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INSTRUMENTS

2012 Rhif 791 (Cy.106)

2012 No. 791 (W.106)

**CYNLLUNIO GWLAD A
THREF, CYMRU**

**TOWN AND COUNTRY
PLANNING, WALES**

Rheoliadau Cynllunio Gwlad a
Thref (Rheoli Hysbysebion)
(Diwygio) (Cymru)
2012

The Town and Country Planning
(Control of Advertisements)
(Amendment) (Wales) Regulations
2012

NODYN ESBONIADOL

EXPLANATORY NOTE

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

(This note is not part of the Regulations)

Mae Rheoliadau Cynllunio Gwlad a Thref (Rheoli Hysbysebion) 1992 ("Rheoliadau 1992") yn gwneud darpariaeth, ymhlith pethau eraill, ar gyfer ffurf ceisiadau am gydsyniad datganedig i arddangos hysbyseb.

The Town and Country Planning (Control of Advertisements) Regulations 1992 ("the 1992 Regulations") make provision, among other things, for the form of applications for express consent to display an advertisement.

Mae rheoliad 2 o'r Rheoliadau hyn yn amnewid rheoliad 9 o Rheoliadau 1992. Mae'r rheoliad 9 a amnewidiwyd yn ei gwneud yn ofynnol i geisiadau am gydsyniad datganedig gael eu gwneud ar ffurflen a gyhoeddwyd gan Weinidogion Cymru ac yn pennu'r weithdrefn ar gyfer gwneud cais am gydsyniad datganedig. Cyhoeddwyd y ffurflen ar wefan y Porth Cynllunio ac y mae ar gael ar y wefan honno a gan awdurdodau cynllunio lleol.

Regulation 2 of these Regulations substitutes regulation 9 of the 1992 Regulations. Substituted regulation 9 requires applications for express consent to be made on a form published by the Welsh Ministers and specifies the procedure for making an application for express consent. The form was published on the Planning Portal website and is available from that website and local planning authorities.

Paratowyd asesiad effaith mewn perthynas â'r Rheoliadau hyn. Gellir cael copïau gan: Y Gyfarwyddiaeth Gynllunio, Llywodraeth Cymru, Parc Cathays, Caerdydd, CF10 3NQ ac ar-lein yn www.cymru.gov.uk.

An impact assessment was prepared in relation to these Regulations. Copies may be obtained from the Planning Directorate, the Welsh Government, Cathays Park, Cardiff, CF10 3NQ and online at www.wales.gov.uk.

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(Amendment) (Wales) Regulations
2012**

Gwnaed 10 Mawrth 2012
*Gosodwyd gerbron Cynulliad
Cenedlaethol Cymru* 13 Mawrth 2012
Yn dod i rym 30 Mawrth 2012

Made 10 March 2012
*Laid before the National
Assembly for Wales* 13 March 2012
Coming into force 30 April 2012

Mae Gweinidogion Cymru, drwy arfer y pwerau a roddwyd i'r Ysgrifennydd Gwladol gan adrannau 220(1) a (2A) a 333(1) o Ddeddf Cynllunio Gwlad a Thref 1990(1) ac sy'n arferadwy bellach ganddynt hwy(2), yn gwneud y Rheoliadau a ganlyn.

The Welsh Ministers, in exercise of the powers conferred on the Secretary of State by sections 220(1) and (2A) and 333(1) of the Town and Country Planning Act 1990(1) and now exercisable by them(2), make the following Regulations.

Enwi, cychwyn a chymhwysio

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau Cynllunio Gwlad a Thref (Rheoli Hysbysebion) (Diwygio) (Cymru) 2012 a deuant i rym ar 30 Ebrill 2012.

(2) Mae'r Rheoliadau hyn yn gymwys mewn perthynas â'r canlynol—

- (a) ceisiadau a wneir ar 30 Ebrill 2012 neu ar ôl hynny; a
- (b) Cymru.

Title, commencement and application

1.—(1) The title of these Regulations is the Town and Country Planning (Control of Advertisements) (Amendment) (Wales) Regulations 2012 and they come into force on 30 April 2012.

(2) These Regulations apply in relation to—

- (a) applications made on or after 30 April 2012; and
- (b) Wales.

(1) 1990 p.8. Diwygiwyd adran 220 gan Ddeddf Cynllunio a Phrynu Gorfodol 2004 (p.5), adran 42(4). Diwygiwyd adran 333(1) gan Ddeddf yr Amgylchedd 1995 (p.25), adran 78 ac Atodlen 10, paragraff 32(12).

(2) Trosglwyddwyd y swyddogaethau o dan yr adrannau hynny, i'r graddau yr oeddent yn arferadwy o ran Cymru, i Gynulliad Cenedlaethol Cymru gan Orchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999 (O.S. 1999/672). Yn rhinwedd adran 162 o Ddeddf Llywodraeth Cymru 2006 (p.32), a pharagraff 30 o Atodlen 11 iddi, mae'r swyddogaethau hynny bellach yn arferadwy gan Weinidogion Cymru.

