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.

Diwygio Rheoliadau Cynllunio (Adeiladau Rhestredig ac Ardaloedd Cadwraeth) 1990

2.—(1) Mae Rheoliadau Cynllunio (Adeiladau Rhestredig ac Ardaloedd Cadwraeth) 1990(**3**) wedi'u diwygio fel a ganlyn.

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

(**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.

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

"**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(**4**) have been taken into account;

(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;

(**4**) *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).