
OFFERYNNAU STATUDOL CYMRU

2021 Rhif 386 (Cy. 123)

CYNLLUNIO GWLAD A THREF, CYMRU

**Gorchymyn Cynllunio Gwlad a Thref (Datblygu
Cyffredinol a Ganiateir) (Diwygio) (Rhif 2) (Cymru) 2021**

<i>Gwnaed</i>	- - - -	23 Mawrth 2021
<i>Gosodwyd gerbron Senedd Cymru</i>	- - - -	24 Mawrth 2021
<i>Yn dod i rym</i>	- -	30 Ebrill 2021

Mae Gweinidogion Cymru yn gwneud y Gorchymyn a ganlyn drwy arfer y pwerau a roddir gan adrannau 59, 60(1), 61(1) a 333(4B) a (7) o Ddeddf Cynllunio Gwlad a Thref 1990(1), ac a freiniwyd bellach ynddynt hwy(2).

Enwi, cychwyn a chymhwyso

1.—(1) Enw'r Gorchymyn hwn yw Gorchymyn Cynllunio Gwlad a Thref (Datblygu Cyffredinol a Ganiateir) (Diwygio) (Rhif 2) (Cymru) 2021 a daw i rym ar 30 Ebrill 2021.

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

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

2. Mae Gorchymyn Cynllunio Gwlad a Thref (Datblygu Cyffredinol a Ganiateir) 1995(3) wedi ei ddiwygio fel y nodir yn erthyglau 3 a 4.

Mewnosod Rhan 4A newydd yn Atodlen 2

3. Ar ôl Rhan 4 (adeiladau a defnydd dros dro) o Atodlen 2 mewnosoder—

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- (1) 1990 p. 8. Mewnosodwyd adran 59(4) gan adran 55 o Ddeddf Cynllunio (Cymru) 2015 (dccc 4) ("Deddf 2015"), a pharagraff 5 o Atodlen 7 iddi. Amnewidiwyd adran 333(4B) gan adran 55 o Ddeddf 2015 a pharagraff 6(3) o Atodlen 7 iddi. Mae diwygiadau eraill nad ydynt yn berthnasol i'r offeryn hwn.
- (2) Trosglwyddwyd swyddogaethau'r Ysgrifennydd Gwladol o dan adrannau 59, 60(1), 61(1) 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 (O.S. 1999/672) ac Atodlen 1 iddo: gweler y cofnod yn Atodlen 1 ar gyfer Deddf Cynllunio Gwlad a Thref 1990 fel y'i hamnewidiwyd gan erthygl 4 o Orchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 2000 (O.S. 2000/253) ac Atodlen 3 iddo. Yn rhinwedd adran 162 o Ddeddf Llywodraeth Cymru 2006 (p. 32), a pharagraffau 30 a 32 o Atodlen 11 iddi, trosglwyddwyd swyddogaethau Cynulliad Cenedlaethol Cymru i Weinidogion Cymru.
- (3) O.S. 1995/418. Mewnosodwyd Rhan 42 gan O.S. 2014/592 (Cy. 69). Mae diwygiadau eraill ond nid yw'r un ohonynt yn berthnasol i'r offeryn hwn.

“PART 4A

TEMPORARY CHANGES OF USE

Class A

Additional temporary use of land during the relevant period

Permitted development

A. The use of any land for any purposes for not more than 28 days in total during the relevant period, of which no more than 14 days in total may be for the purposes of—

- (a) **the holding of a market;**
- (b) **motor car and motorcycle racing including trials of speed, and practising for these activities,**

and the provision on the land of any moveable structure for the purposes of the permitted use.

In calculating the number of days during which development is permitted, no account is to be taken of any day during which development is permitted under Class B of Part 4, or Class B of Part 4A, of this Schedule.

Development not permitted

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

- (a) the land in question is a building;
- (b) the land is within the curtilage of a building and there is a scheduled monument within that curtilage;
- (c) the land is within a National Park and the use of the land is for a car park that is not ancillary to a temporary use under Class A of this part;
- (d) the use of the land is for a caravan site;
- (e) the land is, or is within, a site of special scientific interest or is within the curtilage of a listed building and the use of the land is for—
 - (i) motor car and motorcycle racing including trials of speed or other motor sports, and practising for these activities;
 - (ii) clay pigeon shooting;
 - (iii) any war game;
- (f) the use of the land is for the display of an advertisement.

Interpretation of Class A

A.2 For the purposes of Class A—

“the relevant period” means the period beginning on 30 April 2021 and ending on 3 January 2022;

“war game” means an enacted, mock or imaginary battle conducted with weapons which are designed not to injure (including smoke bombs, or guns or grenades which fire or spray paint or are otherwise used to mark other participants), but excludes military activities or training exercises organised by or with the authority of the Secretary of State for Defence.

