

ATODLEN 4

(a gyflwynir gan adran 27)

CEISIADAU I WEINIDOGION CYMRU: DIWYGIADAU PELLACH

- 1 Mae DCGTh 1990 wedi ei diwygio fel a ganlyn.
- 2 Yn adran 58 (rhoi caniatâd cynllunio: cyffredinol), yn is-adran (1)(b)—
- (a) ar ôl “by the Secretary of State” mewnosoder “or the Welsh Ministers”;
- (b) ar ôl “to the Secretary of State” mewnosoder “or the Welsh Ministers”.
- 3 Yn adran 59 (gorchmynion datblygu: cyffredinol), yn is-adran (2)(b)—
- (a) ar ôl “by the Secretary of State” mewnosoder “or the Welsh Ministers”;
- (b) ar ôl “to the Secretary of State” mewnosoder “or the Welsh Ministers”.
- 4 Cyn adran 62A mewnosoder—
- “England: option to make application directly to Secretary of State”.*
- 5 Yn adran 70 (penderfynu ar geisiadau), yn is-adran (1)(a), ar ôl “subject to” mewnosoder “section 62D(5) and”.
- 6 Yn adran 70A (pŵer i wrthod penderfynu ar gais), fel y bo’n gymwys mewn perthynas â Chymru, yn is-adran (1)(a), yn lle “Secretary of State has refused a similar application referred to him under section 77 or has” rhodder “Welsh Ministers have refused a similar application made to them under section 62D, 62F, 62M or 62O, or referred to them under section 77, or have”.
- 7 Ar ôl adran 75 mewnosoder—

“Applications made to the Welsh Ministers: applicable provisions

75A Provisions applying for purpose of applications made to the Welsh Ministers

- (1) A development order may provide for an applicable enactment or requirement—
- (a) to apply, with or without modifications, to an application made to the Welsh Ministers under section 62D, 62M or 62O, or
- (b) not to apply to such an application.
- (2) For this purpose an applicable enactment or requirement, in relation to an application made to the Welsh Ministers under section 62D, 62M or 62O, is—
- (a) any provision of or made under this Act, or any other enactment, relating to applications of that kind when made to the relevant authority;
- (b) any requirements imposed by a development order in respect of applications of that kind when made to the relevant authority.
- (3) The “relevant authority”, in relation to an application made to the Welsh Ministers under section 62D, 62M or 62O, is the authority to which, but for the section in question, the application would have been made.”
- 8 Yn adran 87 (eithrio tir penodol neu ddisgrifiadau o ddatblygiad o gynllun parth cynllunio syml), ar ôl is-adran (4) mewnosoder—

