
OFFERYNNAU STATUDOL CYMRU

2012 Rhif 1346 (Cy.167)

CYNLLUNIO GWLAD A THREF, CYMRU

**Gorchymyn Cynllunio Gwlad a Thref (Datblygu
Cyffredinol a Ganiateir) (Diwygio)(Cymru) 2012**

<i>Gwnaed</i> - - - -	<i>19 Mai 2012</i>
<i>Gosodwyd gerbron Cynulliad</i>	
<i>Cenedlaethol Cymru</i> - -	<i>22 Mai 2012</i>
<i>Yn dod i rym yn unol ag erthygl 1(1)</i>	

Mae Gweinidogion Cymru, drwy arfer y pwerau a roddwyd i'r Ysgrifennydd Gwladol gan adrannau 59, 60, 61 a 333(7) o Ddeddf Cynllunio Gwlad a Thref 1990(1) ac sydd bellach yn arferadwy ganddynt hwy(2), yn gwneud y Gorchymyn a ganlyn:

Enwi, cychwyn a chymhwyso

1.—(1) Enw'r Gorchymyn hwn yw Gorchymyn Cynllunio Gwlad a Thref (Datblygu Cyffredinol a Ganiateir) (Diwygio) (Cymru) 2012 a daw i rym ar 18 Mehefin 2012.

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

Diwygio Gorchymyn Cynllunio Gwlad a Thref (Datblygu Cyffredinol a Ganiateir) 1995

2.—(1) Mae Gorchymyn Cynllunio Gwlad a Thref (Datblygu Cyffredinol a Ganiateir) 1995(3) wedi ei ddiwygio yn unol â'r Erthygl hon.

(2) Yn Rhan 1 o Atodlen 2 (datblygu o fewn cwrtil tŷ annedd)—

(a) yn lle paragraff A.1(i) rhodder—

“(i) it would consist of or include the installation, alteration or replacement of an air source heat pump, solar PV, solar thermal equipment or a flue forming part of a biomass heating system or combined heat and power system.”; a

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- (1) 1990 p.8; y mae iddi ddiwygiadau nad ydynt yn berthnasol i'r Gorchymyn hwn.
- (2) Trosglwyddwyd swyddogaethau'r Ysgrifennydd Gwladol o dan adrannau 59, 60 a 61 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 yn cyfeirio at [Ddeddf Cynllunio Gwlad a Thref 1990 \(p.8\)](#) fel y'i rhoddwyd yn lle'r hen un gan erthygl 4 o Orchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 2000, ac Atodlen 3 iddo, (O.S. 2000/253). Trosglwyddwyd y swyddogaethau i Weinidogion Cymru gan adran 162 o Ddeddf Llywodraeth Cymru 2006 a pharagraff 30 o Atodlen 11 iddi (p.32). Roedd y swyddogaethau hynny yn swyddogaethau perthnasol y Cynulliad fel y'u diffinir ym mharagraff 30(2).
- (3) O.S. 1995/418. Gwnaethpwyd diwygiadau perthnasol gan O.S. 2009/2193 (Cy.185).

- (b) yn lle paragraff C.1(i) rhodder—
 - “(i) consist of or include the installation, alteration or replacement of an air source heat pump, solar PV, solar thermal equipment or a flue forming part of a biomass heating system or combined heat and power system; or”.
- (3) Yn lle Rhan 40 o Atodlen 2 (gosod cyfarpar microgynhyrchu domestig) rhodder—

“Part 40

INSTALLATION OF DOMESTIC MICROGENERATION EQUIPMENT

Class A

Permitted development

A. The installation, alteration or replacement of solar PV or solar thermal equipment on—

- (a) **a dwellinghouse; or**
- (b) **a building situated within the curtilage of a dwellinghouse.**

Development not permitted

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

- (a) in the case of solar PV or solar thermal equipment installed on a wall or pitched roof—
 - (i) the solar PV or solar thermal equipment would protrude more than 20 centimetres beyond the plane of the wall or the roof slope when measured from the perpendicular with the external surface of the wall or roof slope; or
 - (ii) it would result in the highest part of the solar PV or solar thermal equipment being higher than the highest part of the roof (excluding any chimney);
- (b) in the case of solar PV or solar thermal equipment installed on a flat roof—
 - (i) the solar PV or solar thermal equipment would be sited within 1 metre of the external edge of the roof; or
 - (ii) the solar PV or solar thermal equipment would protrude more than 1 metre above the plane of the roof;
- (c) in the case of land within a conservation area or a World Heritage Site, the solar PV or solar thermal equipment would be installed—
 - (i) on a wall forming the principal or side elevation of the dwellinghouse and which fronts a highway; or
 - (ii) on a wall of a building within the curtilage of the dwellinghouse and which fronts a highway;
- (d) the solar PV or solar thermal equipment would be installed on a building within the curtilage of the dwellinghouse if the dwellinghouse is a listed building; or
- (e) the solar PV or solar thermal equipment would be installed on a site designated as a scheduled monument.

