
OFFERYNNAU STATUDOL CYMRU

2006 Rhif 1052 (Cy.108)

CYNLLUNIO GWLAD A THREF, CYMRU

Rheoliadau Cynllunio Gwlad a Thref (Ffioedd Am Geisiadau a Cheisiadau Tybiedig) (Diwygio Rhif 2) (Cymru) 2006

Wedi - - - - - *4 Ebrill 2006*
Yn dod i rym - - - - - *6 Ebrill 2006*

Mae Cynulliad Cenedlaethol Cymru ("y Cynulliad Cenedlaethol"), drwy arfer y pwerau a roddwyd iddo fel yr awdurdod priodol at ddibenion adran 303 o Ddeddf Cynllunio Gwlad a Thref 1990(1), yn gwneud y Rheoliadau a ganlyn:

Enwi, cychwyn a chymhwyso

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau Cynllunio Gwlad a Thref (Ffioedd Am Geisiadau a Cheisiadau Tybiedig) (Diwygio Rhif 2) (Cymru) 2006 a deuant i rym ar 6 Ebrill 2006.

(2) Mae'r Rheoliadau hyn yn gymwys o ran Cymru.

Ffioedd mewn perthynas â monitro safleoedd mwyngloddio a safleoedd tirlenwi

2.—(1) Diwygir Rheoliadau Cynllunio Gwlad a Thref (Ffioedd Am Geisiadau a Cheisiadau Tybiedig) 1989(2) fel a ganlyn.

(2) Yn rheoliad 1 (cymhwyso, enwi a chychwyn)—

(a) ym mharagraff (2)—

(i) ar ddiwedd is-baragraff (d) dileer "and"; ac

(ii) ar ddiwedd paragraff (2) ychwaneger—

“(f) to site visits made to a mining site or a landfill site on or after 6 April 2006.”;

(b) ym mharagraff (3), ar ôl is-baragraff (c), mewnosoder—

(1) 1990 p.8; diwygiwyd adran 303 gan baragraff 10 o Atodlen 13 i Ddeddf Diogelu'r Amgylchedd 1990 (p.43), adran 6(6) o Ddeddf Cynllunio ac Iawndal 1991 (p.34) ac adran 53 o Ddeddf Cynllunio a Phrynu Gorfodol 2004 (p.5). Gweler adran 303(2A) o Ddeddf Cynllunio Gwlad a Thref 1990 am ystyr "appropriate authority" ac adran 336(1) o'r Ddeddf honno am y diffiniad o "prescribed".

(2) O.S. 1989/193; gwnaed diwygiadau perthnasol o ran Cymru a Lloegr gan O.S. 1990/2473, 1991/2735, 1992/1817, 1992/3052, 1993/3170 ac 1997/37 ac o ran Cymru, gan O.S. 2002/1876 (Cy.185), 2002/2258 (Cy.222), 2004/2736 (Cy.243) a 2006/931 (C.26) [h.y. Rheoliadau Ffioedd 2006].

“(d) in the case of site visits referred to in paragraph (2)(f) above, on the date on which the visit is made.”.

(3) Yn rheoliad 2 (dehongli)—

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

““landfill permission” means any planning permission for—

(a) operational development designed to be used wholly or mainly for the purpose of; or

(b) material change of use to,

a waste disposal site for the deposit of waste onto or into the land;

“landfill site” means the land to which a landfill permission relates;

“mineral permission” means any planning permission for development consisting of—

(a) the winning and working of minerals; or

(b) the depositing of mineral waste;

“mining site” means—

(a) the aggregate of the land to which any two or more mineral permissions relate where the aggregate of the land—

(i) is worked as a single site; or

(ii) is treated as a single site by the local planning authority for the purposes of Schedule 13 (review of old mineral planning permissions) or Schedule 14 (periodic review of mineral planning permissions) to the Environment Act 1995(3); and

(b) in any other case, the land to which a mineral permission relates;”;

(b) after the definition of “outline planning permission” insert—

““site visit” means entry by a local planning authority on to a mining site or landfill site—

(a) to ascertain whether there is or has been any breach of planning control on the site;

(b) to determine whether any of the powers conferred on the local planning authority by Part 7 of the Town and Country Planning Act 1990(4) (enforcement) should be exercised in relation to the site;

(c) to determine how any such power should be exercised in relation to the site; or

(d) to ascertain whether there has been any compliance with any requirement imposed as a result of any such power having been exercised in relation to the site.”.

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- (3) Cafodd Atodlen 13 ei diwygio gan adrannau 3 a 4 o Ddeddf Cynllunio (Darpariaethau Canlyniadol) (Yr Alban) 1997(p.11), a Rhan III o Atodlen 1 a pharagraff 60(1)(b) o Atodlen 3 iddi, gan adrannau 76(1) a 93 o Ddeddf Cefn Gwlad a Hawliau Tramwy 2000 (p.37), a Rhan II o Atodlen 10 a Rhan I o Atodlen 15 iddi, ac, o ran Cymru, gan O.S. 2004/3156 (Cy.273). Cafodd Atodlen 14 ei diwygio gan adrannau 3 a 4 o Ddeddf Cynllunio (Darpariaethau Canlyniadol) (Yr Alban) 1997 (p.11), a Rhan III o Atodlen 1 a pharagraff 60(2) o Atodlen 3 iddi, gan adran 118(2) o Ddeddf Cynllunio a Phrynu Gorfodol 2004 (p.5), a pharagraff 19 o Atodlen 7 iddi, ac, o ran Cymru, gan O.S. 2004/3156 (Cy.273).
- (4) Diwygiwyd Rhan 7 gan adran 6 o Ddeddf Cynllunio (Darpariaethau Canlyniadol) 1990 (p.11), a pharagraffau 1, 3 a 4 o Atodlen 4 iddi, adrannau 1 i 11, 21, 32 ac 84 o Ddeddf Cynllunio ac Iawndal 1991 (p.34), a pharagraff 11 o Atodlen 1, paragraffau 22 i 33 o Atodlen 7 a Rhan I o Atodlen 9 iddi, adran 20(4) o Ddeddf Llywodraeth Leol (Cymru) 1994 (p.19), a pharagraff 24(5) o Atodlen 6 iddi, adran 52 o Ddeddf Cynllunio a Phrynu Gorfodol 2004 (p.5) ac, o ran Cymru, gan O.S. 2004/3156 (Cy.273).

