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OFFERYNNAU STATUDOL CYMRU

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**2012 Rhif 801 (Cy.110)**

**CYNLLUNIO GWLAD A THREF, CYMRU**

Gorchymyn Cynllunio Gwlad a Thref (Gweithdrefn Rheoli Datblygu)  
(Cymru) 2012

*Gwnaed*

*10 Mawrth 2012*

*Gosodwyd gerbron Cynulliad Cenedlaethol Cymru*

*13 Mawrth 2012*

*Yn dod i rym*

*30 Ebrill 2012*

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WELSH STATUTORY INSTRUMENTS

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**2012 No. 801 (W.110)**

**TOWN AND COUNTRY PLANNING, WALES**

The Town and Country Planning (Development Management Procedure)  
(Wales) Order 2012

*Made*

*10 March 2012*

*Laid before the National Assembly for Wales*

*13 March 2012*

*Coming into force*

*30 April 2012*

**£15.50**





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CYMRU

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Gorchymyn Cynllunio Gwlad a  
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The Town and Country Planning  
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**NODYN ESBONIADOL**

**EXPLANATORY NOTE**

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

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

Mae'r Gorchymyn hwn yn cydgrynhoi gydag addasiadau ddarpariaethau Gorchymyn Cynllunio Gwlad a Thref (Gweithdrefn Datblygu Cyffredinol) 1995 ("Gorchymyn 1995") ac offerynnau diwygio dilynol, i'r graddau y maent yn gymwys i Gymru. Mae'n cynnwys hefyd ddarpariaethau mewn perthynas â chymhwyso'r Gorchymyn hwn i'r Goron, sef darpariaethau tebyg i'r rheini yn erthygl 4 o Orchymyn Cynllunio Gwlad a Thref (Diwygiadau Amrywiol ac Addasiadau sy'n ymwneud â Thir y Goron) (Cymru) 2006 ("Gorchymyn 2006") a oedd yn addasu Gorchymyn 1995. O ganlyniad, dirymir erthygl 4 o Orchymyn 2006.

This Order consolidates with modification the provisions of the Town and Country Planning (General Development Procedure) Order 1995 ("the 1995 Order") and subsequent amending instruments, in so far as they apply to Wales. It also includes provisions regarding the application of this Order to the Crown which are similar to the provisions, in article 4 of the Town and Country Planning (Miscellaneous Amendments and Modifications relating to Crown Land) (Wales) Order 2006 ("the 2006 Order") which modified the 1995 Order. Article 4 of the 2006 Order is consequently revoked.

Mae'r Gorchymyn hwn yn darparu ar gyfer gweithdrefnau mewn cysylltiad â cheisiadau cynllunio, ymgynoriadau ynglŷn â cheisiadau cynllunio, penderfynu ceisiadau cynllunio, apelau, gorchymynion datblygu lleol, tystysgrifau cyfreithlondeb defnydd neu ddatblygiad, cynnal cofrestrï o geisiadau cynllunio a materion cysylltiedig.

This Order provides for procedures connected with planning applications, consultations in relation to planning applications, the determination of planning applications, appeals, local development orders, certificates of lawful use or development, the maintenance of registers of planning applications and related matters.

Y prif newidiadau yw:

The main changes are:

- diweddarau neu ddileu cyfeiriadau at gyrff nad ydynt bellach yn bodoli, neu gyrff y trosglwyddwyd eu swyddogaethau i gyrff eraill cyn gwneud y Gorchymyn hwn (erthygl 14 a'r Tabl yn Atodlen 4).
- mae erthygl 5 yn gwneud darpariaeth ar gyfer ffurf a chynnwys ffurflenni cais am ganiatâd cynllunio. Yn benodol, mae'n darparu ar gyfer gwneud ceisiadau am ganiatâd cynllunio ar

- the updating or removal of references to bodies where the bodies no longer exist or where, prior to the making of this Order, their functions have been transferred to other bodies (article 14 and the Table in Schedule 4).
- Article 5 makes provision for the form and content of application forms for planning permission. In particular, it provides for applications for planning permission to be

ffurflen safonol a gyhoeddir gan Weinidogion Cymru.

- mae erthygl 11 yn darparu bod tystysgrifau mewn perthynas â hysbysiadau o geisiadau am ganiatâd cynllunio i'w gwneud mewn ffurf a gyhoeddir gan Weinidogion Cymru.
- mae erthygl 14 yn gwneud darpariaeth ar gyfer ymgynghori cyn rhoi caniatâd cynllunio ar gyfer datblygiad sy'n dod o fewn categori a bennir yn y Tabl yn Atodlen 4. Mae paragraff (v) o'r Tabl yn pennu, yn achos datblygiad sy'n cynnwys gosod arwyneb artiffisial, arwyneb o waith llaw, neu arwyneb cyfansawdd yn lle arwyneb o laswellt ar lain chwarae mewn maes chwarae, mai'r ymgynghorai priodol yw Cyngor Chwaraeon Cymru. Diwygir y diffiniad o "llain chwarae".
- mae erthygl 22, sy'n gwneud darpariaeth ar gyfer y cyfnodau o amser a ganiateir i awdurdodau cynllunio lleol ar gyfer penderfynu ceisiadau am ganiatâd cynllunio, yn pennu'r hyn sy'n cyfansoddi cais dilys. Mae'r cyfnod o amser a ganiateir i awdurdodau cynllunio lleol ar gyfer penderfynu cais yn dechrau gyda'r diwrnod y ceir y cais.
- mae erthygl 27 yn darparu ar gyfer paratoi, gwneud a dirymu gorchmynion datblygu lleol gan awdurdodau cynllunio lleol, ac yn pennu'r math o ddatblygu na chaiff gorchmynion datblygu lleol roi caniatâd datblygu ar ei gyfer. Mae erthygl 29 yn darparu ar gyfer cofrestru o orchmynion datblygu lleol.

Ceir darpariaethau trosiannol ac arbedion (erthygl 33) yn ogystal â mân ddiwygiadau a diwygiadau drafftio.

Paratowyd asesiad effaith mewn cysylltiad â'r offeryn hwn. Gellir cael copïau ohono gan Is-adran Gynllunio Llywodraeth Cymru, Parc Cathays, Caerdydd, CF10 3NQ.

made on a standard form published by the Welsh Ministers.

- Article 11 provides that certificates in relation to notices of applications for planning permission are to be made in a form published by the Welsh Ministers.
- Article 14 makes provision for consultation before the grant of planning permission for development falling within a category set out in the Table in Schedule 4. Paragraph (v) of the Table sets out that, in the case of development which involves the replacement of the grass surface of a playing pitch on a playing field with an artificial, man-made or composite surface, the appropriate consultee is the Sports Council for Wales. The definition of "playing pitch" is amended.
- Article 22, which makes provision for the time periods in which local planning authorities must determine applications for planning permission, sets out what constitutes a valid application. The time period within which local planning authorities must determine applications begins with the day on which the application is received.
- Article 27 makes provision for the preparation, making and revocation of local development orders by local planning authorities and specifies the type of development for which local development orders cannot grant planning permission. Article 29 provides for registers of local development orders.

There are transitional provisions and savings (article 33) and minor and drafting amendments.

An impact assessment has been prepared in relation to this instrument. Copies may be obtained from the Planning Division of the Welsh Government, Cathays Park, Cardiff, CF10 3NQ.

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The Town and Country Planning  
(Development Management  
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*Gwnaed* 10 Mawrth 2012  
*Gosodwyd gerbron Cynulliad  
Cenedlaethol Cymru* 13 Mawrth 2012  
*Yn dod i rym* 30 Ebrill 2012

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CYNNWYS

CONTENTS

Rhan 1: Rhagarweiniol

Part 1: Preliminary

1. Enwi, cychwyn a chymhwyso
2. Dehongli

1. Title, commencement and application
2. Interpretation

Rhan 2: Ceisiadau

Part 2: Applications

3. Ceisiadau am ganiatâd cynllunio amlinellol
4. Ceisiadau am gymeradwyo materion a gadwyd yn ôl
5. Ceisiadau am ganiatâd cynllunio
6. Ceisiadau mewn perthynas â thir y Goron
7. Datganiadau dylunio a mynediad
8. Darpariaethau cyffredinol ynglŷn â cheisiadau
9. Datganiad sydd i'w gyflwyno ynghyd â chais i awdurdod cynllunio lleol am ganiatâd cynllunio ar gyfer datblygiad cyfathrebiadau electronig penodol
10. Hysbysiadau o geisiadau am ganiatâd cynllunio
11. Tystysgrifau mewn perthynas â hysbysiadau o geisiadau am ganiatâd cynllunio
12. Cyhoeddusrwydd i geisiadau am ganiatâd cynllunio
13. Hysbysiad o atgyfeirio ceisiadau at Weinidogion Cymru

3. Applications for outline planning permission
4. Applications for approval of reserved matters
5. Applications for planning permission
6. Applications in respect of Crown land
7. Design and access statements
8. General provisions relating to applications
9. Declaration to accompany application to a local planning authority for planning permission for certain electronic communications development
10. Notices of applications for planning permission
11. Certificates in relation to notices of applications for planning permission
12. Publicity for applications for planning permission
13. Notice of reference of applications to the Welsh Ministers

### Rhan 3: Ymgynghori

14. Ymgynghoriadau cyn rhoi caniatâd
15. Ymgynghoriadau cyn rhoi caniatâd cynllunio: datblygiad brys y Goron
16. Sylwadau gan gynghorau cymuned cyn penderfynu ceisiadau
17. Hysbysu ynghylch ceisiadau mwynau

### Rhan 4: Penderfynu

18. Cyfarwyddiadau gan Weinidogion Cymru
19. Datblygiad sy'n effeithio ar briffyrdd presennol ac arfaethedig penodol
20. Datblygiad nad yw'n cydweddu â'r cynllun datblygu
21. Sylwadau sydd i'w cymryd i ystyriaeth
22. Cyfnodau amser ar gyfer penderfyniadau
23. Ceisiadau a wneir o dan amod cynllunio
24. Hysbysiad ysgrifenedig o benderfyniad neu ddyfarniad mewn perthynas â chais cynllunio

### Rhan 5: Apelau

25. Hysbysiad o apêl
26. Apelau

### Rhan 6: Amrywiol

27. Gorchmynion datblygu lleol
28. Tystysgrif cyfreithlondeb defnydd neu ddatblygiad

### Rhan 7: Monitro

29. Cofrestr o geisiadau a gorchmynion datblygu lleol
30. Cofrestr o hysbysiadau gorfodi ac atal

### Rhan 8: Cyffredinol

31. Cyfarwyddiadau
32. Defnyddio cyfathrebiadau electronig
33. Dirymiadau, darpariaethau trosiannol ac arbedion

### Part 3: Consultation

14. Consultations before the grant of permission
15. Consultations before the grant of planning permission: urgent Crown development
16. Representations by community councils before determination of applications
17. Notification of mineral applications

### Part 4: Determination

18. Directions by the Welsh Ministers
19. Development affecting certain existing and proposed highways
20. Development not in accordance with the development plan
21. Representations to be taken into account
22. Time periods for decisions
23. Applications made under planning condition
24. Written notice of decision or determination relating to a planning application

### Part 5: Appeals

25. Notice of appeal
26. Appeals

### Part 6: Miscellaneous

27. Local development orders
28. Certificate of lawful use or development

### Part 7: Monitoring

29. Register of applications and local development orders
30. Register of enforcement and stop notices

### Part 8: General

31. Directions
32. Use of electronic communications
33. Revocations, transitional provisions and savings

ATODLEN 1 —	Llythyr sydd i'w anfon at y ceisydd pan geir cais am ganiatâd cynllunio neu am dystysgrif o gyfreithlondeb defnydd neu ddatblygiad	SCHEDULE 1 —	Letter to be sent to applicant on receipt of application for planning permission or for certificate of lawful use or development
ATODLEN 2 —	Hysbysiadau o dan erthyglau 10 a 25 (ceisiadau ac apelau)	SCHEDULE 2 —	Notices under articles 10 and 25 (applications and appeals)
ATODLEN 3 —	Cyhoeddusrwydd i geisiadau am ganiatâd cynllunio	SCHEDULE 3 —	Publicity for applications for planning permission
ATODLEN 4 —	Ymgynghoriadau cyn rhoi caniatâd cynllunio	SCHEDULE 4 —	Consultations before the grant of planning permission
ATODLEN 5 —	Hysbysiad pan wrthodir caniatâd cynllunio neu pan roddir caniatâd cynllunio yn ddarostyngedig i amodau	SCHEDULE 5 —	Notification where planning permission refused or granted subject to conditions
ATODLEN 6 —	Hysbysiad o dan erthygl 27 o gynnig ar gyfer Gorchymyn Datblygu Lleol sy'n rhoi caniatâd cynllunio	SCHEDULE 6 —	Notice under article 27 of proposal for Local Development Order granting planning permission
ATODLEN 7 —	Tystysgrif o gyfreithlondeb defnydd neu ddatblygiad	SCHEDULE 7 —	Certificate of lawful use or development
ATODLEN 8 —	Offerynnau Statudol a ddirymir.	SCHEDULE 8 —	Statutory Instruments revoked.

Mae Gweinidogion Cymru, drwy arfer y pwerau a roddwyd i'r Ysgrifennydd Gwladol gan adrannau 59, 61(1), 61A, 62, 65, 69, 71, 74, 77, 78, 79(4), 188, 193, 196(4), 293A a 333(7) o Ddeddf Cynllunio Gwlad a Thref 1990(1) a pharagraffau 1 a 2 o Atodlen 1A, ac Atodlen 4A i'r Ddeddf honno, sydd bellach yn arferadwy ganddynt hwy(2) a thrwy arfer y pwerau a roddwyd i Gynulliad Cenedlaethol Cymru gan adrannau 88 a 122(3) o Ddeddf Cynllunio a Phrynu Gorfodol 2004(3), sydd hefyd bellach yn arferadwy ganddynt hwy(4), yn gwneud y Gorchymyn canlynol:

The Welsh Ministers, in exercise of the powers conferred on the Secretary of State by sections 59, 61(1), 61A, 62, 65, 69, 71, 74, 77, 78, 79(4), 188, 193, 196(4), 293A and 333(7) of, and paragraphs 1 and 2 of Schedule 1A, and Schedule 4A to, the Town and Country Planning Act 1990(1) now exercisable by them(2) and in exercise of the powers conferred on the National Assembly for Wales by sections 88 and 122(3) of the Planning and Compulsory Purchase Act 2004(3), also now exercisable by them(4), make the following Order:

- (1) 1990 p.8. Mewnosodwyd adran 61A(5) gan adran 40(1) o Ddeddf Cynllunio a Phrynu Gorfodol 2004 (p.5) ("Deddf 2004"). Amnewidiwyd adran 62 gan adran 42(1) o Ddeddf 2004. Amnewidiwyd adran 65 gan adran 16(1) o Ddeddf Cynllunio a Digolledu 1991 (p.34) ("Deddf 1991") a diwygiwyd hi gan adran 40 o Ddeddf Tenantiaethau Amaethyddol 1995 (p.8) a pharagraff 35 o'r Atodlen i'r Ddeddf honno. Amnewidiwyd adran 69 gan adran 118 o Ddeddf 2004 a pharagraffau 1 a 3 o Atodlen 6 i'r Ddeddf honno a diwygiwyd hi gan adran 190 o Ddeddf Cynllunio 2008 (p.29) ("Deddf 2008") (gweler adran 69(9) am y diffiniad o "prescribed"); diwygiwyd adran 71 gan adran 16(2) o Ddeddf 1991 a pharagraff 15 o Atodlen 7 i'r Ddeddf honno (gweler adran 71(4) am y diffiniad o "prescribed"). Diwygiwyd adran 74 gan adrannau 19(1) ac 84(6) o Ddeddf 1991a pharagraff 17 o Atodlen 7 a Rhan I o Atodlen 19 i'r Ddeddf honno, diwygiwyd adran 77(4) gan adran 32 o Ddeddf 1991 a pharagraff 18 o Atodlen 7 i'r Ddeddf honno, diwygiwyd adran 78 gan adran 17(2) o Ddeddf 1991, adrannau 40(2)(e) a 43(2) o Ddeddf 2004 ac adran 196(4) o Ddeddf 2008 a pharagraffau 1 a 3 o Atodlen 10 i'r Ddeddf honno (diwygiadau mewn grym at ddibenion penodol ac i ddod i rym at y dibenion sy'n weddill ar ddyddiad sydd i'w bennu, gweler O.S. 2009/400) ac adran 197 o Ddeddf 2008 a pharagraffau 1 a 2 o Atodlen 11 i'r Ddeddf honno. Diwygiwyd adran 79(4) gan adran 32 o Ddeddf 1991 a pharagraff 19 o Atodlen 7 i'r Ddeddf honno. Diwygiwyd adran 188 gan adran 84 o Ddeddf 1991 a pharagraff 30 o Atodlen 7 a Rhan I o Atodlen 19 i'r Ddeddf honno. Amnewidiwyd adran 193 gan adran 10(1) o Ddeddf 1991, diwygiwyd adran 196(4) gan adran 32 o Ddeddf 1991 a pharagraff 33 o Atodlen 7 i'r Ddeddf honno, mewnosodwyd adran 293A gan adran 82(1) o Ddeddf 2004, mewnosodwyd paragraffau 1 a 2 o Atodlen 1A gan adran 18(7) o Ddeddf Llywodraeth Leol (Cymru) 1994 (p.19) ac Atodlen 4 i'r Ddeddf honno. Mewnosodwyd Atodlen 4A gan adran 40(4) o Ddeddf 2004 ac Atodlen 1 i'r Ddeddf honno.
- (2) Trosglwyddwyd swyddogaethau'r Ysgrifennydd Gwladol i Gynulliad Cenedlaethol Cymru gan erthygl 2 o Orchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999 (O.S. 1999/672); gweler y cofnod yn Atodlen 1 ar gyfer Deddf Cynllunio Gwlad a Thref 1990 a gweler adran 118(3) o Ddeddf 2004.
- (3) 2004 p.5
- (4) Trosglwyddwyd swyddogaethau Cynulliad Cenedlaethol Cymru i Weinidogion Cymru yn rhinwedd adran 162 o Ddeddf Llywodraeth Cymru 2006 (p.32), a pharagraffau 30 a 32 o Atodlen 11 i'r Ddeddf honno.

- (1) 1990 c.8. Section 61A(5) was inserted by section 40(1) of the Planning and Compulsory Purchase Act 2004 (c.5) ("the 2004 Act"). Section 62 was substituted by section 42(1) of the 2004 Act. Section 65 was substituted by section 16(1) of the Planning and Compensation Act 1991 (c.34) ("the 1991 Act") and amended by section 40 of, and paragraph 35 of the Schedule to, the Agricultural Tenancies Act 1995 (c.8). Section 69 was substituted by section 118 of, and paragraphs 1 and 3 of Schedule 6 to, the 2004 Act and amended by section 190 of the Planning Act 2008 (c.29) ("the 2008 Act") (see section 69(9) for the definition of "prescribed"); section 71 was amended by section 16(2) of, and paragraph 15 of Schedule 7 to, the 1991 Act (see section 71(4) for the definition of "prescribed"). Section 74 was amended by sections 19(1) and 84(6) of, and paragraph 17 of Schedule 7 and Part I of Schedule 19 to, the 1991 Act, section 77(4) was amended by section 32 of, and paragraph 18 of Schedule 7 to, the 1991 Act, section 78 was amended by section 17(2) of the 1991 Act, sections 40(2)(e) and 43(2) of the 2004 Act and section 196(4) of, and paragraphs 1 and 3 of Schedule 10 to, the 2008 Act (amendments in force for certain purposes and to come into force for remaining purposes on a date to be appointed, see S.I. 2009/400) and section 197 of, and paragraphs 1 and 2 of Schedule 11 to, the 2008 Act. Section 79(4) was amended by section 32 of, and paragraph 19 of Schedule 7 to, the 1991 Act. Section 188 was amended by section 84 of, and paragraph 30 of Schedule 7 and Part I of Schedule 19 to the 1991 Act. Section 193 was substituted by section 10(1) of the 1991 Act, section 196(4) was amended by section 32 of, and paragraph 33 of Schedule 7 to, the 1991 Act, section 293A was inserted by section 82(1) of the 2004 Act, paragraphs 1 and 2 of Schedule 1A were inserted by section 18(7) of, and Schedule 4 to, the Local Government (Wales) Act 1994 (c.19). Schedule 4A was inserted by section 40(4) of, and Schedule 1 to, the 2004 Act.
- (2) The functions of the Secretary of State were transferred to the National Assembly for Wales by article 2 of the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672); see the entry in Schedule 1 for the Town and Country Planning Act 1990 and see section 118(3) of the 2004 Act.
- (3) 2004 c.5
- (4) The functions of the National Assembly for Wales were transferred to the Welsh Ministers by virtue of section 162 of, and paragraphs 30 and 32 of Schedule 11 to, the Government of Wales Act 2006 (c.32).



## RHAN 1

Rhagarweiniol

### Enwi, cychwyn a chymhwyso

1.—(1) Enw'r Gorchymyn hwn yw Gorchymyn Cynllunio Gwlad a Thref (Gweithdrefn Rheoli Datblygu) (Cymru) 2012, a daw i rym ar 30 Ebrill 2012.

(2) Mae'r Gorchymyn hwn yn gymwys i'r holl dir yng Nghymru, ond os yw tir yn destun gorchymyn datblygu arbennig(1), pa un a wnaed y gorchymyn datblygu arbennig cyn neu ar ôl cychwyn y Gorchymyn hwn, bydd y Gorchymyn hwn yn gymwys i'r tir hwnnw i'r cyfryw raddau yn unig, ac yn ddarostyngedig i'r cyfryw addasiadau, a bennir yn y gorchymyn datblygu arbennig.

(3) Nid oes dim yn y Gorchymyn hwn sy'n gymwys i unrhyw ganiatâd yr ystyrir iddo gael ei roi o dan adran 222 o Ddeddf 1990 (dim angen caniatâd cynllunio ar gyfer hysbysebion sy'n cydymffurfio â rheoliadau).

### Dehongli

2.—(1) Yn y Gorchymyn hwn—

mae "adeilad" ("*building*") yn cynnwys unrhyw adeiledd neu adeiladwaith ac unrhyw ran o adeilad fel y'i diffinnir yn yr erthygl hon, ond nid yw'n cynnwys unrhyw beiriannau neu beirianwaith nac unrhyw adeiledd o natur peiriant neu beirianwaith;

ystyr "arwynebedd llawr ("*floor space*") yw cyfanswm arwynebedd y lloriau mewn adeilad neu adeiladau;

mae i "cais AEA", "datblygiad AEA", "gwybodaeth amgylcheddol" a "datganiad amgylcheddol" yr un ystyron a roddir yn eu trefn i "EIA application", "EIA development", "environmental information" ac "environmental statement" yn rheoliad 2(1) o Reoliadau Cynllunio Gwlad a Thref (Aseu Effaith Amgylcheddol) (Cymru a Lloegr) 1999(2);

ystyr "caniatâd cynllunio amlinellol" ("*outline planning permission*") yw caniatâd cynllunio ar gyfer codi adeilad, a roddir yn ddarostyngedig i amod sy'n ei gwneud yn ofynnol cael cymeradwyaeth yr awdurdod cynllunio lleol yn ddiweddarach mewn perthynas ag un neu ragor o faterion a gadwyd yn ôl;

mae "codi" ("*erection*"), mewn perthynas ag adeiladau fel y'u diffinnir yn yr erthygl hon, yn cynnwys estyn, newid neu ailgodi;

(1) Ystyr "gorchymyn datblygu arbennig" yw gorchymyn a wnaed o dan adran 59(3)(b) o Ddeddf Cynllunio Gwlad a Thref 1990 (p. 8).

(2) O.S. 1999/293, a ddiwygiwyd gan O.S. 2006/3099; mae offerynnau eraill sy'n diwygio ond nid oes yr un ohonynt yn berthnasol.

## PART 1

Preliminary

### Title, commencement and application

1.—(1) The title of this Order is the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 and it comes into force on 30 April 2012.

(2) This Order applies to all land in Wales, but where land is the subject of a special development order(1), whether made before or after the commencement of this Order, this Order will apply to that land only to such extent and subject to such modifications as may be specified in the special development order.

(3) Nothing in this Order applies to any permission which is deemed to be granted under section 222 of the 1990 Act (planning permission not needed for advertisements complying with regulations).

### Interpretation

2.—(1) In this Order—

"the 1990 Act" ("*Deddf 1990*") means the Town and Country Planning Act 1990;

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

"access" ("*mynediad*"), in relation to reserved matters, means the accessibility to and within the site for vehicles, cycles and pedestrians in terms of the positioning and treatment of access and circulation routes and how these fit into the surrounding access network and "site" means the site or part of the site in respect of which outline planning permission is granted or, as the case may be, in respect of which an application for such a permission has been made;

"appearance" ("*ymddangosiad*") means the aspects of a building or place within the development which determine the visual impression the building or place makes, including the external built form of the development, its architecture, materials, decoration, lighting, colour and texture;

"building" ("*adeilad*") includes any structure or erection, and any part of a building, as defined in this article, but does not include plant or machinery or any structure in the nature of plant or machinery;

(1) "special development order" means an order made under section 59(3)(b) of the Town and Country Planning Act 1990 (c. 8).

mae i "cyfathrebiad electronig" yr ystyr a roddir i "electronic communication" gan adran 15(1) o Deddf Cyfathrebiadau Electronig 2000 (dehongli cyffredinol)(1);

ystyr "datblygiad gwastraff" ("*waste development*") yw (a) unrhyw ddatblygiad gweithredol a fwriadwyd i'w ddefnyddio'n gyfan gwbl neu'n bennaf at y diben o drin, storio, prosesu neu waredu sbwriel neu ddeunyddiau gwastraff, neu (b) newid defnydd perthnasol i drin, storio, prosesu neu waredu sbwriel neu ddeunyddiau gwastraff;

ystyr "datblygiad mawr" ("*major development*") yw datblygiad(2) sy'n cynnwys unrhyw un neu ragor o'r canlynol—

- (a) ennill a gweithio mwynau neu ddefnyddio tir ar gyfer dyddodion o weithfeydd mwynau(3);
- (b) datblygiad gwastraff;
- (c) darparu tai annedd—
  - (i) pan fo nifer y tai annedd sydd i'w darparu yn 10 neu ragor; neu
  - (ii) pan fwriedir cyflawni'r datblygiad ar safle sydd â'i arwynebedd yn 0.5 hectar neu'n fwy ac nad yw'n hysbys a yw'r datblygiad yn dod o fewn is-baragraff (c)(i);
- (ch) darparu adeilad neu adeiladau lle mae'r arwynebedd llawr y bwriedir ei greu gan y datblygiad yn 1,000 metr sgwâr neu ragor; neu
- (d) datblygiad a gyflawnir ar safle sydd â'i arwynebedd yn 1 hectar neu'n fwy;

ystyr "Deddf 1990" ("*the 1990 Act*") yw Deddf Cynllunio Gwlad a Thref 1990;

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

ystyr "drwy arddangos ar y safle" ("*by site display*") yw drwy osod yr hysbysiad ynghlwm yn gadarn wrth wrthrych a leolir ac a arddangosir mewn modd sy'n caniatáu i aelodau'r cyhoedd weld yr hysbysiad a'i ddarllen yn hawdd;

ystyr "fflat" ("*flat*") yw mangre ar wahân a hunangynhwysol, a adeiladwyd neu a addaswyd i'w defnyddio fel annedd, ac sy'n rhan o adeilad ac wedi ei gwahanu'n llorweddol oddi wrth ran arall o'r adeilad hwnnw;

ystyr "graddfa" ("*scale*") yw uchder, lled a hyd pob adeilad arfaethedig o fewn y datblygiad, mewn perthynas â'i amgylchoedd;

"dwellinghouse" ("*tŷ annedd*") does not include a building containing one or more flats, or a flat contained within such a building;

"electronic communication" ("*cyfathrebiad electronig*") has the meaning given in section 15(1) of the Electronic Communications Act 2000 (general interpretation)(1);

"EIA application" ("*cais AEA*"), "EIA development" ("*datblygiad AEA*"), "environmental information" ("*gwybodaeth amgylcheddol*") and "environmental statement" ("*datganiad amgylcheddol*") have the same meanings respectively given in regulation 2(1) of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999(2);

"erection" ("*codi*"), in relation to buildings as defined in this article, includes extension, alteration or re-erection;

"flat" ("*fflat*") means a separate and self-contained set of premises constructed or adapted for use for the purpose of a dwelling and forming part of a building from some other part of which it is divided horizontally;

"floor space" ("*arwynebedd llawr*") means the total floor space in a building or buildings;

"landscaping" ("*tirlunio*"), in relation to a site or any part of a site for which outline planning permission has been granted or, as the case may be, in respect of which an application for such permission has been made, means the treatment of land (other than buildings) for the purpose of enhancing or protecting the amenities of the site and the area in which it is situated and includes—

- (a) screening by fences, walls or other means;
- (b) the planting of trees, hedges, shrubs or grass;
- (c) the formation of banks, terraces or other earthworks;
- (d) the laying out or provision of gardens, courts, squares, water features, sculpture or public art; and
- (e) the provision of other amenity features;

"layout" ("*llunwedd*") means the way in which buildings, routes and open spaces within the development are provided, situated and orientated in relation to each other and to buildings and spaces outside the development;

(1) 2000 p.7; diwygiwyd adran 15(1) gan adran 406(1) o Ddeddf Cyfathrebu 2003 (p.21) a pharagraff 158 o Atodlen 17 i'r Ddeddf honno.

