



**CYNULLIAD CENEDLAETHOL CYMRU**

**NATIONAL ASSEMBLY FOR WALES**

**OFFERYNNAU STATUDOL**

**STATUTORY INSTRUMENTS**

**2005 Rhif 2722 (Cy.193) (C.110)**

**2005 No. 2722 (W.193) (C.110)**

**CYNLLUNIO GWLAD  
THREF, CYMRU**

**TOWN & COUNTRY  
PLANNING, WALES**

**Gorchymyn Deddf Cynllunio a  
Phrynu Gorfodol 2004 (Cychwyn  
Rhif 4 a Darpariaethau Canlyniadol  
a Throsiannol a Darpariaethau  
Arbed) (Cymru) 2005**

**Planning and Compulsory Purchase  
Act 2004 (Commencement No. 4  
and Consequential, Transitional and  
Savings Provisions) (Wales) Order  
2005**

**NODYN ESBONIADOL**

**EXPLANATORY NOTE**

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

*(This note is not part of the Order)*

Mae'r Gorchymyn hwn yn dod â gweddill darpariaethau Rhan 6 o Ddeddf Cynllunio a Phrynu Gorfodol 2004 ("y Ddeddf") i rym ar 15 Hydref 2005, sef adrannau 61, 64 i 71, 74 a 76 (i'r graddau nad ydynt eisoes mewn grym), ac eithrio'r darpariaethau o fewn yr adrannau hynny ar gyfer gwneud rheoliadau ac sy'n dod i rym ar 5 Hydref 2005.

This Order brings the remaining provisions of Part 6 of the Planning and Compulsory Purchase Act 2004 ("the Act") into force on 15 October 2005, namely sections 61, 64 to 71, 74 and 76 (in so far as it is not already in force), with the exception of the regulation-making provisions within those sections, which will come into force on 5 October 2005.

Mae Rhan 6 o'r Ddeddf (adrannau 60 i 78) yn gymwys o ran Cymru ac mae'n sefydlu system o gynlluniau datblygu lleol (CDLlau) yn lle'r cynlluniau datblygu unedol sy'n ofynnol o dan Bennod 1 o Ran II o Ddeddf Cynllunio Gwlad a Thref 1990 (Deddf 1990). Mae hefyd yn darparu ar gyfer Cynllun Gofodol Cymru.

Part 6 of the Act (sections 60 to 78) applies in relation to Wales and establishes a system of local development plans (LDPs) in place of unitary development plans required under Chapter 1 of Part II of the Town and Country Planning Act 1990 (the 1990 Act). It also makes provision for a Wales Spatial Plan.

Daw'r holl ddarpariaethau a gynhwysir yn erthyglau 3 i 7 o'r Gorchymyn hwn i rym ar 15 Hydref 2005.

All provisions contained in articles 3 to 7 of this Order will come into force on 15 October 2005.

Mae'r Gorchymyn hwn yn mewnosod paragraff 1B yn Atodlen 13 o'r Ddeddf er mwyn darparu ar gyfer CDLlau ac mae'n gwneud trefniadau trosiannol ar gyfer cynlluniau datblygu sydd eisoes yn bod.

This Order inserts paragraph 1B into Schedule 13 of the Act to provide for LDPs and makes transitional arrangements for existing development plans.

Mae'r Gorchymyn hwn hefyd yn dod â'r trefniadau trosiannol i ben a wnaed o dan Orchymyn Deddf Cynllunio a Phrynu Gorfodol 2004 (Cychwyn Rhif 3 a Darpariaethau Canlyniadol a Throsiannol) (Cymru) 2005 (O.S. 2005/1229) (Cy.87) (C.56). O dan y trefniadau hynny daeth rhai o ddarpariaethau Rhan 6 o'r Ddeddf, sef y darpariaethau sy'n ei gwneud yn ofynnol i awdurdodau cynllunio lleol i gychwyn ar baratoi'u CDLlau, yn effeithiol o ran awdurdodau penodol yn unig, sef-