Class B

Holding of a market by or on behalf of a local authority

Permitted Development

B. The use of any land for the purposes of holding a market by or on behalf of a local authority during the relevant period and the provision on the land of any moveable structure for the permitted use.

Development not permitted

B.1 Development is not permitted by Class B if the land is, or is within, a site of special scientific interest.

Interpretation of Class B

B.2 For the purposes of Class B “the relevant period” means the period beginning on 30 April 2021 and ending on 3 January 2022.

Class C

Temporary uses – Class A1 buildings in town centres

Permitted Development

C. Development consisting of a change of use of a building—

- (a) **during the relevant period, from a use falling within Class A1 (shops) of Schedule 1 to the Use Classes Order to a use falling within the following classes of Schedule 1 to the Use Classes Order—**
 - (i) **A2 (financial and professional services);**
 - (ii) **A3 (food and drink);**
 - (iii) **B1 (business);**
 - (iv) **D1 (non-residential institutions);**
 - (v) **D2 (assembly and leisure);**
- (b) **during or at the end of the six month period beginning with the date on which the development began, from the new use to the original use;**
- (c) **at the end of the relevant period, from the new use to the original use.**

Development not permitted

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

- (a) the whole of the building does not fall within a town centre;
- (b) the proposed A3 use is the sale of hot food for consumption off the premises;
- (c) the proposed use is Class B1(c) of Schedule 1 to the Use Classes Order.

Conditions

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

- (a) the developer must, as soon as reasonably practicable, notify the local planning authority of the development;

- (b) the change of use may last no more than six months beginning with the date on which the development began;
- (c) the change of use must end on or before the end of the relevant period.

Interpretation of Class C

C.3 For the purposes of Class C “the relevant period” means the period beginning on 30 April 2021 and ending on 29 April 2022.

Class D

Temporary uses – Class A2 buildings in town centres

Permitted Development

D. Development consisting of a change of use of a building—

- (a) **during the relevant period, from a use falling within Class A2 (financial and professional services) of Schedule 1 to the Use Classes Order to a use falling within the following classes of Schedule 1 to the Use Classes Order—**
 - (i) **A1 (shops);**
 - (ii) **A3 (food and drink);**
 - (iii) **B1 (business);**
 - (iv) **D1 (non-residential institutions);**
 - (v) **D2 (assembly and leisure);**
- (b) **during or at the end of the six month period beginning with the date on which the development began, from the new use the original use;**
- (c) **at the end of the relevant period, from the new use to the original use.**

Development not permitted

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

- (a) the whole of the building does not fall within a town centre;
- (b) the proposed use is sale of hot food for consumption off the premises;
- (c) the proposed use is Class B1(c) of Schedule 1 to the Use Classes Order.

Conditions

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

- (a) the developer must, as soon as reasonably practicable, notify the local planning authority of the development;
- (b) the change of use may last no more than six months beginning with the date on which the development began;
- (c) the change of use must end on or before the end of the relevant period.

Interpretation of Class D

D.3 For the purposes of Class D “the relevant period” means the period beginning on 30 April 2021 and ending on 29 April 2022.

Class E

Temporary uses – Class A3 buildings in town centres

Permitted Development

E. Development consisting of a change of use of a building—

- (a) **during the relevant period, from a use falling within Class A3 (food and drink) of Schedule 1 to the Use Classes Order to a use falling within the following classes of Schedule 1 to the Use Classes Order—**
 - (i) **A1 (shops);**
 - (ii) **A2 (financial and professional services);**
 - (iii) **B1 (business);**
 - (iv) **D1 (non-residential institutions);**
 - (v) **D2 (assembly and leisure);**
- (b) **during or at the end of the six month period beginning with the date on which the development began, from the new use to the original use;**
- (c) **at the end of the relevant period, from the new use to the original use.**

Development not permitted

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

- (a) the whole of the building does not fall within a town centre;
- (b) the proposed use falls within Class B1(c) of Schedule 1 to the Use Classes Order.

Conditions

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

- (a) the developer must, as soon as reasonably practicable, notify the local planning authority of the development;
- (b) the change of use may last no more than six months beginning with the date on which the development began;
- (c) the change of use must end on or before the end of the relevant period.

Interpretation of Class E

E.3 For the purposes of Class E “the relevant period” means the period beginning on 30 April 2021 and ending on 29 April 2022.

Class F

Hospitality uses - outdoor servery provision

Permitted Development

F. The use, during the relevant period, of part of a relevant highway adjacent to premises falling within Class A3 (food and drink) of Schedule 1 to the Use Classes Order for the purposes of placing removable furniture, used for the purposes of selling or serving food or drink supplied from those premises or consuming food or drink supplied from those premises.