(2) Ar gyfer y diffiniad o "development", gweler adran 55 o Ddeddf Cynllunio Gwlad a Thref 1990 (p.8)

(3) Ar gyfer y diffiniad o "mineral-working deposit", gweler adran 336 o Ddeddf Cynllunio Gwlad a Thref 1990 (p.8).

(1) 2000 c.7; section 15(1) was amended by section 406(1) of, and paragraph 158 of Schedule 17 to, the Communications Act 2003 (c.21).

(2) S.I. 1999/293, amended by S.I. 2006/3099; there are other amending instruments but none are relevant.

ystyr "gweithrediadau mwyngloddio" ("*mining operations*") yw ennill a gweithio mwynau mewn, ar, neu o dan y tir, drwy weithio ar yr wyneb neu'n danddaearol;

ystyr "llunwedd" ("*layout*") yw'r ffordd y darperir, y lleolir ac y gogwyddir adeiladau, llwybrau a mannau agored o fewn y datblygiad, mewn perthynas â'i gilydd ac mewn perthynas ag adeiladau a mannau agored y tu allan i'r datblygiad;

ystyr "materion a gedwir yn ôl" a "materion a gadwyd yn ôl" ("*reserved matters*") mewn perthynas â chaniatâd cynllunio amlinellol neu gais am ganiatâd o'r fath, yw unrhyw rai o'r materion canlynol, na roddwyd manylion ohonynt yn y cais—

- (a) mynediad;
- (b) ymddangosiad;
- (c) tirlunio;
- (ch) llunwedd; a
- (d) graddfa, o fewn y terfynau uchaf ac isaf o ran uchder, lled a hyd pob adeilad a ddatgenir yn y cais am ganiatâd cynllunio yn unol ag erthygl 3(4);

ystyr "mynediad" ("*access*"), mewn perthynas â materion a gadwyd yn ôl, yw hygyrchedd wrth fynd i mewn ac oddi mewn i safle, ar gyfer cerbydau, beiciau a cherddwyr, o ran lleoli a thrin y llwybrau mynediad a chylchredeg a'r modd y maent yn cydasio â'r rhwydwaith mynediad o amgylch; ac ystyr "safle" ("*site*") yw'r safle neu'r rhan o'r safle y rhoddwyd caniatâd cynllunio amlinellol mewn perthynas ag ef neu hi, neu, yn ôl fel y digwydd, y gwnaed cais am ganiatâd o'r fath mewn perthynas ag ef neu hi;

ystyr "tirlunio" ("*landscaping*"), mewn perthynas â safle, neu unrhyw ran o safle, y rhoddwyd caniatâd cynllunio amlinellol ar ei gyfer neu ar ei chyfer, neu, yn ôl fel y digwydd, y gwnaed cais am ganiatâd o'r fath, yw trin y tir (ac eithrio adeiladau) at y diben o wella neu ddiogelu amwynderau'r safle a'r ardal y'i lleolir ynddi, ac y mae'n cynnwys—

- (a) sgrinio drwy ddefnyddio ffensys, waliau neu ddulliau eraill;
- (b) plannu coed, gwrychoedd, llwyni neu laswellt;
- (c) ffurfio cloddiau, terasau neu gloddweithiau cyffelyb;
- (ch) llunweddu neu ddarparu gerddi, cyrtiau, sgwariau, arweddion dŵr, cerfluniau neu gelfyddyd gyhoeddus; a
- (d) darparu arweddion amwynder eraill;

"major development" ("*datblygiad mawr*") means development<sup>(1)</sup> involving any one or more of the following—

- (a) the winning and working of minerals or the use of land for mineral-working deposits<sup>(2)</sup>;
- (b) waste development;
- (c) the provision of dwellinghouses where—
  - (i) the number of dwellinghouses to be provided is 10 or more; or
  - (ii) the development is to be carried out on a site having an area of 0.5 hectares or more and it is not known whether the development falls within sub-paragraph (c)(i);
- (d) the provision of a building or buildings where the floor space to be created by the development is 1,000 square metres or more; or
- (e) development carried out on a site having an area of 1 hectare or more;

"mining operations" ("*gweithrediadau mwyngloddio*") means the winning and working of minerals in, on or under land, whether by surface or underground working;

"outline planning permission" ("*caniatâd cynllunio amlinellol*") means a planning permission for the erection of a building, which is granted subject to a condition requiring the subsequent approval of the local planning authority with respect to one or more reserved matters;

"reserved matters" ("*materion a gedwir yn ôl*", "*materion a gadwyd yn ôl*") in relation to an outline planning permission, or an application for such permission, means any of the following matters in respect of which details have not been given in the application—

- (a) access;
- (b) appearance;
- (c) landscaping;
- (d) layout; and
- (e) scale, within the upper and lower limit for the height, width and length of each building stated in the application for planning permission in accordance with article 3(4);

"scale" ("*graddfa*") means the height, width and length of each building proposed within the development in relation to its surroundings;

"by site display" ("*drwy arddangos ar y safle*") means by the posting of the notice by firm affixture

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(1) For the definition of "development" see section 55 of the Town and Country Planning Act (c.8).

(2) For the definition of "mineral-working deposit" see section 336 of the Town and Country Planning Act (c.8).

nid yw "tŷ annedd" ("*dwellinghouse*") yn cynnwys adeilad ag ynddo un neu ragor o fflatiau, nac ychwaith fflat oddi mewn i adeilad o'r fath; ac

ystyr "ymddangosiad" ("*appearance*") yw'r agweddau ar adeilad neu le o fewn y datblygiad sy'n penderfynu'r argraff weledol a wneir gan yr adeilad neu'r lle, gan gynnwys ffurf adeiledig allanol y datblygiad, ei bensaernïaeth, y deunyddiau, yr addurniad, y goleuo, y lliw a'r gwead.

(2) Yn y Gorchymyn hwn ac mewn perthynas â defnyddio cyfathrebiadau electronig neu storio electronig at unrhyw un o ddibenion y Gorchymyn hwn y gellir ei gyflawni'n electronig—

(a) mae'r ymadrodd "cyfeiriad" ("*address*") yn cynnwys unrhyw rif neu gyfeiriad a ddefnyddir at ddiben cyfathrebiadau neu storio o'r fath ac eithrio, pan fo'r Gorchymyn hwn yn gosod rhwymedigaeth ar unrhyw berson i ddarparu enw a chyfeiriad i unrhyw berson arall, na chyflawnir y rhwymedigaeth oni fydd y person y'i gosodir arno yn darparu cyfeiriad post; a

(b) mae cyfeiriadau at ddogfennau, mapiau, planiau, lluniadau, tystysgrifau neu ddogfennau eraill, neu at gopiâu o'r cyfryw bethau, yn cynnwys cyfeiriadau at y cyfryw ddogfennau neu gopiâu ohonynt mewn ffurf electronig.

(3) Mae paragraffau (4) i (7) yn gymwys pan fo person yn defnyddio cyfathrebiad electronig at y dibenion canlynol—

(a) cyflawni unrhyw ofyniad yn y Gorchymyn hwn i roi neu anfon unrhyw gais, hysbysiad neu ddogfen arall i, neu at, unrhyw berson arall; neu

(b) cyflwyno unrhyw gais, tystysgrif neu ddogfen arall, y cyfeirir atynt yn erthygl 22(3), i awdurdod cynllunio lleol,

ac yn y paragraffau hynny, ystyr "y derbynydd" ("*the recipient*") yw'r person a grybwyllir yn is-baragraff (a) o'r paragraff hwn neu'r awdurdod cynllunio lleol, yn ôl fel y digwydd.

(4) Nid ystyrir bod y gofyniad wedi ei gyflawni, neu (yn ôl fel y digwydd) bod y cais wedi ei gyflwyno neu ddogfen arall wedi ei chyflwyno onid yw'r ddogfen a drawsyrrir gan y cyfathrebiad electronig—

(a) yn un y gall y derbynydd gael mynediad iddi;

(b) yn ddarllenadwy ym mhob modd perthnasol; ac

(c) yn ddigon parhaol i'w defnyddio i gyfeirio ati yn ddiweddarach.

(5) Ym mharagraff (4), ystyr "darllenadwy ym mhob modd perthnasol" ("*legible in all material respects*") yw fod yr wybodaeth a gynhwysir yn yr hysbysiad neu

to some object, sited and displayed in such a way as to be easily visible and legible by members of the public; and

"waste development" ("*datblygiad gwastraff*") means (a) any operational development designed to be used wholly or mainly for the purpose of treating, storing, processing or disposing of refuse or waste materials or (b) material change of use to the treatment, storage, processing or disposal of refuse or waste materials.

(2) In this Order and in relation to the use of electronic communications or electronic storage for any purpose of this Order which is capable of being carried out electronically—

(a) the expression "address" ("*cyfeiriad*") includes any number or address used for the purpose of such communications or storage, except that where this Order imposes any obligation on any person to provide a name and address to any other person, the obligation is not fulfilled unless the person on whom it is imposed provides a postal address; and

(b) references to documents, maps, plans, drawings, certificates or other documents, or to copies of such things, include references to such documents or copies of them in electronic form.

(3) Paragraphs (4) to (7) apply where an electronic communication is used by a person for the following purposes—

(a) fulfilling any requirement in this Order to give or send any application, notice or other document to any other person; or

(b) lodging an application, certificate or other document referred to in article 22(3) with a local planning authority,

and in those paragraphs, "the recipient" ("*y derbynydd*") means the person mentioned in sub-paragraph (a) of this paragraph or the local planning authority, as the case may be.

(4) The requirement is not taken to be fulfilled, or (as the case may be) the application or other document is not taken to have been lodged, unless the document transmitted by the electronic communication is—

(a) capable of being accessed by the recipient;

(b) legible in all material respects; and

(c) sufficiently permanent to be used for subsequent reference.

(5) In paragraph (4), "legible in all material respects" ("*darllenadwy ym mhob modd perthnasol*") means that the information contained in the notice or document is

ddogfen ar gael i'r derbynnydd i raddau dim llai nag y byddai pe bai wedi ei rhoi neu'i hanfon ar ffurf dogfen brintiedig.

(6) Os yw'r derbynnydd yn cael y cyfathrebiad electronig y tu allan i oriau busnes y derbynnydd, ystyrir ei fod wedi cael y cyfathrebiad ar y diwrnod gwaith dilynol; ac at y diben hwn, ystyr "diwrnod gwaith" ("*working day*") yw diwrnod nad yw'n ddydd Sadwrn, yn ddydd Sul, yn ŵyl Banc nac yn ŵyl gyhoeddus arall.

(7) Mae gofyniad, yn y Gorchymyn hwn, bod unrhyw gais, hysbysiad neu ddogfen arall mewn ysgrifenedig wedi ei fodloni os yw'r ddogfen yn bodloni'r meini prawf ym mharagraff (4), a rhaid dehongli "ysgrifenedig" ("*written*") ac ymadroddion cytras yn unol â hynny.

available to the recipient to no lesser extent than it would be if sent or given by means of a document in printed form.

(6) Where the electronic communication is received by the recipient outside the recipient's business hours, it is taken to have been received on the next working day; and for this purpose "working day" ("*diwrnod gwaith*") means a day which is not a Saturday, Sunday, Bank Holiday or other public holiday.

(7) A requirement in this Order that any application, notice or other document should be in writing is fulfilled where the document meets the criteria in paragraph (4), and "written" ("*ysgrifenedig*") and cognate expressions are to be construed accordingly.

## RHAN 2

### Ceisiadau

#### Ceisiadau am ganiatâd cynllunio amlinellol

3.—(1) Pan wneir cais i'r awdurdod cynllunio lleol am ganiatâd cynllunio amlinellol, caiff yr awdurdod roi caniatâd yn ddarostyngedig i amod sy'n pennu materion a gedwir yn ôl, ar gyfer eu cymeradwyo yn ddiweddarach gan yr awdurdod.

(2) Os yw awdurdod cynllunio lleol sydd i benderfynu cais am ganiatâd cynllunio amlinellol, o'r farn, yn amgylchiadau'r achos, na ddylid ystyried y cais ar wahân i'r cyfan neu unrhyw rai o'r materion a gedwir yn ôl, rhaid iddo, o fewn cyfnod o un mis sy'n dechrau pan geir y cais, hysbysu'r ceisydd na all yr awdurdod benderfynu'r cais oni chyflwynir manylion pellach, gan nodi'r manylion pellach sy'n ofynnol ganddo.

(3) Pan fo'r llunwedd yn fater a gedwir yn ôl, rhaid i'r cais am ganiatâd cynllunio amlinellol ddatgan yn fras leoliad yr adeiladau, y llwybrau a'r manau agored a gynhwysir yn y datblygid arfaethedig.

(4) Pan fo graddfa yn fater a gedwir yn ôl, rhaid i'r cais am ganiatâd cynllunio amlinellol ddatgan y terfynau uchaf ac isaf o ran uchder, lled a hyd pob adeilad a gynhwysir yn y datblygid arfaethedig.

(5) Pan fo mynediad yn fater a gedwir yn ôl, rhaid i'r cais am ganiatâd cynllunio amlinellol ddatgan ym mha fan neu fannau y lleolir y pwyntiau mynediad i'r datblygiad arfaethedig.

#### Ceisiadau am gymeradwyo materion a gadwyd yn ôl

4.—(1) Rhaid i gais am gymeradwyo materion a gadwyd yn ôl—

## PART 2

### Applications

#### Applications for outline planning permission

3.—(1) Where an application is made to the local planning authority for outline planning permission, the authority may grant permission subject to a condition specifying reserved matters for the authority's subsequent approval.

(2) Where the local planning authority who are to determine an application for outline planning permission are of the opinion that, in the circumstances of the case, the application ought not to be considered separately from all or any of the reserved matters, they must within the period of one month beginning with the receipt of the application notify the applicant that they are unable to determine it unless further details are submitted, specifying the further details they require.

(3) Where layout is a reserved matter, the application for outline planning permission must state the approximate location of buildings, routes and open spaces included in the development proposed.

(4) Where scale is a reserved matter, the application for outline planning permission must state the upper and lower limit for the height, width and length of each building included in the development proposed.

(5) Where access is a reserved matter, the application for outline planning permission must state the area or areas where access points to the development proposed will be situated.

#### Applications for approval of reserved matters

4.—(1) An application for approval of reserved matters must—

- (a) cael ei wneud i'r awdurdod cynllunio lleol mewn ysgrifen ar ffurflen a gyhoeddir gan Weinidogion Cymru (neu ffurflen sylweddol gyffelyb o ran ei heffaith);
- (b) cynnwys y manylion a bennir neu y cyfeirir atynt yn y ffurflen;
- (c) cael ei gyflwyno ynghyd â'r cyfryw blaniau a lluniadau sy'n angenrheidiol er mwyn delio â'r materion a gadwyd yn ôl yn y caniatâd cynllunio amlinellol;
- (ch) ac eithrio pan wneir y cais drwy gyfathrebiadau electronig neu pan fo'r awdurdod cynllunio lleol yn dynodi mai nifer llai sy'n ofynnol, cael ei gyflwyno ynghyd â 3 chopi o'r ffurflen; a
- (d) ac eithrio pan gyflwynir hwy drwy gyfathrebiadau electronig neu pan fo'r awdurdod cynllunio lleol yn dynodi mai nifer llai sy'n ofynnol, cael ei gyflwyno ynghyd â 3 chopi o unrhyw blaniau, lluniadau a gwybodaeth a gyflwynir gyda'r cais.

(2) Rhaid i unrhyw blaniau neu luniadau y mae'n ofynnol eu darparu o dan baragraff (1)(c) fod wedi eu lluniadu wrth raddfa ddynodedig, ac yn achos planiau, rhaid iddynt ddangos cyfeiriad y gogledd.

(3) Pan wneir cais drwy ddefnyddio cyfathrebiadau electronig mae darpariaethau erthygl 32 yn gymwys.

### Ceisiadau am ganiatâd cynllunio

5.—(1) Yn ddarostyngedig i ddarpariaethau canlynol yr erthygl hon, rhaid i gais am ganiatâd cynllunio—

- (a) cael ei wneud i'r awdurdod cynllunio lleol mewn ysgrifen ar ffurflen a gyhoeddir gan Weinidogion Cymru (neu ffurflen sylweddol gyffelyb o ran ei heffaith);
- (b) cynnwys y manylion a bennir neu y cyfeirir atynt yn y ffurflen;
- (c) ac eithrio pan wneir y cais yn unol ag adran 73 (penderfynu ceisiadau i ddatblygu tir heb gydymffurfio ag amodau a atodwyd yn gynharach), neu adran 73A(2)(c) (caniatâd cynllunio ar gyfer datblygiad a gyflawnwyd eisoes), o Ddeddf 1990(1), cael ei gyflwyno, naill ai'n electronig neu fel arall, ynghyd â'r canlynol—
  - (i) plan sy'n diffinio'r tir y mae'r cais yn ymwneud ag ef;
  - (ii) unrhyw blaniau, lluniadau a gwybodaeth arall sy'n angenrheidiol er mwyn disgrifio'r datblygiad sy'n destun y cais;

(1) Diwygiwyd adran 73 gan adrannau 42(2), 51(3) a 120 o Ddeddf 2004, ac Atodlen 9 i'r Ddeddf honno. Mewnosodwyd adran 73A gan adran 32 o Ddeddf Cynllunio a Digolledu 1991 (p.34) a pharagraff 16 o Atodlen 7 i'r Ddeddf honno.

- (a) be made in writing to the local planning authority on a form published by the Welsh Ministers (or a form substantially to the like effect);
- (b) include the particulars specified or referred to in the form;
- (c) be accompanied by such plans and drawings as are necessary to deal with the matters reserved in the outline planning permission;
- (d) except where the application is made by electronic communications or the local planning authority indicate that fewer are required, be accompanied by 3 copies of the form; and
- (e) except where they are submitted by electronic communications or the local planning authority indicate that fewer are required, be accompanied by 3 copies of any plans, drawings and information accompanying the application.

(2) Any plans or drawings required to be provided by paragraph (1)(c) must be drawn to an identified scale and, in the case of plans, must show the direction of north.

(3) Where an application is made using electronic communications the provisions of article 32 apply.

### Applications for planning permission

5.—(1) Subject to the following provisions of this article, an application for planning permission must—

- (a) be made in writing to the local planning authority on a form published by the Welsh Ministers (or a form substantially to the like effect);
- (b) include the particulars specified or referred to in the form;
- (c) except where the application is made pursuant to section 73 (determination of applications to develop land without compliance with conditions previously attached) or section 73A(2)(c) (planning permission for development already carried out) of the 1990 Act(1), be accompanied, whether electronically or otherwise, by—
  - (i) a plan which identifies the land to which the application relates;
  - (ii) any other plans, drawings and information necessary to describe the development which is the subject of the application;

(1) Section 73 was amended by sections 42(2), 51(3) and 120 of, and Schedule 9 to, the 2004 Act. Section 73A was inserted by section 32 of, and paragraph 16 of Schedule 7 to, the Planning and Compensation Act 1991 (c.34).

- (iii) ac eithrio pan wneir y cais drwy gyfathrebiadau electronig neu pan fo'r awdurdod cynllunio lleol yn dynodi mai nifer llai sy'n ofynnol, 3 chopi o'r ffurflen; a
- (iv) ac eithrio pan gyflwynir hwy drwy gyfathrebiadau electronig neu pan fo'r awdurdod cynllunio lleol yn dynodi mai nifer llai sy'n ofynnol, 3 chopi o unrhyw blaniau, lluniadau a gwybodaeth a gyflwynir gyda'r cais.

(2) Rhaid i unrhyw blaniau neu luniadau y mae'n ofynnol eu darparu o dan baragraff (1)(c)(i) neu (ii) fod wedi eu lluniadu wrth raddfa ddynodedig, ac yn achos planiau, rhaid iddynt ddangos cyfeiriad y gogledd.

(3) Yn ddarostyngedig i baragraffau (3) i (5) o erthygl 3, yn achos cais am ganiatâd cynllunio amlinellol, nid oes raid rhoi manylion ynghylch unrhyw faterion a gedwir yn ôl.

(4) Rhaid i gais am ganiatâd cynllunio ar gyfer datblygiad sy'n cynnwys gweithrediadau mwyngloddio neu ddefnyddio tir ar gyfer dyddodion o weithfeydd mwynau—

- (a) cael ei wneud ar ffurflen a ddarperir gan yr awdurdod cynllunio lleol;
- (b) cynnwys y manylion a bennir neu y cyfeirir atynt yn y ffurflen; ac
- (c) cydymffurfio â gofynion paragraff (1)(c).

(5) Pan wneir cais drwy ddefnyddio cyfathrebiadau electronig mae darpariaethau erthygl 32 yn gymwys.

### Ceisiadau mewn perthynas â thir y Goron

6. Rhaid cyflwyno cais am ganiatâd cynllunio mewn perthynas â thir y Goron ynghyd ag—

- (a) datganiad i'r perwyl y gwneir y cais mewn perthynas â thir y Goron; a
- (b) os gwneir y cais gan berson a awdurdodwyd mewn ysgriflen gan yr awdurdod priodol, copi o'r awdurdodiad hwnnw.

### Datganiadau dylunio a mynediad

7.—(1) Mae'r erthygl hon yn gymwys i gais am ganiatâd cynllunio nad yw'n gais am ganiatâd cynllunio ar gyfer—

- (a) gweithrediadau peirianegol neu fwyngloddio;
- (b) datblygu tŷ annedd presennol, neu ddatblygiad o fewn cwrtel tŷ annedd o'r fath at unrhyw ddiben sy'n ategol i fwynhau'r tŷ annedd fel y cyfryw; neu
- (c) newid perthnasol yn y defnydd o dir neu adeiladau, gyda'r amod, os bydd y defnydd newydd yn gwneud mynediad gan gyflogai yn angenrheidiol neu'n cynnwys darparu

- (iii) except where the application is made by electronic communications or the local planning authority indicate that fewer are required, 3 copies of the form; and

- (iv) except where they are submitted by electronic communications or the local planning authority indicate that fewer are required, 3 copies of any plans, drawings and information accompanying the application.

(2) Any plans or drawings required to be provided by paragraph (1)(c)(i) or (ii) must be drawn to an identified scale and, in the case of plans, must show the direction of north.

(3) Subject to paragraphs (3) to (5) of article 3, in the case of an application for outline planning permission, details need not be given of any reserved matters.

(4) An application for planning permission for development consisting of mining operations or the use of land for mineral-working deposits must—

- (a) be made on a form provided by the local planning authority;
- (b) include the particulars specified or referred to in the form; and
- (c) comply with the requirements of paragraph (1)(c).

(5) Where an application is made using electronic communications the provisions of article 32 apply.

### Applications in respect of Crown land

6. An application for planning permission in respect of Crown land must be accompanied by—

- (a) a statement that the application is made in respect of Crown land; and
- (b) where the application is made by a person authorised in writing by the appropriate authority, a copy of that authorisation.

### Design and access statements

7.—(1) This article applies to an application for planning permission which is not an application for planning permission for—

- (a) engineering or mining operations;
- (b) development of an existing dwellinghouse, or development within the curtilage of such a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse as such; or
- (c) a material change in the use of land or buildings, provided that if the new use will necessitate access by an employee or involves the provision of services to the public or to a

gwasanaethau i'r cyhoedd neu i adran o'r cyhoedd, boed hynny am dâl neu hebdo, yna mae'r erthygl hon yn gymwys i'r cais fel pe—

- (i) ym mharagraff (3), yn lle "datganiad dylunio a mynediad" rhoddid "datganiad mynediad";
- (ii) ym mharagraff (5), yn lle "Rhaid i ddatganiad dylunio a mynediad, mewn perthynas â mynediad," rhoddid "Rhaid i ddatganiad mynediad"; a
- (iii) hepgorid paragraffau 3(a), (4) a (6).

(2) At ddibenion paragraff (1)(c) mae "darparu gwasanaethau" ("*the provision of services*") yn cynnwys darparu unrhyw nwyddau neu gyfleusterau.

(3) Rhaid i gais am ganiatâd cynllunio y mae'r erthygl hon yn gymwys iddo gael ei gyflwyno ynghyd â datganiad ("datganiad dylunio a mynediad") ("*a design and access statement*") sy'n esbonio—

- (a) yr egwyddorion a'r cysyniadau dylunio a gymhwyswyd i'r datblygiad; a
- (b) y modd yr ymdriniwyd â materion ynglŷn â mynediad i'r datblygiad.

(4) Rhaid i ddatganiad dylunio a mynediad, mewn perthynas â dylunio—

- (a) esbonio'r egwyddorion a'r cysyniadau dylunio a gymhwyswyd i'r agweddau canlynol ar y datblygiad—
  - (i) cynaliadwyedd amgylcheddol;
  - (ii) symud i mewn i'r datblygiad, allan ohono ac oddi mewn iddo;
  - (iii) ei gymeriad; a
  - (iv) diogelwch cymunedol; a
- (b) dangos pa gamau a gymerwyd i arfarnu cyd-destun y datblygiad a'r modd y mae dyluniad y datblygiad yn cymryd y cyd-destun hwnnw i ystyriaeth mewn perthynas â'r defnydd arfaethedig ohono, a phob un o'r agweddau a bennir yn is-baragraff (a).

(5) Rhaid i ddatganiad dylunio a mynediad, mewn perthynas â mynediad, esbonio—

- (a) y polisi neu'r dull a fabwysiadwyd ynglŷn â mynediad a'r modd y cymerwyd i ystyriaeth y polisiâu sydd yn y cynllun datblygu(1) ynglŷn â mynediad;
- (b) sut y rhoddwyd sylw i unrhyw faterion penodol a allai effeithio ar fynediad i'r datblygiad; ac
- (c) sut y caiff yr arweddion sy'n sicrhau mynediad i'r datblygiad eu cynnal.

section of the public, with or without payment, then this article applies to the application as if—

- (i) in paragraph (3), for "a design and access statement" there were substituted "an access statement";
- (ii) in paragraph (5), for "A design and access statement must, in relation to access," there were substituted "An access statement must"; and
- (iii) paragraphs 3(a), (4) and (6) were omitted.

(2) For the purposes of paragraph (1)(c) "the provision of services" ("*darparu gwasanaethau*") includes the provision of any goods or facilities.

(3) An application for planning permission to which this article applies must be accompanied by a statement ("a design and access statement") ("*datganiad dylunio a mynediad*") explaining—

- (a) the design principles and concepts that have been applied to the development; and
- (b) how issues relating to access to the development have been dealt with.

