



OFFERYNNAU STATUDOL
CYMRU

WELSH STATUTORY
INSTRUMENTS

2015 Rhif 1330 (Cy. 123)

2015 No. 1330 (W. 123)

**CYNLLUNIO GWLAD A
THREF, CYMRU**

**TOWN AND COUNTRY
PLANNING, WALES**

Gorchymyn Cynllunio Gwlad a
Thref (Gweithdrefn Rheoli
Datblygu) (Cymru) (Diwygio) 2015

The Town and Country Planning
(Development Management
Procedure) (Wales) (Amendment)
Order 2015

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 diwygio Gorchymyn Cynllunio Gwlad a Thref (Gweithdrefn Rheoli Datblygu) (Cymru) 2012 ("y Gorchymyn").

This Order amends the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 ("the Order").

Mae erthygl 3 yn diwygio erthygl 2 o'r Gorchymyn (dehongli) drwy fewnosod diffiniadau o'r termiau "cais deiliad tŷ" a "cais masnachol bach".

Article 3 amends article 2 of the Order (interpretation) by inserting definitions of the terms "householder application" and "minor commercial application".

Mae erthygl 4 yn mewnosod darpariaeth yn y Gorchymyn sydd â'r effaith o ddod â gweithrediadau mewnol o faint a disgrifiad penodol o fewn rheolaeth gynllunio.

Article 4 inserts a provision into the Order which has the effect of bringing internal operations of a certain size and description within planning control.

Mae erthygl 5 yn diwygio erthygl 12 o'r Gorchymyn (cyhoeddusrwydd i geisiadau am ganiatâd cynllunio) drwy fewnosod darpariaeth sy'n sicrhau, pan fo'r awdurdod cynllunio lleol yn cynnal gwefan at ddiben rhoi cyhoeddusrwydd i geisiadau am ganiatâd cynllunio, bod gwybodaeth yn cael ei chyhoeddi i ddatgan bod y sylwadau a wneir yn ystod y cyfnod ymgeisio, os digwydd bod apêl yn ymwneud â chais deiliad tŷ neu gais masnachol bach, yn cael eu trosglwyddo i Weinidogion Cymru ac na fydd cyfle i wneud sylwadau pellach.

Article 5 amends article 12 of the Order (publicity for applications for planning permission) by inserting provision which ensures that where the local planning authority maintain a website for the purpose of publicising applications for planning permission, information is published stating that in the event of an appeal relating to a householder application or a minor commercial application, the representations that are made at the application stage will be passed to the Welsh Ministers and there will be no opportunity to make further representations.

Mae erthygl 6 yn diwygio erthygl 14(4)(b) o'r Gorchymyn drwy estyn y cyfnod gofynnol y mae'n rhaid iddo fynd heibio cyn i benderfyniad gael ei wneud ar gais cynllunio o 14 diwrnod i 21 diwrnod.

Article 6 amends article 14(4)(b) of the Order by extending the minimum period which must elapse before a determination is made on a planning application from 14 days to 21 days.

Mae erthygl 7 yn mewnosod darpariaethau i'r Gorchymyn sy'n rhagnodi'r gofyniad ymgynghori a fydd yn peri'r ddyletsrwydd i ymateb i ymgynghoriad a osodir gan adran 54 o Ddeddf Cynllunio a Phrynu Gorfodol 2004.

Article 7 inserts provisions into the Order prescribing the consultation requirement that will attract the duty to respond to consultation imposed by section 54 of the Planning and Compulsory Purchase Act 2004.

Mae'r amserlen a ganiateir er mwyn darparu ymateb o sylwedd, yr wybodaeth y mae'n rhaid ei chynnwys yn yr ymateb a darpariaeth yn gosod dyletswydd i gyflwyno adroddiad ar gydymffurfiaid â'r gofynion hefyd yn cael ei ragnodi yn erthygl 7.

Mae erthygl 8 yn diwygio erthygl 26 o'r Gorchymyn (apelau). Cyflwynir terfyn amser o ddeuddeg wythnos ar gyfer cyflwyno apêl deiliad tŷ neu apêl fasnachol fach a cheir gwared ar y terfyn amser o chwe mis ar gyfer cyflwyno apêl yn erbyn methiant i benderfynu ar gais am ganiatâd cynllunio. Yn ogystal, rhagnodir y ddogfennaeth y mae'n ofynnol ei chyflwyno gydag apêl deiliad tŷ neu apêl fasnachol fach a diffinnir y termau "apêl deiliad tŷ" ac "apêl fasnachol fach".

Mae erthygl 9 yn mewnosod darpariaeth newydd i'r Gorchymyn sy'n rhagnodi cyfnod ychwanegol o bedair wythnos at ddibenion adran 78A o Ddeddf Cynllunio Gwlad a Thref 1990.

Mewnosodwyd adran 78A gan adran 50(1) o Ddeddf Cynllunio a Phrynu Gorfodol 2004. Mae'n darparu y caiff yr awdurdod cynllunio lleol benderfynu ar gais am ganiatâd cynllunio yn ystod y cyfnod ychwanegol er bod apêl wedi ei gwneud i Weinidogion Cymru.

Mae erthygl 10 yn diwygio'r diffiniad o gais am ganiatâd cynllunio y gellir ymdrin ag ef fel pe bai wedi ei benderfynu'n derfynol at ddibenion erthygl 29 (cofrestr o geisiadau a gorchymnion datblygu lleol) o'r Gorchymyn. Mae'r newidiadau hyn yn adlewyrchu'r newidiadau a wnaed i'r Gorchymyn sy'n diddymu'r terfyn amser ar gyfer cyflwyno apelau methiant i benderfynu.

