



OFFERYNNAU STATUDOL
CYMRU

WELSH STATUTORY
INSTRUMENTS

2016 Rhif 52 (Cy. 22) (C. 4)

2016 No.52 (W. 22) (C. 4)

**CYNLLUNIO GWLAD A
THREF, CYMRU**

**TOWN AND COUNTRY
PLANNING, WALES**

Gorchymyn Deddf Cynllunio
(Cymru) 2015 (Cychwyn Rhif 3 a
Darpariaethau Trosiannol) 2016

The Planning (Wales) Act 2015
(Commencement No. 3 and
Transitional Provisions) Order 2016

NODYN ESBONIADOL

EXPLANATORY NOTE

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

(This note is not part of the Order)

Y Gorchymyn hwn yw'r trydydd gorchymyn cychwyn a wneir gan Weinidogion Cymru o dan Ddeddf Cynllunio (Cymru) 2015 ("Deddf 2015").

This Order is the third commencement order made by the Welsh Ministers under the Planning (Wales) Act 2015 ("the 2015 Act").

Mae erthygl 2 yn dwyn yr adrannau a ganlyn o Ddeddf 2015 i rym ar 1 Mawrth 2016:

Article 2 brings the following sections of the 2015 Act into force on 1 March 2016:

- adran 17 (gofyniad i gynnal ymgynghoriad cyn ymgeisio);
- adran 18 (gofyniad i ddarparu gwasanaethau cyn ymgeisio);
- adran 19 (datblygiadau o arwyddocâd cenedlaethol: ceisiadau am ganiatâd cynllunio);
- adran 20 (datblygiadau o arwyddocâd cenedlaethol: cydsyniadau eilaidd);
- adran 21 (datblygiadau o arwyddocâd cenedlaethol: adroddiadau effaith lleol);
- adran 22 (yr amserlen ar gyfer penderfynu ceisiadau); ac
- adran 49 (costau ceisiadau, apelau a chyfeiriadau).

- section 17 (requirement to carry out pre-application consultation);
- section 18 (requirement to provide pre-application services);
- section 19 (developments of national significance: applications for planning permission);
- section 20 (developments of national significance: secondary consents);
- section 21 (developments of national significance: local impact reports);
- section 22 (timetable for determining applications); and
- section 49 (costs on applications, appeals and references).

Mae erthygl 3 yn dwyn y darpariaethau a ganlyn o Ddeddf 2015 i rym ar 1 Mawrth 2016 i'r graddau y maent yn ymwneud â datblygiadau o arwyddocâd cenedlaethol a chydsyniadau eilaidd:

Article 3 brings the following provisions of the 2015 Act into force on 1 March 2016 so far as they relate to developments of national significance and secondary consents:

- adran 24 (darpariaeth bellach ynghylch ceisiadau a wneir i Weinidogion Cymru);
- adran 25 (pŵer i wneud darpariaeth drwy orchymyn datblygu mewn cysylltiad â cheisiadau i Weinidogion Cymru);
- adran 26 (datblygiadau o arwyddocâd cenedlaethol a cheisiadau a wneir i Weinidogion Cymru: arfer swyddogaethau gan berson penodedig);

- section 24 (further provision about applications made to the Welsh Ministers);
- section 25 (power to make provision by development order in respect of applications to the Welsh Ministers);
- section 26 (developments of national significance and applications made to Welsh Ministers: exercise of functions by appointed person);

- adran 27 (ceisiadau i Weinidogion Cymru: diwygiadau pellach);
- adran 33 (hysbysiadau penderfynu);
- adran 34 (hysbysiad am ddatblygiad);
- adran 50 (y weithdrefn ar gyfer achosion penodol);
- Atodlen 3 (datblygiadau o arwyddocâd cenedlaethol a cheisiadau a wneir i Weinidogion Cymru: arfer swyddogaethau gan berson penodedig); ac
- Atodlen 4 (ceisiadau i Weinidogion Cymru: diwygiadau pellach).