(4) A design and access statement must, in relation to design—

- (a) explain the design principles and concepts that have been applied to the following aspects of the development—
  - (i) environmental sustainability;
  - (ii) movement to, from and within the development;
  - (iii) character; and
  - (iv) community safety; and
- (b) demonstrate the steps taken to appraise the context of the development and how the design of the development takes that context into account in relation to its proposed use and each of the aspects specified in sub-paragraph (a).

(5) A design and access statement must, in relation to access, explain—

- (a) the policy or approach adopted as to access and how policies relating to access in the development plan(1) have been taken into account;
- (b) how any specific issues which might affect access to the development have been addressed; and
- (c) how features which ensure access to the development are to be maintained.

(1) *Gweler* adrannau 38 a 62 o Ddeddf 2004; y darpariaethau trosiannol yn erthygl 3 o Orchymyn Deddf Cynllunio a Phrynu Gorfodol 2004 (Cychwyn Rhif 6, Darpariaethau Trosiannol ac Arbedion) 2005 (O.S. 2005/2847) a'r darpariaethau trosiannol yn Rhan III o Atodlen 5 i Ddeddf Llywodraeth Leol (Cymru) 1994 (p.19).

(1) *See* sections 38 and 62 of the 2004 Act; the transitional provisions in article 3 of the Planning and Compulsory Purchase Act 2004 (Commencement No.6, Transitional Provisions and Savings) Order 2005 (S.I. 2005/2847) and the transitional provisions of Part III of Schedule 5 to, the Local Government (Wales) Act 1994 (c.19).



(6) Yn yr erthygl hon—

ystyr "cyd-destun" ("*context*") yw cyd-destun ffisegol, cymdeithasol ac economaidd y datblygiad a'i gyd-destun o ran polisi;

mae "cymeriad" ("*character*") yn cynnwys unrhyw dirlunio a gynhwysir yn y datblygiad a maint, llunwedd, graddfa ac ymddangosiad y datblygiad; ac

ystyr "maint" ("*amount*") yw—

- (a) mewn perthynas â datblygiad preswyl, nifer yr unedau arfaethedig ar gyfer defnydd preswyl; a
- (b) mewn perthynas â phob ffurf arall o ddatblygiad, yr arwynebedd llawr arfaethedig ar gyfer pob defnydd arfaethedig sy'n ffurfio rhan o'r datblygiad.

### Darpariaethau cyffredinol ynglŷn â cheisiadau

8.—(1) Pan fo'r awdurdod cynllunio lleol yn cael—

- (a) cais sy'n cydymffurfio â gofynion erthygl 4 neu erthygl 5, yn ôl fel y digwydd;
- (b) pan wneir cais mewn perthynas â thir y Goron, y dogfennau sy'n ofynnol gan erthygl 6;
- (c) mewn achos y mae erthygl 7 yn gymwys iddo, y datganiad dylunio a mynediad neu'r datganiad mynediad, yn ôl fel y digwydd;
- (ch) mewn achos y mae erthygl 9 yn gymwys iddo, y datganiad ysgrifenedig sy'n ofynnol gan yr erthygl honno;
- (d) y dystysgrif sy'n ofynnol gan erthygl 11;
- (dd) yn ddarostyngedig i baragraff (2), y manylion y gofynnir amdanynt, neu'r dystiolaeth y gofynnir amdani, gan yr awdurdod o dan adran 62(3) o Ddeddf 1990 (ceisiadau am ganiatâd cynllunio)(1); ac
- (e) unrhyw ffi y mae'n ofynnol ei thalu mewn perthynas â'r cais,

rhaid i'r awdurdod, cyn gynted ag y bo'n rhesymol ymarferol, anfon at y ceisydd i gydnabod y cais yn y termau a bennir yn Atodlen 1 (neu dermau o'r un sylwedd).

(2) Nid yw paragraff (1)(dd) yn gymwys ac eithrio—

- (a) pan fo'r cais ar gyfer datblygiad mawr; a
- (b) yr awdurdod cynllunio lleol, cyn bo'r cais yn cael ei wneud, yn cyhoeddi rhestr o ofynion ar ei wefan at ddibenion erthygl 22(3); ac
- (c) y manylion y gofynnir gan yr awdurdod am eu cynnwys yn y cais, neu'r dystiolaeth y gofynnir am ei chynnwys, yn dod o fewn y rhestr honno.

(1) Amnewidiwyd adran 62 gan adran 42(1) o Ddeddf 2004.

(6) In this article—

"amount" ("*maint*") means—

- (a) in relation to residential development, the number of proposed units for residential use; and
- (b) in relation to all other forms of development, the proposed floor space for each proposed use forming part of the development;

"character" ("*cymeriad*") includes any landscaping comprised in the development and the amount, layout, scale and appearance of the development; and

"context" ("*cyd-destun*") means the physical, social, economic and policy context of the development.

### General provisions relating to applications

8.—(1) When the local planning authority receive—

- (a) an application which complies with the requirements of article 4 or article 5, as the case may be;
- (b) where an application is made in respect of Crown land, the documents required by article 6;
- (c) in a case to which article 7 applies, the design and access statement or the access statement as the case may be;
- (d) in a case to which article 9 applies, the written declaration required by that article;
- (e) the certificate required by article 11;
- (f) subject to paragraph (2), the particulars or evidence required by the authority under section 62(3) of the 1990 Act (applications for planning permission)(1); and
- (g) any fee required to be paid in respect of the application,

the authority must, as soon as is reasonably practicable, send to the applicant an acknowledgement of the application in the terms (or substantially in the terms) set out in Schedule 1.

(2) Paragraph (1)(f) only applies if—

- (a) the application is for major development; and
- (b) before the application is made the local planning authority publish a list of requirements on their website for the purposes of article 22(3); and
- (c) the particulars or evidence that the authority require to be included in the application fall within that list.

(1) Section 62 was substituted by section 42(1) of the 2004 Act.

(3) Os yw'r awdurdod cynllunio lleol, ar ôl anfon cydnabyddiaeth fel sy'n ofynnol gan baragraff (1), o'r farn bod y cais yn annilys, rhaid iddo hysbysu'r ceisydd, cyn gynted ag y bo'n rhesymol ymarferol, fod y cais yn annilys.

(4) Yn yr erthygl hon, mae cais yn annilys os nad yw'n gais dilys o fewn ystyr erthygl 22(3).

### **Datganiad sydd i'w gyflwyno ynghyd â chais i awdurdod cynllunio lleol am ganiatâd cynllunio ar gyfer datblygiad cyfathrebiadau electronig penodol**

9.—(1) Mae'r erthygl hon yn gymwys i unrhyw gais am ganiatâd cynllunio ar gyfer datblygiad sy'n cynnwys adeiladu neu osod un neu ragor o antenau at y diben o weithredu rhwydwaith cyfathrebiadau electronig.

(2) At ddibenion yr erthygl hon mae i "rhwydwaith cyfathrebiadau electronig" yr ystyr a roddir i'r term "electronic communications network" gan adran 32(1) o Ddeddf Cyfathrebiadau 2003 (ystyr rhwydweithiau cyfathrebiadau a gwasanaethau electronig)(1).

(3) Rhaid i gais y mae'r erthygl hon yn gymwys iddo gael ei gyflwyno ynghyd â datganiad ysgrifenedig i'r perwyl bod y cyfarpar a'r gosodiad y mae'r cais yn ymwneud ag ef wedi ei ddylunio fel y bydd, ar ôl ei adeiladu neu'i osod, o ystyried ei leoliad a'r modd y'i hadeiladwyd neu'i gosodwyd, yn gweithredu mewn modd sy'n cydymffurfio'n llawn â gofynion canllawiau'r Comisiwn Rhyngwladol ar Ddiogelu rhag Pelydredd nad yw'n Ïoneiddio ar gyffyrddiad y cyhoedd ag amleddau radio, fel y'u mynegir yn argymhelliaid Cyngor yr UE ar 12 Gorffennaf 1999, ar gyfyngu ar gyffyrddiad y cyhoedd â meysydd electromagnetig (0 Hz i 300 GHz)(2).

### **Hysbysiadau o geisiadau am ganiatâd cynllunio**

10.—(1) Yn ddarostyngedig i baragraff (2), rhaid i geisydd am ganiatâd cynllunio roi hysbysiad gofynnol ynglŷn â'r cais i unrhyw berson (ac eithrio'r ceisydd) sydd, ar y dyddiad rhagnodedig, yn berchennog unrhyw ran o'r tir y mae'r cais yn ymwneud ag ef, neu'n denant—

- (a) drwy gyflwyno'r hysbysiad i bob cyfryw berson y mae ei enw a'i gyfeiriad yn hysbys i'r ceisydd; a
- (b) pan fo'r ceisydd wedi cymryd camau rhesymol i ddarganfod enwau a chyfeiriadau pob cyfryw berson, ond heb lwyddo i wneud hynny, drwy gyhoeddi'r hysbysiad ar ôl y dyddiad rhagnodedig mewn papur newydd sy'n cylchredeg yn y gymdogaeth lle mae'r tir yr ymwneir ag ef yn y cais.

(3) Where, after sending an acknowledgement as required by paragraph (1), the local planning authority consider that the application is invalid, they must as soon as reasonably practicable notify the applicant that the application is invalid.

(4) In this article an application is invalid if it is not a valid application within the meaning of article 22(3).

### **Declaration to accompany applications to a local planning authority for planning permission for certain electronic communications development**

9.—(1) This article applies to any application for planning permission for development which involves the construction or installation of one or more antennae for the purpose of operating an electronic communications network.

(2) For the purposes of this article "electronic communications network" ("*rhwydwaith cyfathrebiadau electronig*") has the meaning assigned to that term by section 32(1) of the Communications Act 2003 (meaning of electronic communication networks and services)(1).

(3) An application to which this article applies must be accompanied by a written declaration that the equipment and installation to which the application relates is so designed that it will, when constructed or installed, operate, having regard to its location and the manner in which it has been constructed or installed, in full compliance with the requirements of the radio frequency public exposure guidelines of the International Commission on Non-ionising Radiation Protection, as expressed in EU Council recommendation of 12 July 1999 on the limitation of exposure of the general public to electromagnetic fields (0 Hz to 300 GHz)(2).

### **Notices of applications for planning permission**

10.—(1) Subject to paragraph (2), an applicant for planning permission must give requisite notice of the application to any person (other than the applicant) who on the prescribed date is an owner of any of the land to which the application relates, or a tenant—

- (a) by serving the notice on every such person whose name and address is known to the applicant; and
- (b) where the applicant has taken reasonable steps to ascertain the names and addresses of every such person, but has been unable to do so, by publication of the notice after the prescribed date in a newspaper circulating in the locality in which the land to which the application relates is situated.

(1) 2003 p.21.

(2) OJ L Rhif 199/59, 30.7.1999.

(1) 2003 c.21.

(2) OJ L No. 199/59, 30.7.1999.

(2) Yn achos cais am ganiatâd cynllunio ar gyfer datblygiad sy'n cynnwys ennill a gweithio mwynau drwy weithrediadau tanddaearol, yn hytrach na rhoi hysbysiad yn y modd y darperir ar ei gyfer gan baragraff (1), rhaid i'r ceisydd roi hysbysiad gofynnol ynglŷn â'r cais i unrhyw berson (ac eithrio'r ceisydd) sydd, ar y dyddiad rhagnodedig, yn berchennog unrhyw ran o'r tir y mae'r cais yn ymwneud ag ef, neu'n denant,—

- (a) drwy gyflwyno'r hysbysiad i bob cyfryw berson y gŵyr y ceisydd ei fod yn berson o'r fath ac y mae ei enw a'i gyfeiriad yn hysbys i'r ceisydd;
- (b) drwy gyhoeddi'r hysbysiad ar ôl y dyddiad rhagnodedig mewn papur newydd sy'n cylchredeg yn y gymdogaeth lle mae'r tir yr ymwneir ag ef yn y cais; ac
- (c) drwy arddangos ar y safle mewn o leiaf un man ym mhob cymuned y lleolir ynddi unrhyw ran o'r tir yr ymwneir ag ef yn y cais, a chan adael yr hysbysiad yn ei le am gyfnod o ddim llai na 7 diwrnod yn ystod y cyfnod o 21 diwrnod yn union cyn gwneud y cais i'r awdurdod cynllunio lleol.

(3) Rhaid i'r hysbysiad sy'n ofynnol gan baragraff (2)(c) (yn ychwanegol at unrhyw faterion eraill y mae'n ofynnol eu cynnwys ynddo) enwi man, sydd o fewn ardal yr awdurdod cynllunio lleol y cyflwynir y cais iddo, lle gall y cyhoedd archwilio copi o'r cais am ganiatâd cynllunio ac o'r holl blaniau a dogfennau eraill a gyflwynwyd ynghyd â'r cais, ar unrhyw oriau rhesymol yn ystod pa bynnag gyfnod a bennir yn yr hysbysiad.

(4) Pan fo awdurdod cynllunio lleol yn cynnal gwefan at y diben o hysbysebu ceisiadau am ganiatâd cynllunio, rhaid i'r hysbysiad sy'n ofynnol gan baragraff (2)(c) (yn ychwanegol at unrhyw faterion eraill y mae'n ofynnol eu cynnwys ynddo) ddatgan cyfeiriad y wefan lle cyhoeddir copi o'r cais, ac o'r holl blaniau a dogfennau eraill a gyflwynwyd ynghyd â'r cais.

(5) Os caiff hysbysiad ei dynnu ymaith, ei guddio neu'i ddfwyo cyn bo'r cyfnod o 7 diwrnod y cyfeirir ato ym mharagraff (2)(c) wedi dod i ben, a hynny pan nad oes unrhyw fai ar y ceisydd na bwriad ganddo i wneud hynny, rhaid trin y ceisydd fel pe bai wedi cydymffurfio â gofynion y paragraff hwnnw, os cymerodd y ceisydd gamau rhesymol i ddiogelu'r hysbysiad ac i'w ailosod pe bai angen.

(6) Y dyddiad a ragnodir at ddibenion adran 65(2) o Ddeddf 1990 (hysbysiad etc o geisiadau am ganiatâd cynllunio)(1), a'r "dyddiad rhagnodedig" ("*prescribed date*") at ddibenion yr erthygl hon, yw'r diwrnod 21 diwrnod cyn dyddiad y cais.

(2) In the case of an application for planning permission for development consisting of the winning and working of minerals by underground operations, instead of giving notice in the manner provided for by paragraph (1), the applicant must give requisite notice of the application to any person (other than the applicant) who on the prescribed date is an owner of any of the land to which the application relates, or a tenant,—

- (a) by serving the notice on every such person whom the applicant knows to be such a person and whose name and address is known to the applicant;
- (b) by publication of the notice after the prescribed date in a newspaper circulating in the locality in which the land to which the application relates is situated; and
- (c) by site display in at least one place in every community within which there is situated any part of the land to which the application relates, leaving the notice in position for not less than 7 days in the period of 21 days immediately preceding the making of the application to the local planning authority.

(3) The notice required by paragraph (2)(c) must (in addition to any other matters required to be contained in it) name a place within the area of the local planning authority to whom the application is made where a copy of the application for planning permission, and of all plans and other documents submitted with it, will be open to inspection by the public at all reasonable hours during such period as may be specified in the notice.

(4) Where a local planning authority maintain a website for the purpose of advertisement of applications for planning permission, the notice required by paragraph (2)(c) must (in addition to any other matters required to be contained in it) state the address of the website where a copy of the application, and of all plans and other documents submitted with it, will be published.

(5) Where the notice is, without any fault or intention of the applicant, removed, obscured or defaced before the period of 7 days referred to in paragraph (2)(c) has elapsed, the applicant will be treated as having complied with the requirements of that paragraph if the applicant has taken reasonable steps to protect the notice and, if need be, replace it.

(6) The date prescribed for the purposes of section 65(2) of the 1990 Act (notice etc of applications for planning permission)(1), and the "prescribed date" ("*dyddiad rhagnodedig*") for the purposes of this article, is the day 21 days before the date of the application.

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(1) Amnewidiwyd adran 65 gan adran 16(1) o Ddeddf Cynllunio a Digolledu 1991 (p.34) a diwygiwyd hi gan adran 40 o Ddeddf Tenantiaethau Amaethyddol 1995 (p.8) a pharagraff 35 o'r Atodlen i'r Ddeddf honno.

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(1) Section 65 was substituted by section 16(1) of the Planning and Compensation Act 1991 (c.34) and amended by section 40 of, and paragraph 35 of the Schedule to, the Agricultural Tenancies Act 1995 (c.8).

(7) Y ceisiadau a ragnodir at ddibenion paragraff (c) o'r diffiniad o "owner" yn adran 65(8) o Ddeddf 1990 yw ceisiadau mwynau, a'r mwynau a ragnodir at ddibenion y paragraff hwnnw yw unrhyw fwynau ac eithrio olew, nwy, glo, aur neu arian.

(8) Yn yr erthygl hon—

ystyr "ceisiadau mwynau" ("*minerals applications*") yw ceisiadau am ganiatâd cynllunio ar gyfer datblygiad sy'n cynnwys ennill a gweithio mwynau;

ystyr "hysbysiad gofynnol" ("*requisite notice*") yw hysbysiad yn y ffurf briodol a bennir yn Atodlen 2 neu ffurf sylweddol gyffelyb o ran ei heffaith, ond ni fydd yn cynnwys hysbysiad a gyflwynir gan ddefnyddio cyfathrebiad electronig; ac

ystyr "tenant" ("*tenant*") yw tenant amaethyddol fel y diffinnir "agricultural tenant" yn adran 65(8) o Ddeddf 1990, o dir y mae unrhyw ran ohono'n gynwysedig yn y tir y mae cais yn ymwneud ag ef.

### Tystysgrifau mewn perthynas â hysbysiadau o geisiadau am ganiatâd cynllunio

11.—(1) Pan wneir cais am ganiatâd cynllunio rhaid i'r ceisydd ardstio, mewn ffurf a gyhoeddir gan Weinidogion Cymru neu ffurf sylweddol gyffelyb o ran ei heffaith, bod gofynion erthygl 10 wedi eu bodloni.

(2) Os bydd gan geisydd achos i ddibynnu ar baragraff (5) o erthygl 10, rhaid i'r dystysgrif ddatgan yr amgylchiadau perthnasol.

### Cyhoedduswydd i geisiadau am ganiatâd cynllunio

12.—(1) Rhaid i awdurdod cynllunio lleol y gwneir cais iddo am ganiatâd cynllunio roi cyhoedduswydd i'r cais yn y modd a ragnodir gan yr erthygl hon.

(2) Yn achos cais am ganiatâd cynllunio ar gyfer datblygiad—

- (a) sy'n gais AEA a gyflwynir ynghyd â datganiad amgylcheddol;
- (b) nad yw'n cydweddu â darpariaethau'r cynllun datblygu sydd mewn grym yn yr ardal lle mae'r tir yr ymwneir ag ef yn y cais; neu
- (c) a fyddai'n effeithio ar hawl tramwy y mae Rhan 3 o Ddeddf Bywyd Gwyllt a Chefn Gwlad 1981 (hawliau tramwy cyhoeddus)(1) yn gymwys iddi,

(1) 1981 p.69; gweler adran 66. Ceir diwygiadau i Ran 3 nad ydynt yn berthnasol i'r Gorchymyn hwn.

(7) The applications prescribed for the purposes of paragraph (c) of the definition of "owner" in section 65(8) of the 1990 Act are minerals applications, and the minerals prescribed for the purposes of that paragraph are any minerals other than oil, gas, coal, gold or silver.

(8) In this article—

"minerals applications" ("*ceisiadau mwynau*") means applications for planning permission for development consisting of the winning and working of minerals;

"requisite notice" ("*hysbysiad gofynnol*") means notice in the appropriate form set out in Schedule 2 or in a form substantially to the like effect, but will not include notice served using electronic communications; and

"tenant" ("*tenant*") means an agricultural tenant as defined in section 65(8) of the 1990 Act, of land any part of which is comprised in the land to which an application relates.

### Certificates in relation to notices of applications for planning permission

11.—(1) Where an application for planning permission is made, the applicant must certify, in a form published by the Welsh Ministers or in a form substantially to the like effect, that the requirements of article 10 have been satisfied.

(2) If an applicant has cause to rely on paragraph (5) of article 10, the certificate must state the relevant circumstances.

### Publicity for applications for planning permission

12.—(1) An application for planning permission must be publicised by the local planning authority to which the application is made, in the manner prescribed by this article.

(2) In the case of an application for planning permission for development which—

- (a) is an EIA application accompanied by an environmental statement;
- (b) does not accord with the provisions of the development plan in force in the area in which the land to which the application relates is situated; or
- (c) would affect a right of way to which Part 3 of the Wildlife and Countryside Act 1981 (public rights of way)(1) applies,

(1) 1981 c.69; see section 66. There are amendments to Part 3 which are not relevant to this Order.

rhaid rhoi cyhoeddusrwydd i'r cais yn y modd a bennir ym mharagraff (3).

(3) Rhaid rhoi cyhoeddusrwydd i gais sy'n dod o fewn paragraff (2) ("cais paragraff (2)") drwy roi hysbysiad gofynnol—

- (a) drwy arddangos ar y safle mewn o leiaf un man ar neu gerllaw'r tir y mae'r cais yn ymwneud ag ef, am gyfnod o ddim llai nag 21 diwrnod; a
- (b) drwy gyhoeddi'r hysbysiad mewn papur newydd sy'n cylchredeg yn y gymdogaeth lle mae'r tir yr ymwneir ag ef yn y cais.

(4) Yn achos cais am ganiatâd cynllunio nad yw'n gais paragraff (2), os yw'r datblygiad arfaethedig yn ddatblygiad mawr, rhaid rhoi cyhoeddusrwydd i'r cais drwy roi hysbysiad gofynnol—

- (a) (i) drwy arddangos ar y safle mewn o leiaf un man ar neu gerllaw'r tir y mae'r cais yn ymwneud ag ef, am gyfnod o ddim llai nag 21 diwrnod; neu
- (ii) drwy gyflwyno'r hysbysiad i unrhyw berchennog neu feddiannydd cyffiniol; a
- (b) drwy gyhoeddi'r hysbysiad mewn papur newydd sy'n cylchredeg yn y gymdogaeth lle mae'r tir yr ymwneir ag ef yn y cais.

(5) Mewn achos nad yw paragraff (2) na pharagraff (4) yn gymwys iddo, rhaid rhoi cyhoeddusrwydd i'r cais drwy roi hysbysiad gofynnol—

- (a) drwy arddangos ar y safle mewn o leiaf un man ar neu gerllaw'r tir y mae'r cais yn ymwneud ag ef, am gyfnod o ddim llai nag 21 diwrnod; neu
- (b) drwy gyflwyno'r hysbysiad i unrhyw berchennog neu feddiannydd cyffiniol.

(6) Os caiff hysbysiad ei dynnu ymaith, ei guddio neu'i ddifwyno cyn bo'r cyfnod o 21 diwrnod y cyfeirir ato ym mharagraff (3)(a), (4)(a)(i) neu (5)(a) wedi dod i ben, a hynny pan nad oedd bai ar yr awdurdod cynllunio lleol na bwriad ganddo i wneud hynny, rhaid trin yr awdurdod fel pe bai wedi cydymffurfio â gofynion y paragraff perthnasol, os cymerodd gamau rhesymol i ddiogelu'r hysbysiad ac i'w ailosod pe bai angen.

(7) Pan fo awdurdod cynllunio lleol yn cynnal gwefan at y diben o roi cyhoeddusrwydd i geisiadau am ganiatâd cynllunio, rhaid cyhoeddi'r wybodaeth ganlynol ar y wefan—

- (a) cyfeiriad neu leoliad y datblygiad arfaethedig;
- (b) disgrifiad o'r datblygiad arfaethedig;
- (c) erbyn pa ddyddiad y bydd rhaid gwneud unrhyw sylwadau, sef dyddiad na chaiff fod yn gynharach na diwrnod olaf y cyfnod o 14 diwrnod sy'n cychwyn gyda'r dyddiad y cyhoeddir yr wybodaeth;
- (ch) ymhle a pha bryd y ceir archwilio'r cais; a

the application must be publicised in the manner specified in paragraph (3).

(3) An application falling within paragraph (2) ("a paragraph (2) application") must be publicised by giving requisite notice—

- (a) by site display in at least one place on or near the land to which the application relates, for not less than 21 days; and
- (b) by publication of the notice in a newspaper circulating in the locality in which the land to which the application relates is situated.

(4) In the case of an application for planning permission which is not a paragraph (2) application, if the development proposed is major development the application must be publicised by giving requisite notice—

- (a) (i) by site display in at least one place on or near the land to which the application relates for not less than 21 days; or
- (ii) by serving the notice on any adjoining owner or occupier; and
- (b) by publication of the notice in a newspaper circulating in the locality in which the land to which the application relates is situated.

(5) In a case to which neither paragraph (2) nor paragraph (4) applies, the application must be publicised by giving requisite notice—

- (a) by site display in at least one place on or near the land to which the application relates for not less than 21 days; or
- (b) by serving the notice on any adjoining owner or occupier.

(6) Where the notice is, without any fault or intention of the local planning authority, removed, obscured or defaced before the period of 21 days referred to in paragraph (3)(a), (4)(a)(i) or (5)(a) has elapsed, the authority will be treated as having complied with the requirements of the relevant paragraph if they have taken reasonable steps to protect the notice and, if need be, replace it.

(7) Where the local planning authority maintain a website for the purpose of publicising applications for planning permission the following information must be published on the website—

- (a) the address or location of the proposed development;
- (b) a description of the proposed development;
- (c) the date by which any representations about the application must be made, which must not be before the last day of the period of 14 days beginning with the date on which the information is published;
- (d) where and when the application may be inspected; and

(d) sut y gellir gwneud sylwadau ynglŷn â'r cais.

(8) Os bydd yr awdurdod cynllunio lleol wedi methu â bodloni gofynion yr erthygl hon mewn perthynas â chais am ganiatâd cynllunio ar yr adeg yr atgyfeirir y cais at Weinidogion Cymru o dan adran 77 o Ddeddf 1990 (atgyfeirio ceisiadau at yr Ysgrifennydd Gwladol)(1) neu y gwneir unrhyw apêl i Weinidogion Cymru o dan adran 78 o Ddeddf 1990 (hawl i apelio yn erbyn penderfyniadau cynllunio a methiant i wneud penderfyniadau o'r fath)(2), bydd yr erthygl hon yn parhau'n gymwys fel pe na bai'r cyfryw atgyfeiriad neu apêl i Weinidogion Cymru wedi ei wneud.

(9) Os yw paragraff (8) yn gymwys, pan fydd yr awdurdod cynllunio lleol wedi bodloni gofynion yr erthygl hon, rhaid iddo hysbysu Gweinidogion Cymru ei fod wedi gwneud hynny.

(10) Yn yr erthygl hon—

ystyr "hysbysiad gofynnol" ("*requisite notice*") yw hysbysiad yn y ffurf briodol a bennir yn Atodlen 3 neu ffurf sylweddol gyffelyb o ran effaith; ac

ystyr "perchennog neu feddiannydd cyffiniol" ("*adjoining owner or occupier*") yw unrhyw berchennog neu feddiannydd unrhyw dir cyffiniol i'r tir y mae'r cais yn ymwneud ag ef.

(11) Mae paragraffau (1) i (6) yn gymwys i geisiadau a wneir i Weinidogion Cymru o dan adran 293A o Ddeddf 1990 (datblygiad brys y Goron: gwneud cais)(3) fel pe bai'r cyfeiriadau at awdurdod cynllunio lleol yn gyfeiriadau at Weinidogion Cymru.

### Hysbysiad o atgyfeirio ceisiadau at Weinidogion Cymru

13. Wrth atgyfeirio unrhyw gais at Weinidogion Cymru o dan adran 77 o Ddeddf 1990 (atgyfeirio ceisiadau at yr Ysgrifennydd Gwladol) yn unol â chyfarwyddyd i'r perwyl hwnnw, rhaid i awdurdod cynllunio lleol gyflwyno i'r ceisydd hysbysiad sydd—

- (a) yn nodi telerau'r cyfarwyddyd ac unrhyw resymau a roddir gan Weinidogion Cymru dros ei ddyroddi;
- (b) yn datgan bod y cais wedi ei atgyfeirio at Weinidogion Cymru; ac
- (c) yn cynnwys datganiad y bydd Gweinidogion Cymru, os yw'r ceisydd yn dymuno hynny, yn rhoi cyfle i'r ceisydd ymddangos gerbron person a benodir gan Weinidogion Cymru at y diben hwnnw a chael ei glywed ganddo, ac y

(e) how representations may be made about the application.