Mae erthygl 11 yn gwneud diwygiadau i amrywiol hysbysiadau yn yr Atodlenni i'r Gorchymyn. Mae'r diwygiadau'n egluro, os digwydd bod apêl yn dilyn y weithdrefn hwylusach newydd, y bydd unrhyw sylwadau a wneir yn ystod y cyfnod ymgeisio yn cael eu trosglwyddo i Weinidogion Cymru ac na fydd cyfle i wneud unrhyw sylwadau pellach.

Mae erthygl 12 yn nodi'r darpariaethau trosiannol ac arbed.

Mae'r diwygiadau a wneir gan erthyglau 3, 5 ac 11 o'r Gorchymyn hwn a'r diwygiadau a wneir gan erthygl 8 sy'n ymwneud ag apelau deiliad tŷ ac apelau masnachol bach yn rhan o becyn o is-ddeddfwriaeth sy'n cyflwyno gweithdrefn sylwadau ysgrifenedig hwylusach ar gyfer apelau o'r fath.

Cyflwynir y weithdrefn sylwadau ysgrifenedig hwylusach ar gyfer apelau deiliad tŷ ac apelau masnachol bach gan Reoliadau Cynllunio Gwlad a Thref (Atgyfeiriadau ac Apelau) (Gweithdrefn Sylwadau Ysgrifenedig) (Cymru) 2015.

The timeframe within which a substantive response must be provided, the information that must be included in the response and provision imposing a duty to report on compliance with the requirements is also prescribed in article 7.

Article 8 amends article 26 of the Order (appeals). A twelve week time limit to lodge a householder appeal or a minor commercial appeal is introduced and the six month time limit for lodging an appeal against the non determination of an application for planning permission is removed. In addition, the documentation that is required to be served with a householder appeal or minor commercial appeal is prescribed and the terms "householder appeal" and "minor commercial appeal" are defined.

Article 9 inserts new provision into the Order which prescribes an additional period of four weeks for the purposes of section 78A of the Town and Country Planning Act 1990.

Section 78A was inserted by section 50(1) of the Planning and Compulsory Purchase Act 2004. It provides that the local planning authority may determine an application for planning permission during the additional period even though an appeal has been made to the Welsh Ministers.

Article 10 amends the definition of an application for planning permission that can be treated as finally disposed of for the purposes of article 29 (register of applications and local development orders) of the Order. These changes reflect the changes made to the Order which remove the time limit for lodging non determination appeals.

Article 11 makes amendments to various notices in the Schedules to the Order. The amendments make clear that in the event that an appeal proceeds by way of the new expedited procedure, any representations made at the application stage will be passed to the Welsh Ministers and there will be no opportunity to make further representations.

Article 12 sets out the transitional and savings provisions.

The amendments made by articles 3, 5 and 11 of this Order and the amendments made by article 8 which relate to householder appeals and minor commercial appeals are part of a package of subordinate legislation introducing an expedited written representations procedure for such appeals.

The expedited written representations procedure for householder appeals and minor commercial appeals is introduced by the Town and Country Planning (Referrals and Appeals) (Written Representation Procedure) (Wales) Regulations 2015.

Mae diwygiadau tebyg i'r rhai yn erthyglau 8 a 9 sy'n cael gwared ar y terfyn amser ar gyfer cyflwyno apelau yn erbyn methiant i benderfynu ar geisiadau ac sy'n rhagnodi'r cyfnod ychwanegol o bedair wythnos at ddibenion adran 20A o Ddeddf Cynllunio (Adeiladau Rhestredig ac Ardaloedd Cadwraeth) 1990 yn cael eu gwneud i Reoliadau Cynllunio (Adeiladau Rhestredig ac Ardaloedd Cadwraeth) (Cymru) 2012.

Mae'r Asesiad Effaith Rheoleiddiol sy'n gymwys i'r Gorchymyn hwn ar gael gan Lywodraeth Cymru yn: Parc Cathays, Caerdydd, CF10 3NQ ac ar wefan Llywodraeth Cymru: www.cymru.gov.uk.

Similar amendments to those in articles 8 and 9 removing the time limit for lodging appeals against non determination of applications and prescribing the additional period of four weeks for the purposes of section 20A of the Planning (Listed Buildings and Conservation Areas) Act 1990 are being made to the Planning (Listed Buildings and Conservation Areas) (Wales) Regulations 2012.

The Regulatory Impact Assessment applicable to this Order is obtainable from the Welsh Government at: Cathays Park, Cardiff, CF10 3NQ and on the Welsh Government website at www.wales.gov.uk.

2015 Rhif 1330 (Cy. 123)

**CYNLLUNIO GWLAD A
THREF, CYMRU**

**Gorchymyn Cynllunio Gwlad a
Thref (Gweithdrefn Rheoli
Datblygu) (Cymru) (Diwygio) 2015**

Gwnaed 20 Mai 2015

*Gosodwyd gerbron Cynulliad Cenedlaethol
Cymru* 22 Mai 2015

Yn dod i rym 22 Mehefin 2015

2015 No. 1330 (W. 123)

**TOWN AND COUNTRY
PLANNING, WALES**

**The Town and Country Planning
(Development Management
Procedure) (Wales) (Amendment)
Order 2015**

Made 20 May 2015

Laid before the National Assembly for Wales
22 May 2015

Coming into force 22 June 2015

Mae Gweinidogion Cymru, drwy arfer y pwerau a roddwyd i'r Ysgrifennydd Gwladol gan adrannau 55, 65, 69, 71, 78, 78A a 333 o Ddeddf Cynllunio Gwlad a Thref 1990(1) ("Deddf 1990") sydd bellach yn arferadwy ganddynt hwy(2), a thrwy arfer y pwerau a roddwyd i Gynulliad Cenedlaethol Cymru gan adran 54 o Ddeddf Cynllunio a Phrynu Gorfodol 2004(3)

The Welsh Ministers, in exercise of the powers conferred on the Secretary of State by sections 55, 65, 69, 71, 78, 78A and 333 of the Town and Country Planning Act 1990(1) ("the 1990 Act") now exercisable by them(2), and in exercise of the powers conferred on the National Assembly for Wales by section 54 of the Planning and Compulsory Purchase Act 2004(3) ("the