- “(5) A simplified planning zone scheme does not have effect to grant planning permission for the development of land in Wales, where the development is of national significance for the purposes of section 62D.”
- 9 Yn adran 88 (caniatâd cynllunio ar gyfer datblygiad mewn ardaloedd menter), ar ôl is-adran (10) mewnosoder—
- “(11) An enterprise zone scheme does not have effect to grant planning permission for the development of land in Wales, where the development is of national significance for the purposes of section 62D.”
- 10 Yn adran 92 (caniatâd cynllunio amlinellol), yn is-adran (1), ar ôl “authority” mewnosoder “, the Welsh Ministers”.
- 11 Yn adran 93 (darpariaethau sy’n atodol i adrannau 91 a 92), yn is-adran (1)(a), ar ôl “authority” mewnosoder “, the Welsh Ministers”.
- 12 Yn adran 99 (gweithdrefn ar gyfer gorchmynion sy’n dirymu neu’n addasu caniatâd cynllunio: achosion diwrthwynebiad), yn is-adran (8)(a), ar ôl “Secretary of State” mewnosoder “or the Welsh Ministers”.
- 13 Yn adran 253 (gweithdrefn wrth ddisgwyl cael caniatâd cynllunio), yn is-adran (2), ar ôl paragraff (a) mewnosoder—
- “(aa) that application has been made to the Welsh Ministers under section 62D, 62F, 62M or 62O; or”.
- 14 Yn adran 257 (llwybrau troed etc y mae datblygiad arall yn effeithio arnynt: gorchmynion gan awdurdodau eraill), yn is-adran (4)—
- (a) ym mharagraff (a), ar ôl “Secretary of State” mewnosoder “or by the Welsh Ministers”;
- (b) ym mharagraff (c), ar ôl “62A” mewnosoder “or to the Welsh Ministers under section 62D, 62F, 62M or 62O”.
- 15 (1) Mae adran 284 (camau na chaniateir eu cwestiyntu mewn achosion cyfreithiol ond i’r graddau y darperir ar gyfer hynny gan Ran 12) wedi ei diwygio fel a ganlyn.
- (2) Yn is-adran (1)(f), ar ôl “Secretary of State” mewnosoder “or the Welsh Ministers”.
- (3) Yn is-adran (3)—
- (a) yn y geiriau agoriadol, ar ôl “action on the part of the Secretary of State” mewnosoder “or the Welsh Ministers”;
- (b) ym mharagraff (a), yn lle “him” rhodder “the Secretary of State or the Welsh Ministers”;
- (c) ar ôl paragraff (a) mewnosoder—
- “(aa) any decision on an application made to the Welsh Ministers under section 62D;
- (ab) any decision on a secondary consent dealt with by the Welsh Ministers under section 62F, unless, by virtue of an enactment not contained in this Act—
- (i) an appeal against that decision may be made to a person other than the Welsh Ministers, or
- (ii) the validity of the decision may otherwise be questioned by way of application to a person other than the Welsh Ministers;

- (ac) any decision on an application made to the Welsh Ministers under section 62M or section 62O (not including a decision to refer an application under section 62O(5));”;
- (d) ym mharagraff (h), ar ôl “Secretary of State” mewnosoder “or the Welsh Ministers”.
- (4) Yn is-adran (4), ar ôl “Secretary of State” mewnosoder “or the Welsh Ministers”.
- 16 (1) Mae adran 288 (gweithdrefnau ar gyfer cwystiynu dilysrwydd gorchmynion eraill, etc) wedi ei diwygio fel a ganlyn.
- (2) Yn is-adran (1)(b), ar ôl “Secretary of State” mewnosoder “or the Welsh Ministers”.
- (3) Yn is-adran (2), ar ôl “Secretary of State” mewnosoder “or the Welsh Ministers”.
- (4) Yn is-adran (4), ar ôl “Secretary of State” mewnosoder “or the Welsh Ministers”.
- (5) Yn is-adran (10)—
- (a) ym mharagraff (a), yn lle “has modified” rhodder “or the Welsh Ministers have modified”;
- (b) ym mharagraff (b)—
- (i) ar ôl “Secretary of State” mewnosoder “or the Welsh Ministers”;
- (ii) yn lle “him” rhodder “the Secretary of State or the Welsh Ministers”.
- 17 (1) Mae adran 293A (datblygiad brys y Goron: cymhwyso) wedi ei diwygio fel a ganlyn.
- (2) Yn is-adran (2), hepgorer “to the local planning authority”.
- (3) Yn is-adran (3), yn lle “the application to the Secretary of State” rhodder “an application under this section”.
- 18 Yn adran 303 (ffioedd ar gyfer ceisiadau cynllunio, etc), ar ôl is-adran (1A) mewnosoder—
- “(1B) The Welsh Ministers may by regulations make provision for the payment of a fee or charge to the Welsh Ministers in respect of—
- (a) the performance by the Welsh Ministers of any function they have in respect of an application under section 62D (developments of national significance), section 62M (option to make application directly to Welsh Ministers) or section 62O (connected applications);
- (b) anything done by the Welsh Ministers which is calculated to facilitate, or is conducive or incidental to, the performance of any such function.
- (1C) References in subsection (1B) to functions that the Welsh Ministers have in respect of an application include references—
- (a) in the case of an application under section 62D, to any functions that the Welsh Ministers have in respect of a secondary consent to which, by virtue of the connection between the consent and the application under section 62D, section 62F(2) applies;
- (b) to any functions that the Welsh Ministers have, by virtue of provision under section 61Z1, in respect of an application proposed to be made to the Welsh Ministers under section 62D, 62F, 62M or 62O.”