This Order also brings to an end the transitional arrangements made under the Planning and Compulsory Purchase Act 2004 (Commencement No. 3 and Consequential and Transitional Provisions) (Wales) Order 2005 (S.I. 2005/1229) (W.87) (C.56) under which the provisions of Part 6 of the Act requiring local planning authorities to commence preparation of their LDPs only took effect in relation to certain authorities, namely-

Cyngor Dinas a Sir Caerdydd  
 Cyngor Bwrdeistref Sirol Caerffili  
 Cyngor Bwrdeistref Sirol Conwy  
 Cyngor Sir Ddinbych  
 Awdurdod Parc Cenedlaethol Eryri  
 Cyngor Bwrdeistref Sirol Merthyr Tudful  
 Cyngor Bwrdeistref Sirol Rhondda Cynon Taf  
 Cyngor Bwrdeistref Sirol Tor-faen  
 Cyngor Bwrdeistref Sirol Wrecsam

Caerphilly County Borough Council  
 The Council of the City and County of Cardiff  
 Conwy County Borough Council  
 Denbighshire County Council  
 Merthyr Tydfil County Borough Council  
 Rhondda Cynon Taf County Borough Council  
 Snowdonia National Park Authority  
 Torfaen County Borough Council  
 Wrexham County Borough Council

Felly, effaith y Gorchymyn hwn fydd gwneud y system o GDLlau yn effeithiol yng Nghymru. Ond ni fydd yr awdurdodau cynllunio lleol a grybwyllir yn yr Atodlen i'r Gorchymyn hwn o dan ddyletswydd i baratoi CDLI hyd nes y gwneir gorchymyn pellach gan Gynulliad Cenedlaethol Cymru.

The effect of this Order will therefore be to bring into effect in Wales the system of LDPs. However those local planning authorities mentioned in the Schedule to the Order will not be under a duty to prepare an LDP until a further order is made by the National Assembly for Wales.

### NODYN AM ORCHMYNION CYCHWYN BLAENOROL

### NOTE AS TO EARLIER COMMENCEMENT ORDERS

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

*(This note is not part of the Order)*

Daeth darpariaethau Rhan 6 o Ddeddf Cynllunio a Phrynu Gorfodol 2004 a geir yn y Tabl isod i rym ar y dyddiadau a ddangosir yn rhinwedd Gorchymynion a wnaed gan Gynulliad Cenedlaethol Cymru.

The provisions of Part 6 of the Planning and Compulsory Purchase Act 2004 set out in the Table below came into force on the dates indicated by virtue of Orders made by the National Assembly for Wales.

Adran(nau)	Dyddiad cychwyn	Rhif O.S.
60	14 Gorffennaf 2004	2004/1814 (Cy.199) (C.74)
62 (i'r graddau nad yw eisoes mewn grym)	30 Ebrill 2005	2005/1229 (Cy.87) (C.56)
62(4) a (5)(g)	1 Awst 2004	2004/1814 (Cy.198) C.73)
63 (i'r graddau nad yw eisoes mewn grym)	30 Ebrill 2005	2005/1229 (Cy.87) (C.56)
63(3)(a) a (7)	1 Awst 2004	2004/1814 (Cy.198) (C.73)
72	30 Ebrill 2005	2005/1229 (Cy.87) (C.56)
73	30 Ebrill 2005	2005 (Cy.87) (C.56)
75	1 Awst 2004	2004/1814 (Cy.198) (C.73)

Section(s)	Date of commencement	S.I. Number
60	14 July 2004	2004/1814 (W.199) (C.74)
62 (insofar as it is not already in force)	30 April 2005	2005/1229 (W.87) (C.56)
62(4) and(5)(g)	1 August 2004	2004/1814 (W.198) (C.73)
63 (insofar as it is not already in force)	30 April 2005	2005/1229 (W.87) (C.56)
63(3)(a) and (7)	1 August 2004	2004/1814 (W.198) (C.73)
72	30 April 2005	2005/1229 (W.87) (C.56)
73	30 April 2005	2005/1229 (W.87) (C.56)
75	1 August 2004	2004/1814 (W.198) (C.73)