Mae erthygl 4 yn dwyn adran 51 o Ddeddf 2015 (costau a'r weithdrefn wrth apelio etc: diwygiadau pellach) i rym ar 1 Mawrth 2016 i'r graddau y mae'n ymwneud â'r paragraffau hynny o Atodlen 5 (costau a'r weithdrefn wrth apelio etc: diwygiadau pellach) a restrir yn yr erthygl honno.

Mae erthygl 5 yn dwyn yr adrannau a ganlyn o Ddeddf 2015 i rym ar 16 Mawrth 2016:

- adran 28 (pŵer awdurdod cynllunio lleol i'w gwneud yn ofynnol i wybodaeth gael ei rhoi gyda chais);
- adran 29 (ceisiadau annilys: hysbysu ac apelio);
- adran 30 (dirymu arbed Rheoliadau Cynllunio Gwlad a Thref (Ceisiadau) 1988);
- adran 32 (pŵer i wrthod penderfynu ar ôl-gais);
- adran 33 (hysbysiadau penderfynu);
- adran 34 (hysbysiad am ddatblygiad);
- adran 35 (cyfnod para caniatâd cynllunio: cyffredinol);
- adran 36 (cyfnod para caniatâd cynllunio amlinellol);
- adran 37 (ymgyngori etc mewn cysylltiad â cheisiadau penodol sy'n ymwneud â chaniatâd cynllunio);
- adran 38 (cau neu wro llwybrau cyhoeddus pan wneir cais am ganiatâd cynllunio);
- adran 43 (torri rheolaeth gynllunio: hysbysiad rhybudd gorfodi);
- adran 44 (apelio yn erbyn hysbysiad gorfodi: cais tybiedig am ganiatâd cynllunio);
- adran 45 (cyfyngiadau ar hawl i apelio yn erbyn penderfyniadau cynllunio); ac
- adran 46 (cyfyngiadau ar hawl i apelio yn erbyn hysbysiad gorfodi).

Mae erthyglau 6 i 17 yn cynnwys darpariaethau trosiannol.

- section 27 (applications to Welsh Ministers: further amendments);
- section 33 (decision notices);
- section 34 (notification of development);
- section 50 (procedure for certain proceedings);
- Schedule 3 (developments of national significance and applications made to Welsh Ministers: exercise of functions by appointed person); and
- Schedule 4 (applications to Welsh Ministers: further amendments).

Article 4 brings section 51 of the 2015 Act (costs and procedure on appeals etc: further amendments) into force on 1 March 2016 so far as it relates to those paragraphs of Schedule 5 (costs and procedure on appeals etc: further amendments) listed in that article.

Article 5 brings the following sections of the 2015 Act into force on 16 March 2016:

- section 28 (power of local planning authority to require information with application);
- section 29 (invalid applications: notice and appeal);
- section 30 (revocation of saving of Town and Country Planning (Applications) Regulations 1988);
- section 32 (power to decline to determine retrospective application);
- section 33 (decision notices);
- section 34 (notification of development);
- section 35 (duration of planning permission: general);
- section 36 (duration of outline planning permission);
- section 37 (consultation etc in respect of certain applications relating to planning permission);
- section 38 (stopping up or diversion of public paths where application for planning permission made);
- section 43 (breach of planning control: enforcement warning notice);
- section 44 (appeal against enforcement notice: deemed application for planning permission);
- section 45 (restrictions on right to appeal against planning decisions); and
- section 46 (restrictions on right to appeal against enforcement notice).

Articles 6 to 17 contain transitional provisions.