(8) If the local planning authority have failed to satisfy the requirements of this article in respect of an application for planning permission at the time the application is referred to the Welsh Ministers under section 77 of the 1990 Act (reference of applications to Secretary of State)(1) or any appeal to the Welsh Ministers is made under section 78 of the 1990 Act (right to appeal against planning decisions and failure to take such decisions)(2), this article will continue to apply as if such referral or appeal to the Welsh Ministers had not been made.

(9) Where paragraph (8) applies, when the local planning authority have satisfied the requirements of this article, they must inform the Welsh Ministers that they have done so.

(10) In this article—

"adjoining owner or occupier" ("*perchennog neu feddiannydd cyffiniol*") means any owner or occupier of any land adjoining the land to which the application relates; and

"requisite notice" ("*hysbysiad gofynnol*") means notice in the appropriate form set out in Schedule 3 or in a form substantially to the like effect.

(11) Paragraphs (1) to (6) apply to applications made to the Welsh Ministers under section 293A of the 1990 Act (urgent Crown development: application)(3) as if the references to a local planning authority were references to the Welsh Ministers.

### Notice of reference of applications to the Welsh Ministers

13. On referring any application to the Welsh Ministers under section 77 of the 1990 Act (reference of applications to Secretary of State) pursuant to a direction in that behalf, a local planning authority must serve on the applicant a notice—

- (a) setting out the terms of the direction and any reasons given by the Welsh Ministers for issuing it;
- (b) stating that the application has been referred to the Welsh Ministers; and
- (c) containing a statement that the Welsh Ministers will, if the applicant so wishes, afford to the applicant an opportunity of appearing before and being heard by a person appointed by the Welsh Ministers for the

(1) Diwygiwyd adran 77 gan adran 32 o Ddeddf Cynllunio a Digolledu 1991 (p.34) a pharagraff 18 o Atodlen 7 i'r Ddeddf honno, ac adran 40(2)(d) o Ddeddf 2004.

(2) Diwygiwyd adran 78 gan adran 17(2) o Ddeddf Cynllunio a Digolledu 1991 (p.34) ac adrannau 40(2)(e) a 43(2) o Ddeddf 2004.

(3) Mewnosodwyd adran 293A gan adran 82(1) o Ddeddf 2004.

(1) Section 77 was amended by section 32 of, and paragraph 18 of Schedule 7 to, the Planning and Compensation Act 1991 (c.34), and section 40(2)(d) of the 2004 Act.

(2) Section 78 was amended by section 17(2) of the Planning and Compensation Act 1991(c.34) and sections 40(2)(e) and 43(2) of the 2004 Act.

(3) Section 293A was inserted by section 82(1) of the 2004 Act.

bydd penderfyniad Gweinidogion Cymru ar y cais yn derfynol.

purpose, and that the decision of the Welsh Ministers on the application will be final.

### RHAN 3

### PART 3

#### Ymgynghori

#### Consultation

#### Ymgynghoriadau cyn rhoi caniatâd

14.—(1) Cyn rhoi caniatâd cynllunio ar gyfer datblygiad sydd, ym marn awdurdod cynllunio lleol, yn dod o fewn categori a bennir yn y Tabl yn Atodlen 4, rhaid i'r awdurdod cynllunio lleol ymgynghori â'r awdurdod, corff neu berson a grybwyllir mewn perthynas â'r categori hwnnw, oni bai—

- (a) mai'r awdurdod cynllunio lleol yw'r awdurdod, corff neu berson a grybwyllir felly; neu
- (b) bod yr awdurdod, corff neu berson a grybwyllir felly wedi rhoi gwybod i'r awdurdod cynllunio lleol nad yw'n dymuno iddo ymgynghori ag ef.

(2) Nid yw'r eithriad ym mharagraff (1)(b) yn gymwys os yw'r datblygiad, ym marn yr awdurdod cynllunio lleol, yn dod o fewn paragraff (s) o'r Tabl yn Atodlen 4.

(3) Caiff Gweinidogion Cymru roi cyfarwyddiadau i awdurdod cynllunio lleol sy'n ei gwneud yn ofynnol bod yr awdurdod yn ymgynghori ag unrhyw berson neu gorff a enwir yn y cyfarwyddiadau, mewn unrhyw achos neu ddsbarth o achosion a bennir yn y cyfarwyddiadau.

(4) Os yw'n ofynnol gan neu, o dan, yr erthygl hon bod awdurdod cynllunio lleol yn ymgynghori ag unrhyw berson neu gorff ("yr ymgynghorai") cyn rhoi caniatâd cynllunio—

- (a) rhaid i'r awdurdod cynllunio lleol, os nad yw'r ceisydd wedi cyflwyno copi o gais am ganiatâd cynllunio i'r ymgynghorai, roi hysbysiad o'r cais i'r ymgynghorai; a
- (b) rhaid i'r awdurdod cynllunio lleol beidio â phenderfynu'r cais tan 14 diwrnod o leiaf ar ôl y dyddiad y rhoddyd hysbysiad o dan is-baragraff (a) neu, os yw'n gynharach, 14 diwrnod ar ôl dyddiad cyflwyno copi o'r cais i'r ymgynghorai gan y ceisydd.

(5) Wrth benderfynu'r cais, rhaid i'r awdurdod cynllunio lleol gymryd i ystyriaeth unrhyw sylwadau a ddaw i law gan ymgynghorai.

#### Ymgynghoriadau cyn rhoi caniatâd cynllunio: datblygiad brys y Goron

15.—(1) Mae'r erthygl hon yn gymwys mewn perthynas â cheisiadau a wneir i Weinidogion Cymru o dan adran 293A o Ddeddf 1990 (datblygiad brys y Goron: gwneud cais).

#### Consultations before the grant of permission

14.—(1) Before granting planning permission for development which, in their opinion, falls within a category set out in the Table in Schedule 4, a local planning authority must consult the authority, body or person mentioned in relation to that category, except where—

- (a) the local planning authority are the authority, body or person so mentioned; or
- (b) the authority, body or person so mentioned has advised the local planning authority that they do not wish to be consulted.

(2) The exception in paragraph (1)(b) does not apply where, in the opinion of the local planning authority, development falls within paragraph (x) of the Table in Schedule 4.

(3) The Welsh Ministers may give directions to a local planning authority requiring that authority to consult any person or body named in the directions, in any case or class of case specified in the directions.

(4) Where, by or under this article, a local planning authority are required to consult any person or body ("the consultee") before granting planning permission—

- (a) they must, unless an applicant has served a copy of an application for planning permission on the consultee, give notice of the application to the consultee; and
- (b) they must not determine the application until at least 14 days after the date on which notice is given under sub-paragraph (a) or, if earlier, 14 days after the date of service of a copy of the application on the consultee by the applicant.

(5) The local planning authority must in determining the application take into account any representations received from a consultee.

#### Consultations before the grant of planning permission: urgent Crown development

15.—(1) This article applies in relation to applications made to the Welsh Ministers under section 293A of the 1990 Act (urgent Crown development: application).

(2) Cyn rhoi caniatâd cynllunio ar gyfer datblygiad sydd, ym marn Gweinidogion Cymru, yn dod o fewn categori a bennir yn y Tabl yn Atodlen 4, rhaid i Weinidogion Cymru ymgynghori â'r awdurdod, corff neu berson a grybwyllir mewn perthynas â'r categori hwnnw, ac eithrio—

- (a) pan yw'n ofynnol bod Gweinidogion Cymru yn ymgynghori â'r awdurdod a grybwyllir felly o dan adran 293A(9)(a) o Ddeddf 1990;
- (b) pan fo'r awdurdod, corff neu berson a grybwyllir felly wedi rhoi gwybod i Weinidogion Cymru nad yw'n dymuno iddynt ymgynghori ag ef; neu
- (c) pan fo'r datblygiad yn ddarostyngedig i unrhyw gyngor sefydlog, a ddarperir gan yr awdurdod, corff neu berson a grybwyllir felly, i Weinidogion Cymru mewn perthynas â'r categori o ddatblygiad.

(3) Nid yw'r eithriad ym mharagraff (2)(b) yn gymwys os yw'r datblygiad, ym marn Gweinidogion Cymru, yn dod o fewn paragraff (s) o'r Tabl yn Atodlen 4.

(4) Nid yw'r eithriad ym mharagraff (2)(c) yn gymwys—

- (a) os yw'r datblygiad yn ddatblygiad AEA; neu
- (b) os dyroddwyd y cyngor sefydlog fwy na 2 flynedd cyn dyddiad y cais am ganiatâd cynllunio ar gyfer y datblygiad, ac nad yw'r canllawiau wedi eu diwygio na'u cadarnhau fel rhai sydd mewn grym, gan yr awdurdod, corff neu berson o fewn y cyfnod hwnnw.

(5) Os yw'n ofynnol, gan, neu o dan, yr erthygl hon, bod Gweinidogion Cymru yn ymgynghori ag unrhyw berson neu gorff ("yr ymgynghorai") cyn rhoi caniatâd cynllunio—

- (a) rhaid i Weinidogion Cymru, os nad yw'r ceisydd wedi cyflwyno copi o gais am ganiatâd cynllunio i'r ymgynghorai, roi hysbysiad o'r cais i'r ymgynghorai; a
- (b) rhaid i Weinidogion Cymru beidio â phenderfynu'r cais tan 14 diwrnod o leiaf ar ôl y dyddiad y rhoddwyd hysbysiad o dan isbaragraff (a) neu, os yw'n gynharach, 14 diwrnod ar ôl dyddiad cyflwyno copi o'r cais i'r ymgynghorai gan y ceisydd.

(6) Wrth benderfynu'r cais, rhaid i Weinidogion Cymru gymryd i ystyriaeth unrhyw sylwadau a ddaw i law gan ymgynghorai.

### **Sylwadau gan ymgynghorau cymuned cyn penderfynu ceisiadau**

**16.**—(1) Pan roddir gwybodaeth ynglŷn â chais i gyngor cymuned yn unol â pharagraff 2(1) o Atodlen 1A i Ddeddf 1990 (dosbarthiad swyddogaethau

(2) Before granting planning permission for development which in the opinion of the Welsh Ministers, falls within a category set out in the Table in Schedule 4, the Welsh Ministers must consult the authority, body or person mentioned in relation to that category, except where—

- (a) the Welsh Ministers are required to consult the authority so mentioned under section 293A(9)(a) of the 1990 Act;
- (b) the authority, body or person so mentioned has advised the Welsh Ministers that they do not wish to be consulted; or
- (c) the development is subject to any standing advice provided by the authority, body or person so mentioned to the Welsh Ministers in relation to the category of development.

(3) The exception in paragraph (2)(b) does not apply where in the opinion of the Welsh Ministers, development falls within paragraph (x) of the Table in Schedule 4.

(4) The exception in paragraph (2)(c) does not apply where—

- (a) the development is an EIA development; or
- (b) the standing advice was issued more than 2 years before the date of the application for planning permission for the development and the guidance has not been amended or confirmed as being extant by the authority, body or person within that period.

(5) Where, by or under this article, the Welsh Ministers are required to consult any person or body ("the consultee") before granting planning permission—

- (a) the Welsh Ministers must, unless an applicant has served a copy of an application for planning permission on the consultee, give notice of the application to the consultee; and
- (b) the Welsh Ministers must not determine the application until at least 14 days after the date on which notice is given under sub-paragraph (a) or, if earlier, 14 days after the date of service of a copy of the application on the consultee by the applicant.

(6) The Welsh Ministers must in determining the application, take into account any representations received from a consultee.

### **Representations by community councils before determination of applications**

**16.**—(1) Where the council of a community are given information in relation to an application pursuant to paragraph 2(1) of Schedule 1A to the 1990 Act



awdurdod cynllunio lleol: Cymru)(1), rhaid iddo, cyn gynted ag y bo'n ymarferol, roi gwybod i'r awdurdod cynllunio lleol sy'n penderfynu'r cais a yw'n dymuno gwneud unrhyw sylwadau ynghylch y modd y dylid penderfynu'r cais ai peidio, a rhaid iddo gyflwyno unrhyw sylwadau i'r awdurdod hwnnw o fewn cyfnod o 14 diwrnod ar ôl i'r cyngor cymuned gael ei hysbysu ynglŷn â'r cais.

(2) Rhaid i awdurdod cynllunio lleol beidio â phenderfynu unrhyw gais, y mae'n ofynnol rhoi gwybodaeth amdano i gymuned—

- (a) cyn bo'r cyngor cymuned yn rhoi gwybod iddo nad yw'n bwriadu gwneud unrhyw sylwadau;
- (b) cyn bo sylwadau wedi eu gwneud gan y cyngor hwnnw; neu
- (c) cyn bo'r cyfnod o 14 diwrnod a grybwyllir ym mharagraff (1) wedi dod i ben,

pa un bynnag o'r rhain sy'n digwydd gyntaf; ac wrth benderfynu'r cais, rhaid i awdurdod gymryd i ystyriaeth unrhyw sylwadau a ddaw i law gan gyngor y gymuned.

(3) Rhaid i'r awdurdod cynllunio lleol hysbysu'r cyngor cymuned ynghylch telerau'r penderfyniad ar unrhyw gais o'r fath, neu, os atgyfeirir y cais at Weinidogion Cymru, rhaid iddo hysbysu'r cyngor cymuned o'r dyddiad y'i hatgyfeiriwyd felly, a phan ddônt i law, telerau penderfyniad Gweinidogion Cymru.

### Hysbysu ynghylch ceisiadau mwynau

17.—(1) Pan fo hysbysiad wedi ei roi at ddibenion yr erthygl hon i awdurdod cynllunio lleol mewn perthynas â thir sydd o fewn ei ardal, ac os pennwyd yn yr hysbysiad—

- (a) gan yr Awdurdod Glo, bod y tir yn cynnwys glo;
- (b) gan yr Ysgrifennydd Gwladol dros Ynni a Newid Hinsawdd, bod y tir yn cynnwys nwy neu olew; neu
- (c) gan Gomisiynwyr Ystad y Goron, bod y tir yn cynnwys arian neu aur,

rhaid i'r awdurdod cynllunio lleol beidio â phenderfynu unrhyw gais am ganiatâd cynllunio i ennill a gweithio unrhyw fwyn ar y tir hwnnw, heb yn gyntaf hysbysu'r corff neu'r person a roddodd yr hysbysiad, bod cais wedi ei wneud.

(2) Yn yr erthygl hon, ystyr "glo" ("*coal*") yw glo ac eithrio—

- (a) glo a enillwyd neu a weithiwyd yng nghwrs gweithrediadau a ymgwymerir yn unig at y diben o chwilio am lo; neu

(distribution of local planning authority functions: Wales)(1), they must, as soon as practicable, notify the local planning authority who are determining the application whether they propose to make any representations about the manner in which the application should be determined, and must make any representations to that authority within 14 days of the notification to them of the application.

(2) A local planning authority must not determine any application in respect of which a community are required to be given information before—

- (a) the council of the community inform them that they do not propose to make any representations;
- (b) representations are made by that council; or
- (c) the period of 14 days mentioned in paragraph (1) has elapsed,

whichever occurs first; and in determining the application the authority must take into account any representations received from the council of the community.

(3) The local planning authority must notify the council of the community of the terms of the decision on any such application or, where the application is referred to the Welsh Ministers, of the date when it was so referred and, when notified to them, of the terms of the Welsh Ministers' decision.

### Notification of mineral applications

17.—(1) Where notice has been given for the purposes of this article to a local planning authority as respects land which is in their area and specified in the notice—

- (a) by the Coal Authority that the land contains coal;
- (b) by the Secretary of State for Energy and Climate Change that it contains gas or oil; or
- (c) by the Crown Estates Commissioners that it contains silver or gold,

the local planning authority must not determine any application for planning permission to win and work any mineral on that land, without first notifying the body or person who gave the notice that an application has been made.

(2) In this article, "coal" ("*glo*") means coal other than that—

- (a) won or worked during the course of operations which are carried on exclusively for the purpose of exploring for coal; or

(1) 1990 p.8. Mewnsoodwyd Atodlen 1A gan Ddeddf Llywodraeth Leol (Cymru) 1994 (p.19).

(1) 1990 c.8. Schedule 1A was inserted by the Local Government (Wales) Act 1994 (c.19).

- (b) glo y mae'n ofynnol ei gloddio neu ei gludo ymaith yng nghwrs gweithrediadau a ymgymerir at ddibenion nad ydynt yn cynnwys caffael glo neu unrhyw gynnyrch glo.

- (b) which it is necessary to dig or carry away in the course of activities carried on for purposes which do not include the getting of coal or any product of coal.

#### RHAN 4

#### PART 4

##### Penderfynu

##### Determination

#### Cyfarwyddiadau gan Weinidogion Cymru

**18.—**(1) Caiff Gweinidogion Cymru roi cyfarwyddiadau sy'n cyfyngu ar roi caniatâd gan awdurdod cynllunio lleol, naill ai am gyfnod amhenodol neu yn ystod pa bynnag gyfnod a bennir yn y cyfarwyddiadau, mewn perthynas ag unrhyw ddatblygiad neu mewn perthynas â datblygiad mewn unrhyw ddsbarth a bennir felly.

(2) Caiff Gweinidogion Cymru roi cyfarwyddiadau bod datblygiad, sydd o ddisgrifiad a bennir yng Ngholofn 1 o'r Tabl yn Atodlen 2 i Reoliadau Cynllunio Gwlad a Thref (Asesu Effeithiau Amgylcheddol) (Cymru a Lloegr) 1999 (disgrifiadau o ddatblygiad a throthwyon a meini prawf cymwys at ddibenion diffinio "Schedule 2 development")<sup>(1)</sup> ac sydd hefyd o ddsbarth a ddisgrifir yn y cyfarwyddyd, yn ddatblygiad AEA at ddibenion y Rheoliadau hyn.

(3) Rhaid i awdurdod cynllunio lleol ymdrin â cheisiadau am ganiatâd cynllunio, ar gyfer datblygiad y mae cyfarwyddyd a roddir o dan yr erthygl hon yn gymwys iddo, mewn modd a fydd yn rhoi effaith i'r cyfarwyddyd.

#### Datblygiad sy'n effeithio ar briffyrdd presennol ac arfaethedig penodol

**19.—**(1) Pan wneir cais i awdurdod cynllunio lleol am ganiatâd cynllunio ar gyfer datblygiad a gyfansoddir o'r canlynol, neu sy'n cynnwys y canlynol—

- (a) ffurfio, llunweddu neu addasu unrhyw fynedfa i, neu oddi ar, unrhyw ran o gefnffordd sydd naill ai'n ffordd arbennig neu, os nad yn ffordd arbennig, yn ffordd sy'n ddarostyngedig i derfyn cyflymder o fwy na 40 milltir yr awr; neu
- (b) unrhyw ddatblygiad o dir sydd o fewn 67 metr (neu pa bynnag bellter arall a bennir mewn cyfarwyddyd a roddir gan Weinidogion Cymru o dan yr erthygl hon) o ganol—
  - (i) unrhyw briffordd (ac eithrio cefnffordd) a ddarparwyd gan Weinidogion Cymru, neu'r awdurdodwyd Gweinidogion Cymru i'w darparu, yn unol â gorchymyn o dan Ran 2

#### Directions by the Welsh Ministers

**18.—**(1) The Welsh Ministers may give directions restricting the grant of permission by a local planning authority, either indefinitely or during such a period as may be specified in the directions, in respect of any development or in respect of development of any class so specified.

(2) The Welsh Ministers may give directions that development which is both of a description set out in Column 1 of the Table in Schedule 2 to the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 (descriptions of development and applicable thresholds and criteria for the purposes of the definition of "Schedule 2 development")<sup>(1)</sup> and of a class described in the direction is EIA development for the purposes of those Regulations.

(3) A local planning authority must deal with applications for planning permission for development to which a direction given under this article applies in such manner as to give effect to the direction.

#### Development affecting certain existing and proposed highways

**19.—**(1) Where an application is made to a local planning authority for planning permission for development which consists of or includes—

- (a) the formation, laying out or alteration of any access to or from any part of a trunk road which is either a special road or, if not a special road, a road subject to a speed limit exceeding 40 miles per hour; or
- (b) any development of land within 67 metres (or such other distance as may be specified in a direction given by the Welsh Ministers under this article) from the middle of—
  - (i) any highway (other than a trunk road) which the Welsh Ministers have provided, or are authorised to provide, in pursuance of an order under Part 2 of the Highways

<sup>(1)</sup> O.S.1999/293, diwygiwyd Colofn 1 o'r Tabl yn Atodlen 2 gan O.S. 2006/3099 a 2007/2610.

<sup>(1)</sup> S.I. 1999/293, Column 1 of the Table in Schedule 2 was amended by S.I. 2006/3099 and 2007/2610.

o Ddeddf Priffyrdd 1980 (cefnffyrdd, ffyrdd dosbarthiadol, ffyrdd metropolitaidd, ffyrdd arbennig)(1) ac nad yw, ar y pryd, wedi ei throsglwyddo i unrhyw awdurdod priffyrdd arall;

- (ii) unrhyw briffordd y mae Gweinidogion Cymru yn bwriadu ei gwella o dan Ran 5 o'r Ddeddf honno (gwella priffyrdd) ac y rhoddwyd hysbysiad i'r awdurdod mewn perthynas â hi;
- (iii) unrhyw briffordd y mae Gweinidogion Cymru yn bwriadu gwneud gwelliannau iddi yn unol â gorchymyn o dan Ran 2 o'r Ddeddf honno; neu
- (iv) unrhyw briffordd y mae Gweinidogion Cymru yn bwriadu ei hadeiladu, y dangosir ei llwybr ar y cynllun datblygu, neu y rhoddodd Gweinidogion Cymru hysbysiad ysgrifenedig i'r awdurdod cynllunio lleol perthnasol ynglŷn â hi, ynghyd â mapiau neu blaniau digonol ar gyfer adnabod llwybr y briffordd,

rhaid i'r awdurdod hysbysu Gweinidogion Cymru drwy anfon copi o'r cais, ac o unrhyw blaniau a lluniadau a gyflwynwyd gyda'r cais, at Weinidogion Cymru.

(2) Rhaid peidio â phenderfynu cais y cyfeirir ato ym mharagraff (1) oni fydd—

- (a) yr awdurdod cynllunio lleol yn cael cyfarwyddyd o dan erthygl 18 (a rhaid i'r awdurdod wedyn benderfynu'r cais yn unol â thelerau'r cyfarwyddyd hwnnw);
- (b) yr awdurdod wedi cael hysbysiad gan neu ar ran Gweinidogion Cymru, nad yw Gweinidogion Cymru yn bwriadu rhoi unrhyw gyfarwyddyd o'r fath mewn perthynas â'r datblygiad y mae'r cais yn ymwneud ag ef; neu
- (c) cyfnod o 28 diwrnod (neu pa bynnag gyfnod hwy a gytunir mewn ysgrifenedig rhwng yr awdurdod a Gweinidogion Cymru) o'r dyddiad y rhoddwyd hysbysiad i Weinidogion Cymru wedi dod i ben heb gael cyfarwyddyd o'r fath.

(3) Caiff Gweinidogion Cymru, mewn perthynas ag unrhyw achos neu unrhyw ddsbarth neu ddisgrifiad o achosion, roi cyfarwyddyd sy'n pennu pellter gwahanol at ddibenion paragraff (1)(b).

(4) Yn yr erthygl hon—

ystyr "cefnffordd" ("*trunk road*") yw priffordd neu briffordd arfaethedig sy'n gefnffordd yn rhinwedd adrannau 10(1) (darpariaeth gyffredinol ynglŷn â chefnffyrdd) neu 19 (ffyrdd arbennig penodol a phriffyrdd eraill i ddod yn gefnffyrdd) o Ddeddf Priffyrdd 1980(2) neu yn rhinwedd gorchymyn neu gyfarwyddyd o dan adran 10, neu unrhyw

Act 1980 (trunk roads, classified roads, metropolitan roads, special roads)(1) and which has not for the time being been transferred to any other highway authority;

- (ii) any highway which the Welsh Ministers propose to improve under Part 5 of that Act (improvement of highways) and in respect of which notice has been given to the authority;
- (iii) any highway to which the Welsh Ministers propose to carry out improvements in pursuance of an order under Part 2 of that Act; or
- (iv) any highway which the Welsh Ministers propose to construct, the route of which is shown on the development plan or in respect of which the Welsh Ministers have given notice in writing to the relevant local planning authority together with maps or plans sufficient to identify the route of the highway,

the authority must notify the Welsh Ministers by sending to the Welsh Ministers a copy of the application and any accompanying plans and drawings.

(2) An application referred to in paragraph (1) must not be determined unless—

- (a) the local planning authority receive a direction given under article 18 (and the authority must then determine the application in accordance with the terms of that direction);
- (b) the authority receive notification by or on behalf of the Welsh Ministers that the Welsh Ministers do not propose to give any such direction in respect of the development to which the application relates; or
- (c) a period of 28 days (or such longer period as may be agreed in writing between the authority and the Welsh Ministers) from the date when notification was given to the Welsh Ministers has elapsed without receipt of such a direction.

(3) The Welsh Ministers may, in respect of any case or any class or description of cases, give a direction specifying a different distance for the purposes of paragraph (1)(b).

(4) In this article—

"proposed highway" ("*priffordd arfaethedig*") has the same meaning as in section 329 of the Highways Act 1980 (further provision as to interpretation)(2);

"special road" ("*ffordd arbennig*") means a highway or proposed highway which is a special

(1) 1980 p.66.

(2) Diwygiwyd adran 19 gan adran 21 o Ddeddf Ffyrdd Newydd a Gwaith Stryd 1991 (p.22).

(1) 1980 c.66.

(2) 1980 c.66.

ddeddfiad arall neu unrhyw offeryn a wneir o dan unrhyw ddeddfiad;

ystyr "ffordd arbennig" ("*special road*") yw priffordd neu briffordd arfaethedig sy'n ffordd arbennig yn unol ag adran 16 o Ddeddf Priffyrdd 1980 (darpariaeth gyffredinol ynglŷn â ffyrdd arbennig)(1); ac

mae i "priffordd arfaethedig" yr ystyr a roddir i "proposed highway" yn adran 329 o Ddeddf Priffyrdd 1980 (darpariaeth bellach ynglŷn â dehongli)(2).

### Datblygiad nad yw'n cydweddu â'r cynllun datblygu

20. Caiff awdurdod cynllunio lleol, yn y cyfryw achosion ac yn ddarostyngedig i'r cyfryw amodau a ragnodir mewn cyfarwyddiadau a roddir gan Weinidogion Cymru o dan y Gorchymyn hwn, roi caniatâd ar gyfer datblygiad nad yw'n cydweddu â darpariaethau'r cynllun datblygu sydd mewn grym yn yr ardal lle mae'r tir yr ymwneir ag ef yn y cais.