(1) 1990 c.8. Section 220 was amended by the Planning and Compulsory Purchase Act 2004 (c.5), section 42(4). Section 333(1) was amended by the Environment Act 1995 (c.25), section 78 and Schedule 10, paragraph 32(12).

(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 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 Gwlad a Thref
(Rheoli Hysbysebion) 1992**

2.—(1) Mae Rheoliadau Cynllunio Gwlad a Thref (Rheoli Hysbysebion) 1992(1) wedi eu diwygio fel a ganlyn.

(2) Yn lle rheoliad 9 rhodder—

"Applications for express consent

9.—(1) An application for express consent must be made to the local planning authority.

(2) Subject to paragraph 6, the application must be made electronically or in hard copy on a form published by the Welsh Ministers or a form substantially to the same effect.

(3) The applicant must—

- (a) include the particulars specified in the form; and
- (b) send with the application (whether electronically or otherwise) a plan which—
 - (i) is drawn to an identified scale,
 - (ii) shows the direction of north,
 - (iii) identifies the location of the site by reference to at least two named roads, and
 - (iv) identifies the proposed position of the advertisement.

(4) Unless an application is made electronically or the local planning authority indicates that fewer copies are required, three copies of the completed form and the plan must accompany the application.

(5) Where the application is one to which directions given by the Welsh Ministers under regulation 10 apply, the applicant must send with the application (whether electronically or otherwise) such particulars, plans or information specified or referred to in those directions as may have been notified to the applicant by the local planning authority.

(6) An application made on or after 30 April 2012 and before 31 May 2012, otherwise than by a local planning authority, may be made in writing on a form devised by the local planning authority.

(7) Where an application is made electronically, the applicant is taken to have agreed—

- (a) to the use by the local planning authority of electronic communication for the purposes of the application;
- (b) that the applicant's address for that purpose is the address incorporated into, or otherwise logically associated with, the application; and

(1) O.S. 1992/666, y mae diwygiadau iddo nad ydynt yn berthnasol i'r Rheoliadau hyn.

**Amendment of the Town and Country Planning
(Control of Advertisements) Regulations 1992**

2.—(1) The Town and Country Planning (Control of Advertisements) Regulations 1992(1) are amended as follows.

(2) For regulation 9 substitute—

"Applications for express consent

9.—(1) An application for express consent must be made to the local planning authority.

(2) Subject to paragraph 6, the application must be made electronically or in hard copy on a form published by the Welsh Ministers or a form substantially to the same effect.

(3) The applicant must—

- (a) include the particulars specified in the form; and
- (b) send with the application (whether electronically or otherwise) a plan which—
 - (i) is drawn to an identified scale,
 - (ii) shows the direction of north,
 - (iii) identifies the location of the site by reference to at least two named roads, and
 - (iv) identifies the proposed position of the advertisement.

(4) Unless an application is made electronically or the local planning authority indicates that fewer copies are required, three copies of the completed form and the plan must accompany the application.

(5) Where the application is one to which directions given by the Welsh Ministers under regulation 10 apply, the applicant must send with the application (whether electronically or otherwise) such particulars, plans or information specified or referred to in those directions as may have been notified to the applicant by the local planning authority.

(6) An application made on or after 30 April 2012 and before 31 May 2012, otherwise than by a local planning authority, may be made in writing on a form devised by the local planning authority.

(7) Where an application is made electronically, the applicant is taken to have agreed—

- (a) to the use by the local planning authority of electronic communication for the purposes of the application;
- (b) that the applicant's address for that purpose is the address incorporated into, or otherwise logically associated with, the application; and

(1) S.I. 1992/666, to which there are amendments not relevant to these Regulations.

(c) that deemed agreement under this paragraph subsists until the applicant gives notice in writing—

- (i) withdrawing any address notified to the authority for that purpose, or
- (ii) revoking that deemed agreement,

and such withdrawal or revocation is final and takes effect on a date specified by the applicant in the notice at least seven days after the date on which the notice is given.

(8) An application made electronically must, unless the contrary is proved, be treated as having been delivered at 9.00 a.m. on the next working day after the day on which it is transmitted.

(9) This regulation applies to applications for renewal consent as it applies to applications for consent.

(10) An application for the renewal of an express consent may not be made more than 6 months before the date on which the consent is due to expire."

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- (ii) revoking that deemed agreement,

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John Griffiths

Gweinidog yr Amgylchedd a Datblygu Cynaliadwy, un o Weinidogion Cymru

Minister for Environment and Sustainable Development, one of the Welsh Ministers

10 Mawrth 2012

10 March 2012

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