**NODYN AM Y GORCHMYNION CYCHWYN
CYNHARACH**

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

Mae'r darpariaethau a ganlyn o Ddeddf 2015 wedi eu dwyn i rym gan Orchymynion Cychwyn a wnaed cyn dyddiad y Gorchymyn hwn:

<i>Y ddarpariaeth</i>	<i>Y dyddiad cychwyn</i>	<i>Rhif O.S.</i>
Adran 2	1 Ebrill 2016	O.S. 2015/1987 (Cy. 297) (C. 123)
Adran 3 (i'r graddau y mae'n rhoi adrannau newydd 60, 60A a 60B yn lle adran 60 o Ddeddf Cynllunio a Phrynu Gorfodol 2004)	4 Ionawr 2016	O.S. 2015/1987 (Cy. 297) (C. 123)
Adran 4 (i'r graddau nad yw eisoes mewn grym)	5 Hydref 2015	O.S. 2015/1736 (Cy. 237) (C. 106)
Adrannau 11 i 14 (i'r graddau nad ydynt eisoes mewn grym)	4 Ionawr 2016	O.S. 2015/1987 (Cy. 297) (C. 123)
Adran 15(1) a (2) (i'r graddau nad yw eisoes mewn grym)	16 Mawrth 2016	O.S. 2015/1987 (Cy. 297) (C. 123)
Adran 15(3)	1 Ebrill 2016	O.S. 2015/1987 (Cy. 297) (C. 123)
Adran 31 (i'r graddau nad yw eisoes mewn grym)	4 Ionawr 2016	O.S. 2015/1987 (Cy. 297) (C. 123)
Adrannau 40 i 42 (i'r graddau nad ydynt eisoes mewn grym)	16 Mawrth 2016	O.S. 2015/1987 (Cy. 297) (C. 123)
Rhan 1 o Atodlen 1 (i'r graddau nad yw eisoes mewn grym)	5 Hydref 2015	O.S. 2015/1736 (Cy. 237) (C. 106)

Gweler adran 58(1) o Ddeddf 2015 ar gyfer y darpariaethau a ddaeth i rym ar y diwrnod pan gafodd Deddf 2015 y Cydsyniad Brenhinol ac adran 58(2) ar gyfer y darpariaethau a ddaeth i rym 2 fis ar ôl i Ddeddf 2015 gael y Cydsyniad Brenhinol.

**NOTE AS TO EARLIER COMMENCEMENT
ORDERS**

(This note is not part of the Order)

The following provisions of the 2015 Act have been brought into force by Commencement Orders made before the date of this Order:

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No</i>
Section 2	1 April 2016	S.I. 2015/1987 (W. 297) (C. 123)
Section 3 (so far as it substitutes section 60 of the Planning and Compulsory Purchase Act 2004 with new sections 60, 60A and 60B)	4 January 2016	S.I. 2015/1987 (W. 297) (C. 123)
Section 4 (so far as not already in force)	5 October 2015	S.I. 2015/1736 (W. 237) (C. 106)
Sections 11 to 14 (so far as not already in force)	4 January 2016	S.I. 2015/1987 (W. 297) (C. 123)
Section 15(1) and (2) (so far as not already in force)	16 March 2016	S.I. 2015/1987 (W. 297) (C. 123)
Section 15(3)	1 April 2016	S.I. 2015/1987 (W. 297) (C. 123)
Section 31 (so far as not already in force)	4 January 2016	S.I. 2015/1987 (W. 297) (C. 123)
Sections 40 to 42 (so far as not already in force)	16 March 2016	S.I. 2015/1987 (W. 297) (C. 123)
Part 1 of Schedule 1 (so far as not already in force)	5 October 2015	S.I. 2015/1736 (W. 237) (C. 106)

See section 58(1) of the 2015 Act for provisions which came into force on the day the 2015 Act received Royal Assent and section 58(2) for the provisions which came into force 2 months after the 2015 Act received Royal Assent.

2016 Rhif 52 (Cy. 22) (C. 4)

**CYNLLUNIO GWLAD A
THREF, CYMRU**

Gorchymyn Deddf Cynllunio
(Cymru) 2015 (Cychwyn Rhif 3 a
Darpariaethau Trosiannol) 2016

Gwnaed

27 Ionawr 2016

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 3 a Darpariaethau Trosiannol) 2016.