### Sylwadau sydd i'w cymryd i ystyriaeth

21.—(1) Rhaid i awdurdod cynllunio lleol, wrth benderfynu cais am ganiatâd cynllunio, gymryd i ystyriaeth unrhyw sylwadau a wnaed, pan oedd unrhyw hysbysiad neu wybodaeth ynglŷn â'r cais—

- (a) wedi ei roi neu'i rhoi drwy arddangos ar y safle o dan erthygl 10 neu 12, o fewn cyfnod o 21 diwrnod a oedd yn cychwyn gyda'r dyddiad yr arddangoswyd yr hysbysiad am y tro cyntaf drwy arddangos ar y safle;
- (b) wedi ei gyflwyno neu'i chyflwyno—
  - (i) i berchennog y tir neu i denant o dan erthygl 10; neu
  - (ii) i berchennog neu feddiannydd cyffiniol o dan erthygl 12,

o fewn cyfnod o 21 diwrnod a oedd yn cychwyn gyda'r dyddiad y cyflwynwyd yr hysbysiad i'r person hwnnw, ar yr amod y gwnaed y sylwadau gan unrhyw berson y bodlonwyd yr awdurdod ei fod yn berchennog, tenant neu feddiannydd o'r fath; neu

- (c) wedi ei gyhoeddi neu'i chyhoeddi mewn papur newydd o dan erthygl 10 neu 12 neu ar wefan o dan erthygl 12, o fewn y cyfnod o 14 diwrnod a oedd yn cychwyn gyda'r dyddiad y cyhoeddwyd yr hysbysiad neu'r wybodaeth,

a'r sylwadau a'r cyfnodau yn yr erthygl hon yw'r sylwadau a'r cyfnodau a ragnodir at ddibenion adran

(1) Diwygiwyd adran 16 gan adran 36 o Ddeddf Cynllunio 2008 (p.29) a pharagraffau 21 a 24 o Atodlen 2 i'r Ddeddf honno.

(2) 1980 p.66.

road in accordance with section 16 of the Highways Act 1980 (general provision as to special roads)(1); and

"trunk road" ("*ceffnffordd*") means a highway or proposed highway which is a trunk road by virtue of sections 10(1) (general provision as to trunk roads) or 19 (certain special roads and other highways to become trunk roads) of the Highways Act 1980(2) or by virtue of an order or direction under section 10, or any other enactment or any instrument made under any enactment.

### Development not in accordance with the development plan

20. A local planning authority may in such cases and subject to such conditions as may be prescribed by directions given by the Welsh Ministers under this Order grant permission for development which does not accord with the provisions of the development plan in force in the area in which the land to which the application relates is situated.

### Representations to be taken into account

21.—(1) A local planning authority must, in determining an application for planning permission, take into account any representations made, where any notice of or information about the application has been—

- (a) given by site display under article 10 or 12, within 21 days beginning with the date when the notice was first displayed by site display;
- (b) served on—
  - (i) an owner of the land or a tenant under article 10; or
  - (ii) an adjoining owner or occupier under article 12,

within 21 days beginning with the date when the notice was served on that person, provided that the representations are made by any person who they are satisfied is such an owner, tenant or occupier; or

- (c) published in a newspaper under article 10 or 12 or on a website under article 12, within the period of 14 days beginning with the date on which the notice or information was published,

and the representations and periods in this article are representations and periods prescribed for the purposes

(1) Section 16 was amended by section 36 of, and paragraphs 21 and 24 of Schedule 2 to, the Planning Act 2008 (c.29).

(2) Section 19 was amended by section 21 of the New Roads and Street Works Act 1991 (c.22).

71(2)(a) o Ddeddf 1990 (ymgyngoriadau mewn cysylltiad â phenderfyniadau o dan adran 70)(1).

(2) Rhaid i awdurdod cynllunio lleol roi hysbysiad o'i benderfyniad i bob person a wnaeth sylwadau yr oedd yn ofynnol i'r awdurdod eu cymryd i ystyriaeth yn unol â pharagraff (1)(b)(i), a'r cyfryw hysbysiad yw'r hysbysiad a ragnodir at ddibenion adran 71(2)(b) o Ddeddf 1990.

(3) Mae paragraffau (1) a (2) yn gymwys i geisiadau a atgyfeirir at Weinidogion Cymru o dan adran 77 o Ddeddf 1990 (atgyfeirio ceisiadau at yr Ysgrifennydd Gwladol)(2) ac i geisiadau a wneir i Weinidogion Cymru o dan adran 293A(2) o Ddeddf 1990 (datblygiad brys y Goron: gwneud cais)(3) ac y mae paragraffau (1)(b) a (2) yn gymwys i apelau a wneir i Weinidogion Cymru o dan adran 78 o Ddeddf 1990 (hawl i apelio yn erbyn penderfyniadau cynllunio a methiant i wneud penderfyniadau o'r fath)(4), fel pe bai cyfeiriadau—

- (a) at awdurdod cynllunio lleol, yn gyfeiriadau at Weinidogion Cymru; a
- (b) at benderfynu cais am ganiatâd cynllunio, yn gyfeiriadau at benderfynu cais o'r fath neu apêl, yn ôl fel y digwydd.

### Cyfnodau amser ar gyfer penderfyniadau

**22.**—(1) Yn ddarostyngedig i baragraff (5), pan fo cais dilys wedi dod i law awdurdod cynllunio lleol, rhaid i'r awdurdod, o fewn y cyfnod a bennir neu y cyfeirir ato ym mharagraff (2)(5) roi i'r ceisydd hysbysiad o'i benderfyniad neu'i ddyfarniad neu roi hysbysiad bod y cais wedi ei atgyfeirio at Weinidogion Cymru.

(2) Y cyfnod a bennir neu y cyfeirir ato yn y paragraff hwn yw—

- (a) y cyfnod o wyth wythnos sy'n cychwyn gyda'r dyddiad y daeth y cais i law'r awdurdod cynllunio lleol;
- (b) ac eithrio pan fo'r ceisydd eisoes wedi rhoi hysbysiad o apêl i Weinidogion Cymru, pa bynnag gyfnod estynedig a gytunir mewn ysgrifen rhwng y ceisydd a'r awdurdod; neu
- (c) os yw unrhyw ffi sy'n ofynnol mewn perthynas â chais wedi ei thalu â siec, a'r siec honno wedi ei dychwelyd wedyn heb ei thalu, y cyfnod priodol fel a bennir yn is-baragraff (a) neu (b)

(1) Diwygiwyd adran 71 gan adran 16(2) o Ddeddf Cynllunio a Digolledu 1991 (p. 34), a pharagraff 15 o Atodlen 7 i'r Ddeddf honno.

(2) Diwygiwyd adran 77 gan adran 32 o Ddeddf Cynllunio a Digolledu 1991 (p.34) a pharagraff 18 o Atodlen 7 i'r Ddeddf honno, ac adran 40(2)(d) o Ddeddf 2004.

(3) Mewnosodwyd adran 293A gan adran 82(1) o Ddeddf 2004.

(4) Diwygiwyd adran 78 gan adran 17(2) o Ddeddf Cynllunio a Digolledu 1991 (p.34) ac adrannau 40(2)(e) a 43(2) o Ddeddf 2004.

(5) Mae O.S. 1999/293 yn estyn y cyfnod amser ar gyfer dyfarnu ceisiadau am ddatblygiad AEA.

of section 71(2)(a) of the 1990 Act (consultations in connection with determinations under section 70)(1).

(2) A local planning authority must give notice of their decision to every person who has made representations which they were required to take into account in accordance with paragraph (1)(b)(i), and such notice is notice prescribed for the purposes of section 71(2)(b) of the 1990 Act.

(3) Paragraphs (1) and (2) apply to applications referred to the Welsh Ministers under section 77 of the 1990 Act (reference of applications to Secretary of State)(2) and to applications made to the Welsh Ministers under section 293A(2) of the 1990 Act (urgent Crown development:application)(3) and paragraphs (1)(b) and (2) apply to appeals to the Welsh Ministers made under section 78 of the 1990 Act (right to appeal against planning decisions and failure to take such decisions)(4), as if the reference to—

- (a) a local planning authority were to the Welsh Ministers; and
- (b) determining an application for planning permission were to determining such application or appeal, as the case may be.

### Time periods for decisions

**22.**—(1) Subject to paragraph (5), where a valid application has been received by a local planning authority, they must within the period specified or referred to in paragraph (2)(5) give the applicant notice of their decision or determination or give notice that the application has been referred to the Welsh Ministers.

(2) The period specified or referred to in this paragraph is—

- (a) the period of eight weeks beginning with the date on which the application was received by the local planning authority;
- (b) except where the applicant has already given notice of appeal to the Welsh Ministers, such extended period as may be agreed in writing between the applicant and the authority; or
- (c) where any fee required in respect of an application has been paid by a cheque which is subsequently dishonoured, the appropriate period specified in sub-paragraph (a) or (b)

(1) Section 71 was amended by section 16(2) of, and paragraph 15 of Schedule 7 to, the Planning and Compensation Act 1991 (c. 34).

(2) Section 77 was amended by section 32 of, and paragraph 18 of Schedule 7 to, the Planning and Compensation Act 1991 (c.34), and section 40(2)(d) of the 2004 Act.

(3) Section 293A was inserted by section 82(1) of the 2004 Act.

(4) Section 78 was amended by section 17(2) of the Planning and Compensation Act 1991 (c.34) and sections 40(2)(e) and 43(2) of the 2004 Act.

(5) S.I. 1999/293 extends the time period for determination of applications for EIA development.

uchod, a gyfrifir gan ddiystyru'r cyfnod rhwng y dyddiad yr anfonodd yr awdurdod hysbysiad ysgrifenedig at y ceisydd fod y siec wedi ei dychwelyd heb ei thalu a'r dyddiad y bodlonir yr awdurdod ei fod wedi derbyn swm llawn y ffi.

(3) Yn yr erthygl hon, ystyr "cais dilys" ("*valid application*") yw cais sy'n cynnwys—

- (a) cais sy'n cydymffurfio â gofynion erthygl 4 neu erthygl 5, yn ôl fel y digwydd;
- (b) pan wneir cais mewn perthynas â thir y Goron, y dogfennau sy'n ofynnol gan erthygl 6;
- (c) mewn achos y mae erthygl 7 yn gymwys iddo, y datganiad dylunio a mynediad neu'r datganiad mynediad, yn ôl fel y digwydd;
- (ch) mewn achos y mae erthygl 9 yn gymwys iddo, y datganiad ysgrifenedig sy'n ofynnol gan yr erthygl honno;
- (d) y dystysgrif sy'n ofynnol gan erthygl 11;
- (dd) yn ddarostyngedig i baragraff (4), y manylion y gofynnir am eu cynnwys, neu'r dystiolaeth y gofynnir am ei chynnwys, gan yr awdurdod cynllunio lleol o dan adran 62(3) o Ddeddf 1990 (ceisiadau am ganiatâd cynllunio)(1); ac
- (e) unrhyw ffi y mae'n ofynnol ei thalu mewn perthynas â'r cais, ac at y diben hwn rhaid ystyried bod cyflwyno siec am swm y ffi yn gyfystyr â thalu,

a rhaid ystyried bod cais dilys wedi ei gael pan fo'r cais a'r cyfryw ddogfennau, manylion neu dystiolaeth y cyfeirir atynt uchod fel rhai y mae'n ofynnol eu cynnwys yn y cais neu'u cyflwyno ynghyd â'r cais, ac unrhyw ffi sy'n ofynnol, wedi eu cyflwyno i'r awdurdod cynllunio lleol.

(4) Nid yw paragraff (3)(dd) yn gymwys ac eithrio—

- (a) pan fo'r cais ar gyfer datblygiad mawr;
- (b) yr awdurdod cynllunio lleol, cyn bo'r cais wedi ei wneud, yn cyhoeddi rhestr o ofynion ar ei wefan at ddibenion paragraff(3); ac
- (c) y manylion neu'r dystiolaeth y mae'n ofynnol gan yr awdurdod eu cynnwys, neu ei chynnwys, yn y cais, yn dod o fewn y rhestr honno.

(5) Rhaid i awdurdod cynllunio lleol ddarparu pa bynnag wybodaeth ynghylch ceisiadau a wnaed o dan erthygl 4 neu erthygl 5 (gan gynnwys gwybodaeth ynghylch y modd yr ymdriniwyd ag unrhyw gais o'r fath) a wneir yn ofynnol gan Weinidogion Cymru drwy gyfarwyddyd. Caiff unrhyw gyfarwyddyd o'r fath gynnwys darpariaeth ynglŷn â pha bersonau sydd i'w hysbysu a'r modd y darperir yr wybodaeth.

above calculated disregarding the period between the date when the authority sent the applicant written notice of the dishonouring of the cheque and the date when the authority are satisfied they have received the full amount of the fee.

(3) In this article "valid application" ("*cais dilys*") means an application which consists of—

- (a) an application which complies with the requirements of article 4 or article 5, as the case may be;
- (b) where an application is made in respect of Crown land, the documents required by article 6;
- (c) in a case to which article 7 applies, the design and access statement or the access statement as the case may be;
- (d) in a case to which article 9 applies, the written declaration required by that article;
- (e) the certificate required by article 11;
- (f) subject to paragraph (4), the particulars or evidence required by the local planning authority under section 62(3) of the 1990 Act (applications for planning permission)(1); and
- (g) any fee required to be paid in respect of the application and, for this purpose, lodging a cheque for the amount of the fee is to be taken as payment,

and a valid application must be taken to have been received when the application and such of the documents, particulars or evidence referred to above as are required to be included in or to accompany the application and any fee required have been lodged with the local planning authority.

(4) Paragraph (3)(f) only applies if—

- (a) the application is for major development;
- (b) before the application is made the local planning authority publish, for the purposes of paragraph (3), a list of requirements on their website; and
- (c) the particulars or evidence that the authority require to be included in the application fall within that list.

(5) A local planning authority must provide such information about applications made under article 4 or article 5 (including information as to the manner in which any such application has been dealt with) as the Welsh Ministers may by direction require. Any such direction may include provision as to the persons to be informed and the manner in which the information is to be provided.

(1) Amnewidiwyd adran 62 gan adran 42(1) o Ddeddf 2004.

(1) Section 62 was substituted by section 42(1) of the 2004 Act.

(6) Yn ddarostyngedig i baragraff (7), rhaid i awdurdod cynllunio lleol beidio â phenderfynu cais am ganiatâd cynllunio, pan fo unrhyw hysbysiad o'r cais, neu wybodaeth yn ei gylch—

- (a) wedi ei roi neu'i rhoi drwy arddangos ar y safle o dan erthygl 10 neu 12, cyn diwedd y cyfnod o 21 diwrnod sy'n dechrau gyda'r dyddiad yr arddangoswyd yr hysbysiad am y tro cyntaf drwy arddangos ar y safle;
- (b) wedi ei gyflwyno neu'i chyflwyno—
  - (i) i berchennog y tir neu i denant o dan erthygl 10, neu
  - (ii) i berchennog neu feddiannydd cyffiniol o dan erthygl 12,

cyn diwedd y cyfnod o 21 diwrnod sy'n dechrau gyda'r dyddiad y cyflwynwyd yr hysbysiad i'r person hwnnw; neu

- (c) wedi ei gyhoeddi neu ei chyhoeddi mewn papur newydd o dan erthygl 10 neu 12 neu ar wefan o dan erthygl 12, o fewn y cyfnod o 14 diwrnod sy'n dechrau gyda'r dyddiad y cyhoeddwyd yr hysbysiad neu'r wybodaeth,

a'r cyfnodau yn y paragraff hwn yw'r cyfnodau a ragnodir at ddibenion adran 71(1) o Ddeddf 1990 (ymgyngoriadau mewn cysylltiad â phenderfyniadau o dan adran 70)(1).

(7) Os oes mwy nag un o'r cyfnodau rhagnodedig o dan baragraff (6) yn gymwys, rhaid i'r awdurdod cynllunio lleol beidio â phenderfynu'r cais cyn diwedd y diweddaraf neu'r diweddarach o'r cyfnodau hynny.

### Ceisiadau a wneir o dan amod cynllunio

**23.** Pan fo cais wedi ei wneud i awdurdod cynllunio lleol am unrhyw gydsyniad, cytundeb neu gymeradwyaeth sy'n ofynnol drwy amod neu gyfyngiad a osodwyd wrth roi caniatâd cynllunio (ac eithrio cais am gymeradwyo materion a gadwyd yn ôl neu gais am gymeradwyaeth o dan Ran 24 o Atodlen 2 i Orchymyn Cynllunio Gwlad a Thref (Datblygu Cyffredinol a Ganiateir) 1995 (datblygiad gan weithredwyr cod cyfathrebiadau electronig)(2)), rhaid i'r awdurdod roi hysbysiad o'i benderfyniad ar y cais i'r ceisydd o fewn cyfnod o 8 wythnos sy'n dechrau gyda'r dyddiad y daeth y cais i law'r awdurdod, neu pa bynnag gyfnod hwy a gytunir mewn ysgriflen rhwng y ceisydd a'r awdurdod.

### Hysbysiad ysgrifenedig o benderfyniad neu ddyfarniad mewn perthynas â chais cynllunio

**24.—(1)** Pan fo'r awdurdod cynllunio lleol yn rhoi hysbysiad o benderfyniad neu ddyfarniad ar gais am ganiatâd cynllunio neu am gymeradwyaeth ar gyfer

(6) Subject to paragraph (7), a local planning authority must not determine an application for planning permission, where any notice of, or information about, the application has been—

- (a) given by site display under article 10 or 12, before the end of the period of 21 days beginning with the date when the notice was first displayed by site display;
- (b) served on—
  - (i) an owner of the land or a tenant under article 10, or
  - (ii) an adjoining owner or occupier under article 12,

before the end of the period of 21 days beginning with the date when the notice was served on that person; or

- (c) published in a newspaper under article 10 or 12 or on a website under article 12, within the period of 14 days beginning with the date on which the notice or information was published,

and the periods in this paragraph are periods prescribed for the purposes of section 71(1) of the 1990 Act (consultations in connection with determinations under section 70)(1).

(7) Where, under paragraph (6), more than one of the prescribed periods applies, the local planning authority must not determine the application before the end of the later or latest of such periods.

### Applications made under planning condition

**23.** Where an application has been made to a local planning authority for any consent, agreement or approval required by a condition or limitation attached to a grant of planning permission (other than an application for approval of reserved matters or an application for approval under Part 24 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995 (development by electronic communications code operators)(2)), the authority must give notice to the applicant of their decision on the application within a period of 8 weeks beginning with the date on which the application was received by the authority, or such longer period as may be agreed by the applicant and the authority in writing.

### Written notice of decision or determination relating to a planning application

**24.—(1)** When the local planning authority give notice of a decision or determination on an application for planning permission or for approval of reserved

(1) Amnewidiwyd adran 71(1) gan adran 16(2) o Ddeddf Cynllunio a Digolledu 1991 (p.34).

(2) O.S. 1995/418. Amnewidiwyd Rhan 24 o Atodlen 2 gan O.S. 2002/1878 (Cy.187).

(1) Section 71(1) was substituted by section 16(2) of the Planning and Compensation Act 1991 (c.34).

(2) S.I. 1995/418. Part 24 of Schedule 2 was substituted by S.I. 2002/1878 (W.187).

materion a gadwyd yn ôl, a chaniatâd neu gymeradwyaeth naill ai'n cael ei roi neu'i rhoi yn ddarostyngedig i amodau, neu'r cais yn cael ei wrthod, rhaid i'r hysbysiad—

- (a) datgan yn eglur a manwl y rhesymau llawn am y gwrthodiad neu am unrhyw amod a osodir, gan bennu'r holl bolisiâu a chynigion yn y cynllun datblygu sy'n berthnasol i'r penderfyniad; a
- (b) pan fo Gweinidogion Cymru wedi rhoi cyfarwyddyd sy'n cyfyngu ar roi caniatâd ar gyfer y datblygiad y gwneir cais amdano, neu pan fo Gweinidogion Cymru neu Adran o Lywodraeth y Deyrnas Unedig wedi mynegi'r farn na ddylid rhoi'r caniatâd (naill ai'n gyfangwbl neu'n rhannol) neu y dylid ei roi yn ddarostyngedig i amodau, rhoi manylion o'r cyfarwyddyd a roddwyd neu'r farn a fynegwyd; ac
- (c) cael ei gyflwyno ynghyd â hysbysiad yn y termau a bennir yn Atodlen 5 (neu mewn termau o'r un sylwedd).

(2) Os yw—

- (a) y ceisydd am ganiatâd cynllunio wedi cyflwyno datganiad amgylcheddol; a
- (b) yr awdurdod cynllunio lleol (ar ôl cymryd gwybodaeth amgylcheddol i ystyriaeth) wedi penderfynu rhoi caniatâd (pa un ai'n ddiamod neu'n ddarostyngedig i amodau),

rhaid i'r hysbysiad a roddir i'r ceisydd yn unol ag erthygl 22(1) gynnwys datganiad bod gwybodaeth amgylcheddol wedi ei chymryd i ystyriaeth gan yr awdurdod.

## RHAN 5

### Apelau

#### Hysbysiad o apêl

25. Mae erthyglau 10 ac 11 yn gymwys i unrhyw apêl a wneir i Weinidogion Cymru o dan adran 78 o Ddeddf 1990 (hawl i apelio yn erbyn penderfyniadau cynllunio a methiant i wneud penderfyniadau o'r fath) fel y maent yn gymwys i geisiadau am ganiatâd cynllunio.

#### Apelau

26.—(1) Rhaid i geisydd sy'n dymuno apelio i Weinidogion Cymru o dan adran 78 o Ddeddf 1990 (hawl i apelio yn erbyn penderfyniadau cynllunio a methiant i wneud penderfyniadau o'r fath) roi hysbysiad o apêl i Weinidogion Cymru drwy—

matters and a permission or approval is either granted subject to conditions or the application is refused, the notice must—

- (a) state clearly and precisely the full reasons for the refusal or for any condition imposed specifying all policies and proposals in the development plan which are relevant to the decision; and
- (b) where the Welsh Ministers have given a direction restricting the grant of permission for the development for which application is made or where the Welsh Ministers or a United Kingdom Government Department have expressed the view that the permission should not be granted (either wholly or in part) or should be granted subject to conditions, give details of the direction or of the view expressed; and
- (c) be accompanied by a notification in the terms (or substantially in the terms) set out in Schedule 5.

(2) Where—

- (a) the applicant for planning permission has submitted an environmental statement; and
- (b) the local planning authority have decided (having taken environmental information into consideration) to grant permission (whether unconditionally or subject to conditions),

the notice given to the applicant in accordance with article 22(1) must include a statement that environmental information has been taken into consideration by the authority.

## PART 5

### Appeals

#### Notice of appeal

25. Articles 10 and 11 apply to any appeal to the Welsh Ministers under section 78 of the 1990 Act (right to appeal against planning decisions and failure to take such decisions) as they apply to applications for planning permission.

#### Appeals

26.—(1) An applicant who wishes to appeal to the Welsh Ministers under section 78 of the 1990 Act (right to appeal against planning decisions and failure to take such decisions) must give notice of appeal to the Welsh Ministers by—



- (a) cyflwyno i Weinidogion Cymru, o fewn y terfyn amser a bennir ym mharagraff (2), ffurflen a gafwyd gan Weinidogion Cymru, ynghyd â'r cyfryw rai o'r dogfennau a bennir ym mharagraff (3) sy'n berthnasol i'r apêl; a
- (b) cyflwyno i'r awdurdod cynllunio lleol gopi o'r ffurflen a grybwyllir ym mharagraff (a), cyn gynted ag y bo'n rhesymol ymarferol, ynghyd â chopi o unrhyw ddogfennau perthnasol a grybwyllir ym mharagraff (3)(d).

(2) Y terfyn amser a grybwyllir ym mharagraff (1) yw chwe mis ar ôl—

- (a) dyddiad yr hysbysiad o'r penderfyniad neu'r dyfarniad sy'n arwain at yr apêl;
- (b) mewn achos pan na roddir hysbysiad o benderfyniad neu ddyfarniad, diwedd y cyfnod a bennir yn erthygl 22(2) neu, yn ôl fel y digwydd, erthygl 23; neu
- (c) mewn achos pan fo'r awdurdod cynllunio lleol wedi cyflwyno hysbysiad i'r ceisydd yn unol ag erthygl 3(2) bod arno angen gwybodaeth bellach ac nad yw'r ceisydd wedi darparu'r wybodaeth, dyddiad cyflwyno'r hysbysiad hwnnw,

neu pa bynnag gyfnod hwy y caiff Gweinidogion Cymru ei ganiatáu ar unrhyw adeg.

(3) Y dogfennau a grybwyllir ym mharagraff (1) yw—

- (a) y cais a wnaed i'r awdurdod cynllunio lleol ac a arweiniodd at yr apêl;
- (b) yr holl blaniau, lluniadau a dogfennau a anfonwyd at yr awdurdod mewn cysylltiad â'r cais;
- (c) yr holl ohebiaeth gyda'r awdurdod mewn perthynas â'r cais;
- (ch) unrhyw dystysgrif a ddarparwyd i'r awdurdod o dan erthygl 11;
- (d) unrhyw blaniau, dogfennau neu luniadau eraill mewn perthynas â'r cais, nad oedd wedi eu hanfon at yr awdurdod;
- (dd) yr hysbysiad o'r penderfyniad neu'r dyfarniad, os oes un;
- (e) os yw'r apêl yn ymwneud â chais am gymeradwyo materion penodol yn unol ag amod ar ganiatâd cynllunio, y cais am y caniatâd hwnnw, y planiau a gyflwynwyd ynghyd â'r cais hwnnw a'r caniatâd cynllunio a roddwyd.

(4) Caiff Gweinidogion Cymru wrthod derbyn hysbysiad o apêl oddi wrth geisydd os na chyflwynir i Weinidogion Cymru y dogfennau sy'n ofynnol o dan baragraffau (1) a (3) o fewn y terfyn amser a bennir ym mharagraff (2).

- (a) serving on the Welsh Ministers, within the time limit specified in paragraph (2), a form obtained from the Welsh Ministers, together with such of the documents specified in paragraph (3) as are relevant to the appeal; and
- (b) serving on the local planning authority a copy of the form mentioned in paragraph (a), as soon as reasonably practicable, together with a copy of any relevant documents mentioned in paragraph (3)(e).

(2) The time limit mentioned in paragraph (1) is six months from—

- (a) the date of the notice of the decision or determination giving rise to the appeal;
- (b) in a case where there has been no notice of decision or determination, the expiry of the period specified in article 22(2) or, as the case may be, article 23; or
- (c) in a case in which the local planning authority have served a notice on the applicant in accordance with article 3(2) that they require further information and the applicant has not provided the information, the date of service of that notice,

or such longer period as the Welsh Ministers may at any time allow.

(3) The documents mentioned in paragraph (1) are—

- (a) the application made to the local planning authority which has occasioned the appeal;
- (b) all plans, drawings and documents sent to the authority in connection with the application;
- (c) all correspondence with the authority relating to the application;
- (d) any certificate provided to the authority under article 11;
- (e) any other plans, documents or drawings relating to the application which were not sent to the authority;
- (f) the notice of the decision or determination, if any;
- (g) if the appeal relates to an application for approval of certain matters in accordance with a condition on a planning permission, the application for that permission, the plans submitted with that application and the planning permission granted.

(4) The Welsh Ministers may refuse to accept a notice of appeal from an applicant if the documents required under paragraphs (1) and (3) are not served on the Welsh Ministers within the time limit specified in paragraph (2).

(5) Caiiff Gweinidogion Cymru ddarparu, neu drefnu ar gyfer darparu, gwefan i'w defnyddio at ba bynnag ddibenion a ystyrir yn briodol gan Weinidogion Cymru—

- (a) sy'n ymwneud ag apelau o dan adran 78 o Ddeddf 1990 a'r erthygl hon, a
- (b) y gellir eu cyflawni yn electronig.

(6) Pan fo person yn rhoi hysbysiad o apel i Weinidogion Cymru gan ddefnyddio cyfathrebiadau electronig, mae darpariaethau erthygl 32 yn gymwys.

(5) The Welsh Ministers may provide, or arrange for the provision of, a website for use for such purposes as the Welsh Ministers think fit which—

- (a) relate to appeals under section 78 of the 1990 Act and this article, and
- (b) are capable of being carried out electronically.

(6) Where a person gives notice of appeal to the Welsh Ministers using electronic communications, the provisions of article 32 apply.

## RHAN 6

Amrywiol

### Gorchmynion datblygu lleol

27.—(1) Pan fo awdurdod cynllunio lleol yn bwriadu gwneud gorchmyn datblygu lleol, rhaid i'r awdurdod yn gyntaf baratoi—

- (a) drafft o'r gorchmyn; a
- (b) datganiad o resymau'r awdurdod dros wneud y gorchmyn.