Conditions

A.2 Development is permitted by Class A subject to the following conditions—

- (a) solar PV or solar thermal equipment must, so far as practicable, be sited so as to minimise its effect on the external appearance of the building;
- (b) solar PV or solar thermal equipment must, so far as practicable, be sited so as to minimise its effect on the amenity of the area; and
- (c) solar PV or solar thermal equipment no longer needed for or capable of microgeneration must be removed as soon as reasonably practicable.

Class B

Permitted development

B. The installation, alteration or replacement of stand alone solar within the curtilage of a dwellinghouse.

Development not permitted

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

- (a) in the case of the installation of stand alone solar, it would result in the presence within the curtilage of more than one stand alone solar;
- (b) any part of the stand alone solar—
 - (i) would exceed four metres in height;
 - (ii) would be installed within five metres of the boundary of the curtilage of the dwellinghouse and would—
 - (aa) exceed two metres in height; or
 - (bb) be installed within five metres of a highway;
 - (iii) would, in the case of land within a conservation area or a World Heritage Site, be installed so that it is between a highway which bounds the curtilage and the dwellinghouse; or
 - (iv) would be installed within the curtilage of a listed building; or
- (c) the surface area of the solar panels forming part of the stand alone solar would exceed nine square metres or any dimension of its array (including any housing) would exceed three metres.

Conditions

B.2 Development is permitted by Class B subject to the following conditions—

- (a) stand alone solar must, so far as practicable, be sited so as to minimise its effect on the amenity of the area; and
- (b) stand alone solar which is no longer needed for or capable of microgeneration must be removed as soon as reasonably practicable.

Class C

Permitted development

C. The installation, alteration or replacement of a ground source heat pump within the curtilage of a dwellinghouse.

Class D

Permitted development

D. The installation, alteration or replacement of a water source heat pump within the curtilage of a dwellinghouse.

Class E

Permitted development

E. The installation, alteration or replacement of a flue, forming part of a biomass heating system, on a dwellinghouse.

Development not permitted

E.1 Development is not permitted by Class E if—

- (a) the height of the flue would exceed the highest part of the roof by one metre or more; or
- (b) in the case of land within a conservation area or a World Heritage Site, the flue would be installed on a wall or roof slope forming the principal or side elevation of the dwellinghouse and which fronts a highway.

Class F

Permitted development

F. The installation, alteration or replacement of a flue, forming part of a combined heat and power system, on a dwellinghouse.

Development not permitted

F.1 Development is not permitted by Class F if—

- (a) the height of the flue would exceed the highest part of the roof by one metre or more; or
- (b) in the case of land within a conservation area or a World Heritage Site, the flue would be installed on a wall or roof slope forming the principal or side elevation of the dwellinghouse and which fronts a highway.

Class G

Permitted development

G. The installation, alteration or replacement of an air source heat pump—

- (a) **on a dwellinghouse; or**
- (b) **within the curtilage of a dwellinghouse, including on a building within that curtilage.**

Development not permitted

G.1 Development is not permitted by Class G unless the air source heat pump complies with the MCS Planning Standards or equivalent standards.

G.2 Development is not permitted by Class G if—

- (a) in the case of the installation of an air source heat pump, it would result in the presence of more than one air source heat pump on the dwellinghouse or within the curtilage of the dwellinghouse;
- (b) in the case of the installation of an air source heat pump, a stand alone wind turbine is installed within the curtilage of the dwellinghouse;
- (c) the volume of the air source heat pump's outdoor compressor unit (including any housing) would exceed one cubic metre;
- (d) any part of the air source heat pump would be installed within three metres of the boundary of the curtilage of the dwellinghouse;
- (e) the air source heat pump would be installed on a pitched roof;
- (f) the air source heat pump would be installed on a flat roof where it would be sited within one metre of the external edge of that roof;
- (g) the air source heat pump would be installed within the curtilage of the dwellinghouse if the dwellinghouse is a listed building;
- (h) the air source heat pump would be installed on a site designated as a scheduled monument; or
- (i) the air source heat pump would be installed on a wall or roof which fronts a highway.