(2) Yn y Gorchymyn hwn—

ystyr “Deddf 1990” (“*the 1990 Act*”) yw Deddf Cynllunio Gwlad a Thref 1990(2);

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

Y darpariaethau sy'n dod i rym ar 1 Mawrth 2016

2. Y diwrnod penodedig i'r adrannau a ganlyn o Ddeddf 2015 ddod i rym i'r graddau nad ydynt eisoes mewn grym yw 1 Mawrth 2016—

(a) adrannau 17 i 22; a

(b) adran 49.

3. Y diwrnod penodedig i'r darpariaethau a ganlyn o Ddeddf 2015 ddod i rym i'r graddau y maent yn ymwneud â datblygiadau o arwyddocâd cenedlaethol(3) a chydysniadau eilaidd(4) yw 1 Mawrth 2016—

(1) 2015 decc 4.

(2) 1990 p. 8.

(3) I gael ystyr “development of national significance” (“datblygiad o arwyddocâd cenedlaethol”) gweler adran 62D(3) a (4) o Ddeddf 1990 a Rheoliadau Datblygiadau o Arwyddocâd Cenedlaethol (Meini Prawf Penodedig a Chydysniadau Eilaidd Rhagnodedig) (Cymru) 2016 (O.S. 2016/53 (Cy.23)).

(4) I gael ystyr “secondary consent” (“cydsyniad eilaidd”) gweler adran 62H(1) o Ddeddf 1990.

2016 No. 52 (W. 22) (C. 4)

**TOWN AND COUNTRY
PLANNING, WALES**

The Planning (Wales) Act 2015
(Commencement No. 3 and
Transitional Provisions) Order 2016

Made

27 January 2016

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. 3 and Transitional Provisions) Order 2016.

(2) In this Order—

“the 1990 Act” (“*Deddf 1990*”) means the Town and Country Planning Act 1990(2);

“the 2015 Act” (“*Deddf 2015*”) means the Planning (Wales) Act 2015.

Provisions coming into force on 1 March 2016

2. 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 1 March 2016—

(a) sections 17 to 22; and

(b) section 49.

3. The appointed day for the coming into force of the following provisions of the 2015 Act so far as they relate to developments of national significance(3) and secondary consents(4) is 1 March 2016—

(1) 2015 anaw 4.

(2) 1990 c. 8.

(3) For the meaning of “development of national significance” see section 62D(3) and (4) of the 1990 Act and the Developments of National Significance (Specified Criteria and Prescribed Secondary Consents) (Wales) Regulations 2016 (S.I. 2016/53 (W.23)).

(4) For the meaning of “secondary consent” see section 62H(1) of the 1990 Act.

- (a) adrannau 24 i 27;
- (b) adrannau 33 a 34;
- (c) adran 50;
- (d) Atodlen 3; ac
- (e) Atodlen 4.

4. Y diwrnod penodedig i adran 51 o Ddeddf 2015 ddod i rym i'r graddau y mae'n ymwneud â'r paragraffau a ganlyn o Atodlen 5 i Ddeddf 2015 yw 1 Mawrth 2016—

- (a) paragraffau 1 i 14;
- (b) paragraff 16(1) i'r graddau y mae'n ymwneud ag is-baragraff (2), ac is-baragraff (2);
- (c) paragraff 18 i'r graddau y mae'n ymwneud â pharagraff 5(4) o Atodlen 8 i Ddeddf 1990;
- (d) paragraff 19 i'r graddau y mae'n ymwneud â pharagraff 20, a pharagraff 21(1), (2)(a) a (b);
- (e) paragraff 20;
- (f) paragraff 21(1) i'r graddau y mae'n ymwneud ag is-baragraff (2)(a) a (b), ac is-baragraff (2)(a) a (b);
- (g) paragraff 22;
- (h) paragraff 23 i'r graddau y mae'n ymwneud â pharagraffau 24, 25(1), 25(2)(a) a (b), a 26;
- (i) paragraff 24;
- (j) paragraff 25(1), (2)(a) a (b); a
- (k) paragraff 26.

