OFFERYNNAU STATUDOL CYMRU

WELSH STATUTORY INSTRUMENTS

2009 Rhif 1026 (Cy.88)

2009 No. 1026 (W.88)

CYNLLUNIO GWLAD A THREF, CYMRU

TOWN AND COUNTRY PLANNING, WALES

Rheoliadau Cynllunio (Adeiladau Rhestredig ac Ardaloedd Cadwraeth) (Diwygio) (Cymru) 2009

The Planning (Listed Buildings and Conservation Areas) (Amendment) (Wales) Regulations 2009

NODYN ESBONIADOL

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

Mae rheoliad 3 o Reoliadau Cynllunio (Adeiladau Rhestredig ac Ardaloedd Cadwraeth) 1990 ("Rheoliadau 1990") yn gwneud darpariaeth ar gyfer ceisiadau a gyflwynir i awdurdodau cynllunio lleol am ganiatâd adeilad rhestredig neu ganiatâd ardal gadwraeth.

Mae rheoliad 2 o'r Rheoliadau hyn yn gosod rheoliad 3B newydd yn Rheoliadau 1990 yn lle'r hen un. Mae'r rheoliad 3B newydd yn gwneud darpariaeth ar gyfer datganiadau dylunio a mynediad y mae'n ofynnol eu bod yn mynd gyda cheisiadau am ganiatâd adeilad rhestredig.

Mae'r rheoliad 3B newydd yn disodli rheoliad 3B fel y'i mewnosodwyd yn Rheoliadau 1990 gan Reoliadau Cynllunio (Adeiladau Rhestredig ac Ardaloedd Cadwraeth) (Diwygio) (Cymru) 2006 (O.S. 2006/3316 (Cy.301)) ("Rheoliadau 2006"), a wnaeth ddarpariaeth ar gyfer datganiadau mynediad.

Mae rheoliad 3 o'r Rheoliadau hyn yn ddirymiad canlyniadol o Reoliadau 2006.

Lluniwyd asesiad effaith rheoleiddiol a gellir cael copïau oddi wrth yr Is-adran Gynllunio, Llywodraeth Cynulliad Cymru, Parc Cathays, Caerdydd CF10 3NQ.

EXPLANATORY NOTE

(This note is not part of the Regulations)

Regulation 3 of the Planning (Listed Buildings and Conservation Areas) Regulations 1990 ("the 1990 Regulations") makes provision for applications made to local planning authorities for listed building consent or conservation area consent.

Regulation 2 of these Regulations substitutes a new regulation 3B into the 1990 Regulations. The new regulation 3B makes provision for design and access statements which are required to accompany applications for listed building consent.

The new regulation 3B replaces regulation 3B as inserted into the 1990 Regulations by the Planning (Listed Buildings and Conservation Areas) (Amendment) (Wales) Regulations 2006 (S.I. 2006/3316 (W.301)) ("the 2006 Regulations"), which made provision for access statements.

Regulation 3 of these Regulations is a consequential revocation of the 2006 Regulations.

A regulatory impact assessment has been prepared and copies can be obtained from Planning Division, Welsh Assembly Government, Cathays Park, Cardiff CF10 3NQ.

OFFERYNNAU STATUDOL CYMRU

2009 Rhif 1026 (Cy.88)

CYNLLUNIO GWLAD A THREF, CYMRU

Rheoliadau Cynllunio (Adeiladau Rhestredig ac Ardaloedd Cadwraeth) (Diwygio) (Cymru) 2009

Gwnaed	*18 Ebrill 2009*
Gosodwyd gerbron Cynulliad Cenedlaethol Cymru	*21 Ebrill 2009*
Yn dod i rym	*1 Mehefin 2009*

Mae Gweinidogion Cymru yn gwneud y Rheoliadau hyn drwy arfer y pwerau a roddwyd i'r Ysgrifennydd Gwladol gan adrannau 10(3), (4) a (5) a 93(1)(b) o Ddeddf Cynllunio (Adeiladau Rhestredig ac Ardaloedd Cadwraeth) 1990(**1**) ac sydd bellach yn arferadwy gan Weinidogion Cymru(**2**).

Enwi, cychwyn, dehongli a chymhwyso

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau Cynllunio (Adeiladau Rhestredig ac Ardaloedd Cadwraeth) (Diwygio) (Cymru) 2009.

(2) Daw'r Rheoliadau hyn i rym ar 1 Mehefin 2009.

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

(**1**) 1990 p.9. Diwygiwyd adran 10 gan adran 42 o Ddeddf Cynllunio a Phrynu Gorfodol 2004 (p.5). *Gweler* adran 91(1) o Ddeddf Cynllunio (Adeiladau Rhestredig ac Ardaloedd Cadwraeth) 1990 i gael y diffiniad o "*prescribed*".