76(2) (yn rhannol) a (3) (yn rhannol)	1 Awst 2004	2004/1814 (Cy.198) (C.73)
77	1 Awst 2004	2004/1814 (Cy.198) (C.73)
78	1 Awst 2004	2004/1814 (Cy.198) (C.73)

76(2) (in part) and (3) (in part)	1 August 2004	2004/1814 (W.198) (C.73)
77	1 August 2004	2004/1814 (W.198) (C.73)
78	1 August 2004	2004/1814 (W.198) (C.73)

**2005 Rhif 2722 (Cy.193) (C.110)****2005 No. 2722 (W.193) (C.110)****CYNLLUNIO GWLAD A  
THREF, CYMRU****TOWN AND COUNTRY  
PLANNING, WALES**

Gorchymyn Deddf Cynllunio a Phrynu Gorfodol 2004 (Cychwyn Rhif 4 a Darpariaethau Canlyniadol a Throsiannol a Darpariaethau Arbed) (Cymru) 2005

Planning and Compulsory Purchase Act 2004 (Commencement No. 4 and Consequential, Transitional and Savings Provisions) (Wales) Order 2005

*Wedi'i wneud* 4 Hydref 2005

*Made* 4 October 2005

*Yn dod i rym* 5 Hydref 2005

*Coming into force* 5 October 2005

Mae Cynulliad Cenedlaethol Cymru ("y Cynulliad Cenedlaethol"), drwy arfer y pwerau a roddwyd iddo gan adrannau 121(5) a 122(3)(b) o Ddeddf Cynllunio a Phrynu Gorfodol 2004 ("y Ddeddf")(1), drwy hyn yn gwneud y Gorchymyn a ganlyn:

The National Assembly for Wales ("the National Assembly"), in exercise of the powers conferred upon it by sections 121(5) and 122(3)(b) of the Planning and Compulsory Purchase Act 2004 ("the Act")(1), hereby makes the following Order:

**Enwi**

1. Enw'r Gorchymyn hwn yw Gorchymyn Deddf Cynllunio a Phrynu Gorfodol 2004 (Cychwyn Rhif 4 a Darpariaethau Canlyniadol a Throsiannol a Darpariaethau Arbed) (Cymru) 2005.

**Title**

1. The title of this Order is the Planning and Compulsory Purchase Act 2004 (Commencement No. 4 and Consequential, Transitional and Savings Provisions) (Wales) Order 2005.

**Y diwrnod penodedig**

2.-(1) Y diwrnod penodedig i ddarpariaethau canlynol y Ddeddf ddod i rym, sef-

- (a) adran 61 (arolwg);
- (b) adran 64 (archwiliad annibynnol);
- (c) adran 65 (ymyrraeth gan y Cynulliad);
- (ch) adran 66 (tynnu cynllun datblygu lleol yn ôl);
- (d) adran 67 (mabwysiadu cynllun datblygu lleol);
- (dd) adran 68 (dirymu cynllun datblygu lleol);
- (e) adran 69 (adolygu cynllun datblygu lleol);
- (f) adran 70 (diwygio cynllun datblygu lleol);
- (ff) adran 71 (pŵer diofyn y Cynulliad);
- (g) adran 74 (corfforaethau datblygu trefol); ac

**Appointed Day**

2.-(1) The appointed day for the coming into force of the following provisions of the Act, namely-

- (a) section 61 (survey);
- (b) section 64 (independent examination);
- (c) section 65 (intervention by Assembly);
- (d) section 66 (withdrawal of local development plan);
- (e) section 67 (adoption of local development plan);
- (f) section 68 (revocation of local development plan);
- (g) section 69 (review of local development plan);
- (h) section 70 (revision of local development plan);
- (i) section 71 (Assembly's default power);
- (j) section 74 (urban development corporations); and

(1) 2004 p.5.

