OFFERYNNAU STATUDOL CYMRU

**2015 Rhif 1987 (Cy. 297) (C. 123)**

# CYNLLUNIO GWLAD A THREF, CYMRU

## Gorchymyn Deddf Cynllunio (Cymru) 2015 (Cychwyn Rhif 2 a Darpariaethau Trosiannol ac Arbed) 2015

### NODYN ESBONIADOL

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

Y Gorchymyn hwn yw'r ail Orchymyn Cychwyn a wneir gan Weinidogion Cymru o dan Ddeddf Cynllunio (Cymru) 2015 ("Deddf 2015").

Mae erthyglau 2 a 3 o'r Gorchymyn yn dwyn yr adrannau a ganlyn o Ddeddf 2015 i rym ar 4 Ionawr 2016:

adran 3 (llunio ac adolygu Fframwaith Datblygu Cenedlaethol Cymru) i'r graddau y mae'n rhoi adrannau newydd 60, 60A a 60B yn lle adran 60 o Ddeddf Cynllunio a Phrynu Gorfodol 2004;

adran 11 (y Gymraeg);

adran 12 (y cyfnod y bydd cynllun datblygu lleol yn cael effaith);

adran 13 (tynnu cynllun datblygu lleol yn ôl);

adran 14 (pŵer Gweinidogion Cymru i gyfarwyddo bod cynllun datblygu lleol yn cael ei lunio ar y cyd); ac

adran 31 (y Gymraeg).

Mae erthygl 4 o'r Gorchymyn yn dwyn yr adrannau a ganlyn o Ddeddf 2015 i rym ar 16 Mawrth 2016:

adran 15(1) a (2) (byrddau cydgynllunio: swyddogaethau sy'n ymwneud ag arolygon a chynlluniau datblygu lleol);

adran 40 (byrddau cydgynllunio i fod yn awdurdodau sylweddau peryglus);

adran 41 (pŵer i wneud darpariaeth sy'n galluogi byrddau cydgynllunio i arfer swyddogaethau rheoli datblygu mewn Parciau Cenedlaethol); ac

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# TOWN AND COUNTRY PLANNING, WALES

## The Planning (Wales) Act 2015 (Commencement No. 2 and Transitional and Saving Provisions) Order 2015

### EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order is the second Commencement Order made by the Welsh Ministers under the Planning (Wales) Act 2015 ("the 2015 Act").

Articles 2 and 3 of the Order bring the following sections of the 2015 Act into force on 4 January 2016:

section 3 (preparing and revising the National Development Framework for Wales) so far as it substitutes section 60 of the Planning and Compulsory Purchase Act 2004 with new sections 60, 60A and 60B;

section 11 (Welsh language);

section 12 (period for which local development plan has effect);

section 13 (withdrawal of local development plan);

section 14 (Welsh Ministers' power to direct preparation of joint local development plan); and

section 31 (Welsh language).

Article 4 of the Order brings the following sections of the 2015 Act into force on 16 March 2016:

section 15(1) and (2) (joint planning boards: functions relating to surveys and local development plans);

section 40 (joint planning boards to be hazardous substances authorities);

section 41 (power to make provision enabling joint planning boards to exercise development management functions in National Parks); and

adran 42 (byrddau cydgynllunio: pŵer i wneud darpariaeth ganlyniadol ac atodol).

Mae erthygl 5 o'r Gorchymyn yn dwyn yr adrannau a ganlyn o Ddeddf 2015 i rym ar 1 Ebrill 2016:

adran 2 (datblygu cynaliadwy); ac

adran 15(3) (byrddau cydgynllunio: swyddogaethau sy'n ymwneud ag arolygon a chynlluniau datblygu lleol).

Mae erthyglau 6 a 7 o'r Gorchymyn yn nodi'r trefniadau trosiannol ac arbed sy'n gymwys i gychwyn y darpariaethau yn erthyglau 2, 3(a) a 5(a).