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

5. 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) adrannau 28 i 30;
- (b) adrannau 32 i 38; ac
- (c) adrannau 43 i 46.

Darpariaethau trosiannol

6. Nid yw'r diwygiadau i Ddeddf 1990 a wneir gan adran 17 o Ddeddf 2015 yn gymwys i gais am ganiatâd cynllunio ar gyfer datblygiad mawr(1) a wneir cyn 1 Awst 2016.

7. Nid yw'r diwygiadau i Ddeddf 1990 a wneir gan adran 19 o Ddeddf 2015 yn gymwys i gais am ganiatâd cynllunio a wneir cyn 1 Mawrth 2016.

- (a) sections 24 to 27;
- (b) sections 33 and 34;
- (c) section 50;
- (d) Schedule 3; and
- (e) Schedule 4.

4. The appointed day for the coming into force of section 51 of the 2015 Act is 1 March 2016 so far as it relates to the following paragraphs of Schedule 5 to the 2015 Act—

- (a) paragraphs 1 to 14;
- (b) paragraph 16(1) so far as it relates to sub-paragraph (2), and sub-paragraph (2);
- (c) paragraph 18 so far as it relates to paragraph 5(4) of Schedule 8 to the 1990 Act;
- (d) paragraph 19 so far as it relates to paragraph 20, and paragraph 21(1), (2)(a) and (b);
- (e) paragraph 20;
- (f) paragraph 21(1) so far as it relates to sub-paragraph (2)(a) and (b), and sub-paragraph (2)(a) and (b);
- (g) paragraph 22;
- (h) paragraph 23 so far as it relates to paragraphs 24, 25(1), 25(2)(a) and (b), and 26;
- (i) paragraph 24;
- (j) paragraph 25(1), (2)(a) and (b); and
- (k) paragraph 26.

Provisions coming into force on 16 March 2016

5. 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) sections 28 to 30;
- (b) sections 32 to 38; and
- (c) sections 43 to 46.

Transitional provisions

6. The amendments to the 1990 Act made by section 17 of the 2015 Act do not apply to an application for planning permission for major development(1) made before 1 August 2016.

7. The amendments to the 1990 Act made by section 19 of the 2015 Act do not apply to an application for planning permission made before 1 March 2016.

(1) I gael ystyr "datblygiad mawr" gweler erthygl 2(1) o Orchymyn Cynllunio Gwlad a Thref (Gweithdrefn Rheoli Datblygu) (Cymru) 2012 (O.S. 2012/801) (Cy. 110).

(1) For the meaning of "major development" see article 2(1) of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 (S.I. 2012/801) (W. 110).

8. Nid yw'r diwygiad i Ddeddf 1990 a wneir gan adran 28 o Ddeddf 2015 yn gymwys i gais am ganiatâd cynllunio a wneir cyn 16 Mawrth 2016.

9. Nid yw'r diwygiadau i Ddeddf 1990 a wneir gan adran 29(1) a (2) o Ddeddf 2015 yn gymwys i gais am ganiatâd cynllunio, cydsyniad, cytundeb neu gymeradwyaeth a wneir cyn 16 Mawrth 2016.

10. Nid yw'r diwygiadau i Ddeddf 1990 a wneir gan adran 29(1) a (3) o Ddeddf 2015 yn gymwys i apêl sy'n ymwneud â chais a wneir cyn 16 Mawrth 2016.