(2) Rhaid i'r datganiad o resymau gynnwys—

- (a) disgrifiad o'r datblygiad y byddai'r gorchmyn yn ei ganiatáu; a
- (b) plan neu ddatganiad sy'n galluogi adnabod y tir y byddai'r gorchmyn yn ymwneud ag ef.

(3) Pan fo awdurdod cynllunio lleol wedi paratoi gorchmyn datblygu lleol drafft, rhaid i'r awdurdod ymgynghori, yn unol â pharagraff (5), â'r cyfryw rai o'r personau canlynol y byddai'r gorchmyn, pe gwneid ef, ym marn yr awdurdod, yn effeithio ar eu buddiannau—

- (a) awdurdod cynllunio lleol neu gyngor cymuned y mae unrhyw ran o'i ardal oddi mewn i ardal yr awdurdod neu'n gyffiniol â hi;
- (b) Cyngor Cefn Gwlad Cymru(1);
- (c) Asiantaeth yr Amgylchedd(2);
- (ch) Gweinidogion Cymru;
- (d) unrhyw berson—
- (i) y mae'r cod cyfathrebiadau electronig yn gymwys iddo yn rhinwedd cyfarwyddyd a roddwyd o dan adran 106(3)(a) o Ddeddf Cyfathrebiadau 2003 (cymhwyso'r cod cyfathrebiadau electronig)(3); a

## PART 6

Miscellaneous

### Local development orders

27.—(1) Where a local planning authority propose to make a local development order the authority must first prepare—

- (a) a draft of the order; and
- (b) a statement of the authority's reasons for making the order.

(2) The statement of reasons must contain—

- (a) a description of the development which the order would permit; and
- (b) a plan or statement identifying the land to which the order would relate.

(3) Where a local planning authority have prepared a draft local development order, the authority must consult, in accordance with paragraph (5), such of the following persons whose interests the authority considers would be affected by the order if made—

- (a) a local planning authority or community council any part of whose area is in or adjoins the authority's area;
- (b) the Countryside Council for Wales(1);
- (c) the Environment Agency(2);
- (d) the Welsh Ministers;
- (e) any person—
- (i) to whom the electronic communications code applies by virtue of a direction given under section 106(3)(a) of the Communications Act 2003 (application of the electronic communications code)(3); and

(1) *Gweler* adran 128(1) o Ddeddf Diogelu'r Amgylchedd 1990 (p. 43).

(2) *Gweler* adran 1(1) o Ddeddf yr Amgylchedd 1995 (p. 25).

(3) 2003 p.21.

(1) *See* section 128(1) of the Environmental Protection Act 1990 (c. 43).

(2) *See* section 1(1) of the Environment Act 1995 (c. 25).

(3) 2003 c.21.

- (ii) sy'n berchen neu sy'n rheoli cyfarpar cyfathrebiadau electronig a leolir mewn unrhyw ran o ardal yr awdurdod;
- (dd) unrhyw rai o'r personau canlynol sy'n arfer swyddogaethau mewn unrhyw ran o ardal yr awdurdod—
  - (i) Bwrdd Iechyd Lleol(1);
  - (ii) person y rhoddwyd trwydded iddo o dan adran 6(1)(b) ac (c) o Ddeddf Trydan 1989 (trwyddedau i awdurdodi cyflenwi, etc)(2);
  - (iii) person y rhoddwyd trwydded iddo o dan adran 7(2) o Ddeddf Nwy 1986 (trwyddedu cludwyr nwy)(3);
  - (iv) ymgwymerwr carthffosiaeth;
  - (v) ymgwymerwr dŵr;
- (e) cyrff gwirfoddol y mae rhai neu'r cyfan o'u gweithgareddau o fudd i unrhyw ran o ardal yr awdurdod;
- (f) cyrff sy'n cynrychioli buddiannau gwahanol grwpiau hiliol, ethnig neu genedlaethol yn ardal yr awdurdod;
- (ff) cyrff sy'n cynrychioli buddiannau gwahanol grwpiau crefyddol yn ardal yr awdurdod;
- (g) cyrff sy'n cynrychioli buddiannau personau anabl yn ardal yr awdurdod;
- (ng) cyrff sy'n cynrychioli buddiannau personau sy'n cynnal busnesau yn ardal yr awdurdod.

(4) Rhaid i'r awdurdod cynllunio lleol ymgynghori hefyd ag unrhyw berson y byddai wedi bod yn ofynnol i'r awdurdod ymgynghori ag ef ynghylch cais am ganiatâd cynllunio ar gyfer y datblygiad y bwriedir ei ganiatáu drwy'r gorchymyn.

(5) Wrth ymgynghori yn unol â pharagraffau (3) a (4) rhaid i'r awdurdod cynllunio lleol—

- (a) anfon copi o'r gorchymyn drafft a'r datganiad o resymau at yr ymgynghoreion;
- (b) pennu cyfnod ymgynghori o ddim llai na 28 diwrnod; ac
- (c) cymryd i ystyriaeth yr holl sylwadau a ddaw i law'r awdurdod yn ystod y cyfnod a bennir.

(6) Rhaid i awdurdod cynllunio lleol, yn ystod unrhyw ymgynghoriad o dan baragraffau (3) a (4)—

- (ii) who owns or controls electronic communications apparatus situated in any part of the authority's area;
- (f) any of the following persons who exercise functions in any part of the authority's area—
  - (i) a Local Health Board(1);
  - (ii) a person to whom a licence has been granted under section 6(1)(b) and (c) of the Electricity Act 1989 (licences authorising supply, etc)(2);
  - (iii) a person to whom a licence has been granted under section 7(2) of the Gas Act 1986 (licensing of gas transporters)(3);
  - (iv) a sewerage undertaker;
  - (v) a water undertaker;
- (g) voluntary bodies some or all of whose activities benefit any part of the authority's area;
- (h) bodies which represent the interests of different racial, ethnic or national groups in the authority's area;
- (i) bodies which represent the interests of different religious groups in the authority's area;
- (j) bodies which represent the interests of disabled persons in the authority's area;
- (k) bodies which represent the interests of persons carrying on business in the authority's area.

(4) The local planning authority must also consult any person with whom they would have been required to consult on an application for planning permission for the development proposed to be permitted by the order.

(5) In consulting in accordance with paragraphs (3) and (4) the local planning authority must—

- (a) send a copy of the draft order and the statement of reasons to the consultees;
- (b) specify a consultation period of not less than 28 days; and
- (c) take account of all representations received by them during the period specified.

(6) A local planning authority must, during any consultation under paragraphs (3) and (4)—

(1) *Gweler* adran 11 o Ddeddf y Gwasanaeth Iechyd Gwladol (Cymru) 2006 (p. 42).

(2) 1989 p. 29. Amnewidiwyd adran 6 gan adran 30 o Ddeddf Cyfleustodau 2000 (p. 27), amnewidiwyd is-adran (1)(b) gan adran 136(1) o Ddeddf Ynni 2004 (p. 20) a diwygiwyd is-adran (1)(c) gan adran 197(9) o Ddeddf Ynni 2004 a Rhan 1 o Atodlen 23 i'r Ddeddf honno.

(3) 1986 p. 44; amnewidiwyd adran 7 gan adran 5 o Ddeddf Nwy 1995 (p. 45) a diwygiwyd is-adran (2) gan adrannau 3(2) a 76 o Ddeddf Cyfleustodau 2000, a pharagraffau 1 a 4 o Ran I o Atodlen 6 i'r Ddeddf honno.

(1) *See* section 11 of the National Health Service (Wales) Act 2006 (c. 42).

(2) 1989 c. 29. Section 6 was substituted by section 30 of the Utilities Act 2000 (c. 27), subsection (1)(b) was substituted by section 136(1) of the Energy Act 2004 (c. 20) and subsection (1)(c) was amended by section 197(9) of, and Part 1 of Schedule 23 to, the Energy Act 2004.

(3) 1986 c. 44; section 7 was substituted by section 5 of the Gas Act 1995 (c. 45) and subsection (2) was amended by sections 3(2) and 76 of, and paragraphs 1 and 4 of Part I of Schedule 6 to, the Utilities Act 2000.

- (a) rhoi copi o'r gorchymyn datblygu lleol drafft a'r datganiad o resymau ar gael i'w harchwilio—
  - (i) yn ei brif swyddfa yn ystod oriau gwaith arferol; a
  - (ii) ym mha bynnag fannau eraill o fewn ei ardal a ystyria'n briodol;
- (b) cyhoeddi ar ei wefan—
  - (i) y gorchymyn datblygu lleol drafft a'r datganiad o resymau;
  - (ii) datganiad bod y dogfennau hynny ar gael i'w harchwilio a'r manau ac amseroedd lle y gellir eu harchwilio; a
  - (iii) erbyn pa ddyddiad y mae'n rhaid i sylwadau ar y gorchymyn datblygu lleol drafft ddod i law, sef dyddiad ddim llai nag 28 diwrnod ar ôl dyddiad y cyhoeddiad cyntaf ar y wefan; ac
- (c) rhoi hysbysiad o'r canlynol drwy hysbysebu yn lleol—
  - (i) y gorchymyn datblygu lleol drafft a'r datganiad o resymau;
  - (ii) datganiad bod y dogfennau hynny ar gael i'w harchwilio a'r manau ac amseroedd lle y gellir eu harchwilio; a
  - (iii) erbyn pa ddyddiad y mae'n rhaid i sylwadau ar y gorchymyn datblygu lleol drafft ddod i law, sef dyddiad ddim llai nag 28 diwrnod ar ôl y dyddiad y cyhoeddwyd yr hysbysiad gyntaf.

(7) Os byddai'r gorchymyn datblygu lleol drafft yn rhoi caniatâd cynllunio ar gyfer datblygiad a bennir yn y gorchymyn, rhaid i'r awdurdod cynllunio lleol roi hysbysiad hefyd o'r bwriad i wneud y gorchymyn—

- (a) drwy arddangos, mewn o leiaf un man ar neu gerllaw'r safle y mae'r gorchymyn yn ymwneud ag ef, hysbysiad yn y ffurf a bennir yn Atodlen 6, neu mewn ffurf sylweddol gyffelyb o ran ei heffaith, ac yn ddarostyngedig i baragraff (8), gadael yr hysbysiad yno am gyfnod o ddim llai nag 28 diwrnod, sy'n cychwyn gyda'r dyddiad y'i harddangosir gyntaf; a
- (b) drwy gyflwyno copi o'r hysbysiad hwnnw i bob person y gŵyr yr awdurdod ei fod yn berchennog neu'n denant unrhyw ran o'r safle, ac y mae ei enw a'i gyfeiriad yn hysbys i'r awdurdod,
- (c) a rhaid iddo, yn yr hysbysiad, bennu erbyn pa ddyddiad y mae'n rhaid i sylwadau ynghylch y gorchymyn datblygu lleol drafft ddod i law, sef dyddiad ddim llai nag 28 diwrnod ar ôl y dyddiad yr arddangoswyd neu y cyflwynwyd yr hysbysiad, yn ôl fel y digwydd.

- (a) make a copy of the draft local development order and statement of reasons available for inspection—
  - (i) at their principal office during normal working hours; and
  - (ii) at such other places within their area as they consider appropriate;
- (b) publish on their website—
  - (i) the draft local development order and the statement of reasons;
  - (ii) a statement that those documents are available for inspection and the places where and times when they can be inspected; and
  - (iii) the date by which representations on the draft local development order must be received, which must be not less than 28 days after the date of first publication on the website; and
- (c) give notice by local advertisement of—
  - (i) the draft local development order and the statement of reasons;
  - (ii) the availability of those documents for inspection, and the places where and times when they can be inspected; and
  - (iii) the date by which representations on the draft local development order must be received, which must be not less than 28 days from the date on which the notice was first published.

(7) Where the draft local development order would grant planning permission for development specified in the order, the local planning authority must also give notice of the proposal to make the order—

- (a) by displaying in at least one place on or near to the site to which the order relates a notice in the form set out in Schedule 6 or in a form substantially to the like effect, and, subject to paragraph (8), leaving the notice in position for a period of not less than 28 days beginning with the date on which it is first displayed; and
- (b) by serving a copy of that notice on every person whom the authority know to be the owner or tenant of any part of the site whose name and address is known to the authority,
- (c) and must specify in the notice a date by which representations on the draft local development order must be received, which must be not less than 28 days from the date on which the notice was displayed or served, as the case may be.

(8) Os caiff hysbysiad y cyfeirir ato ym mharagraff (7)(a) ei dynnu ymaith, ei guddio neu'i ddifwyno cyn bo'r cyfnod y cyfeirir ato yn y paragraff hwnnw wedi dod i ben, a hynny pan nad oedd bai ar yr awdurdod cynllunio lleol na bwriad ganddo i wneud hynny, rhaid trin yr awdurdod fel pe bai wedi cydymffurfio â gofynion y paragraff hwnnw, os cymerodd yr awdurdod gamau rhesymol i ddiogelu'r hysbysiad ac i'w ailosod pe bai angen.

(9) Pan fo unrhyw hysbysiad o'r cynnig—

- (a) wedi ei gyhoeddi ar wefan yr awdurdod cynllunio lleol neu drwy hysbysebu yn lleol yn unol â pharagraff (6);
- (b) wedi ei roi drwy arddangos ar y safle o dan baragraff (7)(a); neu
- (c) wedi ei gyflwyno i berchennog y tir neu denant o dan baragraff (7)(b),

rhaid i'r awdurdod wrth ystyried pa addasiadau y dylid eu gwneud i'r gorchymyn datblygu lleol drafft, neu a ddylid mabwysiadu gorchymyn o'r fath ai peidio, gymryd i ystyriaeth unrhyw sylwadau a wneir mewn perthynas â'r gorchymyn hwnnw ac a ddaw i law'r awdurdod erbyn y dyddiad a bennir ar y wefan neu yn yr hysbysiadau yn unol â pharagraff (6) neu (7), yn ôl fel y digwydd, fel y dyddiad erbyn pryd y dylid gwneud sylwadau (neu, os yw'r dyddiadau ar y wefan neu yn yr hysbysiadau yn wahanol i'w gilydd, y diweddaraf o'r cyfryw ddyddiadau).

(10) Rhaid i awdurdod cynllunio lleol anfon copi o orchymyn datblygu lleol drafft a'r datganiad o resymau mewn perthynas â'r gorchymyn hwnnw, gan gynnwys unrhyw addasiadau a wnaed i'r gorchymyn neu'r datganiad, at Weinidogion Cymru ar unrhyw adeg wedi i'r awdurdod gydymffurfio â gofynion paragraff (9).

(11) Yn ddarostyngedig i baragraff (12), rhaid i awdurdod cynllunio lleol beidio â chymryd unrhyw gamau pellach ynglŷn â mabwysiadu gorchymyn datblygu lleol cyn bod naill ai—

- (a) Gweinidogion Cymru wedi hysbysu'r awdurdod mewn ysgrifen nad yw Gweinidogion Cymru yn bwriadu gwneud cyfarwyddyd o dan adran 61B(1) o Ddeddf 1990 (ymyriad gan Weinidogion Cymru)(1); neu
- (b) cyfnod o 21 diwrnod o'r dyddiad yr anfonwyd y drafft at Weinidogion Cymru wedi dod i ben, a Gweinidogion Cymru heb hysbysu'r awdurdod eu bod yn bwriadu gwneud cyfarwyddyd o'r fath, nac wedi ei hysbysu bod arnynt angen rhagor o amser i gyrraedd penderfyniad.

(12) Os yw Gweinidogion Cymru, o fewn y cyfnod o 21 diwrnod y cyfeirir ato ym mharagraff (11)(b), wedi hysbysu'r awdurdod cynllunio lleol bod arnynt angen rhagor o amser i gyrraedd penderfyniad, rhaid i'r awdurdod beidio â chymryd unrhyw gamau pellach

(8) Where the notice referred to in paragraph (7)(a) is, without any fault or intention of the local planning authority, removed, obscured or defaced before the period referred to in that paragraph has elapsed, the authority are to be treated as having complied with the requirements of that paragraph if the authority have taken reasonable steps to protect the notice, and, if necessary, replace it.

(9) Where any notice of the proposal has been—

- (a) published on the local planning authority's website or by local advertisement in accordance with paragraph (6);
- (b) given by site display under paragraph (7)(a); or
- (c) served on an owner of the land or a tenant under paragraph (7)(b),

the authority must, in considering what modifications should be made to the draft local development order or whether such an order should be adopted, take into account any representations made in relation to that order and received by the authority by the date specified on the website or in the notices, in accordance with paragraph (6) or (7) as the case may be, as the date by which representations should be made (or, if the dates on the website or in the notices differ from each other, the latest of such dates).

(10) A local planning authority must send a copy of a draft local development order and the statement of reasons relating to that order, including any modifications made to the order or statement, to the Welsh Ministers at any time after the authority have complied with the requirements of paragraph (9).

(11) Subject to paragraph (12), a local planning authority must not take any further steps in connection with the adoption of a local development order until either—

- (a) the Welsh Ministers have notified the authority in writing that the Welsh Ministers do not intend to make a direction under section 61B(1) of the 1990 Act (intervention by Welsh Ministers)(1); or
- (b) a period of 21 days has elapsed from the date on which the draft was sent to the Welsh Ministers and the Welsh Ministers have not notified the authority that the Welsh Ministers intend to make such a direction or require more time to reach a decision.

(12) If, within the period of 21 days referred to in paragraph (11)(b), the Welsh Ministers have notified the local planning authority that the Welsh Ministers require more time to reach a decision, the authority must not take any further steps in connection with the

(1) Mewnosodwyd adran 61B gan adran 40(1) o Ddeddf 2004.

(1) Section 61B was inserted by section 40(1) of the 2004 Act.

ynglŷn â mabwysiadu'r gorchymyn oni fydd Gweinidogion Cymru wedi hysbysu'r awdurdod fel a grybwyllir ym mharagraff (11)(a).

(13) Rhaid peidio â gwneud gorchymyn datblygu lleol a fyddai'n rhoi caniatâd cynllunio—

- (a) ar gyfer datblygiad sy'n effeithio ar adeilad rhestredig; neu
- (b) ar gyfer datblygiad sy'n ddatblygiad AEA.

(14) Pan fo awdurdod cynllunio lleol yn dirymu gorchymyn datblygu lleol rhaid i'r awdurdod—

- (a) cyhoeddi datganiad ar ei wefan bod y gorchymyn datblygu lleol wedi ei ddirymu;
- (b) rhoi hysbysiad o'r dirymiad drwy hysbysebu yn lleol; ac
- (c) rhoi hysbysiad ysgrifenedig o'r dirymiad i bob person y bu'r awdurdod yn ymgynghori ag ef o dan baragraffau (3) neu (4) cyn gwneud y gorchymyn.

(15) Yn yr erthygl hon—

- (a) mae gofyniad i roi hysbysiad drwy hysbysebu yn lleol yn ofyniad i gyhoeddi'r hysbysiad mewn cynifer o bapurau newydd ag y bo angen er mwyn sicrhau bod y sylw a roddir yn y wasg (yn ei gyfanrwydd) yn ymestyn i'r cyfan o'r ardal y mae'r gorchymyn datblygu lleol yn ymwneud â hi; a
- (b) mae i "adeilad rhestredig" yr ystyr a roddir i "listed building" yn adran 1 o Ddeddf Cynllunio (Adeiladau Rhestredig ac Ardaloedd Cadwraeth) 1990 (rhestru adeiladau o ddiddordeb pensaernïol neu hanesyddol arbennig)(1).

### Tystysgrif cyfreithlondeb defnydd neu ddatblygiad

**28.**—(1) Rhaid i gais am dystysgrif o dan adran 191(1) neu 192(1) o Ddeddf 1990 (tystysgrifau cyfreithlondeb defnydd neu ddatblygiad presennol neu arfaethedig)(2) gael ei wneud ar ffurflen a gyhoeddir gan Weinidogion Cymru (neu ffurflen sylweddol gyffelyb o ran ei heffaith), ac yn ychwanegol at bennu'r tir a disgrifio'r defnydd, gweithrediadau neu fater arall dan sylw yn unol â'r adrannau hynny, rhaid cynnwys y manylion a bennir neu y cyfeirir atynt yn y ffurflen.

(2) Rhaid i gais y mae paragraff (1) yn gymwys iddo gael ei gyflwyno ynghyd ag—

- (a) plan sy'n galluogi adnabod y tir y mae'r cais yn ymwneud ag ef, sydd wedi ei luniadu wrth raddfa ddynodedig ac sy'n dangos cyfeiriad y gogledd;
- (b) pa bynnag dystiolaeth y gall y ceisydd ei darparu ar gyfer gwirio'r wybodaeth a

adoption of the order unless the Welsh Ministers notify the authority as referred to in paragraph (11)(a).

(13) A local development order must not be made so as to grant planning permission—

- (a) for development affecting a listed building; or
- (b) for development which is EIA development.

(14) Where a local planning authority revokes a local development order the authority must—

- (a) publish on their website a statement that the local development order has been revoked;
- (b) give notice of the revocation by local advertisement; and
- (c) give written notice of the revocation to every person whom the authority consulted under paragraphs (3) or (4) before the making of the order.

(15) In this article—

- (a) a requirement to give notice by local advertisement is a requirement to publish the notice in as many newspapers as necessary to secure that the press coverage (taken as a whole) extends to the whole of the area to which the local development order relates; and
- (b) "listed building" ("*adeilad rhestredig*") has the meaning given in section 1 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (listing of buildings of special architectural or historic interest)(1).

### Certificate of lawful use or development

**28.**—(1) An application for a certificate under section 191(1) or 192(1) of the 1990 Act (certificates of lawfulness of existing or proposed use or development)(2) must be made on a form published by the Welsh Ministers (or a form substantially to the like effect) and must, in addition to specifying the land and describing the use, operations or other matter in question in accordance with those sections, include the particulars specified or referred to in the form.

(2) An application to which paragraph (1) applies must be accompanied by—

- (a) a plan identifying the land to which the application relates drawn to an identified scale and showing the direction of north;
- (b) such evidence verifying the information included in the application as the applicant can

(1) 1990 p.9.

(2) Amnewidiwyd adrannau 191 a 192 gan Ddeddf Cynllunio a Digolledu 1991 (p.34), adran 10(1).

(1) 1990 c.9.

(2) Sections 191 and 192 were substituted by the Planning and Compensation Act 1991 (c.34) section 10(1).

gynhwysir yn y cais; ac

- (c) datganiad sy'n nodi buddiant y ceisydd yn y tir, enw a chyfeiriad unrhyw berson arall y gŵyr y ceisydd fod ganddo fuddiant yn y tir, a pha un a hysbyswyd y person hwnnw o'r cais ai peidio.

(3) Pan wneir cais am dystysgrif o dan adran 192(1) o Ddeddf 1990 mewn perthynas â thir y Goron, rhaid ei gyflwyno ynghyd â'r canlynol, yn ogystal â'r dogfennau sy'n ofynnol gan baragraff (2)—

- (a) datganiad y gwneir y cais mewn perthynas â thir y Goron; a
- (b) os gwneir y cais gan berson a awdurdodwyd mewn ysgrifenedig gan yr awdurdod priodol, copi o'r awdurdodiad hwnnw.

(4) Pan fo cais o'r fath yn pennu dau neu ragor o fathau o ddefnydd, gweithrediadau neu faterion eraill, rhaid i'r plan a gyflwynir ynghyd â'r cais ddynodi â pha ran o'r tir y mae pob math o ddefnydd, gweithrediad neu fater arall yn ymwneud.

(5) Pan wneir cais gan ddefnyddio cyfathrebiadau electronig, mae darpariaethau erthygl 32 yn gymwys.

(6) Mae erthyglau 8(1) a 22(5) yn gymwys i gais am dystysgrif y mae paragraff (1) yn gymwys iddo, fel y maent yn gymwys i gais am ganiatâd cynllunio.

(7) Pan fo'r awdurdod cynllunio lleol wedi cael cais sy'n cydymffurfio â gofynion paragraffau (1) i (4) ac unrhyw ffi y mae'n ofynnol ei thalu mewn perthynas â'r cais wedi ei chyflwyno, rhaid i'r awdurdod, cyn gynted ag y bo'n rhesymol ymarferol, anfon at y ceisydd i gydnabod y cais yn y termau a bennir yn Atodlen 1 (neu dermau o'r un sylwedd).

(8) Os yw'r awdurdod cynllunio lleol, ar ôl anfon cydnabyddiaeth fel sy'n ofynnol gan baragraff (7), o'r farn bod y cais yn annilys, rhaid iddo hysbysu'r ceisydd, cyn gynted ag y bo'n rhesymol ymarferol, bod y cais yn annilys.

(9) Caiff yr awdurdod cynllunio lleol drwy hysbysiad ysgrifenedig, ei gwneud yn ofynnol bod y ceisydd yn darparu pa bynnag wybodaeth bellach a bennir gan yr awdurdod i'w alluogi i ymdrin â'r cais.

(10) Pan fo cais dilys wedi dod i law, rhaid i'r awdurdod cynllunio lleol roi hysbysiad ysgrifenedig o'i benderfyniad i'r ceisydd o fewn—

- (a) y cyfnod o wyth wythnos sy'n cychwyn gyda'r diwrnod y daeth y cais i law'r awdurdod; neu
- (b) oni fydd y ceisydd eisoes wedi rhoi hysbysiad o apêl i Weinidogion Cymru, o fewn pa bynnag gyfnod estynedig a gytunir mewn ysgrifenedig rhwng y ceisydd a'r awdurdod.

(11) At y diben o gyfrifo'r cyfnod priodol a bennir ym mharagraff (10), pan fo unrhyw ffi sy'n ofynnol wedi ei thalu â siec, a'r siec honno wedi ei dychwelyd

provide; and

- (c) a statement setting out the applicant's interest in the land, the name and address of any other person known to the applicant to have an interest in the land and whether any such other person has been notified of the application.

(3) Where an application for a certificate under section 192(1) of the 1990 Act is made in respect of Crown land, it must, in addition to the documents required by paragraph (2), be accompanied by—

- (a) a statement that the application is made in respect of Crown land; and
- (b) where the application is made by a person authorised in writing by the appropriate authority, a copy of that authorisation.

(4) Where such an application specifies two or more uses, operations or other matters, the plan which accompanies the application must indicate to which part of the land each such use, operation or matter relates.

(5) Where an application is made using electronic communications the provisions of article 32 apply.

(6) Articles 8(1) and 22(5) apply to an application for a certificate to which paragraph (1) applies as they apply to an application for planning permission.

(7) When the local planning authority receive an application which complies with the requirements of paragraphs (1) to (4) and any fee required to be paid with respect to the application is lodged, they must, as soon as reasonably practicable, send to the applicant an acknowledgement of the application in the terms (or substantially in the terms) set out in Schedule 1.

(8) Where, after sending an acknowledgement as required by paragraph (7), the local planning authority consider that the application is invalid they must, as soon as reasonably practicable, notify the applicant that the application is invalid.

(9) The local planning authority may by notice in writing require the applicant to provide such further information as may be specified to enable them to deal with the application.

(10) Where a valid application has been received, the local planning authority must give the applicant written notice of their decision within—

- (a) the period of eight weeks beginning with the day the application is received by the authority; or
- (b) unless the applicant has already given notice of appeal to the Welsh Ministers within such extended period as may be agreed in writing between the applicant and the authority.

(11) For the purpose of calculating the appropriate period specified in paragraph (10) where any fee required has been paid by a cheque which is

wedyn heb ei thalu, rhaid diystyru'r cyfnod rhwng y dyddiad y mae'r awdurdod cynllunio lleol yn anfon hysbysiad ysgrifenedig at y ceisydd bod y siec wedi ei dychwelyd heb ei thalu a'r dyddiad y bodlonir yr awdurdod ei fod wedi cael swm llawn y ffi.

