
OFFERYNNAU STATUDOL CYMRU

2012 Rhif 2318 (Cy. 252)

CYNLLUNIO GWLAD A THREF, CYMRU

**Gorchymyn Cynllunio Gwlad a Thref (Datblygu
Cyffredinol a Ganiateir) (Diwygio) (Cymru) (Rhif 2) 2012**

Gwnaed - - - - 6 Medi 2012
Gosodwyd gerbron Cynulliad
Cenedlaethol Cymru - - 11 Medi 2012
Yn dod i rym yn unol ag erthygl 1(1)

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, dehongli a chymhwyso

1.—(1) Enw'r Gorchymyn hwn yw Gorchymyn Cynllunio Gwlad a Thref (Datblygu Cyffredinol a Ganiateir) (Diwygio) (Cymru) (Rhif 2) 2012 a daw i rym ar 5 Hydref 2012.

(2) Ystyr “Gorchymyn 1995” (“*The 1995 Order*”) yw Gorchymyn Cynllunio Gwlad a Thref (Datblygu Cyffredinol a Ganiateir) 1995(3).

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

Diwygio mewn perthynas â thir amaethyddol

2.—(1) Mae Rhan 6 o Atodlen 2 (adeiladau a gweithrediadau amaethyddol) i Orchymyn 1995 wedi ei diwygio fel a ganlyn.

(2) Yn Nosbarth A, ar ddiwedd paragraff (h) o baragraff A.1 (datblygiad nas caniateir) hepgorer “or”.

(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, 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 ar gyfer [Deddf Cynllunio Gwlad a Thref 1990 \(p.8\)](#) fel y'i hamnewidwyd gan erthygl 4 o Orchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 2000 (O.S. 2000/253), ac Atodlen 3 iddo. Trosglwyddwyd y swyddogaethau i Weinidogion Cymru gan adran 162 o [Ddeddf Llywodraeth Cymru 2006 \(p.32\)](#) a pharagraff 30 o Atodlen 11 iddi, ac yr oedd y swyddogaethau hynny yn swyddogaethau perthnasol i'r Cynulliad fel y'u diffinir ym mharagraff 30(2).
(3) O.S. 1995/418. Gwnaed diwygiadau perthnasol gan O.S. 1997/366, O.S. 2009/2193 (Cy.185) ac O.S. 2012/1346 (Cy.167).

(3) Yn Nosbarth A, ar ddiwedd paragraff (i) o baragraff A.1 (datblygiad nas caniateir) yn lle “.” rhodder “; or”.

(4) Yn Nosbarth A, ar ôl paragraff (i) o baragraff A.1 (datblygiad nas caniateir) mewnosoder—

“(j) any building for storing fuel for or waste from a biomass boiler or an anaerobic digestion system—

(i) would be used for storing fuel not produced on land within the unit or waste not produced by that boiler or system; or

(ii) is or would be within 400 metres of the curtilage of a protected building.”

(5) Yn Nosbarth A, ym mharagraff (1)(a) o baragraff A.2 (amodau) ar ôl “sewage sludge” hepgorer “;” a mewnosoder “, for housing a biomass boiler or an anaerobic digestion system, for storage of fuel for or waste from that boiler or system, or for housing a hydro-turbine;”.

(6) Yn Nosbarth B, ar ddiwedd paragraff (d) o baragraff B.1 (datblygiad nas caniateir) hepgorer “or”.

(7) Yn Nosbarth B, ar ddiwedd paragraff (e) o baragraff B.1 (datblygiad nas caniateir) yn lle “.” rhodder “; or”.

(8) Yn Nosbarth B, ar ôl paragraff (e) o baragraff B.1 (datblygiad nas caniateir) mewnosoder—

“(f) any building for storing fuel for or waste from a biomass boiler or an anaerobic digestion system would be used for storing fuel not produced on land within the unit or waste not produced by that boiler or system.”

(9) Yn Nosbarth B, ym mharagraff B.5 (amodau) ar ôl “sewage sludge” hepgorer “.” a mewnosoder “, for housing a biomass boiler or an anaerobic digestion system, for storage of fuel for or waste from that boiler or system, or for housing a hydro-turbine.”

(10) Yn Nosbarth D (dehongli Rhan 6) ar ôl paragraff D.7 mewnosoder—

“(D.8) For the purposes of Class A(a) “the purposes of agriculture” includes works for the erection, extension or alteration of a building for housing a biomass boiler or an anaerobic digestion system, for storage of fuel for or waste from that boiler or system, or for housing a hydro-turbine.