11. Nid yw'r diwygiad i Ddeddf 1990 a wneir gan adran 32 o Ddeddf 2015 yn gymwys pan fo, cyn 16 Mawrth 2016,—

- (a) hysbysiad gorfodi wedi ei ddyroddi o dan adran 172 o Ddeddf 1990 ac nad yw wedi ei dynnu yn ôl o dan adran 173A o'r Ddeddf honno; a
- (b) naill ai un neu'r ddau o'r is-baragraffau a ganlyn yn gymwys—
 - (i) bod apêl o dan adran 174 o Ddeddf 1990 wedi ei gwneud yn erbyn yr hysbysiad hwnnw;
 - (ii) bod cais am ganiatâd cynllunio ar gyfer y datblygiad y mae'r hysbysiad gorfodi hwnnw'n ymwneud ag ef yn cael ei wneud ar ôl y dyddiad y dyroddwyd yr hysbysiad hwnnw a chyn 16 Mawrth 2016.

12. Nid yw'r diwygiadau i Ddeddf 1990 a wneir gan adrannau 33 a 34 o Ddeddf 2015 yn gymwys i ganiatâd cynllunio a roddir cyn 16 Mawrth 2016.

13. Nid yw'r diwygiadau i Ddeddf 1990 a wneir gan adrannau 35 a 36 o Ddeddf 2015 yn gymwys i gais a wneir o dan adran 73 o Ddeddf 1990 cyn 16 Mawrth 2016.

14. Nid yw'r diwygiadau i Ddeddf 1990 a wneir gan adrannau 44 a 46 o Ddeddf 2015 yn gymwys pan fo, cyn 16 Mawrth 2016, hysbysiad gorfodi yn cael ei ddyroddi o dan adran 172 o Ddeddf 1990 ac nad yw'n cael ei dynnu yn ôl o dan adran 173A o'r Ddeddf honno.

15. Nid yw'r diwygiad i Ddeddf 1990 a wneir gan adran 45 o Ddeddf 2015 yn gymwys i apêl a wneir o dan adran 78 o Ddeddf 1990 cyn 16 Mawrth 2016.

16. Nid yw'r diwygiad i Ddeddf 1990 a wneir gan adran 49 o Ddeddf 2015 yn gymwys i gais neu apêl a wneir i Weinidogion Cymru, neu gyfeiriad a wneir atynt, cyn 1 Mawrth 2016.

17.—(1) Nid yw'r diwygiadau a wneir gan y paragraffau hynny o Atodlen 5 i Ddeddf 2015 a restrir yn erthygl 4 yn gymwys i achosion a gychwynnir cyn 1 Mawrth 2016.

8. The amendment to the 1990 Act made by section 28 of the 2015 Act does not apply to an application for planning permission made before 16 March 2016.

9. The amendments to the 1990 Act made by section 29(1) and (2) of the 2015 Act do not apply to an application for planning permission, consent, agreement or approval made before 16 March 2016.

10. The amendments to the 1990 Act made by section 29(1) and (3) of the 2015 Act do not apply to an appeal that relates to an application made before 16 March 2016.

11. The amendment to the 1990 Act made by section 32 of the 2015 Act does not apply where before 16 March 2016—

- (a) an enforcement notice has been issued under section 172 of the 1990 Act and not withdrawn under section 173A of that Act; and
- (b) either or both of the following sub-paragraphs apply—
 - (i) an appeal under section 174 of the 1990 Act has been made against that notice;
 - (ii) an application for planning permission for the development to which that enforcement notice relates is made after the date on which that notice was issued and before 16 March 2016.

12. The amendments to the 1990 Act made by sections 33 and 34 of the 2015 Act do not apply to a planning permission granted before 16 March 2016.

13. The amendments to the 1990 Act made by sections 35 and 36 of the 2015 Act do not apply to an application made under section 73 of the 1990 Act before 16 March 2016.

14. The amendments to the 1990 Act made by sections 44 and 46 of the 2015 Act do not apply where, before 16 March 2016, an enforcement notice is issued under section 172 of the 1990 Act and not withdrawn under section 173A of that Act.