(1) 1990 p. 8. Mewnosodwyd adran 55(2A) a (2B) gan adran 49 o Ddeddf Cynllunio a Phrynu Gorfodol 2004 (p. 5) ("Deddf 2004"). Amnewidiwyd adran 65 gan adran 16(1) o Ddeddf Cynllunio a Digolledu 1991 (p. 34) ("Deddf 1991") ac fe'i diwygiwyd gan adran 40 o Ddeddf Tenantiaeth Amaethyddol 1995 (p. 8) a pharagraff 35(2) o'r Atodlen i'r Ddeddf honno. Amnewidwyd adran 69 gan adran 118 o Ddeddf Cynllunio 2008 (p. 29) ("Deddf 2008") (gweler adran 69(9) ar gyfer y diffiniad o "prescribed") a pharagraffau 1 a 3 o Atodlen 6 i'r Ddeddf honno. Diwygiwyd adran 71 gan adran 16(2) ac adran 32 o Ddeddf 1991, a pharagraff 15 o Atodlen 7 i'r Ddeddf honno. Diwygiwyd adran 78 gan adran 17(2) o Ddeddf 1991, adran 196(4) o Ddeddf 2008, a pharagraffau 1 a 3(a) o Atodlen 10 i'r Ddeddf honno ac adran 197 o Ddeddf 2008 a pharagraffau 1 a 2 o Atodlen 11 i'r Ddeddf honno. Mewnosodwyd adran 78A gan adran 50 o Ddeddf 2004. Daw adrannau 49 a 50 o Ddeddf 2004 i rym, i'r graddau nad ydynt mewn grym yn barod, ar 22 Mehefin 2015 yn rhinwedd O.S. 2015/340.

(2) Trosglwyddwyd swyddogaethau'r Ysgrifennydd Gwladol, i'r graddau y maent yn arferadwy o ran Cymru, i Gynulliad Cenedlaethol Cymru gan Orchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999 (O.S. 1999/672); gweler y cofnod yn Atodlen 1 ar gyfer Deddf Cynllunio Gwlad a Thref 1990 a gweler adran 118(3) o Ddeddf 2004. Trosglwyddwyd swyddogaethau Cynulliad Cenedlaethol Cymru i Weiniogion Cymru yn rhinwedd adran 162 o Ddeddf Llywodraeth Cymru 2006 (p. 32), a pharagraffau 30 a 32 o Atodlen 11 i'r Ddeddf honno.

(3) 2004 p. 5. Daw adran 54 i rym, i'r graddau nad yw mewn grym yn barod, ar 22 Mehefin 2015 yn rhinwedd O.S. 2015/340.

(1) 1990 c. 8. Section 55(2A) and (2B) was inserted by section 49 of the Planning and Compulsory Purchase Act 2004 (c. 5) ("the 2004 Act"). Section 65 was substituted by section 16(1) of the Planning and Compensation Act 1991 (c. 34) ("the 1991 Act") and amended by section 40 of, and paragraph 35(2) of the Schedule to, the Agricultural Tenancies Act 1995 (c. 8). Section 69 was substituted by section 118 of, and paragraphs 1 and 3 of Schedule 6 to, the 2004 Act and amended by section 190 of the Planning Act 2008 (c. 29) ("the 2008 Act") (see section 69(9) for the definition of "prescribed"). Section 71 was amended by section 16(2) and section 32 of, and paragraph 15 of Schedule 7 to, the 1991 Act. Section 78 was amended by section 17(2) of the 1991 Act, section 196(4) of, and paragraphs 1 and 3(a) of Schedule 10 to, the 2008 Act and section 197 of, and paragraphs 1 and 2 of Schedule 11 to, the 2008 Act. Section 78A was inserted by section 50 of the 2004 Act. Sections 49 and 50 of the 2004 Act come into force, to the extent that they are not already in force, on 22 June 2015 by virtue of S.I. 2015/340.

(2) The functions of the Secretary of State, 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); see the entry in Schedule 1 for the Town and Country Planning Act 1990 and see section 118(3) of the 2004 Act. The functions of the National Assembly for Wales were transferred to the Welsh Ministers by virtue of section 162 of, and paragraphs 30 and 32 of Schedule 11 to, the Government of Wales Act 2006 (c. 32).

(3) 2004 c. 5. Section 54 comes into force, to the extent that it is not already in force, on 22 June 2015 by virtue of S.I. 2015/340.

(“Deddf 2004”), sydd bellach hefyd yn arferadwy ganddynt hwy(1), yn gwneud y Gorchymyn a ganlyn:

Enwi, cychwyn a chymhwyso

1.—(1) Enw’r Gorchymyn hwn yw Gorchymyn Cynllunio Gwlad a Thref (Gweithdrefn Rheoli Datblygu) (Cymru) (Diwygio) 2015 a daw i rym ar 22 Mehefin 2015.

(2) Mae’r Gorchymyn hwn yn gymwys i’r holl dir yng Nghymru.

Diwygiadau i Orchymyn Cynllunio Gwlad a Thref (Gweithdrefn Rheoli Datblygu) (Cymru) 2012

2. Mae Gorchymyn Cynllunio Gwlad a Thref (Gweithdrefn Rheoli Datblygu) (Cymru) 2012(2) wedi ei ddiwygio yn unol â’r darpariaethau canlynol.