(12) Yn yr erthygl hon, ystyr "cais dilys" ("*valid application*") yw cais—

- (a) sy'n cydymffurfio â gofynion paragraffau (1) i (4); a
- (b) a gyflwynir ynghyd â'r ffi y mae'n ofynnol ei thalu mewn perthynas â'r cais ac at y diben hwn rhaid ystyried bod cyflwyno siec am swm y ffi yn gyfystyr â thalu,

a rhaid ystyried bod cais dilys wedi ei gael os yw'r cais a'r holl ddogfennau, manylion neu dystiolaeth y cyfeirir atynt ym mharagraffau (1) i (4), ac unrhyw ffi sy'n ofynnol, wedi eu cyflwyno i'r awdurdod cynllunio lleol.

(13) Os gwrthodir cais, yn gyfan gwbl neu'n rhannol (gan gynnwys achos pan fo'r awdurdod cynllunio lleol yn addasu'r disgrifiad o'r math o ddefnydd, y gweithrediadau neu fater arall yn y cais, neu'n rhoi disgrifiad amgen yn lle'r disgrifiad hwnnw), rhaid i'r hysbysiad o benderfyniad ddatgan yn eglur a manwl y rhesymau llawn dros benderfyniad yr awdurdod a rhaid iddo gynnwys datganiad i'r perwyl y caiff y ceisydd, os tramgwyddir ef gan y penderfyniad, apelio i Weinidogion Cymru o dan adran 195 o Ddeddf 1990 (apelau yn erbyn gwrthodiad neu fethiant i roi penderfyniad ar gais)(1).

(14) Rhaid i dystysgrif o dan adran 191 neu 192 o Ddeddf 1990 fod yn y ffurf a bennir yn Atodlen 7, neu ffurf sylweddol gyffelyb o ran ei heffaith.

(15) Pan fo awdurdod cynllunio lleol yn bwriadu dirymu tystysgrif a ddyroddwyd o dan adran 191 neu 192 o Ddeddf 1990 yn unol ag adran 193(7) o Ddeddf 1990 (tystysgrifau o dan adrannau 191 a 192: darpariaethau atodol)(2), rhaid iddo, cyn dirymu'r dystysgrif, roi hysbysiad o'r bwriad hwnnw i—

- (a) perchennog y tir yr effeithir arno;
- (b) meddiannydd y tir yr effeithir arno;
- (c) unrhyw berson arall yr effeithir arno gan y dirymiad, ym marn yr awdurdod; ac
- (ch) yn achos tystysgrif a ddyroddwyd gan Weinidogion Cymru o dan adran 195 o Ddeddf 1990, Gweinidogion Cymru.

subsequently dishonoured, the period between the date when the local planning authority send the applicant written notice of the dishonouring of the cheque and the date when the authority are satisfied that they have received the full amount of the fee must be disregarded.

(12) In this article, "valid application" ("*cais dilys*") means an application which—

- (a) complies with the requirements of paragraphs (1) to (4); and
- (b) is accompanied by the fee required to be paid in respect of the application and, for this purpose, lodging a cheque for the amount of the fee is to be taken as payment,

and a valid application must be taken to have been received when the application and all of the documents, particulars or evidence referred to in paragraphs (1) to (4) and any fee required have been lodged with the local planning authority.

(13) Where an application is refused, in whole or in part (including a case in which the local planning authority modify the description of the use, operations or other matter in the application or substitute an alternative description for that description), the notice of decision must state clearly and precisely the authority's full reasons for their decision and must include a statement to the effect that if the applicant is aggrieved by the decision the applicant may appeal to the Welsh Ministers under section 195 of the 1990 Act (appeals against refusal or failure to give decision on application)(1).

(14) A certificate under section 191 or 192 of the 1990 Act must be in the form set out in Schedule 7, or in a form substantially to the like effect.

(15) Where a local planning authority propose to revoke a certificate issued under section 191 or 192 of the 1990 Act in accordance with section 193(7) of the 1990 Act (certificates under sections 191 and 192: supplementary provisions)(2), they must, before they revoke the certificate, give notice of that proposal to—

- (a) the owner of the land affected;
- (b) the occupier of the land affected;
- (c) any other person who will in their opinion be affected by the revocation; and
- (d) in the case of a certificate issued by the Welsh Ministers under section 195 of the 1990 Act, the Welsh Ministers.

(1) Diwygiwyd adran 195 gan adran 32 o Ddeddf Cynllunio a Digolledu 1991 (p.34) a pharagraff 32 o Atodlen 7 i'r Ddeddf honno, ac adran 197 o Ddeddf Cynllunio 2008 (p.29) a pharagraffau 1 a 3 o Atodlen 11 i'r Ddeddf honno.

(2) Amnewidiwyd adran 193 gan adran 10(1) o Ddeddf Cynllunio a Digolledu 1991.

(1) Section 195 was amended by section 32 of, and paragraph 32 of Schedule 7 to, the Planning and Compensation Act 1991 (c.34) and section 197 of, and paragraphs 1 and 3 to Schedule 11 to, the Planning Act 2008 (c.29).

(2) Section 193 was substituted by section 10(1) of the Planning and Compensation Act 1991.



(16) Rhaid i hysbysiad a ddyroddir o dan baragraff (15) wahodd y person y cyflwynir yr hysbysiad iddo i wneud sylwadau i'r awdurdod cynllunio lleol ynglŷn â'r bwriad, o fewn 14 diwrnod ar ôl cyflwyno'r hysbysiad, a rhaid i'r awdurdod beidio â dirymu'r dystysgrif cyn bod pob cyfnod o'r fath a ganiateir ar gyfer gwneud sylwadau wedi dod i ben.

(17) Rhaid i awdurdod cynllunio lleol roi hysbysiad ysgrifenedig o unrhyw ddirymiad o dan adran 193(7) o Ddeddf 1990 i bob person y cyflwynwyd hysbysiad o'r bwriad i ddirymu iddo o dan baragraff (15).

(16) A notice issued under paragraph (15) must invite the person on whom the notice is served to make representations on the proposal to the local planning authority within 14 days of service of the notice and the authority must not revoke the certificate until all such periods allowed for making representations have expired.

(17) A local planning authority must give written notice of any revocation under section 193(7) of the 1990 Act to every person on whom notice of the proposed revocation was served under paragraph (15).

## RHAN 7

### Monitro

#### Cofrestr o geisiadau a gorchmynion datblygu lleol

**29.**—(1) Rhaid i bob awdurdod cynllunio lleol gadw cofrestr, mewn tair Rhan, o bob cais am ganiatâd cynllunio a phob gorchmyn datblygu lleol (os oes un) sy'n ymwneud â'i ardal.

(2) Rhaid i'r rhan gyntaf o'r gofrestr ("Rhan 1") gynnwys, mewn perthynas â phob cais am ganiatâd cynllunio, ac unrhyw gais a wnaed am gymeradwyaeth i faterion a gadwyd yn ôl mewn perthynas â chaniatâd cynllunio amlinellol a roddwyd ynglŷn â chais o'r fath, a wnaed i'r awdurdod cynllunio lleol neu a anfonwyd ato ac nas penderfynwyd yn derfynol—

- (a) copi (a gaiff fod mewn ffurf ffotograffig neu electronig) o'r cais ynghyd ag unrhyw blaniau a lluniadau a gyflwynwyd gydag ef;
- (b) copi (a gaiff fod mewn ffurf ffotograffig neu electronig) o unrhyw rwymedigaeth gynllunio neu gytundeb adran 278, arfaethedig neu'r ymunwyd ynddi neu ynddo eisoes, mewn cysylltiad â'r cais;
- (c) copi (a gaiff fod mewn ffurf ffotograffig neu electronig) o unrhyw rwymedigaeth gynllunio neu gytundeb adran 278 arall, yr ymunwyd ynddi neu ynddo eisoes, mewn perthynas â'r tir y mae'r cais yn ymwneud ag ef ac a ystyrir yn berthnasol gan y ceisydd; ac
- (ch) manylion o unrhyw addasiad i unrhyw rwymedigaeth gynllunio neu gytundeb adran 278 a gynhwyswyd yn Rhan 1 yn unol ag is-baragraffau (b) ac (c) uchod.

(3) Rhaid i'r ail ran o'r gofrestr ("Rhan 2") gynnwys, mewn perthynas â phob cais am ganiatâd cynllunio mewn perthynas ag ardal yr awdurdod cynllunio lleol—

- (a) copi (a gaiff fod mewn ffurf ffotograffig neu electronig) o'r cais ac o'r planiau a'r lluniadau a gyflwynwyd mewn perthynas ag ef ac o

## PART 7

### Monitoring

#### Register of applications and local development orders

**29.**—(1) Each local planning authority must keep a register in three Parts of every application for planning permission and every local development order (if any) relating to their area.

(2) The first part ("Part 1") of the register must contain in respect of every application for planning permission and any application for approval of reserved matters made in respect of an outline planning permission granted on such an application, made or sent to the local planning authority and not finally disposed of—

- (a) a copy (which may be photographic or in electronic form) of the application together with any accompanying plans and drawings;
- (b) a copy (which may be photographic or in electronic form) of any planning obligation or section 278 agreement proposed or entered into in connection with the application;
- (c) a copy (which may be photographic or in electronic form) of any other planning obligation or section 278 agreement entered into in respect of the land the subject of the application which the applicant considers relevant; and
- (d) particulars of any modification to any planning obligation or section 278 agreement included in Part 1 in accordance with sub-paragraphs (b) and (c) above.

(3) The second part ("Part 2") of the register must contain, in respect of every application for planning permission relating to the local planning authority's area—

- (a) a copy (which may be photographic or in electronic form) of the application and of plans and drawings submitted in relation thereto and

unrhyw ddatganiad dylunio a mynediad a ddarparwyd ynghyd ag ef yn unol ag erthygl 7;

- (b) manylion o unrhyw gyfarwyddyd a roddwyd o dan Ddeddf 1990 neu'r Gorchymyn hwn mewn perthynas â'r cais;
- (c) penderfyniad yr awdurdod, os gwnaed un, mewn perthynas â'r cais, gan gynnwys manylion o unrhyw amodau y rhoddwyd caniatâd yn ddarostyngedig iddynt, dyddiad y cyfryw benderfyniad ac enw'r awdurdod;
- (ch) rhif cyfeirnod, dyddiad ac effaith unrhyw benderfyniad gan Weinidogion Cymru mewn perthynas â'r cais, pa un ai ar apêl, ar gais o dan adran 293A(2) o Ddeddf 1990 (datblygiad brys y Goron: gwneud cais)(1) neu ar atgyfeiriad o dan adran 77 o Ddeddf 1990 (atgyfeirio ceisiadau at yr Ysgrifennydd Gwladol)(2);
- (d) dyddiad unrhyw gymeradwyaeth ddilynol (pa un ai cymeradwyaeth i faterion a gadwyd yn ôl neu unrhyw gymeradwyaeth ofynnol arall) a roddwyd mewn perthynas â'r cais;
- (dd) copi (a gaiff fod mewn ffurf ffotograffig neu electronig) o unrhyw rwymedigaeth gynllunio neu gytundeb adran 278 yr ymunwyd ynddi neu ynddo mewn cysylltiad ag unrhyw benderfyniad gan yr awdurdod neu gan Weinidogion Cymru mewn perthynas â'r cais;
- (e) copi (a gaiff fod mewn ffurf ffotograffig neu electronig) o unrhyw rwymedigaeth gynllunio neu gytundeb adran 278 arall a gymerwyd i ystyriaeth gan yr awdurdod neu gan Weinidogion Cymru wrth wneud y penderfyniad; ac
- (f) manylion o unrhyw addasiad i unrhyw rwymedigaeth gynllunio neu gytundeb adran 278, neu unrhyw ryddhad o rwymedigaeth gynllunio neu gytundeb adran 278, a gynhwyswyd yn Rhan 2 yn unol ag is-baragraffau (dd) neu (e) neu baragraff (4).

(4) Yn dilyn unrhyw apêl i Weinidogion Cymru o dan adran 174 o Ddeddf 1990 (apêl yn erbyn hysbysiad gorfodi)(3), os ystyrir bod yr apelydd wedi gwneud cais am ganiatâd cynllunio a Gweinidogion Cymru wedi rhoi caniatâd cynllunio, rhaid i'r awdurdod cynllunio lleol, ar ôl cael hysbysiad o benderfyniad Gweinidogion Cymru, gofnodi yn Rhan 2 fanylion o'r datblygiad dan sylw, y tir y cyflawnwyd y datblygiad arno, a dyddiad ac effaith penderfyniad Gweinidogion

of any accompanying design and access statement provided in accordance with article 7;

- (b) particulars of any direction given under the 1990 Act or this Order in respect of the application;
- (c) the decision, if any, of the authority in respect of the application, including details of any conditions subject to which permission was granted, the date of such decision and the name of the authority;
- (d) the reference number, the date and effect of any decision of the Welsh Ministers in respect of the application, whether on appeal, on an application under section 293A(2) of the 1990 Act (urgent Crown development: application)(1) or on a reference under section 77 of the 1990 Act (reference of applications to Secretary of State)(2);
- (e) the date of any subsequent approval (whether approval of reserved matters or any other approval required) given in relation to the application;
- (f) a copy (which may be photographic or in electronic form) of any planning obligation or section 278 agreement entered into in connection with any decision of the authority or the Welsh Ministers in respect of the application;
- (g) a copy (which may be photographic or in electronic form) of any other planning obligation or section 278 agreement taken into account by the authority or the Welsh Ministers when making the decision; and
- (h) particulars of any modification to or discharge of any planning obligation or section 278 agreement included in Part 2 in accordance with sub-paragraphs (f) or (g) or paragraph (4).

(4) Where, on any appeal to the Welsh Ministers under section 174 of the 1990 Act (appeal against enforcement notice)(3), the appellant is deemed to have made an application for planning permission and the Welsh Ministers have granted permission, the local planning authority must, on receipt of notification of the Welsh Ministers' decision, enter into Part 2 particulars of the development concerned, the land on which it was carried out, and the date and effect of the

(1) Mewnosodwyd adran 293A gan adran 82(1) o Ddeddf 2004.

(2) Diwygiwyd adran 77 gan adran 32 o Ddeddf Cynllunio a Digolledu 1991 (p.34) a pharagraff 18 o Atodlen 7 i'r Ddeddf honno, ac adran 40(2)(d) o Ddeddf 2004.

(3) Diwygiwyd adran 174 gan adran 6 o Ddeddf Cynllunio a Digolledu 1991 (p.34) ac O.S. 2004/3156 (Cy.273).

(1) Section 293A was inserted by section 82(1) of the 2004 Act.

(2) Section 77 was amended by section 32 of, and paragraph 18 of Schedule 7 to, the Planning and Compensation Act 1991 (c.34), and section 40(2)(d) of the 2004 Act.

(3) Section 174 was amended by section 6 of the the Planning and Compensation Act 1991 (c.34) and S.I. 2004/3156 (W.273).

Cymru ynghyd â chopi (a gaiff fod mewn ffurf ffotograffig neu electronig) o—

- (a) unrhyw rwymedigaeth gynllunio neu gytundeb adran 278 yr ymunwyd ynddi neu ynddo mewn cysylltiad â'r penderfyniad; a
- (b) unrhyw rwymedigaeth gynllunio neu gytundeb adran 278 arall a gymerwyd i ystyriaeth neu gan Weinidogion Cymru wrth wneud y penderfyniad.

(5) Rhaid i drydedd rhan y gofrestr gynnwys dwy adran—

- (a) rhaid i'r adran gyntaf gynnwys copiâu o orchymynion datblygu lleol drafft sydd wedi eu paratoi ond heb eu mabwysiadu gan yr awdurdod cynllunio lleol; a
- (b) rhaid i'r ail adran gynnwys—
  - (i) copiâu o orchymynion datblygu lleol sydd wedi eu mabwysiadu gan yr awdurdod;
  - (ii) manylion am ddirymu unrhyw orchymyn datblygu lleol a wnaed gan yr awdurdod, gan gynnwys y dyddiad y daeth y dirymiad i rym; a
  - (iii) manylion am ddiwygio unrhyw orchymyn datblygu lleol, gan gynnwys y dyddiad y daeth y diwygiad i rym.

(6) Rhaid gosod copi o bob gorchymyn datblygu lleol drafft ar y gofrestr pan anfonir y drafft ar gyfer ymgynghori yn unol ag erthygl 27.

(7) Rhaid gosod copi o bob gorchymyn datblygu lleol ar y gofrestr o fewn 14 diwrnod ar ôl dyddiad ei fabwysiadu.

(8) Mae gofyniad i osod copi o orchymyn datblygu lleol drafft neu orchymyn datblygu lleol a fabwysiadwyd ar y gofrestr yn cynnwys gofyniad i osod ar y gofrestr y datganiad o resymau dros wneud y gorchymyn hwnnw.

(9) Rhaid i'r gofrestr gynnwys hefyd yr wybodaeth ganlynol mewn perthynas â phob cais am dystysgrif o dan adran 191 neu 192 o Ddeddf 1990 (tystysgrifau o gyfreithlondeb defnydd neu ddatblygiad presennol neu arfaethedig) sy'n ymwneud ag ardal yr awdurdod cynllunio lleol—

- (a) enw a chyfeiriad y ceisydd;
- (b) dyddiad y cais;
- (c) cyfeiriad neu leoliad y tir y mae'r cais yn ymwneud ag ef;
- (ch) disgrifiad o'r defnydd, gweithrediadau neu fater arall a gynhwysir yn y cais;
- (d) penderfyniad, os gwnaed un, yr awdurdod cynllunio lleol mewn perthynas â'r cais, a dyddiad y cyfryw benderfyniad; ac
- (dd) rhif cyfeirnod, dyddiad ac effaith unrhyw benderfyniad gan Weinidogion Cymru ar apel mewn perthynas â'r cais.

Welsh Ministers' decision together with a copy (which may be photographic or in electronic form) of—

- (a) any planning obligation or section 278 agreement entered into in connection with the decision; and
- (b) any other planning obligation or section 278 agreement taken into account by the Welsh Ministers when making the decision.

(5) The third part of the register must consist of two sections—

- (a) the first section must contain copies of draft local development orders which have been prepared but not adopted by the local planning authority; and
- (b) the second section must contain—
  - (i) copies of local development orders which have been adopted by the authority;
  - (ii) particulars of the revocation of any local development order made by the authority, including the date on which the revocation took effect; and
  - (iii) particulars of the revision of any local development order, including the date on which the revision took effect.

(6) A copy of each draft local development order must be placed on the register when the draft is sent for consultation in accordance with article 27.

(7) A copy of each local development order must be placed on the register within 14 days of the date of its adoption.

(8) A requirement to place a copy of a draft local development order or adopted local development order on the register includes a requirement to place on the register the statement of reasons for making that order.

(9) The register must also contain the following information in respect of every application for a certificate under section 191 or 192 of the 1990 Act (certificates of lawfulness of existing or proposed use or development) relating to the local planning authority's area—

- (a) the name and address of the applicant;
- (b) the date of the application;
- (c) the address or location of the land to which the application relates;
- (d) the description of the use, operations or other matter included in the application;
- (e) the decision, if any, of the local planning authority in respect of the application and the date of such decision; and
- (f) the reference number, date and effect of any decision of the Welsh Ministers on an appeal in respect of the application.

(10) Rhaid i'r gofrestr gynnwys yr wybodaeth ganlynol ynghylch cynlluniau parth cynllunio syml yn ardal yr awdurdod cynllunio lleol—

- (a) manylion cryno am unrhyw gamau a gymerwyd gan yr awdurdod neu gan Weinidogion Cymru yn unol ag adran 83 o Ddeddf 1990 neu Atodlen 7 i'r Ddeddf honno (gwneud cynlluniau parthau cynllunio syml etc)(1) i sefydlu neu gymeradwyo unrhyw gynllun parth cynllunio syml, gan gynnwys dyddiad y mabwysiadu neu'r cymeradwyo, y dyddiad y daeth y cynllun neu'r newid yn weithredol, a'r dyddiad y mae'n peidio â bod yn weithredol;
- (b) copi o unrhyw gynllun parth cynllunio syml, neu unrhyw newid mewn cynllun presennol, gan gynnwys unrhyw ddiagramau, lluniau, deunydd disgrifiadol neu unrhyw ddeunydd arall a ragnodir sydd wedi ei roi ar gael i'w archwilio o dan Atodlen 7 i Ddeddf 1990; ac
- (c) map mynegeiol sy'n dangos ffin unrhyw gynlluniau parth cynllunio syml gweithredol neu arfaethedig, gan gynnwys addasiadau i gynlluniau presennol pan fo'n briodol, ynghyd â chyfeiriad at y cofnodion yn y gofrestr o dan is-baragraffau (a) a (b).

(11) Er mwyn galluogi unrhyw berson i olrhain unrhyw gofnod yn y gofrestr, rhaid i bob cofrestr gynnwys mynegai, ynghyd â mynegai ar wahân o geisiadau am ddatblygiad sy'n cynnwys gweithrediadau mwyngloddio neu greu dyddodion o weithfeydd mwynau.

(12) Yn ddarostyngedig i baragraff (13), rhaid gwneud pob cofnod yn y gofrestr o fewn 14 diwrnod ar ôl cael cais, neu ar ôl rhoi neu wneud y cyfarwyddyd perthnasol, y penderfyniad perthnasol neu'r gymeradwyaeth berthnasol, yn ôl fel y digwydd.

(13) Rhaid gosod copi o unrhyw gais a wneir o dan adran 293A(2) o Ddeddf 1990 (datblygiad brys y Goron: gwneud cais), ac o unrhyw blaniau a lluniadau a gyflwynwyd mewn perthynas â'r cais, ar y gofrestr o fewn 14 diwrnod ar ôl y dyddiad yr ymgynghorir â'r awdurdod cynllunio lleol gan Weinidogion Cymru ynglŷn â'r cais.

(14) Rhaid cadw'r cyfan o'r gofrestr ym mhrif swyddfa'r awdurdod cynllunio lleol, neu rhaid cadw'r rhan honno o'r gofrestr sy'n ymwneud â thir mewn rhan o ardal yr awdurdod hwnnw, mewn man sydd o fewn y rhan honno o'r ardal, neu sy'n gyfleus ar gyfer y rhan honno o'r ardal.

(15) At ddibenion paragraff (2), rhaid peidio â thrin cais fel pe bai wedi ei benderfynu yn derfynol oni fydd—

(10) The register must contain the following information about simplified planning zone schemes in the area of the local planning authority—

- (a) brief particulars of any action taken by the authority or the Welsh Ministers in accordance with section 83 of, or Schedule 7 to, the 1990 Act (making of simplified planning zone schemes etc)(1) to establish or approve any simplified planning zone scheme, including the date of adoption or approval, the date on which the scheme or alteration becomes operative and the date on which it ceases to be operative;
- (b) a copy of any simplified planning zone scheme, or alteration to an existing scheme, including any diagrams, illustrations, descriptive matter or any other prescribed material which has been made available for inspection under Schedule 7 to the 1990 Act; and
- (c) an index map showing the boundary of any operative or proposed simplified planning zone schemes, including alterations to existing schemes where appropriate, together with a reference to the entries in the register under sub-paragraphs (a) and (b).

(11) To enable any person to trace any entry in the register, every register must include an index together with a separate index of applications for development involving mining operations or the creation of mineral working deposits.

(12) Subject to paragraph (13), every entry in the register must be made within 14 days of the receipt of an application, or of the giving or making of the relevant direction, decision or approval as the case may be.

(13) A copy of any application made under section 293A(2) of the 1990 Act (urgent Crown development: application) and of any plans and drawings submitted in relation to it must be placed on the register within 14 days of the date on which the local planning authority is consulted on the application by the Welsh Ministers.

(14) The whole of the register must be kept at the principal office of the local planning authority or that part of the register which relates to land in part of that authority's area must be kept at a place within or convenient to that part.

(15) For the purposes of paragraph (2), an application must not be treated as finally disposed of unless—

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(1) Gwnaed diwygiadau i adran 83 ac Atodlen 7 nad ydynt yn berthnasol i'r Gorchymyn hwn.

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(1) There are amendments to section 83 and Schedule 7 not relevant to this Order.

- (a) yr awdurdod cynllunio lleol wedi penderfynu (neu'r cyfnod priodol a ganiateir o dan erthygl 22 wedi dod i ben heb iddo roi penderfyniad) a'r cyfnod o chwe mis a bennir yn erthygl 26(2) wedi dod i ben heb i unrhyw apêl gael ei gwneud i Weinidogion Cymru;
- (b) y cais wedi ei atgyfeirio at Weinidogion Cymru o dan adran 77 o Ddeddf 1990 (atgyfeirio ceisiadau at yr Ysgrifennydd Gwladol) neu apêl wedi ei gwneud i Weinidogion Cymru o dan adran 78 o Ddeddf 1990 (hawl i apelio yn erbyn penderfyniadau cynllunio a methiant i wneud penderfyniadau o'r fath)(1), Gweinidogion Cymru wedi dyroddi penderfyniad a'r cyfnod o chwe wythnos a bennir yn adran 288 o Ddeddf 1990 (achosion i herio dilysrwydd gorchmynion, penderfyniadau a chyfarwyddiadau eraill)(2) wedi dod i ben heb i unrhyw gais gael ei wneud i'r Uchel Lys o dan yr adran honno;
- (c) cais wedi ei wneud i'r Uchel Lys o dan adran 288 o Ddeddf 1990 a'r mater wedi ei benderfynu yn derfynol, naill ai drwy wrthod y cais yn derfynol gan lys, neu drwy ddiddymu penderfyniad Gweinidogion Cymru a dyroddi penderfyniad newydd (heb unrhyw gais pellach o dan yr adran 288 honno); neu
- (ch) y cais wedi ei dynnu'n ôl cyn ei benderfynu gan yr awdurdod neu gan Weinidogion Cymru, yn ôl fel y digwydd, neu apêl wedi ei thynnu'n ôl cyn bo Gweinidogion Cymru wedi dyroddi eu penderfyniad.

(16) Pan fo'r gofrestr a gedwir gan awdurdod cynllunio lleol o dan yr erthygl hon yn cael ei chadw drwy ddefnyddio storio electronig, caiff yr awdurdod roi'r gofrestr ar gael i'w harchwilio gan y cyhoedd ar wefan a gynhelir gan yr awdurdod at y diben hwnnw.

(17) Yn yr erthygl hon—

- (a) ystyr "rhwymedigaeth gynllunio" ("*planning obligation*") yw rhwymedigaeth yr ymunir ynddi drwy gytundeb neu fel arall gan unrhyw berson sydd â buddiant mewn tir yn unol ag adran 106 o Ddeddf 1990 (rhwymedigaethau cynllunio)(3); a

- (a) it has been decided by the local planning authority (or the appropriate period allowed under article 22 has expired without their giving a decision) and the period of six months specified in article 26(2) has expired without any appeal having been made to the Welsh Ministers;
- (b) if it has been referred to the Welsh Ministers under section 77 the 1990 Act (reference of applications to Secretary of State) or an appeal has been made to the Welsh Ministers under section 78 of the 1990 Act (right to appeal against planning decisions and failure to take such decisions)(1), the Welsh Ministers have issued a decision and the period of six weeks specified in section 288 of the 1990 Act (proceedings for questioning the validity of other orders, decisions and directions)(2) has expired without any application having been made to the High Court under that section;
- (c) an application has been made to the High Court under section 288 of the 1990 Act and the matter has been finally determined, either by final dismissal of the application by a court or by the quashing of the Welsh Ministers' decision and the issue of a fresh decision (without a further application under the said section 288); or
- (d) it has been withdrawn before being decided by the authority or the Welsh Ministers, as the case may be, or an appeal has been withdrawn before the Welsh Ministers have issued their decision.

(16) Where the register kept by a local planning authority under this article is kept using electronic storage, the authority may make the register available for inspection by the public on a website maintained by the authority for that purpose.

(17) In this article—

- (a) "planning obligation" ("*rhwymedigaeth gynllunio*") means an obligation entered into by agreement or otherwise by any person interested in land pursuant to section 106 of the 1990 Act (planning obligations)(3); and

(1) Diwygiwyd adran 78 gan adran 17(2) o Ddeddf Cynllunio a Digolledu 1991 (p.34) ac adrannau 40(2)(e) a 43(2) o Ddeddf 2004.