15. The amendment to the 1990 Act made by section 45 of the 2015 Act does not apply to an appeal made under section 78 of the 1990 Act before 16 March 2016.

16. The amendment to the 1990 Act made by section 49 of the 2015 Act does not apply to an application, appeal or reference made to the Welsh Ministers before 1 March 2016.

17.—(1) The amendments made by those paragraphs of Schedule 5 to the 2015 Act listed in article 4 do not apply to proceedings instituted before 1 March 2016.

(2) At ddibenion paragraff (1) ystyr “a gychwynnir” (“*instituted*”) yw—

- (a) mewn perthynas ag adran 121 o Ddeddf Priffyrdd 1980, bod y cwestiwn o ba un a yw atal cydsyniad yn afresymol neu ba un a yw unrhyw ddarpariaeth yn rhesymol yn dod yn benderfyniad i Weinidogion Cymru;
- (b) mewn perthynas ag adran 28F o Ddeddf Bywyd Gwyllt a Chefn Gwlad 1981, bod apêl yn cyrraedd Gweinidogion Cymru;
- (c) mewn perthynas ag adran 28L o Ddeddf Bywyd Gwyllt a Chefn Gwlad 1981, y gwneir apêl o dan adran 28L(1);
- (d) mewn perthynas ag Atodlen 15 i Ddeddf Bywyd Gwyllt a Chefn Gwlad 1981, y cyflwynir gorchymyn i Weinidogion Cymru i’w gadarnhau o dan baragraff 7 o’r Atodlen honno;
- (e) mewn perthynas ag adran 175 o Ddeddf 1990, y rhoddir hysbysiad ysgrifenedig am apêl o dan adran 174 o Ddeddf 1990;
- (f) mewn perthynas ag adran 196 o Ddeddf 1990, y cyflwynir hysbysiad am apêl o dan adran 195 o Ddeddf 1990;
- (g) mewn perthynas ag adran 208 o Ddeddf 1990, y rhoddir neu yr anfonir hysbysiad ysgrifenedig am apêl;
- (h) mewn perthynas ag adran 320 o Ddeddf 1990, y perir i ymchwiliad lleol gael ei gynnal;
- (i) mewn perthynas ag achos y mae adran 322 o Ddeddf 1990 yn gymwys iddo neu a fyddai’n gymwys iddo ond am baragraff 13 o Atodlen 5 i Ddeddf 2015, y gwneir y cais neu’r cyfeiriad neu y rhoddir yr hysbysiad am apêl;
- (j) mewn perthynas ag achos y mae adran 322A o Ddeddf 1990 yn gymwys iddo neu a fyddai’n gymwys iddo ond am baragraff 14 o Atodlen 5 i Ddeddf 2015, ei bod yn ofynnol i Weinidogion Cymru wneud trefniadau i wrandawriad neu ymchwiliad gael ei gynnal neu wneud trefniadau ar gyfer gwrandawriad neu ymchwiliad yn unol ag adran 319B o Ddeddf 1990;
- (k) mewn perthynas ag apêl o dan Ddeddf 1990 y mae Atodlen 6 i’r Ddeddf honno’n gymwys iddi, bod person penodedig yn penderfynu cynnal gwrandawriad neu ymchwiliad lleol neu y cyfarwyddir ef gan Weinidogion Cymru i gynnal ymchwiliad lleol;
- (l) mewn perthynas ag Atodlen 8 i Ddeddf 1990, y gwneir cyfeiriad at y Comisiwn Ymchwiliad Cynllunio gan Weinidogion Cymru;
- (m) mewn perthynas ag adran 41 o Ddeddf Cynllunio (Adeiladau Rhedredig ac Ardaloedd Cadwraeth) 1990, y rhoddir hysbysiad am apêl o dan adran 39 o’r Ddeddf honno;

