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WELSH STATUTORY
INSTRUMENTS

2021 Rhif 832 (Cy. 194)

2021 No. 832 (W. 194)

**CYNLLUNIO GWLAD A
THREF, CYMRU**

**TOWN AND COUNTRY
PLANNING, WALES**

**Rheoliadau Cynllunio (Adeiladau
Rhestredig ac Ardaloedd
Cadwraeth) (Cymru) (Diwygio)
2021**

**The Planning (Listed Buildings and
Conservation Areas) (Wales)
(Amendment) Regulations 2021**

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 ("Rheoliadau 2012").

Mae rheoliad 2(2) yn cael gwared ar y gofyniad i gais a wneir gan awdurdod cynllunio lleol i newid neu estyn adeilad rhestredig yn ei ardal gael ei gyfeirio at Weinidogion Cymru i'w benderfynu. Mae rheoliad 2(3) a (4) yn ganlyniadol ar reoliad 2(2).

Mae rheoliad 2(5) yn mewnosod dau baragraff yn rheoliad 9 o Reoliadau 2012. Mae'r paragraff (8) newydd yn darparu na chaiff y pwyllgor neu'r is-bwyllgor sy'n penderfynu ar gais gan yr awdurdod cynllunio lleol fod wedi ymwneud â rheoli'r adeilad. Mae'r paragraff (9) newydd yn darparu, pan fo cais gan yr awdurdod cynllunio lleol yn cael ei benderfynu gan yr awdurdod hwnnw, nad oes hawl i apelio.

Mae rheoliad 3 yn cynnwys darpariaeth drosiannol sy'n darparu y bydd unrhyw gais a wneir gan awdurdod cynllunio lleol i newid neu estyn adeilad rhestredig yn ei ardal cyn i'r Rheoliadau hyn ddod i rym yn cael ei benderfynu gan Weinidogion Cymru.

Ystyriwyd Cod Ymarfer Gweinidogion Cymru ar gynnal Asesiadau Effaith Rheoleiddiol mewn perthynas â'r Rheoliadau hyn. O ganlyniad, lluniwyd asesiad effaith rheoleiddiol o'r costau a'r manteision sy'n debygol o ddeillio o gydymffurfio â'r Rheoliadau hyn. Gellir cael copi oddi wrth: Llywodraeth Cymru, Parc Cathays, Caerdydd, CF10 3NQ 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 ("the 2012 Regulations").

Regulation 2(2) removes the requirement for an application made by a local planning authority for the alteration or extension of a listed building in their area to have to be referred to the Welsh Ministers for determination. Regulation 2(3) and (4) are consequential on regulation 2(2).

Regulation 2(5) inserts two paragraphs in regulation 9 of the 2012 Regulations. New paragraph (8) provides that the committee or sub-committee that determines an application by the local planning authority cannot have been involved in the management of the building. New paragraph (9) provides that where an application of the local planning authority is determined by that authority, there is no right of appeal.

Regulation 3 contains a transitional provision that provides that any application made by a local planning authority for the alteration or extension of a listed building in their area before the coming into force of these Regulations will be determined by the Welsh Ministers.

The Welsh Ministers' Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result, a regulatory impact assessment has been prepared as to the likely costs and benefits of complying with these Regulations. A copy can be obtained from the Welsh Government at Cathays Park, Cardiff, CF10 3NQ and is published on the Welsh Government website at www.gov.wales.

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2021**

**The Planning (Listed Buildings and
Conservation Areas) (Wales)
(Amendment) Regulations 2021**

Gwnaed 12 Gorffennaf 2021
Gosodwyd gerbron *Senedd*
Cymru 16 Gorffennaf 2021
Yn dod i rym 16 Awst 2021

Made 12 July 2021
Laid before Senedd Cymru 16 July 2021
Coming into force 16 August 2021

Mae Gweinidogion Cymru, drwy arfer y pwerau a roddir i'r Ysgrifennydd Gwladol gan adrannau 10(3), 82(2)(1) a 93(1) o Ddeddf Cynllunio (Adeiladau Rhestredig ac Ardaloedd Cadwraeth) 1990(2) ac sydd bellach yn arferadwy ganddynt hwy(3), yn gwneud y Rheoliadau a ganlyn.

The Welsh Ministers, in exercise of the powers conferred on the Secretary of State by sections 10(3), 82(2)(1) and 93(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990(2) and now exercisable by them(3), make the following Regulations.

Enwi, dod i rym a dehongli

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau Cynllunio (Adeiladau Rhestredig ac Ardaloedd Cadwraeth) (Cymru) (Diwygio) 2021 a deuant i rym ar 16 Awst 2021.

Title, coming into force and interpretation

1.—(1) The title of these Regulations is the Planning (Listed Buildings and Conservation Areas) (Wales) (Amendment) Regulations 2021 and they come into force on 16 August 2021.

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- (1) Am y diffiniad o "prescribed" gweler adran 91 o'r Ddeddf.
(2) 1990 p. 9. Diwygiwyd adran 10(3) gan adran 118 o Ddeddf Cynllunio a Phrynu Gorfodol 2004 (p. 5) a pharagraff 20 o Atodlen 6 iddi, ac mae diwygiadau eraill i'r adran honno nad ydynt yn berthnasol i'r offeryn hwn. Nid yw adran 82(2) wedi ei diwygio ond mae diwygiadau eraill i'r adran honno nad ydynt yn berthnasol i'r offeryn hwn. Diwygiwyd adran 93(1) gan adran 40 o Ddeddf yr Amgylchedd Hanesyddol (Cymru) 2016 (dccc 4) ac mae diwygiadau eraill i'r adran honno nad ydynt yn berthnasol i'r offeryn hwn.
(3) Trosglwyddwyd swyddogaethau'r Ysgrifennydd Gwladol, i'r graddau y maent yn arferadwy o ran Cymru, i Gynulliad Cenedlaethol Cymru gan erthygl 2 o Orchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999 (O.S. 1999/672). Mae swyddogaethau Cynulliad Cenedlaethol Cymru bellach yn arferadwy gan Weinidogion Cymru yn rhinwedd adran 162 o Ddeddf Llywodraeth Cymru 2006 (p. 32) a pharagraff 30 o Atodlen 11 iddi.