(**2**) Trosglwyddwyd swyddogaethau o dan yr adrannau hynny, i'r graddau yr oeddynt 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 118(3) o Ddeddf Cynllunio a Phrynu Gorfodol 2004 (p.5), bernir bod cyfeiriadau yng Ngorchymyn 1999 at swyddogaethau sydd wedi'u trosglwyddo gan y Gorchymyn hwnnw, ac sydd wedi'u diwygio gan Ddeddf 2004, yn gyfeiriadau at y swyddogaethau hynny, fel y'u diwygiwyd felly. 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.

WELSH STATUTORY INSTRUMENTS

2009 No. 1026 (W.88)

TOWN AND COUNTRY PLANNING, WALES

The Planning (Listed Buildings and Conservation Areas) (Amendment) (Wales) Regulations 2009

Made	*18 April 2009*
Laid before the National Assembly for Wales	*21 April 2009*
Coming into force	*1 June 2009*

The Welsh Ministers make these Regulations in exercise of the powers conferred upon the Secretary of State by sections 10(3), (4) and (5) and 93(1)(b) of the Planning (Listed Buildings and Conservation Areas) Act 1990(**1**) and which are now exercisable by the Welsh Ministers(**2**)

Title, commencement, interpretation and application

1.—(1) The title of these Regulations is the Planning (Listed Buildings and Conservation Areas) (Amendment) (Wales) Regulations 2009.

(2) These Regulations come into force on 1 June 2009.

(3) These Regulations apply in relation to Wales.

(**1**) 1990 c.9. Section 10 was amended by section 42 of the Planning and Compulsory Purchase Act 2004 (c.5). *See* section 91(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 for the definition of "prescribed".

(**2**) 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 118(3) of the Planning and Compulsory Purchase Act 2004 (c.5), references in the 1999 Order to functions which are transferred by that Order, and are amended by the 2004 Act, are deemed to be references to those functions as so amended. 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.

Diwygio Rheoliadau Cynllunio (Adeiladau Rhestredig ac Ardaloedd Cadwraeth) 1990

2.—(1) Mae Rheoliadau Cynllunio (Adeiladau Rhestredig ac Ardaloedd Cadwraeth) 1990(**1**) wedi'u diwygio fel a ganlyn.

(2) Yn lle rheoliad 3B (Datganiadau Mynediad: Cymru) rhodder—

"**Design and access statements: Wales**

3B.—(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) how policies relating to access in the development plan(**2**) have been taken into account;

(**1**) O.S. 1990/1519. Gwnaed diwygiadau perthnasol gan O.S. 2004/3156 ac O.S. 2006/3316.

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

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) For regulation 3B (Access Statements: Wales) substitute—

"**Design and access statements: Wales**

3B.—(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) how policies relating to access in the development plan(**2**) have been taken into account;

(**1**) S.I. 1990/1519. Relevant amendments were made by S.I.2004/3156 and S.I. 2006/3316.

(**2**) *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).

(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", 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" 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" means the extent and dimensions of the works in relation to the building and its surroundings.".

Dirymu Rheoliadau Cynllunio (Adeiladau Rhestredig ac Ardaloedd Cadwraeth) (Diwygio) (Cymru) 2006

3. Mae Rheoliadau (Adeiladau Rhestredig ac Ardaloedd Cadwraeth) (Diwygio) (Cymru) 2006(**1**) wedi'u dirymu.

(**1**) O.S. 2006/3316 (Cy.301).

(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", 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" 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" means the extent and dimensions of the works in relation to the building and its surroundings.".

Revocation of the Planning (Listed Buildings and Conservation Areas) (Amendment) (Wales) Regulations 2006

3. The Planning (Listed Buildings and Conservation Areas) (Amendment) (Wales) Regulations 2006(**1**) are revoked.

(**1**) S.I. 2006 / 3316 (W.301).

Jane Davidson

Y Gweinidog dros yr Amgylchedd, Cynaliadwyedd a Thai, un o Weinidogion Cymru

18 Ebrill 2009

Minister for Environment, Sustainability and Housing, one of the Welsh Ministers

18 April 2009

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Rheoliadau Cynllunio (Adeiladau Rhestredig ac Ardaloedd Cadwraeth) (Diwygio) (Cymru) 2009

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2009 No. 1026 (W.88)

TOWN AND COUNTRY PLANNING, WALES

The Planning (Listed Buildings and Conservation Areas) (Amendment) (Wales) Regulations 2009

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