(1) 2004 c.5.

(ng) adran 76 (yr adroddiad monitro blynyddol), i'r graddau nad yw eisoes mewn grym,  
yw, at ddiben gwneud rheoliadau, 5 Hydref 2005, ac ymmhob achos arall, 15 Hydref 2005.

(2) Y diwrnod penodedig i erthyglau 3 i 7 o'r Gorchymyn hwn ddod i rym yw 15 Hydref 2005.

### **Diwygiadau Canlyniadol i Ddeddf Cynllunio Gwlad a Thref 1990**

3.-(1) Diwygier Deddf Cynllunio Gwlad a Thref 1990(1) fel a ganlyn:

(2) Diwygier Atodlen 13 (tir o dan falltod) fel a ganlyn.

(3) Ar ôl paragraff 1A mewnosoder-

"1B Land in Wales which is identified for the purposes of relevant public functions by a local development plan for the area in which the land is situated.

#### *Notes*

(1) Relevant public functions are-

- (a) the functions of the National Assembly for Wales, a government department, local authority, National Park authority or statutory undertakers;
- (b) the establishment or running by a public telecommunications operator of a telecommunications system.

(2) For the purposes of this paragraph a local development plan is-

- (a) a local development plan which is adopted or approved for the purposes of Part 6 of the Planning and Compulsory Act 2004 (in this paragraph, the 2004 Act);
- (b) a revision of a local development plan in pursuance of section 70 of the 2004 Act which is adopted or approved for purposes of Part 6 of the 2004 Act;
- (c) a local development plan which has been submitted to the National Assembly for independent examination under section 64(1) of the 2004 Act;
- (d) a revision of a local development plan in pursuance of section 70 of the 2004 Act if the plan has been submitted to the National Assembly for independent examination under section 64(1) of that Act.

(3) But Note (2)(c) and (d) does not apply if the plan is withdrawn under section 66 of the 2004 Act at any time after it has been submitted for independent examination.

(4) In Note (2)(c) and (d) the submission of a

(k) section 76 (annual monitoring report), in so far as it is not already in force,

is for the purpose of making regulations, 5 October 2005, and in all other respects, 15 October 2005.

(2) The appointed day for the coming into force of articles 3 to 7 of this Order is 15 October 2005.

### **Consequential Amendment of the Town and Country Planning Act 1990**

3.-(1) The Town and Country Planning Act 1990(1) is amended as follows.

(2) Schedule 13 (blighted land) is amended as follows.

(3) After paragraph 1A insert-

"1B Land in Wales which is identified for the purposes of relevant public functions by a local development plan for the area in which the land is situated.

#### *Notes*

(1) Relevant public functions are-

- (a) the functions of the National Assembly for Wales, a government department, local authority, National Park authority or statutory undertakers;
- (b) the establishment or running by a public telecommunications operator of a telecommunications system.

(2) For the purposes of this paragraph a local development plan is-

- (a) a local development plan which is adopted or approved for the purposes of Part 6 of the Planning and Compulsory Act 2004 (in this paragraph, the 2004 Act);
- (b) a revision of a local development plan in pursuance of section 70 of the 2004 Act which is adopted or approved for purposes of Part 6 of the 2004 Act;
- (c) a local development plan which has been submitted to the National Assembly for independent examination under section 64(1) of the 2004 Act;
- (d) a revision of a local development plan in pursuance of section 70 of the 2004 Act if the plan has been submitted to the National Assembly for independent examination under section 64(1) of that Act.

(3) But Note (2)(c) and (d) does not apply if the plan is withdrawn under section 66 of the 2004 Act at any time after it has been submitted for independent examination.

(4) In Note (2)(c) and (d) the submission of a

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(1) 1990 p.8.

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(1) 1990 c.8.

local development plan to the National Assembly for independent examination is to be taken to include the holding of an independent examination by the National Assembly under section 65 or section 71 of the 2004 Act."