Conditions

G.3 Development is permitted by Class G subject to the following conditions—

- (a) the air source heat pump must be used solely for heating purposes;
- (b) the air source heat pump must, so far as practicable, be sited so as to minimise its effect on the external appearance of the building;
- (c) the air source heat pump must, so far as practicable, be sited so as to minimise its effect on the amenity of the area; and
- (d) the air source heat pump when no longer needed for or capable of microgeneration must be removed as soon as reasonably practicable.

Class H

Permitted development

H. **The installation, alteration or replacement of a stand alone wind turbine within the curtilage of a dwellinghouse.**

Development not permitted

H.1 Development is not permitted by Class H unless the stand alone wind turbine complies with the MCS Planning Standards or equivalent standards.

H.2 Development is not permitted by Class H if—

- (a) in the case of the installation of a stand alone wind turbine, it would result in the presence of more than one stand alone wind turbine within the curtilage of the dwellinghouse;
- (b) in the case of the installation of a stand alone wind turbine, an air source heat pump is installed on the dwellinghouse or within the curtilage of the dwellinghouse;
- (c) the highest part of the stand alone wind turbine (including blades) would exceed 11.1 metres in height;
- (d) the distance between ground level and the lowest part of any blade of the stand alone wind turbine would be less than 5 metres;
- (e) any part of the stand alone wind turbine (including blades but excluding guy lines) would be located in a position which is less than a distance equivalent to the overall height (including blades) of the stand alone wind turbine plus 10 % of its height when measured from any point along the boundary of the curtilage;
- (f) the swept area of the blades of the stand alone wind turbine exceeds 9.6 square metres;
- (g) the stand alone wind turbine would be installed on safeguarded land;
- (h) the stand alone wind turbine would be installed within the curtilage of a listed building;
- (i) the stand alone wind turbine would be installed on a site designated as a scheduled monument;
- (j) in the case of land within a conservation area, the stand alone wind turbine would be installed so that it is visible from a highway which bounds the curtilage of the dwellinghouse; or
- (k) the stand alone wind turbine would be installed on land which is within an area of outstanding natural beauty, a World Heritage Site or a site of special scientific interest.

Conditions

H.3 Development is permitted by Class H subject to the following conditions—

- (a) the blades of the stand alone wind turbine must be made of non-reflective materials;
- (b) the stand alone wind turbine must, so far as practicable, be sited so as to minimise its effect on the amenity of the area; and
- (c) the stand alone wind turbine when no longer needed for or capable of microgeneration must be removed as soon as reasonably practicable.

Class I

Permitted Development

I. The temporary installation of an anemometry mast within the curtilage of a dwellinghouse.

Development not permitted

I.1 Development is not permitted by Class I if—

- (a) it would result in the presence of more than one anemometry mast within the curtilage of the dwellinghouse;
- (b) a stand alone wind turbine is installed within the curtilage of the dwellinghouse;
- (c) an air source heat pump is installed on the dwellinghouse or within the curtilage of the dwellinghouse;
- (d) the highest part of the anemometry mast (including apparatus fitted to the mast) would exceed 11.1 metres in height;
- (e) any part of the anemometry mast (including apparatus fitted to the mast but excluding guy lines) would be located in a position which is less than a distance equivalent to the overall height (including apparatus fitted to the mast) of the anemometry mast plus 10 % of its height when measured from any point along the boundary of the curtilage;
- (f) the anemometry mast would be installed on safeguarded land;
- (g) the anemometry mast would be installed within the curtilage of a listed building;
- (h) the anemometry mast would be installed on a site designated as a scheduled monument;
- (i) in the case of land within a conservation area, the anemometry mast would be installed so that it is visible from a highway which bounds the curtilage of the dwellinghouse;
- (j) the anemometry mast would be installed on land which is within an area of outstanding natural beauty, a World Heritage Site or a site of special scientific interest; or
- (k) an anemometry mast has been installed within the curtilage of the dwellinghouse within the preceding 5 years.

Conditions

I.2 Development is permitted by Class I subject to the following conditions—

- (a) the anemometry mast must, so far as practicable, be sited so as to minimise its effect on the amenity of the area;
- (b) the developer must, within 7 days of commencing development, notify the local planning authority in writing of the development and its location; and
- (c) on or before the expiry of a period of twelve months beginning with the date on which the development began, the anemometry mast must be removed.