**NODYN YNGHYLCH GORCHMYNION CYCHWYN CYNHARACH**

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

Mae'r darpariaethau a ganlyn o'r Ddeddf wedi eu dwyn i rym drwy Orchymyn Cychwyn a wnaed cyn dyddiad y Gorchymyn hwn:

| *Y ddarpariaeth* | *Y dyddiad cychwyn* | *Rhif O.S.* |
|---|---|---|
| Adran 4 | 5 Hydref 2015 | O.S. 2015/1736 (Cy. 237) (C. 106) |
| Rhan 1 o Atodlen 1 | 5 Hydref 2015 | O.S. 2015/1736 (Cy. 237) (C. 106) |

*Gweler* adran 58(1) o'r Ddeddf ar gyfer y darpariaethau a ddaeth i rym ar y diwrnod pan gafodd y Ddeddf y Cydsyniad Brenhinol ac adran 58(2) ar gyfer y darpariaethau a ddaeth i rym 2 fis ar ôl i'r Ddeddf gael y Cydsyniad Brenhinol.

section 42 (joint planning boards: power to make consequential and supplementary provision).

Article 5 of the Order brings the following sections of the 2015 Act into force on 1 April 2016:

section 2 (sustainable development); and

section 15(3) (joint planning boards: functions relating to surveys and local development plans).

Articles 6 and 7 of the Order set out the transitional and saving arrangements that apply to the commencement of the provisions in articles 2, 3(a) and 5(a).

**NOTE AS TO EARLIER COMMENCEMENT ORDERS**

*(This note is not part of the Order)*

The following provisions of the Act have been brought into force by a Commencement Order made before the date of this Order:

| *Provision* | *Date of Commencement* | *S.I. No* |
|---|---|---|
| Section 4 | 5 October 2015 | S.I. 2015/1736 (W. 237) (C. 106) |
| Part 1 of Schedule 1 | 5 October 2015 | S.I. 2015/1736 (W. 237) (C. 106) |

*See* section 58(1) of the Act for the provisions which came into force on the day the Act received Royal Assent and section 58(2) for the provisions which came into force 2 months after the Act received Royal Assent.

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# CYNLLUNIO GWLAD A THREF, CYMRU

## Gorchymyn Deddf Cynllunio (Cymru) 2015 (Cychwyn Rhif 2 a Darpariaethau Trosiannol ac Arbed) 2015

*Gwnaed* *2 Rhagfyr 2015*

Mae Gweinidogion Cymru yn gwneud y Gorchymyn a ganlyn drwy arfer y pwerau a roddwyd iddynt gan adran 58(4) o Ddeddf Cynllunio (Cymru) 2015(**1**).

### Enwi a dehongli

**1.**—(1) Enw'r Gorchymyn hwn yw Gorchymyn Deddf Cynllunio (Cymru) 2015 (Cychwyn Rhif 2 a Darpariaethau Trosiannol ac Arbed) 2015.

(2) Yn y Gorchymyn hwn—

ystyr "Deddf 2004" ("*the 2004 Act*") yw Deddf Cynllunio a Phrynu Gorfodol 2004(**2**);

ystyr "Deddf 2015" ("*the 2015 Act*") yw Deddf Cynllunio (Cymru) 2015.

### Y darpariaethau sy'n dod i rym ar 4 Ionawr 2016

**2.** Y diwrnod penodedig i adran 3 o Ddeddf 2015 ddod i rym i'r graddau y mae'n rhoi adrannau newydd 60, 60A a 60B yn lle adran 60 o Ddeddf 2004 yw 4 Ionawr 2016.

**3.** Y diwrnod penodedig i'r adrannau a ganlyn o Ddeddf 2015 ddod i rym i'r graddau nad ydynt eisoes mewn grym yw 4 Ionawr 2016—

(a) adran 11;

(b) adran 12;

(c) adran 13;

(**1**) 2015 dccc 4.
(**2**) 2004 p. 5.