Dehongli

3. Yn erthygl 2(1)—

(a) ar ôl y diffiniad o “cais AEA” mewnosoder—

“ystyr “cais deiliad tŷ” (“*householder application*”) yw cais am—

(a) caniatâd cynllunio ar gyfer estyn, gwella neu addasu tŷ annedd mewn ffordd arall, neu ddatblygiad o fewn cwrtil tŷ annedd o’r fath, neu

(b) newid defnydd er mwyn ehangu cwrtil tŷ annedd,

at unrhyw ddiben sy’n ategol i fwynhau’r tŷ annedd ond nad yw’n cynnwys—

(i) unrhyw gais arall am newid defnydd,

(ii) cais i godi tŷ annedd, neu

(iii) cais i newid nifer yr anheddau mewn adeilad;”;

(b) ar ôl y diffiniad o “cais deiliad tŷ” mewnosoder—

“ystyr “cais masnachol bach” (“*minor commercial application*”) yw cais am ganiatâd cynllunio ar gyfer ehangu, gwella neu addasu adeilad presennol o ddim mwy na 250 metr sgwâr gros o arwynebedd llawr

2004 Act”), also now exercisable by them(1), make the following Order:

Title, commencement and application

1.—(1) The title of this Order is the Town and Country Planning (Development Management Procedure) (Wales) (Amendment) Order 2015 and it comes into force on 22 June 2015.

(2) This Order applies to all land in Wales.

Amendments to the Town and Country Planning (Development Management Procedure) (Wales) Order 2012

2. The Town and Country Planning (Development Management Procedure) (Wales) Order 2012(2) is amended in accordance with the following provisions.

Interpretation

3. In article 2(1)—

(a) after the definition of “floor space” insert—

““householder application” (“*cais deiliad tŷ*”) means an application for—

(a) planning permission for the enlargement, improvement or other alteration of a dwellinghouse, or development within the curtilage of such a dwellinghouse, or

(b) change of use to enlarge the curtilage of a dwelling house,

for any purpose incidental to the enjoyment of the dwellinghouse but does not include—

(i) any other application for change of use,

(ii) an application for erection of a dwellinghouse, or

(iii) an application to change the number of dwellings in a building;”;

(b) after the definition of “mining operations” insert—

““minor commercial application” (“*cais masnachol bach*”) means an application for planning permission for the enlargement, improvement or other alteration of an existing building of no more than 250

(1) Trosglwyddwyd swyddogaethau Cynulliad Cenedlaethol Cymru i Weinidogion Cymru yn rhinwedd adran 162 o Ddeddf Llywodraeth Cymru 2006 a pharagraffau 30 a 32 o Atodlen 11 i’r Ddeddf honno.

(2) O.S. 2012/801 (Cy. 110).

(1) The functions of the National Assembly for Wales were transferred to the Welsh Ministers by virtue of section 162 of, and paragraphs 30 and 32 of Schedule 11 to, the Government of Wales Act 2006.

(2) S.I. 2012/801 (W. 110).

allanol ar lefel y llawr daear mewn ffordd arall, neu ran o'r adeilad hwnnw, sy'n cael ei ddefnyddio ar hyn o bryd at unrhyw un o'r dibenion a nodir yn Atodlen 1A i'r Gorchymyn hwn sydd yn gais am—

- (a) newid y defnydd o unrhyw un o'r dibenion a nodir ym mharagraff 1 yn Atodlen 1A i'r Gorchymyn hwn i unrhyw un o'r dibenion a nodir un ai ym mharagraff 2 neu ym mharagraff 3 o'r Atodlen honno;
- (b) newid y defnydd o unrhyw un o'r dibenion a nodir ym mharagraff 2 yn Atodlen 1A i'r Gorchymyn hwn i unrhyw un o'r dibenion a nodir ym mharagraff 3 o'r Atodlen honno; neu
- (c) cyflawni gwaith adeiladu neu weithrediadau eraill i flaen siop;”.

Diwygiadau yn ymwneud â gweithrediadau mewnol penodol

4. Ar ôl erthygl 2 mewnosoder—

“Datblygiad i gynnwys gweithrediadau mewnol penodol

2A. Nid yw is-adran (2) o adran 55 o Ddeddf 1990 yn gymwys i weithrediadau a grybwyllir ym mharagraff (a) o'r is-adran honno sy'n cael yr effaith o gynyddu arwynebedd llawr yr adeilad mwy na 200 metr sgwâr mewn amgylchiadau pan fo'r adeilad yn cael ei ddefnyddio i fanwerthu nwyddau ac eithrio bwyd poeth.”

Diwygiadau yn ymwneud â chyhoeddusrwydd ar gyfer ceisiadau am ganiatâd cynllunio

5. Yn erthygl 12(7)—

- (a) ar ddiwedd is-baragraff (ch), hepgorer “a”;
- (b) ar ddiwedd is-baragraff (d), rhodder—
“; ac
- (dd) yn achos cais deiliad tŷ neu gais masnachol bach, os digwydd apêl sy'n dilyn y weithdrefn hwylusach, y bydd unrhyw sylwadau a wneir ynglŷn â'r cais yn cael eu trosglwyddo i Weinidogion Cymru ac na fydd cyfle i wneud sylwadau pellach.”

Diwygiadau yn ymwneud ag ymgynghoriadau cyn rhoi caniatâd

6. Yn erthygl 14(4)(b) yn lle'r ddau gyfeiriad at “14 diwrnod” rhodder “21 diwrnod”.

square metres gross external floor space at ground floor level, or part of that building, currently in use for any of the purposes set out in Schedule 1A to this Order which is an application for—

- (a) the change of use from any of the purposes set out at paragraph 1 in Schedule 1A to this Order to any of the purposes set out in either paragraph 2 or paragraph 3 of that Schedule;
- (b) the change of use from any of the purposes set out at paragraph 2 in Schedule 1A to this Order to any of the purposes set out in paragraph 3 of that Schedule; or
- (c) the carrying out of building or other operations to a shop front;”.

Amendments relating to certain internal operations

4. After article 2 insert—

“Development to include certain internal operations

2A. Subsection (2) of section 55 of the 1990 Act does not apply to operations mentioned in paragraph (a) of that subsection which have the effect of increasing the floor space of the building by more than 200 square metres in circumstances where that the building is used for the retail sale of goods other than hot food.”