Interpretation of Part 40

J. For the purposes of Part 40—

“aerodrome”—

- (a) means any area of land or water designed, equipped, set apart, or commonly used for affording facilities for the landing and departure of aircraft; and
- (b) includes any area or space, whether on the ground, on the roof of a building or elsewhere, which is designed, equipped or set apart for affording facilities for the landing and departure of aircraft capable of descending or climbing vertically; but

- (c) does not include any area the use of which for affording facilities for the landing and departure of aircraft has been abandoned and has not been resumed;
- “anemometry mast” means a mast installed for the purpose of measuring wind speeds and directions;
- “dwellinghouse” includes a building which consists wholly of flats or which is used for the purposes of a dwellinghouse;
- “microgeneration” has the same meaning as in section 82(6) of the Energy Act 2004⁽⁴⁾;
- “MSC Planning Standards” means the product and installation standards for air source heat pumps and wind turbines specified in Microgeneration Certification Scheme MCS 020⁽⁵⁾;
- “safeguarded land” means land which—
- (a) is necessary to be safeguarded for aviation or defence purposes; and
- (b) has been notified as such, in writing, to the Secretary of State by an aerodrome operator, NATS (EN ROUTE) PLC or the Secretary of State for Defence for the purposes of this Part;
- “stand alone solar” means solar PV or solar thermal equipment which is not installed on a building;
- “Stand alone wind turbine” means a wind turbine which is not fixed to a building.”.

19 Mai 2012

John Griffiths
Gweinidog yr Amgylchedd a Datblygu
Cynaliadwy, un o Weinidogion Cymru

(4) 2004 p.20.

(5) Rhifyn 1.0 dyddiedig y 19 o Awst 2011 a gyhoeddwyd gan Gemserv Limited.

EXPLANATORY NOTE

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

Mae'r Gorchymyn hwn yn diwygio Atodlen 2 i Orchymyn Cynllunio Gwlad a Thref (Datblygu Cyffredinol a Ganiateir) 1995(6) ("Gorchymyn 1995"). Mae erthygl 3 ac Atodlen 2 i Orchymyn 1995 yn rhoi hawliau datblygu a ganiateir o ran datblygu penodol. Pan fo'r hawliau hynny yn gymwys i'r datblygu, nid oes angen unrhyw gais penodol am ganiatâd cynllunio.

Mae erthygl 2(3) o'r Gorchymyn hwn yn rhoi Rhan 40 newydd, yn lle'r un sydd eisoes yno, yn Atodlen 2 i Orchymyn 1995. Mae'r Rhan 40 newydd yn rhoi hawliau datblygu a ganiateir ar gyfer gosod mathau penodedig o gyfarpar microgynhyrchu ar dai annedd neu fflatiau neu o fewn cwrtail tai annedd neu fflatiau, yn ddarostyngedig i feini prawf penodol. Mae'n diwygio Dosbarth A o Ran 40 i gyflwyno hawliau datblygu a ganiateir i osod paneli solar ffotofoltaig neu gyfarpar solar thermol ar doi gwastad. Mae'n cyflwyno tri dosbarth newydd ar hawliau datblygu a ganiateir i osod pwmp gwres ffynhonnell aer (Dosbarth G), tyrbîn gwynt annibynnol (Dosbarth H) a mast mesur y gwynt (Dosbarth I). Mae erthygl 2(2) o'r Gorchymyn hwn yn gwneud diwygiadau canlyniadol.

Paratowyd asesiad effaith rheoleiddiol mewn perthynas â'r Gorchymyn hwn. Gellir cael copïau gan Uned Gynllunio Llywodraeth Cymru, Parc Cathays, Caerdydd, CF10 3NQ.

Hysbyswyd y Comisiwn Ewropeaidd am y Gorchymyn hwn ar ffurf drafft yn unol â Chyfarwyddeb 98/34/EC(7) fel y'i diwygiwyd gan Gyfarwyddeb 98/48/EC(8).

(6) O.S. 1995/418. Gwnaed diwygiadau perthnasol gan O.S. 2009/2193 (Cy.185).

(7) OJ L204/37 cyfrol 41 21 Gorffennaf 1998.

(8) OJ L217/18 cyfrol 41 5 Awst 1998.