(5) Ym mharagraff 5, yn lle "any such functions as are mentioned in paragraph 1(a)(i) or (ii)" rhodder "relevant public functions (within the meaning of paragraph 1A or 1B)".

(6) Ym mharagraff 6, yn lle "any such functions as are mentioned in paragraph 5" rhodder "relevant public functions (within the meaning of paragraph 1A or 1B)".

(7) Ym mharagraff 13, yn lle "paragraphs 1, 2, 3 and 4" rhodder "paragraph 1A or 1B".

### **Diwygio Gorchymyn Deddf Cynllunio a Phrynu Gorfodol 2004 (Cychwyn Rhif 3 a Darpariaethau Canlyniadol a Throsiannol) (Cymru) 2005**

4. Dirymer erthygl 4 o Ddeddf Cynllunio a Phrynu Gorfodol 2004 (Cychwyn Rhif 3 a Darpariaethau Canlyniadol a Throsiannol) (Cymru) 2005(1), ar y diwrnod penodedig, gan erthygl 2(2).

### **Darpariaethau Trosiannol**

5.-(1) Dirymer Rheoliadau Cynllunio Gwlad a Thref (Cynlluniau Datblygu) 1991(2) ("Rheoliadau 1991") ar y diwrnod penodedig, gan erthygl 2(2).

(2) Nid yw paragraff (1) yn effeithiol mewn perthynas ag ardaloedd unrhyw awdurdod cynllunio lleol a enwir yn yr Atodlen i'r Gorchymyn hwn.

6. Pan fo awdurdod cynllunio lleol a grybwyllir yn yr Atodlen yn penderfynu cwblhau arfer ei bwerau o dan Reoliadau 1991, rhaid iddo, cyn pen-

- (a) 3 wythnos, hysbysu'r Cynulliad Cenedlaethol yn ysgrifenedig am-
  - (i) y penderfyniad hwnnw; a
  - (ii) statws cynllun datblygu cyfredol yr awdurdod ar gyfer ei ardal, a
- (b) 4 wythnos, gyhoeddi ar ei wefan yr wybodaeth

local development plan to the National Assembly for independent examination is to be taken to include the holding of an independent examination by the National Assembly under section 65 or section 71 of the 2004 Act."

(4) In paragraph 5, for "any such functions as are mentioned in paragraph 1(a)(i) or (ii)" there is substituted "relevant public functions (within the meaning of paragraph 1A or 1B)".

(5) In paragraph 6, for "any such functions as are mentioned in paragraph 5" there is substituted "relevant public functions (within the meaning of paragraph 1A or 1B)".

(6) In paragraph 13, for "paragraphs 1, 2, 3 and 4" there is substituted "paragraph 1A or 1B".

### **Amendment of the Planning and Compulsory Purchase Act 2004 (Commencement No. 3 and Consequential and Transitional Provisions) (Wales) Order 2005**

4. Article 4 of the Planning and Compulsory Purchase Act 2004 (Commencement No. 3 and Consequential and Transitional Provisions) (Wales) Order 2005(1) is, on the day appointed by article 2(2), revoked.

### **Transitional Provisions**

5.-(1) The Town and Country Planning (Development Plan) Regulations 1991(2) ("the 1991 Regulations") are, on the day appointed by article 2(2), revoked.

(2) Paragraph (1) does not have effect in relation to the area of any local planning authority named in the Schedule to this Order.

6. Where a local planning authority mentioned in the Schedule resolves its intention to conclude the exercise of its powers under the 1991 Regulations, it must, within-

- (a) 3 weeks, inform the National Assembly in writing of-
  - (i) that resolution; and
  - (ii) the current development plan status for its area; and
- (b) 4 weeks, publish on its website the information

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(1) O.S. 2005/1229.

(2) O.S. 1991/2794 fel a ddiwygiwyd gan Reoliadau Cynllunio Gwlad a Thref (Cynlluniau Datblygu) (Diwygio) 1997 (O.S. 1997/531) a Rheoliadau Cynllunio (Rheoli Peryglon Damweiniau Mawr) 1999 (O.S. 1999/981).