Amendments relating to publicity for applications for planning permission

5. In article 12(7)—

- (a) at the end of sub-paragraph (d) omit “and”;
- (b) at the end of sub-paragraph (e) insert—
“; and
- (f) that, in the case of a householder application or a minor commercial application, in the event of an appeal that proceeds by way of the expedited procedure, any representations made about the application will be passed to the Welsh Ministers and there will be no opportunity to make further representations.”

Amendments relating to consultations before the grant of permission

6. In article 14(4)(b) for both references to “14 days” substitute “21 days”.

Diwygiadau yn ymwneud â'r ddyletswydd i ymateb i ymgynghoriad

7. Ar ôl erthygl 15 mewnosoder—

“Dyletswydd i ymateb i ymgynghoriad

15A.—(1) Y gofyniad i ymgynghori a ragnodir at ddibenion adran 54(2)(b) o Ddeddf 2004 (dyletswydd i ymateb i ymgynghoriad) yw'r hwn sydd wedi ei gynnwys yn erthygl 14.

(2) At ddibenion adran 54(4)(a) o Ddeddf 2004, 21 diwrnod yw'r cyfnod a ragnodir gan ddechrau gyda'r diwrnod—

- (a) y rhoddir yr hysbysiad y cyfeirir ato yn 14(4)(a); neu
- (b) os yn gynharach, dyddiad cyflwyno copi o'r cais i'r ymgynghorai,

neu gyfnod arall o'r fath fel y cytunir yn ysgrifenedig rhwng yr ymgynghorai a'r ymgynghorwr.

(3) At ddibenion yr erthygl hon ac erthygl 15B, ac yn unol ag adran 54(5)(c) o Ddeddf 2004, ymateb o sylwedd yw ymateb sy'n—

- (a) datgan nad oes gan yr ymgynghorai unrhyw sylw i'w fynegi;
- (b) datgan nad oes gan yr ymgynghorai wrthwynebiad i'r datblygiad arfaethedig ac sy'n atgyfeirio'r ymgynghorwr at gyngor sefydlog cyfredol gan yr ymgynghorai ar destun yr ymgynghoriad;
- (c) rhoi gwybod i'r ymgynghorwr am unrhyw bryderon a ganfuwyd mewn perthynas â'r datblygiad arfaethedig a sut y gall yr ymgeisydd roi sylw i'r pryderon hynny; neu
- (ch) rhoi gwybod bod yr ymgynghorai'n gwrthwynebu'r datblygiad arfaethedig ac yn nodi'r rhesymau dros y gwrthwynebiad.

Dyletswydd i ymateb i ymgynghoriad: adroddiadau blynyddol

15B.—(1) Rhaid i bob ymgynghorai sydd, yn rhinwedd adran 54 o Ddeddf 2004 ac erthygl 15A, o dan ddyletswydd i ymateb i ymgynghoriad roi adroddiad i Weinidogion Cymru ar gydymffurfiad yr ymgynghorai hwnnw ag adran 54(4) o Ddeddf 2004 ddim hwyrach nag 1 Gorffennaf ym mhob blwyddyn, gan ddechrau gydag 1 Gorffennaf 2017.

Amendments relating to the duty to respond to consultation

7. After article 15 insert—

“Duty to respond to consultation

15A.—(1) The requirement to consult which is prescribed for the purposes of section 54(2)(b) of the 2004 Act (duty to respond to consultation) is that contained in article 14.

(2) For the purposes of section 54(4)(a) of the 2004 Act the period prescribed is 21 days beginning with the day on which—

- (a) notice referred to in article 14(4)(a) is given; or
- (b) if earlier, the date of service of a copy of the application on the consultee,

or such other period as may be agreed in writing between the consultee and the consultor.

(3) For the purposes of this article and article 15B, and pursuant to section 54(5)(c) of the 2004 Act, a substantive response is one which—

- (a) states that the consultee has no comment to make;
- (b) states that the consultee has no objection to the proposed development and refers the consultor to current standing advice by the consultee on the subject of the consultation;
- (c) advises the consultor of any concerns identified in relation to the proposed development and how those concerns can be addressed by the applicant; or
- (d) advises that the consultee objects to the proposed development and sets out the reasons for the objection.

Duty to respond to consultation: annual reports

15B.—(1) Each consultee who is, by virtue of section 54 of the 2004 Act and article 15A, under a duty to respond to consultation must give to the Welsh Ministers, not later than 1 July in each year, beginning with the 1 July 2017, a report as to that consultee's compliance with section 54(4) of the 2004 Act.

(2) Rhaid i'r adroddiad ymwneud â'r cyfnod o 12 mis sy'n cychwyn ar 1 Ebrill yn y flwyddyn flaenorol ("y flwyddyn adrodd").

(3) Rhaid i'r adroddiad gynnwys datganiad ynglŷn â'r canlynol, mewn cysylltiad ag unrhyw flwyddyn adrodd—

- (a) nifer yr achlysuron yr ymgynghorwyd â'r ymgynghorai;
- (b) nifer yr achlysuron y darparwyd ymateb o sylwedd;
- (c) pa bryd y darparwyd yr ymateb o sylwedd; ac
- (ch) nifer yr achlysuron y rhoddodd yr ymgynghorai ymateb o sylwedd y tu allan i'r cyfnod a ragnodwyd at ddibenion adran 54(4) o Ddeddf 2004 a chrynodeb o'r rhesymau dros hynny."

(2) The report must relate to the period of 12 months commencing on 1 April in the preceding year ("the report year").

(3) The report must contain, in respect of any report year, a statement as to—

- (a) the number of occasions on which the consultee was consulted;
- (b) the number of occasions on which a substantive response was provided;
- (c) when the substantive response was provided; and
- (d) the number of occasions on which the consultee gave a substantive response outside the period prescribed for the purposes of section 54(4) of the 2004 Act and a summary of the reasons why."

