gwladol o dan Ddedf 1990 o ran Cymru i Gynulliad Cenedlaethol Cymru gan erthygl 2 o Orchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999 (O.S. 1999/672) ac Atodlen 1 iddo. *Gweler* y cofnod ar gyfer Ddedf 1990 yn Atodlen 1 i'r Gorchymyn hwnnw, fel yr amrywiwyd ef gan erthygl 4 o Orchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 2000 (O.S. 2000/253) (Cy.5) ac Atodlen 3 iddo ac fel y diwygiwyd ef gan adran 118(3) o Ddeddf 2004.

(3) O.S. 1995/419. Gwnaethpwyd diwygiadau perthnasol gan O.S. 1997/2971 a 2004/3156 (Cy.273).

(1) 1990 c.8. Section 62 was substituted by the Planning and Compulsory Purchase Act 2004 (c.5), section 42(1). *See* section 336(1) of the Town and Country Planning Act 1990 for the definition of "prescribed".

(2) The relevant functions of the Secretary of State under the 1990 Act were, 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). *See* the entry for the 1990 Act in Schedule 1 to that Order, as varied by article 4 of, and Schedule 3 to, the National Assembly for Wales (Transfer of Functions) Order 2000 (S.I. 2000/253) (W.5) and amended by section 118(3) of the 2004 Act.

(3) S.I. 1995/419. Relevant amendments were made by S.I. 1997/2971 and 2004/3156 (W.273).

Diwygiadau sy'n ymwneud â datganiadau mynediad

3.-(1) Ar ôl erthygl 4C (datganiadau dylunio a mynediad) rhodder-

"4D. Access statements:Wales

(1) This article applies to an application for planning permission which is not an application for planning permission for-

- (a) engineering or mineral operations;
- (b) development of an existing dwelling-house, or development within the curtilage of such a dwelling-house for any purpose incidental to the enjoyment of the dwelling-house as such; or
- (c) a material change in the use of land or buildings provided that the new use:
 - (i) will not necessitate access by an employee, or
 - (ii) does not involve the provision of services to the public or to a section of the public, with or without payment.

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

(3) An application for planning permission to which this article applies must be accompanied by a statement ("an access statement") explaining how issues relating to access to the development have been dealt with.

(4) An access statement must explain-

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

(2) In paragraph (4)(a) of article 25 (register of applications), after "thereto" insert "and of any accompanying access statement provided in accordance with article 4D".

Amendments relating to access statements

3.-(1) After article 4C (design and access statements) insert-

"4D. Access statements:Wales

(1) This article applies to an application for planning permission which is not an application for planning permission for-

- (a) engineering or mineral operations;
- (b) development of an existing dwelling-house, or development within the curtilage of such a dwelling-house for any purpose incidental to the enjoyment of the dwelling-house as such; or
- (c) a material change in the use of land or buildings provided that the new use:
 - (i) will not necessitate access by an employee, or
 - (ii) does not involve the provision of services to the public or to a section of the public, with or without payment.

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

(3) An application for planning permission to which this article applies must be accompanied by a statement ("an access statement") explaining how issues relating to access to the development have been dealt with.

(4) An access statement must explain-

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

(2) In paragraph (4)(a) of article 25 (register of applications), after "thereto" insert "and of any accompanying access statement provided in accordance with article 4D".

(1) *Gweler* adran 38(4) o Ddeddf Cynllunio a Phrynu Gorfodol 2004 (p.5) i gael ystyr "development plan" a'r darpariaethau trosiannol a'r arbedion yn erthygl 3 o Orchymyn Cynllunio Gwlad a Thref a Phrynu Gorfodol 2004 (Cychwyn Rhif 6, Darpariaethau Trosiannol ac Arbedion) 2005 (O.S. 2005/2847) (p.118).

(1) *See* section 38(4) of the Planning and Compulsory Purchase Act 2004 (c.5) for the meaning of "development plan" and the transitional provisions and savings in article 3 of the Planning and Compulsory Purchase Act 2004 (Commencement No 6, Transitional Provisions and Savings) Order 2005 (S.I. 2005/2847) (C.118).

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

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

12 Rhagfyr 2006

12 December 2006

D. Elis-Thomas

Llywydd y Cynulliad Cenedlaethol

The Presiding Officer of the National Assembly

(1) 1998 p.38.

(1) 1998 c.38.

©© Hawlfraint y Goron 2006

Argraffwyd a chyhoeddwyd yn y Deyrnas Unedig gan The Stationery Office Limited o dan awdurdod ac arolygiaeth Carol Tullo, Rheolwr Gwasg Ei Mawrhydi ac Argraffydd Deddfau Seneddol y Frenhines.

© Crown copyright 2006

Printed and Published in the UK by the Stationery Office Limited under the authority and superintendence of Carol Tullo, Controller of Her Majesty's Stationery Office and Queen's Printer of Acts of Parliament.

£3.00

W453/12/06

ON