Conditions

F.1 Development is permitted by Class F subject to the following conditions—

- (a) permission for the use of the part of the relevant highway must have been obtained from the relevant council under section 115E of the Highways Act 1980⁽⁴⁾;
- (b) the use must be in accordance with any conditions imposed by the relevant council under section 115F of the Highways Act 1980;
- (c) the removable furniture must not be used between 10 pm and 8 am.

Interpretation of Class F

F.2 For the purposes of Class F—

“furniture” means—

- (a) counters or stalls for selling or serving food or drink,
- (b) tables, counters or shelves on which food or drink can be placed,
- (c) chairs, benches or other forms of seating, and
- (d) umbrellas, barriers, heaters and other articles used in connection with the outdoor consumption of food or drink;

“relevant highway” means—

- (a) a highway to which Part 7A of the Highways Act 1980 applies, and
- (b) which is not over Crown land or maintained by Network Rail;

“the relevant period” means the period beginning on 30 April 2021 and ending on 3 January 2022.

Interpretation of Part 4A

G. For the purposes of Part 4A—

“within a town centre” means within an area identified in a development plan as a—

- (a) city centre shopping area;
- (b) central shopping area;
- (c) central shopping centre;
- (d) district centre;
- (e) district, local, village or neighbourhood centre;
- (f) district shopping centre;
- (g) local centre;
- (h) principal town centre boundary;
- (i) shopping area;
- (j) shopping zone;
- (k) Swansea central area;
- (l) town and district retail centre;
- (m) town centre;
- (n) town centre area;

(4) 1980 p. 66. Mewnosodwyd adran 115K gan adran 20 o Ddeddf Llywodraeth Leol (Darpariaethau Amrywiol) 1982 (p. 30), a pharagraff 1 o Atodlen 5 iddi. Mae diwygiadau eraill nad ydynt yn berthnasol i'r offeryn hwn.

- (o) town centre boundary;
- (p) town/district centre boundary;
- (q) retail area;
- (r) retail and commercial hierarchy; or
- (s) retail centre;

“development plan” has the same meaning as in section 336 of the Act.”

Diwygio Rhan 42 o Atodlen 2

4.—(1) Yn y pennawd i Ran 42 (siopau, sefydliadau gwasanaethau ariannol neu broffesiynol) o Atodlen 2, ar ôl “Shops,” mewnosoder “Food and Drink Establishments and”.

(2) Ar ddiwedd Rhan 42 o Atodlen 2 mewnosoder—

“Class D

Hospitality uses – awnings

Permitted Development

D. The installation of an awning over the frontage of premises falling within Class A3 (food and drink) of Schedule 1 to the Use Classes Order.

Development not permitted

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

- (a) the land is within the curtilage of a listed building;
- (b) the land is located on article 1(5) land or within a World Heritage Site;
- (c) an awning would constitute an advertisement.

Conditions

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

- (a) the awning must be fully retractable;
- (b) the awning must be fully retracted between 10 pm and 8 am;
- (c) the awning must not have—
 - (i) any means of support from the public highway;
 - (ii) any side or front panels extending towards the ground;
- (d) where an awning extends over a highway, permission must have been obtained from the relevant council under section 115E of the Highways Act 1980 for—
 - (i) the installation of an awning;
 - (ii) any connected use of the highway under Class F of Part 4A of this Schedule;
- (e) where permission has been given under section 115E for any connected use of the highway under Class F of Part 4A of this Schedule, an awning must not project beyond the part of the highway for which permission has been given for that connected use;
- (f) the erection of the awning must be completed within the relevant period.

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.

Interpretation of Class D

D.3 For the purposes of Class D “the relevant period” means the period beginning on 30 April 2021 and ending on 29 April 2022.”

23 Mawrth 2021

Julie James
Y Gweinidog Tai a Llywodraeth Leol, un o
Weinidogion Cymru

NODYN ESBONIADOL

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

Mae'r Gorchymyn hwn yn diwygio Gorchymyn Cynllunio Gwlad a Thref (Datblygu Cyffredinol a Ganiateir) 1995 ("yr GDCG").

Mae erthygl 3 o'r GDCG, ac Atodlen 2 iddo, yn rhoi hawliau datblygu a ganiateir mewn cysylltiad â datblygu penodol. Pan roddir yr hawliau hynny, nid yw cais am ganiatâd cynllunio yn ofynnol.

Mae erthygl 3 o'r Gorchymyn hwn yn diwygio Atodlen 2 i'r GDCG drwy fewnosod Rhan 4A newydd (newid defnydd dros dro) i ganiatáu datblygu penodol yng Nghymru am gyfnodau cyfyngedig. Mae 6 dosbarth newydd o ddatblygu a ganiateir yn Rhan 4A.

