OFFERYNNAU STATUDOL CYMRU

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CYNLLUNIO GWLAD A THREF, CYMRU

Gorchymyn Cynllunio Gwlad a Thref (Datblygu Cyffredinol a Ganiateir) (Diwygio) (Cymru) 2006

Wedi'i wneud	- -	*24 Ionawr 2006*
Yn dod i rym	- -	*31 Ionawr 2006*

Mae Cynulliad Cenedlaethol Cymru ("y Cynulliad Cenedlaethol"), drwy arfer y pwerau a roddwyd gan adrannau 59, 60 a 333(7) o Ddeddf Cynllunio Gwlad a Thref 1990(**1**),drwy hyn yn gwneud y Gorchymyn canlynol—

Enwi, cychwyn, dehongli a rhychwant

1.—(1) Enw'r Gorchymyn hwn yw Gorchymyn Cynllunio Gwlad a Thref (Datblygu Cyffredinol a Ganiateir) (Diwygio) (Cymru) 2006 a daw i rym ar 31 Ionawr 2006.

(2) Yn y Gorchymyn hwn, ystyr "y prif Orchymyn" yw Gorchymyn Cynllunio Gwlad a Thref (Datblygu Cyffredinol a Ganiateir) 1995 (**2**).

(3) Yn y Gorchymyn hwn, mae unrhyw gyfeiriad at Ran 1 neu Ran 25 yn gyfeiriad at y Rhan â'r Rhif hwnnw o Atodlen 2 i'r prif Orchymyn.

(4) Mae'r Gorchymyn hwn yn gymwys o ran Cymru.

Diwygio'r prif Orchymyn

2. —Yn erthygl 4 o'r prif Orchymyn (cyfarwyddiadau sy'n cyfyngu ar ddatblygu a ganiateir), ym mharagraff (5)(f) hepgorer "satellite".

Diwygiadau i Ran 1

3.—(1) Yn Nosbarth A o Ran 1 (datblygiad o fewn cwrtil tŷ annedd), ym mharagraff A.1(f), yn lle "a satellite antenna" rhodder "a microwave antenna".

(**1**) 1990 p.8; y mae iddi ddiwygiadau nad ydynt yn berthnasol i'r Gorchymyn hwn. Trosglwyddwyd swyddogaethau'r Ysgrifennydd Gwladol o dan adrannau 59, 60 a 333(7), i'r graddau y maent yn arferadwy o ran Cymru, i Gynulliad Cenedlaethol Cymru gan erthygl 2 o Orchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999, ac Atodlen 1 iddo (O.S. 1999/672): *gweler* y cofnod yn Atodlen 1 o Ddeddf Cynllunio Gwlad a Thref 1990 (p.8) fel y'i hamrywiwyd gan erthygl 4 o Orchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 2000, ac Atodlen 3 iddo (O.S. 2000/253).

(**2**) O.S. 1995/418; mae O.S. 1999/293 ac O.S. 2004/3156 yn offerynnau diwygio perthnasol.

(2) Yn Nosbarth E o Ran 1, ym mharagraff E.1(a), yn lle "a satellite antenna" rhodder "a microwave antenna".

(3) Yn Nosbarth H o Ran 1—

(a) ym mharagraff H, yn lle "a satellite antenna" rhodder "a microwave antenna".

(b) yn lle paragraff H.1, rhodder—

"H.1 Development is not permitted by Class H if—

(a) it would result in the presence on the dwellinghouse or within its curtilage of—

(i) more than two antennas,

(ii) a single antenna exceeding 100 centimetres in length,

(iii) two antennas which do not meet the relevant size criteria,

(iv) an antenna installed on a chimney, where the length of the antenna would exceed 60 centimetres,

(v) an antenna installed on a chimney, where the antenna would protrude above the chimney,

(vi) an antenna with a cubic capacity in excess of 35 litres;

(b) in the case of an antenna to be installed on a roof without a chimney, the highest part of the antenna would be higher than the highest part of the roof;

(c) in the case of an antenna to be installed on a roof with a chimney, the highest part of the antenna would be higher than the highest part of the chimney, or 60 centimetres measured from the highest part of the ridge tiles of the roof, whichever is the lower;

(d) in the case of article 1(5) land, it would consist of the installation of an antenna—

(i) on a chimney, wall or roof slope which faces onto, and is visible from, a highway,

(ii) on a building which exceeds 15 metres in height.";

(c) yn lle paragraff H.2(b), rhodder—

"(b) an antenna no longer needed for reception or transmission purposes shall be removed as soon as reasonably practicable"; ac

(ch) ar ôl H.2 ychwaneger—

"H.3 The relevant size criteria for the purpose of paragraph H.1(a)(iii) are that—

(a) only one of the antennas may exceed 60 centimetres in length; and

(b) any antenna which exceeds 60 centimetres in length must not exceed 100 centimetres in length.