(4) Ar ôl rheoliad 11B (ffioedd mewn perthynas â monitro safleoedd mwyngloddio a thirlenwi), mewnosoder—

“Fees in respect of the monitoring of mining and landfill sites – Wales

11C.—(1) Subject to paragraphs (2) and (3), where a site visit is made to a mining site or a landfill site by a local planning authority, the operator of the site must pay to the authority a fee of an amount specified in paragraphs (4) or (5).

(2) The maximum number of visits to any one such site for which a fee is payable under this regulation in any period of 12 months beginning with the date of the first such visit is—

- (a) where the site is an active site, eight; or
- (b) where the site is an inactive site, one.

(3) Where—

- (a) the person liable to pay the fee in respect of a site visit is the owner of the site; and
- (b) there is more than one owner,

the amount of the fee is to be divided equally by the total number of owners and each owner will be liable to pay one part of the amount so divided.

(4) Where the site is an active site, or partly an active site and partly an inactive site, the fee payable is £288.

(5) Where the site is an inactive site the fee payable is £96.

(6) In this regulation—

“active site” means a mining site or landfill site, or a site which is partly a mining site and partly a landfill site, where—

- (a) development to which the relevant mineral permission or landfill permission relates is being carried out to any substantial extent; or
- (b) other works to which a condition attached to such permission are being carried out to any substantial extent;

“inactive site” means a mining site or landfill site, or a site which is partly a mining site and partly a landfill site, which is not an active site;

“operator” means—

- (a) the person—
 - (i) carrying out operations on the land consisting of the winning and working of minerals;
 - (ii) using the land for the deposit of mineral waste;
 - (iii) carrying out operations on the land for the purposes of, or using the land as, a waste disposal site for the deposit of waste onto or into the land; or
 - (iv) carrying out on the land other works to which a condition attached to a mineral permission or landfill permission relates;
- (b) where there is more than one person carrying out the operations, works or using the land in the way described in sub-paragraph (a), the person in overall control of the mining site, landfill site or, where a site is both a mining site and a landfill site, the mining site and landfill site, as the case may be; or
- (c) where there is no person who falls within the description in sub-paragraph (a) or (b), the owner of the site; and

“owner” means—

Statws This is the original version (as it was originally made). Dim ond ar
ei ffurf wreiddiol y mae'r eitem hon o ddeddfwriaeth ar gael ar hyn o bryd.

- (a) the person who is entitled to a tenancy of the site granted or extended for a term of years certain of which not less than seven years remains unexpired, but does not include an underlessee; or
- (b) where there is no person who falls within the description in sub-paragraph (a), the estate owner in respect of the fee simple of the site.”.

Llofnodwyd ar ran Cynulliad Cenedlaethol Cymru o dan adran 66(1) o Ddeddf Llywodraeth Cymru 1998(5)

4 Ebrill 2006

D. Elis-Thomas
Llywydd y Cynulliad Cenedlaethol

EXPLANATORY NOTE

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

Mae'r Rheoliadau hyn yn diwygio Rheoliadau Cynllunio Gwlad a Thref (Ffioedd am Geisiadau a Cheisiadau Tybiedig) 1989 (“Rheoliadau 1989”) ymhellach o ran Cymru.

Mae Rheoliadau 1989 yn gwneud darpariaeth ar gyfer talu ffioedd i awdurdodau cynllunio lleol mewn perthynas â cheisiadau a wneir o dan Ddeddf Cynllunio Gwlad a Thref 1990, ac, o ran Cymru, ar gyfer talu ffioedd i Gynulliad Cenedlaethol Cymru mewn perthynas â cheisiadau am ganiatâd cynllunio y bernir eu bod wedi'u gwneud mewn cysylltiad ag apêl yn erbyn hysbysiad gorfodi.

Mae'r Rheoliadau hyn yn diwygio Rheoliadau 1989 i ddarparu ar gyfer talu ffioedd mewn perthynas ag ymweliadau safle a wneir gan awdurdodau cynllunio lleol â safleoedd mwyngloddio a thirlenwi er mwyn monitro cydymffurfio â'r caniatadau cynllunio y maent yn ddarostyngedig iddynt. Mae'r Rheoliadau hefyd yn darparu ar gyfer sefyllfaoedd pan geir mwy nag un gweithredydd ar y safle, pan nad yw'r safle yn cael ei weithio, a phan mae dau neu fwy o safleoedd yn ffurfio un grŵp at y diben o fonitro a chyfyngu ar nifer yr ymweliadau y codir ffioedd amdanynt mewn unrhyw un flwyddyn.