Diwygiadau yn ymwneud ag apelau

8.—(1) Yn erthygl 26(1)(b), yn lle'r geiriau "mharagraff (3)(d)" rhodder "mharagraff (3)(a)(ii) neu (3)(b)(v)".

(2) Yn erthygl 26(2)—

- (a) ar ôl y geiriau "ym mharagraff (1) yw" hepgorer "chwe mis ar ôl";
- (b) yn lle is-baragraffau (a), (b) ac (c) rhodder—

“(a) yn achos apêl deiliad tŷ neu apêl fasnachol fach, deuddeg wythnos o ddyddiad yr hysbysiad o'r penderfyniad neu'r dyfarniad sy'n arwain at yr apêl;

(b) yn achos unrhyw apêl arall o dan adran 78(1), chwe mis ar ôl—

- (i) dyddiad yr hysbysiad o'r penderfyniad neu'r dyfarniad sy'n arwain at yr apêl; neu
- (ii) mewn achos pan fo'r awdurdod cynllunio lleol wedi cyflwyno hysbysiad i'r ceisydd yn unol ag erthygl 3(2) bod arno angen gwybodaeth bellach ac nad yw'r ceisydd wedi darparu'r wybodaeth, dyddiad cyflwyno'r hysbysiad hwnnw;”.

(3) Yn lle erthygl 26(3) rhodder—

“(3) Y dogfennau a grybwyllir ym mharagraff (1) yw—

- (a) yn achos apêl deiliad tŷ neu apêl fasnachol fach—

Amendments relating to appeals

8.—(1) In article 26(1)(b), for the words “paragraph (3)(e)” substitute “paragraph (3)(a)(ii) or (3)(b)(v)”.

(2) In article 26(2)—

- (a) after the words “in paragraph (1) is” omit “six months from”;
- (b) for sub-paragraphs (a), (b) and (c) substitute—

“(a) in the case of a householder appeal or a minor commercial appeal, twelve weeks from the date of the notice of the decision or determination giving rise to the appeal;

(b) in the case of any other appeal under section 78(1), six months from—

- (i) the date of the notice of the decision or determination giving rise to the appeal; or
- (ii) in a case in which the local planning authority have served a notice on the applicant in accordance with article 3(2) that they require further information and the applicant has not provided the information, the date of service of that notice;”.

(3) For article 26(3) substitute—

“(3) The documents mentioned in paragraph (1) are—

- (a) in the case of a householder appeal or a minor commercial appeal—

- (i) copi o'r cais a anfonwyd at yr awdurdod cynllunio lleol ac a arweiniodd at yr apêl;
 - (ii) unrhyw blaniau, dogfennau neu luniadau eraill yn ymwneud â'r cais nad oeddynt wedi eu hanfon at yr awdurdod cynllunio lleol, ac eithrio unrhyw blaniau, dogfennau neu luniadau yn ymwneud â diwygiadau i'r cais arfaethedig ar ôl i'r awdurdod cynllunio lleol wneud eu penderfyniad; ac
 - (iii) yr hysbysiad o'r penderfyniad neu'r dyfarniad;
- (b) yn achos unrhyw apêl arall a wnaed o dan adran 78—
- (i) y cais a wnaed i'r awdurdod cynllunio lleol ac a arweiniodd at yr apêl;
 - (ii) yr holl blaniau, lluniadau a dogfennau a anfonwyd at yr awdurdod mewn cysylltiad â'r cais;
 - (iii) yr holl ohebiaeth â'r awdurdod sy'n ymwneud â'r cais;
 - (iv) unrhyw dystysgrif a ddarparwyd i'r awdurdod o dan erthygl 11;
 - (v) unrhyw blaniau, dogfennau neu luniadau eraill sy'n ymwneud â'r cais nad oeddynt wedi eu hanfon at yr awdurdod;
 - (vi) yr hysbysiad o'r penderfyniad neu'r dyfarniad, os oes un;
 - (vii) os yw'r apêl yn ymwneud â chais am gymeradwyo materion penodol yn unol ag amod ar ganiatâd cynllunio, y cais am y caniatâd hwnnw, y planiau a gyflwynwyd ynghyd â'r cais hwnnw a'r caniatâd cynllunio a roddwyd."

(4) Ar ôl erthygl 26(6) mewnosoder—

“(7) Yn yr erthygl hon—

ystyr “apêl deiliad tŷ” (“*householder appeal*”) yw apêl o dan adran 78(1)(a) o Ddeddf 1990 mewn perthynas â chais deiliad tŷ ond nid yw'n cynnwys—

- (a) apêl yn erbyn rhoi unrhyw ganiatâd cynllunio a roddir yn ddarostyngedig i amodau; neu

(4) After article 26(6) insert—

“(7) In this article—

“householder appeal” (“*apêl deiliad tŷ*”) means an appeal under section 78(1)(a) of the 1990 Act in relation to a householder application but does not include—

- (a) an appeal against the grant of any planning permission which is granted subject to conditions; or

- (b) apêl a gyflwynir ynghyd ag apêl o dan adran 174(1) o Ddeddf 1990 neu o dan adran 20 o Ddeddf Cynllunio (Adeiladau Rhestredig ac Ardaloedd Cadwraeth) 1990(2);

ystyr “apêl fasnachol fach” (“*minor commercial appeal*”) yw apêl o dan adran 78(1)(a) o Ddeddf 1990 mewn perthynas â chais masnachol bach ond nid yw’n cynnwys—

- (a) apêl yn erbyn rhoi unrhyw ganiatâd cynllunio a roddir yn ddarostyngedig i amodau; neu
- (b) apêl a gyflwynir ynghyd ag apêl o dan adran 174 o Ddeddf 1990 neu o dan adran 20 o Ddeddf Cynllunio (Adeiladau Rhestredig ac Ardaloedd Cadwraeth) 1990.”