H.4 The length of an antenna is to be measured in any linear direction, and shall exclude any projecting feed element, reinforcing rim, mountings or brackets.

H.5 The maximum number of antenna for the purpose of paragraph H1.(a) includes any small antenna permitted under Class A of Part 24.".

Diwygiadau i Ran 25

4.—(1) Yn Nosbarth A o Ran 25 (Datblygiad telathrebu arall)—

(a) yn lle paragraff A.1 rhodder—

"A.1 Development is not permitted by Class A if—

(a) the building is a dwellinghouse or the building or structure is within the curtilage of a dwellinghouse;

(b) it would consist of development of a kind described in Class A of Part 24;

(c) it would consist of the installation, alteration or replacement of system apparatus within the meaning of section 8(6) of the Road Traffic (Driver Licensing and Information Systems) Act 1989(**3**) (definitions of driver information systems etc);

(d) it would result in the presence on the building or structure of more than four antennas;

(e) in the case of an antenna installed on a chimney, the length of the antenna would exceed 60 centimetres;

(f) in all other cases, the length of the antenna would exceed 130 centimetres;

(g) it would consist of the installation of an antenna with a cubic capacity in excess of 35 litres;

(h) the highest part of the antenna or its supporting structure would be more than three metres higher than the highest part of the building or structure on which it is installed or is to be installed;

(i) in the case of article 1(5) land, it would consist of the installation of an antenna on a chimney, wall or roof slope which faces onto, and is visible from, a highway.";

(b) yn lle paragraff A.2(b), rhodder—

"(b) an antenna no longer needed for reception or transmission purposes shall be removed from the building or structure as soon as reasonably practicable.";

(c) ar ôl paragraff A.2 ychwaneger—

"A.3 For the purposes of Class A—

(a) the length of an antenna is to be measured in any linear direction, and shall exclude any projecting feed element, reinforcing rim, mountings or brackets;

(b) the maximum number of antenna for the purpose of paragraph A1.(d) includes any small antenna permitted under Class A of Part 24.".

(2) Yn Nosbarth B o Ran 25—

(a) Ym mharagraff B, yn lle "a satellite antenna" rhodder "a microwave antenna";

(b) yn lle paragraff B.1, rhodder—

"B.1 Development is not permitted by Class B if—

(a) the building is a dwellinghouse or other structure within the curtilage of a dwellinghouse;

(b) it would consist of development of a kind described in Class A of Part 24;

(c) it would consist of the installation, alteration or replacement of system apparatus within the meaning of section 8(6) of the Road Traffic (Driver Licensing and Information Systems) Act 1989(**4**) (definitions of driver information systems etc);

(d) it would result in the presence on the building or structure of—

(i) more than two antennas,

(**3**) 1989 p.22.
(**4**) 1989 p.22.

(ii) a single antenna exceeding 100 centimetres in length,

(iii) two antennas which do not meet the relevant size criteria,

(iv) an antenna installed on a chimney, where the length of the antenna would exceed 60 centimetres,

(v) an antenna installed on a chimney, where the antenna would protrude over the chimney,

(vi) an antenna with a cubic capacity in excess of 35 litres;

(e) in the case of an antenna to be installed on a roof without a chimney, the highest part of the antenna would be higher than the highest part of the roof;

(f) in the case of an antenna to be installed on a roof with a chimney, the highest part of the antenna would be higher than the highest part of the chimney, or 60 centimetres measured from the highest part of the ridge tiles of the roof, whichever is the lowest;

(g) in the case of article 1(5) land, it would consist of the installation of an antenna on a chimney, wall or roof slope which faces onto, and is visible from, a highway";

(c) yn lle paragraff B.2(b), rhodder—

"(b) an antenna no longer needed for reception or transmission purposes shall be removed from the building or structure as soon as reasonably practicable"; ac

(d) ar ôl paragraff B.2, ychwaneger—

"B.3 The relevant size criteria for the purposes of paragraph B.1(d) are that—

(a) only one of the antennas may exceed 60 centimetres in length; and

(b) any antenna which exceeds 60 centimetres in length must not exceed 100 centimetres in length.

B.4 The length of an antenna is to be measured in any linear direction and shall exclude any projecting feed element, reinforcing rim, mountings or brackets.