(D.9) For the purposes of Class B(a) “the purposes of agriculture” includes the extension or alteration of an agricultural building for housing a biomass boiler or an anaerobic digestion system, for storage of fuel for or waste from that boiler or system, or for housing a hydro-turbine.”

Diwygio mewn perthynas â thir coedwigaeth

3.—(1) Mae Rhan 7 o Atodlen 2 (adeiladau a gweithrediadau coedwigaeth) i Orchymyn 1995 wedi ei diwygio fel a ganlyn.

(2) Ym mharagraff A.1 (datblygiad nas caniateir) ar ddiwedd paragraff (b) hepgorer “or”.

(3) Ym mharagraff A.1 (datblygiad nas caniateir) ar ddiwedd paragraff (c) yn lle “.” rhodder “; or”.

(4) Ym mharagraff A.1 (datblygiad nas caniateir) ar ôl paragraff (c) mewnosoder—

“(d) any building for storing fuel for or waste from a biomass boiler or an anaerobic digestion system would be used for storing fuel not produced on land which is occupied together with that building for the purposes of forestry or waste not produced by that boiler or system.”

(5) Ar ôl paragraff A.3 (dehongli Dosbarth A) mewnosoder—

“(A.4) For the purposes of Class A(a) “the purposes of forestry” includes works for the erection, extension or alteration of a building for housing a biomass boiler or an anaerobic

digestion system, for storage of fuel for or waste from that boiler or system, or for housing a hydro-turbine.”

Diwygio mewn perthynas â microgynhyrchu annomestig

4. Ar ôl Rhan 42 o Atodlen 2 (siopau neu sefydliadau arlwy, gwasanaethau ariannol neu broffesiynol) i Orchymyn 1995 mewnosoder Rhan 43 fel y'i gosodir yn yr Atodlen i'r Gorchymyn hwn.

6 Medi 2012

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

YR ATODLEN

Erthygl 4

“PART 43
INSTALLATION OF NON-DOMESTIC MICROGENERATION
EQUIPMENT

Class A

Permitted development

A. The installation, alteration or replacement of solar PV or solar thermal equipment on a building other than a dwellinghouse or a block of flats.

Development not permitted

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

- (a) the solar PV or solar thermal equipment would be installed on a wall or pitched roof and 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;
- (b) the solar PV or solar thermal equipment would be installed on a flat roof and would protrude more than 1 metre above the plane of the roof;
- (c) the solar PV or solar thermal equipment would be installed on a roof and within 1 metre of the external edge of the roof;
- (d) the solar PV or solar thermal equipment would be installed on a wall and within 1 metre of a junction of that wall with another wall or with the roof of the building;
- (e) in the case of a building on article 1(5) land or on land within a World Heritage Site, the solar PV or solar thermal equipment would be installed on a wall or roof slope which fronts a highway;
- (f) the solar PV or solar thermal equipment would be installed on a building within the curtilage of a listed building; or
- (g) 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 building other than a dwellinghouse or a block of flats.

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 4 metres in height;
 - (ii) would, if installed on article 1(5) land or on land within a World Heritage Site, be installed so that it is visible from a highway which bounds the curtilage;
 - (iii) would be installed within 5 metres of the boundary of the curtilage;
 - (iv) would be installed within the curtilage of a listed building; or
 - (v) would be installed on a site designated as a scheduled monument; or
- (c) the surface area of the solar panels forming part of the stand alone solar would exceed 9 square metres or any dimension of its array (including any housing) would exceed 3 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 building other than a dwellinghouse or a block of flats.

Development not permitted

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

- (a) in the case of the installation of a ground source heat pump, it would result in the presence within the curtilage of more than one ground source heat pump;
- (b) the total area covered by the excavation to accommodate the ground source heat pump (including any pipes) exceeds 0.5 hectares;
- (c) the ground source heat pump would be installed within the curtilage of a listed building; or

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.

- (d) the ground source heat pump would be installed on a site designated as a scheduled monument.

Conditions

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

- (a) on the completion of the development the land must be restored, as soon as reasonably practicable, to its condition before the development took place, or to such condition as may have been agreed in writing between the local planning authority and the developer; and
- (b) the ground source heat pump when no longer needed for or capable of microgeneration must be removed and the land must be restored, as soon as reasonably practicable, to its condition before the development took place, or to such condition as may have been agreed in writing between the local planning authority and the developer.

Class D

Permitted development

D. The installation, alteration or replacement of a water source heat pump within the curtilage of a building other than a dwellinghouse or a block of flats.

Development not permitted

D.1 Development is not permitted by Class D if the total area covered by the water source heat pump (including any pipes) exceeds 0.5 hectares.