- (b) an appeal which is accompanied by an appeal under section 174(1) of the 1990 Act or under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990(2);

“minor commercial appeal” (“*apêl fasnachol fach*”) means an appeal under section 78(1)(a) of the 1990 Act in relation to a minor commercial application but does not include—

- (a) an appeal against the grant of any planning permission which is granted subject to conditions; or
- (b) an appeal which is accompanied by an appeal under section 174 of the 1990 Act or under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990.”

Diwygiadau yn ymwneud â swyddogaethau awdurdod cynllunio lleol pan wneir apêl

9. Ar ôl erthygl 26 mewnosoder—

“Apêl a wnaed: Swyddogaethau awdurdod cynllunio lleol

26A. Y cyfnod ychwanegol a ragnodwyd at ddibenion adran 78A yw pedair wythnos.”

Amendments relating to functions of a local planning authority where an appeal is made

9. After article 26 insert—

“Appeal made: Functions of a local planning authority

26A. The additional period prescribed for the purposes of section 78A is four weeks.”

Diwygiadau yn ymwneud â’r gofrestr o geisiadau a gorchmynion datblygu lleol

10. Yn erthygl 29(15)(a)—

- (a) hepgorer y geiriau “(neu’r cyfnod priodol a ganiateir o dan erthygl 22 wedi dod i ben heb iddo roi penderfyniad)”;
- (b) hepgorer y geiriau “o chwe mis”.

Amendments relating to the register of applications and local development orders

10. In article 29(15)(a)—

- (a) omit the words “(or the appropriate period allowed under article 22 has expired without their giving a decision)”;
- (b) omit the words “of six months”.

Diwygiadau i’r Atodlenni

11.—(1) Yn y Cydnabod Cais yn Atodlen 1, hepgorer y geiriau “Os byddwch yn apelio, rhaid ichi apelio o fewn y cyfnod o 6 mis” hyd at “(“y dyddiad perthnasol”)].....”.

(2) Ar ôl Atodlen 1 mewnosoder Atodlen 1A a gynhwysir yn yr Atodlen i’r Gorchymyn hwn.

(3) Yn Atodlen 2—

Amendments to the Schedules

11.—(1) In the Acknowledgement of Application in Schedule 1, the words “If you appeal, you must appeal within 6 months” to “(“the relevant date”)].....” are omitted.

(2) After Schedule 1 insert Schedule 1A contained in the Schedule to this Order.

(3) In Schedule 2—

(1) Diwygiwyd adran 174 gan Ddeddf 1991, adran 63 o Ddeddf Menter a Diwygio Rheoleiddio 2013 (p. 24) ac Atodlen 17 i’r Ddeddf honno ac O.S. 2004/3156 (Cy. 273).

(2) 1990 p. 9. Diwygiwyd adran 20 gan O.S. 2014/2773 (Cy. 280).

(1) Section 174 was amended by the 1991 Act, section 63 of, and Schedule 17 to, the Enterprise and Regulatory Reform Act 2013 (c. 24) and S.I. 2004/3156 (W. 273).

(2) 1990 c. 9. Section 20 was amended by S.I. 2014/2773 (W. 280).

- (a) yn yr Hysbysiad o Dan Erthygl 10 o Gais am Ganiatâd Cynllunio cyn y diffiniad o “perchennog” mewnosoder—

“Os bydd apêl yn cael ei gwneud yn erbyn penderfyniad yr Awdurdod Cynllunio Lleol i wrthod rhoi caniatâd cynllunio ar gyfer y datblygiad arfaethedig, a bod yr apêl wedyn yn digwydd drwy y weithdrefn ysgrifenedig hwylusach a ragnodir yn Rhan 1 o Reoliadau Cynllunio Gwlad a Thref (Atgyfeiriadau ac Apelau) (Gweithdrefn Sylwadau Ysgrifenedig) (Cymru) 2015 (O.S.....(Cy.)), bydd unrhyw sylwadau a wneir gan y perchennog neu'r tenant i'r Awdurdod Cynllunio Lleol ynglŷn â'r cais hwn yn cael eu cyflwyno i Weinidogion Cymru ac ni fydd cyfle i wneud sylwadau pellach. Dylai unrhyw berchennog neu denant sy'n dymuno cyflwyno sylwadau wneud hynny erbyn y dyddiad ym mharagraff (dd) uchod.”

- (b) yn yr Hysbysiad o Apêl o dan Erthyglau 10 a 25 cyn y diffiniad o “perchennog” mewnosoder—

“Os ymdrinnir ag apêl gan y weithdrefn sylwadau ysgrifenedig hwylusach a ragnodir yn Rhan 1 o Reoliadau Cynllunio Gwlad a Thref (Atgyfeiriadau ac Apelau) (Gweithdrefn Sylwadau Ysgrifenedig) (Cymru) 2015 (O.S.....(Cy.)), bydd unrhyw sylwadau a wneir gan y perchennog neu'r tenant i'r Awdurdod Cynllunio lleol ynglŷn â'r cais yn cael eu cyflwyno i Weinidogion Cymru ac ni fydd cyfle i wneud sylwadau pellach mewn perthynas â'r apêl.”

- (a) in the Notice Under Article 10 of Application for Planning Permission before the definition of “owner” insert—

“In the event that an appeal is made against a decision of the Local Planning Authority to refuse to grant planning permission for the proposed development, and that appeal then proceeds by way of the expedited written procedure prescribed in Part 1 of the Town and Country Planning (Referrals and Appeals) (Written Representations Procedure) (Wales) Regulations 2015 (S.I.....(W.)), any representations made by the owner or tenant to the Local Planning Authority about this application will be passed to the Welsh Ministers and there will be no opportunity to make further representations. Any owner or tenant wishing to make representations should do so by the date in paragraph (f) above.”