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- (1) For the definition of "prescribed" see section 91 of the Act.
(2) 1990 c. 9. Section 10(3) was amended by section 118 of, and paragraph 20 of Schedule 6 to, the Planning and Compulsory Purchase Act 2004 (c. 5) and there are other amendments to that section that are not relevant to this instrument. Section 82(2) has not been amended but there are other amendments to that section that are not relevant to this instrument. Section 93(1) was amended by section 40 of the Historic Environment (Wales) Act 2016 (anaw 4) and there are other amendments to that section that are not relevant to this instrument.
(3) The functions of the Secretary of State were, so far as exercisable in relation to Wales, 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 paragraph 30 of Schedule 11 to, the Government of Wales Act 2006 (c. 32).

(2) Yn y Rheoliadau hyn, ystyr “Rheoliadau 2012” yw Rheoliadau Cynllunio (Adeiladau Rhestredig ac Ardaloedd Cadwraeth) (Cymru) 2012(1).

Diwygiadau i Reoliadau 2012

2.—(1) Mae rheoliad 9 o Reoliadau 2012 wedi ei ddiwygio fel a ganlyn.

(2) Ym mharagraff (2) hepgorer “, newid neu estyn”.

(3) Ym mharagraff (3) yn lle “unrhyw gais o’r fath” rhodder “gais o dan baragraff (2)”.

(4) Hepgorer paragraff (5).

(5) Ar ôl paragraff (7) mewnosoder—

“(8) Pan fo’n ofynnol i awdurdod cynllunio lleol gael caniatâd adeilad rhestredig i newid neu estyn adeilad rhestredig yn ei ardal ni chaniateir i’r cais gael ei benderfynu gan—

(a) pwyllgor neu is-bwyllgor i’r awdurdod cynllunio lleol os yw’r pwyllgor neu’r is-bwyllgor hwnnw’n gyfrifol (yn llwyr neu’n rhannol) am reoli unrhyw adeilad y mae’r cais yn ymwneud ag ef, neu

(b) swyddog i’r awdurdod cynllunio lleol os yw ei gyfrifoldebau’n cynnwys unrhyw agwedd ar reoli unrhyw adeilad y mae’r cais yn ymwneud ag ef.

(9) Pan fo cais am ganiatâd adeilad rhestredig i newid neu estyn adeilad rhestredig yn cael ei wneud gan awdurdod cynllunio lleol a phan mai’r awdurdod hwnnw sy’n penderfynu ar y cais am ganiatâd adeilad rhestredig, ni fydd adran 20 o’r Ddeddf (hawl i apelio yn erbyn penderfyniad neu fethiant i wneud penderfyniad) yn gymwys.”

Darpariaeth drosiannol

3. Nid yw’r diwygiadau a wneir gan y Rheoliadau hyn yn gymwys i unrhyw gais a wneir yn unol â rheoliad 9(2) o Reoliadau 2012 cyn i’r Rheoliadau hyn ddod i rym.

(2) In these Regulations, “the 2012 Regulations” means the Planning (Listed Buildings and Conservation Areas) (Wales) Regulations 2012(1).

Amendments to the 2012 Regulations

2.—(1) Regulation 9 of the 2012 Regulations is amended as follows.

(2) In paragraph (2) omit “, alteration or extension”.

(3) In paragraph (3) for “Any such application” substitute “An application under paragraph (2)”.

(4) Omit paragraph (5).

(5) After paragraph (7) insert—

“(8) Where a local planning authority require listed building consent for the alteration or extension of a listed building in their area the application must not be determined by—

(a) a committee or sub-committee of the local planning authority if that committee or sub-committee is responsible (wholly or partly) for the management of any building to which the application relates, or

(b) by an officer of the local planning authority if their responsibilities include any aspect of the management of any building to which the application relates.

(9) Where an application for listed building consent for the alteration or extension of a listed building is made by a local planning authority and the application for listed building consent is determined by that authority, section 20 of the Act (right to appeal against decision or failure to take decision) shall not apply.”

Transitional provision

3. The amendments made by these Regulations do not apply to any application made in accordance with regulation 9(2) of the 2012 Regulations before the coming into force of these Regulations.

(1) O.S. 2012/793 (Cy. 108) a ddiwygiwyd gan O.S. 2015/1332 (Cy. 125), O.S. 2016/91 (Cy. 44), O.S. 2017/545 (Cy. 122) ac O.S. 2017/638 (Cy. 144), ac fel y’i haddaswyd gan O.S. 2016/56 (Cy. 26).

(1) S.I. 2012/793 (W. 108) amended by S.I. 2015/1332 (W. 125), S.I. 2016/91 (W. 44), S.I. 2017/545 (W. 122) and S.I. 2017/638 (W. 144), and modified by S.I. 2016/56 (W. 26).

Julie James

Y Gweinidog Newid Hinsawdd, un o Weinidogion
Cymru
12 Gorffennaf 2021

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Minister for Climate Change, one of the Welsh
Ministers
12 July 2021

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