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(1) S.I. 2005/1229.

(2) S.I. 1991/2794 as amended by the Town and Country Planning (Development Plan) (Amendment) Regulations 1997 (S.I. 1997/531) and the Planning (Control of Major-Accident Hazards) Regulations 1999 (S.I. 1999/981).



sy'n ofynnol gan baragraff (a).

required by paragraph (a).

### Arbedion

7.-(1) Nid yw diddymiad(1) paragraffau 1 i 4 o Atodlen 13 i'r brif Ddeddf yn effeithio ar unrhyw beth y mae'n ofynnol ei wneud neu y caniateir ei wneud at ddibenion Pennod 2 o ran 6 o'r brif Ddeddf yn ystod unrhyw gyfnod pan fydd cynllun a grybwyllir yn unrhyw un neu ragor o'r paragraffau hynny yn parhau i ffurfio rhan o'r cynllun datblygu yn rhinwedd erthygl 5(2) o'r Gorchymyn hwn.

(2) Mae cyfeiriadau at gynllun a grybwyllir yn unrhyw un neu ragor o baragraffau 1 i 4 yn cynnwys unrhyw gynnig i newid y cynllun neu i roi cynllun arall yn ei le.

(3) Y cynllun datblygu yw'r cynllun datblygu at ddibenion adran 27A neu 54 o'r brif Ddeddf.

Llofnodwyd ar ran y Cynulliad Cenedlaethol o dan adran 66(1) o Ddeddf Llywodraeth Cymru 1998(2)

4 Hydref 2005

### Savings

7.-(1) The repeal(1) of paragraphs 1 to 4 of Schedule 13 to the principal Act does not affect anything which is required or permitted to be done for the purposes of Chapter 2 of Part 6 of the principal Act during any time when a plan mentioned in any of those paragraphs continues to form part of the development plan by virtue of article 5(2) of this order.

(2) References to a plan mentioned in any of paragraphs 1 to 4 include any proposal for the alteration or replacement of the plan.

(3) The development plan is the development plan for the purposes of section 27A or 54 of the principal Act.

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998(2)

4 October 2005

*D. Elis-Thomas*

Llywydd y Cynulliad Cenedlaethol

The Presiding Officer of the National Assembly

## YR ATODLEN

## SCHEDULE

Erthygl 5(2)

Article 5(2)

Awdurdod Parc Cenedlaethol Arfordir Penfro  
Awdurdod Parc Cenedlaethol Bannau Brycheiniog  
Cyngor Bwrdeistref Sirol Blaenau Gwent  
Cyngor Bwrdeistref Sirol Castell-nedd Port Talbot  
Cyngor Dinas a Sir Abertawe  
Cyngor Dinas Casnewydd  
Cyngor Sir Caerfyrddin  
Cyngor Sir Ceredigion

Blaenau Gwent County Borough Council  
Brecon Beacons National Park Authority  
Carmarthenshire County Council  
Ceredigion County Council  
Flintshire County Council  
Gwynedd County Council  
Isle of Anglesey County Council  
Monmouthshire County Council

(1) Gorchymyn Deddf Cynllunio a Phrynu Gorfodol 2004 (Gorchymyn Cychwyn Rhif 6, Darpariaethau Trosiannol ac Arbedion) 2005 O.S. 2005/2847 (C.118).

(2) 1998 p.8.

(1) Planning and Compulsory Purchase Act 2004 (Commencement Order No. 6, Transitional Provisions and Savings) Order 2005 SI 2005/2847 (C.118).

(2) 1998 c.38.

Cyngor Sir Fynwy  
Cyngor Sir y Fflint  
Cyngor Sir Gwynedd  
Cyngor Sir Penfro  
Cyngor Sir Powys  
Cyngor Sir Ynys Môn

Neath Port Talbot County Borough Council  
Newport City Council  
Pembrokeshire County Council  
Pembrokeshire Coast National Park Authority  
Powys County Council  
The Council of the City and County of Swansea

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