
OFFERYNNAU STATUDOL CYMRU

2007 Rhif 952 (Cy.83)

CYNLLUNIO GWLAD A THREF, CYMRU

**Gorchymyn Cynllunio Gwlad a Thref (Datblygu
Cyffredinol a Ganiateir) (Diwygio) (Cymru) 2007**

Wedi'i wneud - - 21 Mawrth 2007
Yn dod i rym - - 22 Mawrth 2007

Mae Cynulliad Cenedlaethol Cymru, drwy arfer y pwerau a roddwyd gan adrannau 59, 60 a 333(7) o Ddeddf Cynllunio Gwlad a Thref 1990(1) ac sydd bellach wedi'u breinio ynddo(2), yn gwneud y Gorchymyn a ganlyn—

Enwi, cychwyn a chymhwyso

1.—(1) Enw'r Gorchymyn hwn yw Gorchymyn Cynllunio Gwlad a Thref (Datblygu Cyffredinol a Ganiateir) (Diwygio) (Cymru) 2007 a daw i rym ar 22 Mawrth 2007.

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

Diwygio'r Gorchymyn

2.—(1) Mae Gorchymyn Cynllunio Gwlad a Thref (Datblygu Cyffredinol a Ganiateir) 1995(3) wedi'i ddiwygio yn unol â pharagraff (2) o'r erthygl hon.

(2) Ar ôl Rhan 38 o Atodlen 2 ychwaneger—

(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 a 333(7) o Ddeddf Cynllunio Gwlad a Thref 1990, 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 Ddeddf Cynllunio Gwlad a Thref 1990 (p.8) fel y'i hamnewidiwyd gan erthygl 4 o Orchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 2000 ac Atodlen 3 iddo (O.S. 2000/253). Yn rhinwedd adran 333(4) o Ddeddf 1990, mae'r pwerau a roddwyd gan adrannau 59, 60 a 333 (7) o Ddeddf 1990 yn arferadwy drwy offeryn statudol.
(3) O.S. 1995/418; yr offerynnau diwygio perthnasol yw O.S. 1999/293, 2004/3156 (Cy.273), 2006/1282 a 2006/1386 (Cy.136).

“PART 39

TEMPORARY PROTECTION OF POULTRY AND OTHER CAPTIVE BIRDS

Class A

Permitted development

A. The erection of a building where that is necessary for the purposes of housing poultry or other captive birds to protect them from avian influenza.

Development not permitted

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

- (a) the development would affect a listed building or its setting;
- (b) the height of the building would exceed 12 metres;
- (c) where the development is within three kilometres of an aerodrome, the height of the building would exceed three metres;
- (d) the area of ground which would be covered by the building would exceed 465 square metres;
- (e) where development permitted by Class A is carried out more than once on land in the occupation of a particular person, the aggregate of the area of ground covered by any such development would exceed 465 square metres;
- (f) where the development consists of the extension of a building, the area of ground covered by the building as extended would exceed the area of ground covered by the existing building by more than 50 per cent.

Conditions

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

- (a) the development shall not be used for any purpose other than to house poultry or other captive birds to protect them from avian influenza;
- (b) the developer shall, as soon as practicable, and in any event no later than 14 days, after commencing development, serve the relevant notice on the local planning authority; and
- (c) on or before the relevant date—
 - (i) any building permitted by Class A shall be removed from the land; and
 - (ii) the land shall be restored to its condition before the development took place, or restored to such other condition as may be agreed in writing between the local planning authority and the developer.

Interpretation of Class A

A.3 For the purposes of Class A—

“approved body” means a body approved in accordance with Article 2(1)(c) of Directive [92/65/EEC](#)(4) laying down animal health requirements governing trade in and imports into the Community of animals, semen, ova and embryos not subject to animal health

(4) OJ Rhif L 268, 14.9.1992, t.54-72.

requirements laid down in specific Community rules referred to in Annex A(1) to Directive [90/425/EEC](#)(**5**);

“avian influenza” means an infection of poultry or other captive birds caused by any influenza A virus of the subtypes H5 or H7 or with an intravenous pathogenicity index in six week old chickens greater than 1.2;

“other captive bird” means a bird kept in captivity which is not poultry and includes a bird kept as a pet; for shows, races, exhibitions or competitions; for breeding; for sale; or for use by an approved body;

“poultry” means birds reared or kept in captivity for the production of meat or eggs for consumption, for the production of other products, for restocking supplies of game or for the purposes of any breeding programme for the production of such categories of birds;

“relevant date” means—

- (a) 21 March 2008; or
- (b) the date on which the use of the building permitted by Class A ceases to be necessary for the purposes of protecting poultry or other captive birds from avian influenza,

whichever is the earlier;

“relevant notice” means a notice signed and dated by or on behalf of the developer and containing—

- (a) the name of the developer;
- (b) the address or location of the development (including a site plan and grid reference);
- (c) the name and address of the owner and occupier of the land on which the development is being carried out (if not the developer);
- (d) a description of the development (including the type of poultry or other captive birds to be protected); and
- (e) the date on which the development commenced.”

Llofnodwyd ar ran Cynulliad Cenedlaethol Cymru o dan adran 66(1) o Ddeddf Llywodraeth Cymru 1998(**6**)

21 Mawrth 2007

D. Elis-Thomas
Llywydd y Cynulliad Cenedlaethol

(5) OJ Rhif L 224, 18.8.1990, t.29-41.

(6) 1998 p.38.

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 ychwanegu Rhan 39 newydd at Atodlen 2 i Orchymyn Cynllunio Gwlad a Thref (Datblygu Cyffredinol a Ganiateir) 1995. Mae Rhan 39 yn rhoi caniatâd cynllunio mewn perthynas â datblygu penodol sy'n angenrheidiol at ddibenion lletya dofednod ac adar caeth eraill i'w hamddiffyn rhag fflw adar. Mae graddau a natur y datblygu a ganiateir yn ddarostyngedig i gyfyngiadau. Pan fo Rhan 39 yn gymwys i'r datblygu, nid oes angen unrhyw gais penodol am ganiatâd cynllunio. Mae caniatâd cynllunio yn cael ei roi yn hytrach gan Ran 39, yn ddarostyngedig i amodau sy'n ei gwneud yn ofynnol i hysbysu'r awdurdod cynllunio lleol a chael gwared ar y datblygiad pan fo'r angen amdano wedi dod i ben neu erbyn 21 Mawrth 2008 p'un bynnag yw'r cynharaf.