B.5 The maximum number of antenna for the purpose of paragraph B1.(d) includes any small antenna permitted under Class A of Part 24.".

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

D. Elis-Thomas
Llywydd y Cynulliad Cenedlaethol

24 Ionawr 2006

(**5**) 1998 p.38.

EXPLANATORY NOTE

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

Mae'r Gorchymyn hwn yn diwygio Rhannau 1 a 25 o Atodlen 2 i Orchymyn Cynllunio Gwlad a Thref (Datblygu Cyffredinol a Ganiateir) 1995 ("Gorchymyn 1995"). Mae'r Rhannau hynny yn rhoi hawliau datblygu a ganiateir mewn perthynas â chodi antena lloeren ac antena microdonfedd (fel y'i diffinnir yn erthygl 1(2) o'r Gorchymyn). Mae'r diwygiadau yn gymwys o ran Cymru.

Mae erthygl 3 yn diwygio Dosbarth H o Ran 1 o Orchymyn 1995 (gosod, addasu neu amnewid antena lloeren ar dŷ annedd neu o fewn cwrtil tŷ annedd), gan gynyddu nifer yr antenâu a ganiateir i 2. Mae'n ymestyn yr hawliau datblygu a ganiateir i bob math o antenâu, ac yn gosod cyfyngiad maintioli o 60cm ar gyfer un o'r antenâu a ganiateir, a 100cm ar gyfer y llall. Mae'n addasu eithriadau presennol oddi wrth hawliau o'r fath drwy ganiatáu i antena a osodir ar y to daflu allan uwchben to gyda simnai. Mewn achosion o'r fath mae'n cyfyngu uchder yr antena neu'r antenâu i ran uchaf y simnai, neu 60cm wedi ei fesur o deils crib y to, p'run bynnag yw'r isaf. Mae'n cyflwyno capasiti ciwbig o 35 litr ar y mwyaf ar gyfer antenâu unigol. Mae hefyd yn llacio cyfyngiadau mewn perthynas ag antena ar dir o fewn erthygl 1(5) (Parciau Cenedlaethol, ardaloedd o harddwch naturiol eithriadol, ardaloedd cadwraeth etc) i ganiatáu rhoi antena ar ogwyddiadau toeau, waliau neu simneiau na ellir eu gweld o briffordd.

Mae erthygl 4 yn diwygio Dosbarthiadau A a B o Ran 25 o Atodlen 2 i Orchymyn 1995. Yn Nosbarth A (gosod, altro neu amnewid antena meicrodonfedd ar unrhyw adeilad neu strwythur arall sy'n 15 metr neu fwy o uchder ac unrhyw strwythur a fwriedir i gynnal antena meicrodonfedd) mae'n ymestyn yr hawliau datblygu a ganiateir i bob math o antenâu, ac yn cynyddu nifer yr antena a ganiateir i bedair. Mae'n addasu eithriadau presennol oddi wrth hawliau o'r fath drwy osod cyfyngiad ar faint ar gyfer antena a osodir ar simnai o 60cm o'i fesur mewn unrhyw gyfeiriad llinellol. Mae'n cyflwyno capasiti ciwbig o 35 litr ar y mwyaf ar gyfer antenâu unigol, ac yn llacio cyfyngiadau ar dir o fewn erthygl 1(5) drwy ganiatáu rhoi antena ar ogwyddiadau toeau, waliau neu simneiau na ellir eu gweld o briffordd. O ran Dosbarth B (gosod, altro neu amnewid antena lloeren ar unrhyw adeilad neu strwythur arall sy'n llai na 15 metr o uchder) mae'n ymestyn yr hawliau datblygu a ganiateir i bob math o antenâu, ac yn cynyddu nifer yr antena a ganiateir i ddwy. Mae'n gosod cyfyngiad maint o 60cm ar gyfer un o'r antenâu a ganiateir, a 100cm i'r llall. Mae'n addasu eithriadau oddi wrth hawliau o'r fath i gyfateb â'r eithriadau oddi wrth yr hawliau datblygu Rhan 1 Dosbarth H a ganiateir a amlinellir uchod.

Wrth asesu mwyafswm yr antenâu a ganiateir ar gyfer Rhan 1 ac ar gyfer Rhan 25, rhaid cymryd unrhyw antena fach a ganiateir gan Ddosbarth A o Ran 24 i ystyriaeth.

Gwneir mân newidiadau cysylltiedig a chanlyniadol hefyd i'r Rhannau a grybwyllwyd, ac i erthygl 4 o Orchymyn 1995.