- (b) in the Notice of Appeal under Articles 10 and 25 before the definition of “owner” insert—

“In the event that an appeal is dealt with by the expedited written representation procedure prescribed in Part 1 of the Town and Country Planning (Referrals and Appeals) (Written Representations Procedure) (Wales) Regulations 2015 (S.I.....(W.)), any representations made by the owner or tenant to the local Planning Authority about the application will be passed to the Welsh Ministers and there will be no opportunity to make further representations in relation to the appeal.”

Darpariaethau trosiannol ac arbed

12.—(1) Nid yw'r darpariaethau yn erthyglau 8 ac 11(3)(b) o'r Gorchymyn hwn yn gymwys mewn perthynas ag unrhyw apêl o dan adran 78 o Ddeddf Cynllunio Gwlad a Thref 1990 sy'n ymwneud â chais a wnaed cyn y daw'r Gorchymyn hwn i rym.

(2) Nid yw'r ddarpariaeth yn erthyglau 3, 5, 10 ac 11(1), (2) a (3)(a) o'r Gorchymyn hwn yn gymwys mewn perthynas â chais am ganiatâd cynllunio a wnaed cyn y daw'r Gorchymyn hwn i rym.

(3) Mae Gorchymyn Cynllunio Gwlad a Thref (Gweithdrefn Rheoli Datblygu) (Cymru) 2012, ar y ffurf yr oedd yn bodoli yn union cyn y daw'r Gorchymyn hwn i rym, yn parhau'n gymwys i unrhyw gais am ganiatâd cynllunio a wnaed cyn i'r

Transitional and savings provisions

12.—(1) The provisions in articles 8 and 11(3)(b) of this Order, do not apply in relation to any appeal under section 78 of the Town and Country Planning Act 1990 relating to an application made before this Order comes into force.

(2) The provision in articles 3, 5, 10 and 11(1), (2) and (3)(a) of this Order, do not apply in relation to an application for planning permission made before this Order comes into force.

(3) The Town and Country Planning (Development Management Procedure) (Wales) Order 2012, in the form which it existed immediately before the coming into force of this Order, continues to apply to any application for planning permission made before this

Gorchymyn hwn ddod i rym ac i unrhyw apêl a wneir o dan adran 78 sy'n ymwneud â chais o'r fath.

Order comes into force and to any appeal made under section 78 relating to such an application.

Carl Sargeant

Y Gweinidog Cyfoeth Naturiol, un o Weinidogion
Cymru
20 Mai 2015

Minister for Natural Resources, one of the Welsh
Ministers
20 May 2015

“ATODLEN 1A Erthygl 2(1)

“SCHEDULE 1A Article 2(1)

Defnydd Datblygiad Masnachol Bach**Minor Commercial Development Uses****Siopau****Shops**

1. Defnydd ar gyfer pob un o'r dibenion canlynol neu unrhyw un neu ragor ohonynt—

1. Use for all or any of the following purposes—

- (a) ar gyfer manwerthu nwyddau ac eithrio bwyd poeth,
- (b) fel swyddfa bost,
- (c) ar gyfer gwerthu tocynnau neu fel asiantaeth deithio,
- (ch) ar gyfer gwerthu brechdanau neu fwyd oer arall i'w fwyta i ffwrdd o'r fangre,
- (d) ar gyfer trin gwallt,
- (dd) ar gyfer trefnu angladdau,
- (e) ar gyfer arddangos nwyddau sydd ar werth,
- (f) ar gyfer hurio nwyddau neu eitemau domestig neu bersonol,
- (ff) ar gyfer golchi neu lanhau dillad neu ffabrigau yn y fangre,
- (g) ar gyfer derbyn nwyddau i'w golchi, eu glanhau neu eu hatgyweirio,

- (a) for the retail sale of goods other than hot food,
- (b) as a post office,
- (c) for the sale of tickets or as a travel agency,
- (d) for the sale of sandwiches or other cold food for consumption off the premises,
- (e) for hairdressing,
- (f) for the direction of funerals,
- (g) for the display of goods for sale,
- (h) for the hiring out of domestic or personal goods or articles,
- (i) for the washing or cleaning of clothes or fabrics on the premises,
- (j) for the reception of goods to be washed, cleaned or repaired,

pan fo'r gwerthu, yr arddangos neu'r gwasanaeth i aelodau o'r cyhoedd sy'n ymweld.

where the sale, display or service is to visiting members of the public.

Gwasanaethau ariannol a phroffesiynol**Financial and professional services**

2. Defnydd ar gyfer darparu—

2. Use for the provision of—

- (a) gwasanaethau ariannol,
- (b) gwasanaethau proffesiynol (ac eithrio gwasanaethau iechyd neu feddygol), neu
- (c) unrhyw wasanaethau eraill (gan gynnwys defnydd fel swyddfa fetio) y mae'n briodol eu darparu mewn ardal siopa,

- (a) financial services,
- (b) professional services (other than health or medical services), or
- (c) any other services (including use as a betting office) which it is appropriate to provide in a shopping area,

pan ddarperir y gwasanaethau yn bennaf i aelodau o'r cyhoedd sy'n ymweld.

where the services are provided principally to visiting members of the public.

Bwyd a diod**Food and drink**

3. Defnydd ar gyfer gwerthu bwyd neu ddiod ar gyfer ei fwyta neu ei yfed yn y fangre neu fwyd poeth ar gyfer ei fwyta i ffwrdd o'r fangre.”

3. Use for the sale of food or drink for consumption on the premises or of hot food for consumption off the premises.”

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2015 Rhif 1330 (Cy. 123)

2015 No. 1330 (W. 123)

**CYNLLUNIO GWLAD A
THREF, CYMRU**

**TOWN AND COUNTRY
PLANNING, WALES**

Gorchymyn Cynllunio Gwlad a
Thref (Gweithdrefn Rheoli
Datblygu) (Cymru) (Diwygio) 2015

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