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# TOWN AND COUNTRY PLANNING, WALES

## The Planning (Wales) Act 2015 (Commencement No. 2 and Transitional and Saving Provisions) Order 2015

*Made* *2 December 2015*

The Welsh Ministers make the following Order in exercise of the powers conferred on them by section 58(4) of the Planning (Wales) Act 2015(**1**).

### Title and interpretation

**1.**—(1) The title of this Order is the Planning (Wales) Act 2015 (Commencement No. 2 and Transitional and Saving Provisions) Order 2015.

(2) In this Order—

"the 2004 Act" ("*Deddf 2004*") means the Planning and Compulsory Purchase Act 2004(**2**);

"the 2015 Act" ("*Deddf 2015*") means the Planning (Wales) Act 2015.

### Provisions coming into force on 4 January 2016

**2.** The appointed day for the coming into force of section 3 of the 2015 Act so far as it substitutes section 60 of the 2004 Act with new sections 60, 60A and 60B is 4 January 2016.

**3.** The appointed day for the coming into force of the following sections of the 2015 Act so far as they are not already in force is 4 January 2016—

(a) section 11;

(b) section 12;

(c) section 13;

(**1**) 2015 anaw 4.
(**2**) 2004 c. 5.

(d) adran 14; ac

(e) adran 31.

**Y darpariaethau sy'n dod i rym ar 16 Mawrth 2016**

**4.** Y diwrnod penodedig i'r adrannau a ganlyn o Ddeddf 2015 ddod i rym i'r graddau nad ydynt eisoes mewn grym yw 16 Mawrth 2016—

(a) adran 15(1) a (2);

(b) adran 40;

(c) adran 41; a

(d) adran 42.

**Y darpariaethau sy'n dod i rym ar 1 Ebrill 2016**

**5.** Y diwrnod penodedig i'r adrannau a ganlyn o Ddeddf 2015 ddod i rym yw 1 Ebrill 2016—

(a) adran 2; a

(b) adran 15(3).

**Darpariaethau trosiannol ac arbed**

**6.** Nid yw adrannau 2 ac 11(3) o Ddeddf 2015 yn gymwys i gynllun datblygu lleol sydd wedi ei gyflwyno i'w archwilio yn unol â Rhan 6 o Ddeddf 2004 pan ddaw'r adrannau i rym. Mae'r adrannau'n gymwys i gynllun o'r fath ar ôl iddo gael ei fabwysiadu neu ei gymeradwyo yn unol â Rhan 6 o Ddeddf 2004.

**7.** Mae adran 60 o Ddeddf 2004 yn parhau i gael effaith fel pe na bai adran 3 o Ddeddf 2015 wedi ei chychwyn gan erthygl 2.

(d) section 14; and

(e) section 31.

**Provisions coming into force on 16 March 2016**

**4.** The appointed day for the coming into force of the following sections of the 2015 Act so far as they are not already in force is 16 March 2016—

(a) section 15(1) and (2);

(b) section 40;

(c) section 41; and

(d) section 42.

**Provisions coming into force on 1 April 2016**

**5.** The appointed day for the coming into force of the following sections of the 2015 Act is 1 April 2016—

(a) section 2; and

(b) section 15(3).

**Transitional and saving provisions**

**6.** Sections 2 and 11(3) of the 2015 Act do not apply to a local development plan that has been submitted for examination in accordance with Part 6 of the 2004 Act when the sections come into force. The sections apply to such a plan after it is adopted or approved in accordance with Part 6 of the 2004 Act.

**7.** Section 60 of the 2004 Act continues to have effect as if section 3 of the 2015 Act had not been commenced by article 2.

*Carl Sargeant*

Y Gweinidog Cyfoeth Naturiol, un o Weinidogion Cymru
2 Rhagfyr 2015

Minister for Natural Resources, one of the Welsh Ministers
2 December 2015

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