- 19 (1) Mae adran 316 (tir awdurdodau cynllunio a chanddynt fuddiant a datblygiad ganddynt hwy) wedi ei diwygio fel a ganlyn.
- (2) Yn is-adran (4), yn lle “such land, or for such development,” rhodder “land of an interested planning authority other than the Welsh Ministers, or for the development of land by an interested planning authority other than the Welsh Ministers.”
- (3) Yn is-adran (5), ar ôl “interested planning authority” mewnosoder “other than the Welsh Ministers”.
- (4) Yn is-adran (6), ar ôl “that land” mewnosoder “or the Welsh Ministers”.
- (5) Ar ôl is-adran (8) mewnosoder—
- “(9) The power to make regulations under this section relating to land of the Welsh Ministers or to the development of land by the Welsh Ministers is exercisable by the Welsh Ministers.”
- 20 (1) Mae adran 319B (pennu’r weithdrefn ar gyfer achosion penodol) wedi ei diwygio fel a ganlyn.
- (2) Ar ôl is-adran (5) mewnosoder—
- “(5A) In a case where an application has been made to the Welsh Ministers under section 62D, 62M or 62O, they must also notify any representative persons they consider appropriate.”
- (3) Yn is-adran (7), cyn paragraff (a) mewnosoder—
- “(za) an application made to the Welsh Ministers under section 62D, including proceedings relating to any secondary consent in respect of which, by virtue of its connection to that application, section 62F(2) applies;
- (zb) an application made to the Welsh Ministers under section 62M or 62O;”.
- (4) Ar ôl is-adran (8) mewnosoder—
- “(8A) For the purposes of this section as it applies where an application has been made to the Welsh Ministers under section 62D, 62M or 62O—
- “the local planning authority” means the local planning authority to which, but for the section in question, the application would have been made;
- “representative persons” are prescribed persons, or persons of a prescribed description, who appear to the Welsh Ministers to be representative of interested persons;
- “interested persons” are persons, other than the applicant and the local planning authority, who appear to the Welsh Ministers to have an interest in the proceedings.”
- 21 Yn adran 324 (hawliau mynediad), yn is-adran (1), ar ôl paragraff (b) mewnosoder—
- “(ba) any application made to the Welsh Ministers under section 62O;
- (bb) any secondary consent in respect of which, by virtue of section 62F(2), a decision is to be made by the Welsh Ministers;”.

- 22 Yn Atodlen 1A (dosbarthiad swyddogaethau awdurdodau cynllunio lleol: Cymru), ym mharagraff 8 (hawliadau am daliadau digolledu pan fo caniatâd cynllunio yn cael ei ddirymu neu ei addasu), ar ôl is-baragraff (2) mewnosoder—
- “(2A) Sub-paragraph (2B) applies where the planning permission the revocation or modification of which gave rise to the claim was granted by the Welsh Ministers by virtue of section 62D, 62F, 62M or 62O.
- (2B) The local planning authority to which the application for planning permission would, but for the section in question, have been made, are to be treated for the purposes of sub-paragraph (2)(a) as having granted the permission.”
- 23 (1) Yn Atodlen 16, mae Rhan 1 (darpariaethau y caniateir eu haddasu mewn perthynas â datblygiad sy'n ymwneud â mwynau etc.) wedi ei diwygio fel a ganlyn.
- (2) Yn lle'r eitem sy'n ymwneud ag adrannau 61 a 62 rhodder—
- “Section 61.
Sections 61Z to 61Z2.
Section 62.
Sections 62D to 62S.”
- (3) Ar ôl yr eitem sy'n ymwneud ag adran 70A mewnosoder—
- “Sections 71ZA and 71ZB.”
- (4) Ar ôl yr eitem sy'n ymwneud ag adran 100 mewnosoder—
- “Section 100A.”