Class E

Permitted development

E. The installation, alteration or replacement of a flue, forming part of a biomass heating system, on a building other than—

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

Development not permitted

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

- (a) the capacity of the system that the flue would serve exceeds 45 kilowatts thermal;
- (b) the height of the flue would exceed either—
 - (i) the highest part of the roof by 1 metre or more, or
 - (ii) the height of an existing flue which is being replaced,whichever is the highest;
- (c) the installation of the flue would result in the installation on the same building of more than one flue forming part of either a biomass heating system or a combined heat and power system;
- (d) the flue would be installed within the curtilage of a listed building;

- (e) the flue would be installed on a site designated as a scheduled monument; or
- (f) in the case of a building on article 1(5) land or on land within a World Heritage Site, the flue would be installed on a wall or roof slope 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 building other than—

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

Development not permitted

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

- (a) the capacity of the system that the flue would serve exceeds 45 kilowatts thermal;
- (b) the height of the flue would exceed either—
 - (i) the highest part of the roof by 1 metre or more, or
 - (ii) the height of an existing flue which is being replaced,whichever is the highest;
- (c) the installation of the flue would result in the installation on the same building of more than one flue forming part of either a biomass heating system or a combined heat and power system;
- (d) the flue would be installed within the curtilage of a listed building;
- (e) the flue would be installed on a site designated as a scheduled monument; or
- (f) in the case of a building on article 1(5) land or on land within a World Heritage Site, the flue would be installed on a wall or roof slope which fronts a highway.

Interpretation of Part 43

G. For the purposes of Part 43—

- “block of flats” means a building which consists wholly of flats;
- “microgeneration” has the same meaning as in section 82(6) of the Energy Act 2004⁽⁴⁾;
- “stand alone solar” means solar PV or solar thermal equipment which is not installed on a building; and
- “water source heat pump” means a heat pump where the collecting medium is water.”

(4) 2004 p.20.

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.

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(5) ("Gorchymyn 1995") o ran Cymru. Mae erthygl 3 o Orchymyn 1995 ac Atodlen 2 iddo yn rhoi hawliau datblygu a ganiateir o ran datblygu penodol. Pan fo'r hawliau hynny yn gymwys, nid yw'n ofynnol gwneud unrhyw gais penodol am ganiatâd cynllunio.

Mae erthyglau 2 a 3 o'r Gorchymyn hwn yn diwygio Rhannau 6 (adeiladau a gweithrediadau amaethyddol) a 7 (adeiladau a gweithrediadau coedwigaeth) o Atodlen 2 i Orchymyn 1995. Mae'r diwygiadau'n ei gwneud yn glir bod hawliau datblygu a ganiateir yn gymwys o ran adeiladau sydd ar dir amaethyddol neu ar dir coedwigaeth, i roi cyfarpar microgynhyrchu ac yn benodol hydrodyrbinau dan do, i roi boeleri biomas a systemau treulio anaerobig dan do, ac i storio tanwydd cysylltiol a gwastraff, cyn belled â bod y tanwydd neu'r gwastraff yn cael ei gynhyrchu ar y tir amaethyddol neu'r tir coedwigaeth neu gan y boeler neu'r system.

Mae erthygl 4 o'r Gorchymyn hwn a'r Atodlen iddo yn mewnosod Rhan 43 newydd yn Atodlen 2 i Orchymyn 1995. Mae'r Rhan 43 newydd yn rhoi hawliau datblygu a ganiateir ar gyfer gosod mathau penodedig o gyfarpar microgynhyrchu ar adeiladau nad ydynt yn dai annedd neu yn flociau o fflatiau, neu o fewn cwrtil yr adeiladau hynny, yn ddarostyngedig i feini prawf penodol. Mae'n cyflwyno chwe dosbarth newydd o hawliau datblygu a ganiateir ar gyfer gosod rhai mathau o gyfarpar microgynhyrchu, sef yn benodol, paneli solar (Dosbarth A), paneli solar annibynnol (Dosbarth B), pypiau gwres ffynhonnell daear (Dosbarth C), pypiau gwres ffynhonnell dŵr (Dosbarth D), ffliwiau systemau gwresogi biomas (Dosbarth E) a ffliwiau system gwres a phŵer cyfunedig (Dosbarth F).

Paratowyd asesiad effaith mewn perthynas â'r Gorchymyn hwn. Gellir cael copiau oddi wrth: Isadran Gynllunio Llywodraeth Cymru, Parc Cathays, Caerdydd, CF10 3NQ.