(2) For the purposes of paragraph (1) “*instituted*” (“*a gychwynnir*”) means—

- (a) in relation to section 121 of the Highways Act 1980, the question of whether the withholding of a consent is unreasonable or whether any requirement is reasonable falls to be determined by the Welsh Ministers;
- (b) in relation to section 28F of the Wildlife and Countryside Act 1981, an appeal reaches the Welsh Ministers;
- (c) in relation to section 28L of the Wildlife and Countryside Act 1981, an appeal is made under section 28L(1);
- (d) in relation to Schedule 15 of the Wildlife and Countryside Act 1981, an order is submitted to the Welsh Ministers for confirmation under paragraph 7 of that Schedule;
- (e) in relation to section 175 of the 1990 Act, written notice of appeal under section 174 of the 1990 Act is given;
- (f) in relation to section 196 of the 1990 Act, notice of appeal under section 195 of the 1990 Act is served;
- (g) in relation to section 208 of the 1990 Act, written notice of appeal is given or sent;
- (h) in relation to section 320 of the 1990 Act, a local inquiry is caused to be held;
- (i) in relation to proceedings to which section 322 of the 1990 Act applies or would but for paragraph 13 of Schedule 5 to the 2015 Act have applied, the application or reference is made or notice of appeal is given;
- (j) in relation to proceedings to which section 322A of the 1990 Act applies or would but for paragraph 14 of Schedule 5 to the 2015 Act have applied, the Welsh Ministers are required to make arrangements for a hearing or inquiry to be held or arrangements are made for a hearing or inquiry in accordance with section 319B of the 1990 Act;
- (k) in relation to an appeal under the 1990 Act to which Schedule 6 of that Act applies, an appointed person determines to hold a hearing or local inquiry or is directed by the Welsh Ministers to hold a local inquiry;
- (l) in relation to Schedule 8 to the 1990 Act, a reference to the Planning Inquiry Commission is made by the Welsh Ministers;
- (m) in relation to section 41 of the Planning (Listed Buildings and Conservation Areas) Act 1990, notice of appeal under section 39 of that Act is given;

- (n) mewn perthynas ag apêl o dan Ddeddf Cynllunio (Adeiladau Rhestredig ac Ardaloedd Cadwraeth) 1990 y mae Atodlen 3 i'r Ddeddf honno'n gymwys iddi, bod person penodedig yn penderfynu cynnal gwrandawriad neu ymchwiliad lleol neu y cyfarwyddir ef gan Weinidogion Cymru i gynnal ymchwiliad lleol;
- (o) mewn perthynas ag adran 25 o Ddeddf Cynllunio (Sylweddau Peryglus) 1990, y gwneir apêl o dan yr adran honno; a
- (p) mewn perthynas ag apêl o dan Ddeddf Cynllunio (Sylweddau Peryglus) 1990 y mae'r Atodlen i'r Ddeddf honno'n gymwys iddi, bod person penodedig yn penderfynu cynnal gwrandawriad neu ymchwiliad lleol neu y cyfarwyddir ef gan Weinidogion Cymru i gynnal ymchwiliad lleol.
- (n) in relation to an appeal under the Planning (Listed Buildings and Conservation Areas) Act 1990 to which Schedule 3 to that Act applies, an appointed person determines to hold a hearing or local inquiry or is directed by the Welsh Ministers to hold a local inquiry;
- (o) in relation to section 25 of the Planning (Hazardous Substances) Act 1990, an appeal is made under that section; and
- (p) in relation to an appeal under the Planning (Hazardous Substances) Act 1990 to which the Schedule to that Act applies, an appointed person determines to hold a hearing or local inquiry or is directed by the Welsh Ministers to hold a local inquiry.

Carl Sargeant

Y Gweinidog Cyfoeth Naturiol, un o Weinidogion
Cymru
27 Ionawr 2016

Minister for Natural Resources, one of the Welsh
Ministers
27 January 2016

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