Mae Dosbarth A yn caniatáu cyfnod ychwanegol o 28 o ddiwrnodau ar gyfer defnydd dros dro o dir, a chaniateir i 14 o'r diwrnodau hynny fod ar gyfer cynnal marchnad neu at ddibenion rasio ceir modur a beiciau modur (gan gynnwys treialon cyflymder, ac ymarfer ar gyfer y gweithgareddau hyn) yn ystod y cyfnod sy'n dechrau ar 30 Ebrill 2021 ac sy'n dod i ben ar 3 Ionawr 2022. Caniateir darparu strwythurau symudol at ddiben y defnydd hefyd. Ni chaniateir datblygu adeilad neu ddatblygu yng nghwrtil adeilad lle y ceir hefyd heneb gofrestredig. Ni chaniateir rhai mathau o ddatblygu pan fô'r tir yng nghwrtil adeilad rhestredig, pan fo o fewn safle o ddiddordeb gwyddonol arbennig neu pan fo o fewn Parc Cenedlaethol.

Mae Dosbarth B yn caniatáu defnyddio tir i gynnal marchnad gan awdurdod lleol neu ar ei ran yn y cyfnod sy'n dechrau ar 30 Ebrill 2021 ac sy'n dod i ben ar 3 Ionawr 2022.

Mae Dosbarth C, Dosbarth D a Dosbarth E yn caniatáu newid defnydd dros dro ar gyfer adeiladau yng nghanol trefi o fewn dosbarthiadau defnydd A1, A2 ac A3 o Orchymyn Cynllunio Gwlad a Thref (Dosbarthiadau Defnydd) 1987 ("y Gorchymyn Dosbarthiadau Defnydd") i ddosbarthiadau defnydd penodedig eraill. Mae'r newid defnydd wedi ei gyfyngu i 6 mis a rhaid iddo ddod i ben ar 29 Ebrill 2022 neu cyn hynny. Mae'n ofynnol i ddatblygwyr hysbysu'r awdurdod cynllunio lleol am y datblygu cyn gynted ag y bo'n rhesymol ymarferol. Caniateir newid defnydd hefyd yn ôl i'r defnydd gwreiddiol a rhaid i hynny ddigwydd cyn diwedd 29 Ebrill 2022.

Mae Dosbarth F yn caniatáu, yn ystod y cyfnod sy'n dechrau ar 30 Ebrill 2021 ac sy'n dod i ben ar 3 Ionawr 2022, newid defnydd rhan o briffordd sy'n gyfagos i fangre sydd o fewn Dosbarth Defnydd 3A o'r Gorchymyn Dosbarthiadau Defnydd, at ddibenion gosod cadeiriau a byrddau y gellir eu symud ymaith a dodrefn eraill y gellir eu symud ymaith at ddibenion gwerthu neu weini bwyd a diod a gyflenwir o'r fangre honno, neu fwyta ac yfed bwyd a diod o'r fath. Rhaid cael caniatâd gan y cyngor perthnasol ac ni chaniateir defnyddio'r dodrefn rhwng 10 pm ac 8 am.

Mae'r datblygu a ganiateir o dan bob dosbarth yn ddarostyngedig i amodau a chyfyngiadau sydd hefyd wedi eu nodi yn y Rhan 4A newydd.

Mae erthygl 4 o'r Gorchymyn hwn yn diwygio Rhan 42 o Atodlen 2 i'r GDCG drwy fewnosod dosbarth newydd (Dosbarth D) o ddatblygu a ganiateir yng Nghymru am gyfnod cyfyngedig.

Mae'r Dosbarth D newydd yn caniatáu gosod adlen ôl-dynadwy dros flaen mangre yn Nosbarth Defnydd A3 (bwyd a diod) o'r Gorchymyn Dosbarthiadau Defnydd. Ni chaiff yr adlen fod yn hysbyseb a rhaid ei thynnu yn ôl rhwng 10 pm ac 8 am. Pan fydd adlen yn ymestyn dros briffordd, rhaid cael caniatâd gan y cyngor perthnasol. Rhaid gorffen gosod yr adlen erbyn diwedd 29 Ebrill 2022.

Mae'r datblygu a ganiateir o dan y dosbarth hwn yn ddarostyngedig i amodau a chyfyngiadau eraill sydd hefyd wedi eu nodi yn y Dosbarth D newydd o Ran 42.

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.*

Ystyriwyd Cod Ymarfer Gweinidogion Cymru ar gynnal Aseidiadau Effaith Rheoleiddiol mewn perthynas â'r Gorchymyn hwn. O ganlyniad, lluniwyd asesiad effaith rheoleiddiol o'r costau a'r manteision sy'n debygol o ddeillio o gydymffurfio â'r Gorchymyn hwn. Gellir cael copi oddi wrth: Llywodraeth Cymru, Parc Cathays, Caerdydd, CF10 3NQ.