(2) Diwygiwyd 288 gan adran 18 o Ddeddf Tribiwnlysoedd ac Ymchwiliadau 1992 (p.53), a pharagraff 25 o Atodlen 3 i'r Ddeddf honno.

(3) Diwygiwyd adran 106 gan adran 12(1) o Ddeddf Cynllunio a Digolledu 1991 (p. 34) ac adran 174 o Ddeddf Cynllunio 2008 (p. 29). Ni fwriedir ar hyn o bryd ddwyn i rym y diddymiad o adran 106 gan adran 120 o Ddeddf 2004 ac Atodlen 9 i'r Ddeddf honno.

(1) Section 78 was amended by section 17(2) of the Planning and Compensation Act 1991 (c.34) and sections 40(2)(e) and 43(2) of the 2004 Act.

(2) Section 288 was amended by section 18 of, and paragraph 25 of Schedule 3 to, the Tribunals and Inquiries Act 1992 (c.53).

(3) Section 106 was amended by section 12(1) of the Planning and Compensation Act 1991 (c. 34) and section 174 of the Planning Act 2008 (c. 29). There is no intention at present to bring into force the repeal of section 106 by section 120 of, and Schedule 9 to, the 2004 Act.

- (b) ystyr "cytundeb adran 278" ("*section 278 agreement*") yw cytundeb yr ymunir ynddo yn unol ag adran 278 o Ddeddf Priffyrdd 1980 (cytundebau ynglŷn â chyflawni gwaith)(1).

### Cofrestr o hysbysiadau gorfodi ac atal

30.—(1) Yn ddarostyngedig i baragraff (2), rhaid i'r gofrestr o dan adran 188 o Ddeddf 1990 (cofrestr o hysbysiadau gorfodi ac atal)(2) gynnwys yr wybodaeth ganlynol mewn perthynas â phob hysbysiad gorfodi a ddyroddir mewn perthynas â thir yn ardal yr awdurdod cynllunio lleol sy'n cynnal y gofrestr—

- (a) cyfeiriad y tir y mae'r hysbysiad yn ymwneud ag ef, neu blân y gellir cyfeirio ato i ganfod lleoliad y tir;
- (b) enw'r awdurdod dyroddi;
- (c) dyddiad dyroddi'r hysbysiad;
- (ch) dyddiad cyflwyno copïau o'r hysbysiad;
- (d) datganiad neu grynodeb o'r toriad o reolaeth gynllunio a honnir, ac o ofynion yr hysbysiad, gan gynnwys y cyfnod a ganiateir ar gyfer cymryd unrhyw gamau sy'n ofynnol;
- (dd) y dyddiad a bennir yn yr hysbysiad fel y dyddiad y bydd yr hysbysiad yn cael effaith;
- (e) gwybodaeth am unrhyw ohiriad o'r dyddiad a bennir fel y dyddiad y bydd yr hysbysiad yn cael effaith oherwydd adran 175(4) o Ddeddf 1990 (apelau: darpariaethau atodol)(3) a'r dyddiad y penderfynwyd unrhyw apel yn derfynol neu'r dyddiad y'i tynnwyd yn ôl;
- (f) dyddiad cyflwyno ac, os yw'n gymwys, dyddiad tynnu'n ôl, unrhyw hysbysiad atal gyda chyfeiriad at yr hysbysiad gorfodi, ynghyd â datganiad neu grynodeb o'r gweithgarwch a waherddir gan unrhyw hysbysiad atal o'r fath; ac
- (ff) y dyddiad, os oes un, y bodlonir yr awdurdod fod y camau sy'n ofynnol gan yr hysbysiad at ddiben a grybwyllir yn adran 173(4)(b) o Ddeddf 1990 (cynnwys ac effaith yr hysbysiad: unioni unrhyw niwed i amwynder)(4) wedi eu cymryd.

(2) Rhaid i'r gofrestr honno gynnwys hefyd yr wybodaeth ganlynol mewn perthynas â phob hysbysiad torri amodau a gyflwynwyd mewn perthynas â thir yn ardal yr awdurdod cynllunio lleol sy'n cynnal y gofrestr—

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- (1) Amnewidiwyd adran 278 gan adran 23 o Ddeddf Ffyrdd Newydd a Gwaith Stryd 1991 (p. 22).
- (2) Diwygiwyd adran 188 gan adran 84(6) o Ddeddf Cynllunio a Digolledu 1991 a pharagraff 30 o Atodlen 7 a Rhan I o Atodlen 19 i'r Ddeddf honno. Ceir diwygiadau eraill, nad ydynt yn berthnasol i'r Gorchymyn hwn.
- (3) Ceir diwygiad i adran 175(4) nad yw'n berthnasol i'r Gorchymyn hwn.
- (4) Amnewidiwyd adran 173 gan adran 5 o Ddeddf Cynllunio a Digolledu 1991 (p.34).

- (b) "section 278 agreement" ("*cytundeb adran 278*") means an agreement entered into pursuant to section 278 of the Highways Act 1980 (agreements as to execution of works)(1).

### Register of enforcement and stop notices

30.—(1) Subject to paragraph (2), the register under section 188 of the 1990 Act (register of enforcement and stop notices)(2) must contain the following information with respect to every enforcement notice issued in relation to land in the area of the local planning authority maintaining the register—

- (a) the address of the land to which the notice relates or a plan by reference to which its situation can be ascertained;
- (b) the name of the issuing authority;
- (c) the date of issue of the notice;
- (d) the date of service of copies of the notice;
- (e) a statement or summary of the breach of planning control alleged and the requirements of the notice, including the period within which any required steps are to be taken;
- (f) the date specified in the notice as the date on which it is to take effect;
- (g) information on any postponement of the date specified as the date on which the notice will take effect by reason of section 175(4) of the 1990 Act (appeals: supplementary provisions)(3) and the date of the final determination or withdrawal of any appeal;
- (h) the date of service and, if applicable, of withdrawal of any stop notice referring to the enforcement notice, together with a statement or summary of the activity prohibited by any such stop notice; and
- (i) the date, if any, on which the authority are satisfied that steps required by the notice for a purpose mentioned in section 173(4)(b) of the 1990 Act (contents and effect of notice: remedying any injury to amenity)(4) have been taken.

(2) That register must also contain the following information with respect to every breach of condition notice served in relation to land in the area of the local planning authority maintaining the register—

- 
- (1) Section 278 was substituted by section 23 of the New Roads and Street Works Act 1991 (c. 22).
- (2) Section 188 was amended by section 84(6) of, and paragraph 30 of Schedule 7 and Part I of Schedule 19 to, the Planning and Compensation Act 1991. There are other amendments which are not relevant to this Order.
- (3) There is an amendment to section 175(4) not relevant to this Order.
- (4) Section 173 was substituted by section 5 of the Planning and Compensation Act 1991 (c.34).

- (a) cyfeiriad y tir y mae'r hysbysiad yn ymwneud ag ef, neu blân y gellir cyfeirio ato i ganfod lleoliad y tir;
- (b) enw'r awdurdod cyflwyno;
- (c) dyddiad cyflwyno'r hysbysiad;
- (ch) manylion o'r caniatâd cynllunio perthnasol sy'n ddigonol i alluogi ei adnabod; a
- (d) datganiad neu grynodeb o'r amod y methwyd â chydymffurfio ag ef ac o ofynion yr hysbysiad, gan gynnwys y cyfnod a ganiateir ar gyfer cydymffurfio.

(3) Rhaid dileu o'r gofrestr bob cofnod mewn perthynas â hysbysiad gorfodi, hysbysiad atal neu hysbysiad torri amodau—

- (a) yn achos hysbysiad gorfodi neu hysbysiad atal, os diddymir yr hysbysiad gorfodi perthnasol gan Weinidogion Cymru;
- (b) yn achos hysbysiad torri amodau, os diddymir yr hysbysiad gan lys;
- (c) mewn unrhyw achos, os tynnir yr hysbysiad perthnasol yn ôl.

(4) Rhaid i bob cofrestr gynnwys mynegai sy'n galluogi person i olrhain unrhyw gofnod yn y gofrestr drwy gyfeirio at gyfeiriad y tir y mae'r hysbysiad yn ymwneud ag ef.

(5) Rhaid cofnodi'r wybodaeth a ragnodir ym mharagraffau (1) a (2) yn y gofrestr cyn gynted ag y bo'n ymarferol, a beth bynnag o fewn 14 diwrnod ar ôl y digwyddiad y mae'n ymwneud ag ef.

(6) Rhaid cadw'r cyfan o'r gofrestr ym mhrif swyddfa'r awdurdod cynllunio lleol, neu rhaid cadw'r rhan honno o'r gofrestr sy'n ymwneud â thir mewn rhan o ardal yr awdurdod hwnnw mewn man sydd o fewn y rhan honno o'r ardal, neu sy'n gyfleus ar gyfer y rhan honno o'r ardal.

- (a) the address of the land to which the notice relates or a plan by reference to which its situation can be ascertained;
- (b) the name of the serving authority;
- (c) the date of service of the notice;
- (d) details of the relevant planning permission sufficient to enable it to be identified; and
- (e) a statement or summary of the condition which has not been complied with and the requirements of the notice, including the period allowed for compliance.

(3) All entries relating to an enforcement notice, stop notice or breach of condition notice must be removed from the register if—

- (a) in the case of an enforcement notice or stop notice, the relevant enforcement notice is quashed by the Welsh Ministers;
- (b) in the case of a breach of condition notice, the notice is quashed by a court;
- (c) in any case, the relevant notice is withdrawn.

(4) Every register must include an index for enabling a person to trace any entry in the register by reference to the address of the land to which the notice relates.

(5) The information prescribed in paragraphs (1) and (2) must be entered in the register as soon as practicable and in any event within 14 days of the occurrence to which it relates.

(6) The whole of the register must be kept at the principal office of the local planning authority or that part of the register which relates to land in part of that authority's area must be kept at a place within or convenient to that part.

## RHAN 8

Cyffredinol

### Cyfarwyddiadau

**31.** Mae unrhyw bŵer a roddir gan y Gorchymyn hwn i roi cyfarwyddyd yn cynnwys y pŵer i ddiddymu neu amrywio'r cyfarwyddyd hwnnw drwy gyfarwyddyd dilynol.

### Defnyddio cyfathrebiadau electronig

**32.—**(1) Os gwneir cais drwy ddefnyddio cyfathrebiadau electronig, ystyrir bod y ceisydd wedi cytuno—

- (a) i'r awdurdod ddefnyddio cyfathrebiadau o'r fath at ddibenion y cais;

## PART 8

General

### Directions

**31.** Any power conferred by this Order to give a direction includes power to cancel or vary the direction by a subsequent direction.

### Use of electronic communications

**32.—**(1) Where an application is made using electronic communications, the applicant is taken to have agreed—

- (a) to the use of such communications by the authority for the purposes of the application;

- (b) mai cyfeiriad y ceisydd at y dibenion hynny yw'r cyfeiriad sy'n gynwysedig yn y cais neu sydd, rywfodd arall, yn gysylltiedig yn rhesymegol â'r cais; ac
- (c) y bydd cytundeb tybiedig y ceisydd o dan y paragraff hwn yn parhau hyd nes bo'r ceisydd yn rhoi hysbysiad ysgrifenedig ei fod yn tynnu'n ôl y cydsyniad i ddefnyddio cyfathrebiadau electronig o dan baragraff (2).

(2) Os nad yw person bellach yn fodlon derbyn y defnydd o gyfathrebiadau electronig at unrhyw ddiben yn y Gorchymyn hwn y gellir ei gyflawni yn electronig, rhaid i'r person hwnnw roi hysbysiad, mewn ysgrifen, sydd—

- (a) yn tynnu'n ôl unrhyw gyfeiriad yr hysbyswyd Gweinidogion Cymru neu awdurdod cynllunio lleol ohono at y diben hwnnw; neu
- (b) yn dirymu unrhyw gytundeb yr ymunwyd ynddo, neu y tybiwyd yr ymunwyd ynddo, gyda Gweinidogion Cymru neu gydag awdurdod cynllunio lleol at y diben hwnnw,

a bydd tynnu'n ôl neu ddirymu felly yn derfynol, ac yn cael effaith ar ddyddiad a bennir gan y person yn yr hysbysiad, ond nid yn llai na saith diwrnod ar ôl y dyddiad y rhoddir yr hysbysiad.

#### **Dirymiadau, darpariaethau trosiannol ac arbedion**

**33.**—(1) Dirymir yr offerynnau statudol a bennir yng ngholofn gyntaf y Tabl yn Atodlen 8 i'r graddau a bennir yn y rhes gyfatebol yn nhrydedd golofn y Tabl.

(2) Mewn perthynas ag unrhyw gais am ganiatâd cynllunio, cydsyniad, cytundeb neu gymeradwyaeth a wnaed cyn 1 Tachwedd 2011—

- (a) nid yw erthyglau 26 (apelau) a 29 (cofrestr o geisiadau a gorchmynion datblygu lleol) ac Atodlen 5 (hysbysu pan wrthodir caniatâd cynllunio neu pan roddir caniatâd yn ddarostyngedig i amodau) yn gymwys; a
- (b) mae erthyglau 23 (apelau) a 25 (cofrestr o geisiadau) o Orchymyn Cynllunio Gwlad a Thref (Gweithdrefn Datblygu Cyffredinol) 1995 a Rhan 2 o Atodlen 1 (hysbysiad sydd i'w anfon i'r ceisydd os gwrthodir caniatâd cynllunio neu os rhoddir caniatâd yn ddarostyngedig i amodau) i'r Gorchymyn hwnnw(1) yn gymwys fel yr oedd y darpariaethau hynny'n gymwys yn union cyn 1 Tachwedd 2011.

(3) Mewn perthynas ag unrhyw gais am ganiatâd cynllunio a wneir cyn 30 Ebrill 2012—

- (b) that the applicant's address for those purposes is the address incorporated into, or otherwise logically associated with, the application; and
- (c) that the applicant's deemed agreement under this paragraph will subsist until the applicant gives notice in writing of the withdrawal of consent to the use of electronic communications under paragraph (2).

(2) Where a person is no longer willing to accept the use of electronic communications for any purpose of this Order which is capable of being carried out electronically, that person must give notice in writing—

- (a) withdrawing any address notified to the Welsh Ministers or to a local planning authority for that purpose; or
- (b) revoking any agreement entered into or deemed to have been entered into with the Welsh Ministers or with a local planning authority for that purpose,

and such withdrawal or revocation will be final and will take effect on a date specified by the person in the notice but not less than seven days after the date on which the notice is given.

#### **Revocations, transitional provisions and savings**

**33.**—(1) The statutory instruments specified in the first column of the Table in Schedule 8 are revoked to the extent specified in the corresponding row of the third column of the Table.

(2) In respect of any application for planning permission, consent, agreement or approval made before 1 November 2011—

- (a) articles 26 (appeals) and 29 (register of applications and local development orders) and Schedule 5 (notification where planning permission refused or granted subject to conditions) do not apply; and
- (b) articles 23 (appeals) and 25 (register of applications) of, and Part 2 of Schedule 1 (notification to be sent to applicant on refusal of planning permission or on the grant of permission subject to conditions) to, the Town and Country Planning (General Development Procedure) Order 1995(1) apply as those provisions applied immediately prior to 1 November 2011.

(3) In respect of any application for planning permission made before 30 April 2012—

(1) Gwnaed diwygiadau perthnasol gan O.S. 1996/525, 2004/1434, 2004/3156, 2006/1386, 2006/3390 a 2009/1024.

(1) Relevant amendments were made by S.I. 1996/525, 2004/1434, 2004/3156, 2006/1386, 2006/3390 and 2009/1024.



- (a) nid yw erthygl 12 (cyhoedduswydd i geisiadau am ganiatâd cynllunio) yn gymwys; a
- (b) mae erthygl 8 o Orchymyn Cynllunio Gwlad a Thref (Gweithdrefn Datblygu Cyffredinol) 1995 (cyhoedduswydd i geisiadau am ganiatâd cynllunio)(1) yn gymwys fel yr oedd y ddarpariaeth honno'n gymwys yn union cyn 30 Ebrill 2012.

- (a) article 12 (publicity for applications for planning permission) does not apply; and
- (b) article 8 of the Town and Country Planning (General Development Procedure) Order 1995 (publicity for applications for planning permission)(1) applies as that provision applied immediately prior to 30 April 2012.

*John Griffiths*

Gweinidog yr Amgylchedd a Datblygu Cynaliadwy, un o Weinidogion Cymru

10 Mawrth 2012

Minister for the Environment and Sustainable Development, one of the Welsh Ministers

10 March 2012

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(1) Gwnaed diwygiadau perthnasol gan O.S. 1999/293 a 2006/1386.

---

(1) Relevant amendments were made by S.I. 1999/293 and 2006/1386.

Cydnabod Cais

**DEDDF CYNLLUNIO GWLAD A THREF 1990**

Llythyr sydd i'w anfon gan awdurdod cynllunio lleol pan geir cais am ganiatâd cynllunio neu am dystysgrif o gyfreithlondeb defnydd neu ddatblygiad.

Diolch ichi am eich cais dyddiedig..... a dderbyniais ar .....

Rwy'n parhau i astudio'ch ffurflen gais a'r planiau a dogfennau a ddaeth gyda hi, er mwyn gweld a ydynt yn cydymffurfio â'r gyfraith.\*

Os byddaf yn canfod bod eich cais yn annilys oherwydd nad yw'n cydymffurfio â'r gofynion statudol, byddaf yn ysgrifennu atoch eto cyn gynted ag y gallaf.\*

Os, erbyn (*mewn osodur dyddiad diwedd y cyfnod o 8 wythnos sy'n dechrau gyda'r dyddiad y cafwyd y cais*).....

na fyddwch wedi cael penderfyniad mewn ysgrifen ac:

- na ddywedwyd wrthyhch fod eich cais yn annilys; neu
- na ddywedwyd wrthyhch fod eich siec am y ffi wedi ei dychwelyd heb ei thalu; neu
- nad ydych wedi cytuno mewn ysgrifen i estyn y cyfnod a ganiateir ar gyfer rhoi penderfyniad,

yna, cewch apelio i Weinidogion Cymru o dan adran 78/ adran 195\* o Ddeddf Cynllunio Gwlad a Thref 1990. (Nid yw hyn yn gymwys os yw eich cais wedi ei atgyfeirio eisoes at Weinidogion Cymru.)

Er mwyn apelio, rhaid ichi ddefnyddio ffurflen y gellwch ei chael ar-lein yn [www.planningportal.gov.uk/pes](http://www.planningportal.gov.uk/pes) neu gan yr Arolygiaeth Gynllunio yn Adeiladau'r Goron, Parc Cathays, Caerdydd CF10 3NQ\*.

Os byddwch yn apelio, rhaid ichi apelio o fewn y cyfnod o 6 mis sy'n dilyn [mewn osodur y dyddiad ar ddiwedd cyfnod o 8 wythnos sy'n dechrau gyda'r dyddiad y cafwyd y cais ("y dyddiad perthnasol")] .....

\*dilëer os nad yw'n briodol

SCHEDULE 1

Articles 8 and 28

Acknowledgement of Application

**TOWN AND COUNTRY PLANNING ACT 1990**

Letter to be sent by a local planning authority when they receive an application for planning permission or for a certificate of lawful use or development.

Thank you for your application dated..... which I received on .....

I am still examining your application form and the accompanying plans and documents to see whether they comply with the law.\*

If I find that your application is invalid because it does not comply with the statutory requirements I will write to you again as soon as I can.\*

If, by (*insert date being the end of the period of 8 weeks beginning with the date on which the application was received*) .....

you have not been given a decision in writing and:

- you have not been told that your application is invalid; or
- you have not been told that your fee cheque has been dishonoured; or
- you have not agreed in writing to extend the period in which the decision may be given,

then you can appeal to the Welsh Ministers under section 78/section 195\* of the Town and Country Planning Act 1990. (This does not apply if your application has already been referred to the Welsh Ministers.)

To appeal you must use a form which you can get online at [www.planningportal.gov.uk/pcshttp:///](http://www.planningportal.gov.uk/pcshttp:///) or from the Planning Inspectorate at Crown Buildings, Cathays Park, Cardiff CF10 3NQ\*.

If you appeal, you must appeal within 6 months from [insert date at end of period of 8 weeks, beginning with the date when the application was received ("the relevant date")].

\*delete where inappropriate

Hysbysiadau o dan Erthyglau 10 a 25

Gorchymyn Cynllunio Gwlad a Thref (Gweithdrefn Rheoli Datblygu) (Cymru) 2012

HYSBYSIAD O DAN ERTHYGL 10 O GAIS AM GANIATÂD CYNLLUNIO

(i'w gyflwyno i berchennog\* neu denant\*\* neu i'w gyhoeddi mewn papur newydd, (ac os yw'r awdurdod cynllunio lleol yn cynnal gwefan, ar wefan yr awdurdod))

Datblygiad arfaethedig yn (a).....

**Rwyf yn hysbysu drwy hyn fod (b)**.....

yn gwneud cais i (c).....[yr Awdurdod Cynllunio Lleol] [Gweinidogion Cymru]+

am ganiatâd cynllunio i (ch).....

Caiff aelodau'r cyhoedd archwilio copïau o'r canlynol:

— y cais

— y planiau

— a'r dogfennau eraill a gyflwynwyd ynghyd â'r cais

yn (d).....

yn ystod unrhyw oriau rhesymol hyd at (dd).....

+ ac, ar-lein yn (e).....

Dylai unrhyw un sy'n dymuno gwneud sylwadau ynghylch y cais hwn ysgrifennu at [yr Awdurdod Cynllunio Lleol] [Gweinidogion Cymru]+ yn (d).....

erbyn (dd).....

\* ystyr "perchennog" yw person sydd â buddiant rhydd-ddaliadol neu fuddiant lesddaliadol sydd â'i dymor gweddilliol yn ddim llai na saith mlynedd, neu, yn achos datblygiad sy'n cynnwys ennill neu weithio mwynau, person sydd â hawl i fuddiant mewn mwyn yn y tir (ac eithrio olew, nwy, glo, aur neu arian).

\*\* ystyr "tenant" yw tenant amaethyddol, fel y diffinnir "agricultural tenant" yn adran 65(8) o Ddeddf Cynllunio Gwlad a Thref 1990, o dir y mae unrhyw ran ohono'n gynnwysedig yn y tir y mae'r cais yn ymwneud ag ef.

Llofnodwyd.....

+ Ar ran.....

Dyddiad.....

*Datganiad o hawliau perchnogion*

Nid yw rhoi caniatâd cynllunio yn effeithio ar hawliau perchnogion i gadw neu gael gwared â'u heiddo onid oes rhyw ddarpariaeth i'r gwrthwyneb mewn cytundeb neu mewn les.

*Datganiad o hawliau tenantiaid amaethyddol*

Os rhoddir caniatâd cynllunio ar gyfer datblygiad anamaethyddol, gallai hynny effeithio ar sicrwydd deiliadaeth tenantiaid amaethyddol.

+ dilëer os nad yw'n briodol

---

Mewnosoder:

- (a) cyfeiriad neu leoliad y datblygiad arfaethedig
- (b) enw'r ceisydd
- (c) enw'r Awdurdod Cynllunio Lleol, os yw'n briodol
- (ch) disgrifiad o'r datblygiad arfaethedig
- (d) cyfeiriad yr Awdurdod Cynllunio Lleol neu Weinidogion Cymru fel y bo'n briodol
- (dd) dyddiad sy'n rhoi cyfnod o 21 diwrnod sy'n dechrau gyda dyddiad cyflwyno'r hysbysiad, neu 14 diwrnod sy'n dechrau gyda dyddiad cyhoeddi'r hysbysiad (yn ôl fel y digwydd)
- (e) cyfeiriad gwefan (url) yr awdurdod cynllunio lleol

SCHEDULE 2

Articles 10 and 25

Notices under Articles 10 and 25

Town and Country Planning (Development Management Procedure) (Wales) Order 2012

NOTICE UNDER ARTICLE 10 OF APPLICATION FOR PLANNING PERMISSION

(to be served on an owner\* or a tenant\*\* or to be published in a newspaper (and, where the local planning authority maintain one, on their website))

Proposed development at (a).....

**I give notice that** (b).....

is applying to the (c) .....[Local Planning Authority] [Welsh Ministers]+

for planning permission to (d).....

Members of the public may inspect copies of:

- the application
- the plans
- and other documents submitted with it

at (e) .....

during all reasonable hours until (f) .....

+ and, online at (g).....

Anyone who wishes to make representations about this application should write to the [Local Planning Authority] [Welsh Ministers]+ at (e).....

by (f) .....

\* "owner" means a person having a freehold interest or a leasehold interest the unexpired term of which is not less than seven years, or, in the case of development consisting of the winning or working of minerals, a person entitled to an interest in a mineral in the land (other than oil, gas, coal, gold or silver).

\*\* "tenant" means an agricultural tenant, as defined in section 65(8) of the Town and Country Planning Act 1990, of land any part of which is comprised in the land to which the application relates.

Signed.....

+ On behalf of.....

Date.....

*Statement of owners' rights*

The grant of planning permission does not affect owners' rights to retain or dispose of their property, unless there is some provision to the contrary in an agreement or in a lease.

*Statement of agricultural tenants' rights*

The grant of planning permission for non-agricultural development may affect agricultural tenants' security of tenure.

+ delete where inappropriate

---

Insert:

- (a) address or location of the proposed development
- (b) applicant's name
- (c) name of Local Planning Authority, if appropriate
- (d) description of the proposed development
- (e) address of the Local Planning Authority or the Welsh Ministers as appropriate
- (f) date giving a period of 21 days beginning with the date of service, or 14 days beginning with the date of publication, of the notice (as the case may be)
- (g) local planning authority website address (url)

Gorchymyn Cynllunio Gwlad a Thref (Gweithdrefn Rheoli Datblygu) (Cymru) 2012  
HYSBYSIAD O DAN ERTHYGL 10(2) O GAIS AM GANIATÂD CYNLLUNIO AR GYFER  
ENNILL A GWEITHIO MWYNAU DRWY WEITHREDIADAU TANDDAEAROL

(i'w arddangos mewn achos pan wneir cais am ganiatâd cynllunio ar gyfer datblygiad sy'n cynnwys ennill a gweithio mwynau drwy weithrediadau tanddaearol (yn ychwanegol at gyflwyno neu gyhoeddi unrhyw hysbysiadau gofynnol eraill sydd yn yr Atodlen hon))

Datblygiad arfaethedig yn (a).....

**Rwyf yn hysbysu drwy hyn fod** (b).....

yn gwneud cais i (c).....[yr Awdurdod Cynllunio Lleol] [Gweinidogion Cymru]+

am ganiatâd cynllunio i (ch).....

Caiff aelodau'r cyhoedd archwilio copïau o'r canlynol:

— y cais

— y planiau

— a'r dogfennau eraill a gyflwynwyd ynghyd â'r cais

yn (d).....

yn ystod unrhyw oriau rhesymol hyd at (dd).....

+ ac, ar-lein yn (e).....

Dylai unrhyw un sy'n dymuno gwneud sylwadau ynghylch y cais hwn ysgrifennu at [yr Awdurdod Cynllunio Lleol] [Gweinidogion Cymru]+ yn (f).....

erbyn (dd).....

Llofnodwyd.....

+ Ar ran.....

Dyddiad.....

+ dilêer os nad yw'n briodol

---

Mewnosoder:

(a) cyfeiriad neu leoliad y datblygiad arfaethedig

(b) enw'r ceisydd

(c) enw'r Awdurdod Cynllunio Lleol, os yw'n briodol

(ch) disgrifiad o'r datblygiad arfaethedig

(d) cyfeiriad lle y gellir archwilio'r cais (y ceisydd sy'n gyfrifol am roi'r cais ar gael i'w archwilio o fewn ardal yr awdurdod cynllunio lleol)

(dd)dyddiad sy'n rhoi cyfnod o 21 diwrnod sy'n dechrau gyda dyddiad arddangos yr hysbysiad

(e) cyfeiriad gwefan (url) yr awdurdod cynllunio lleol

(f) cyfeiriad yr Awdurdod Cynllunio Lleol neu Weinidogion Cymru fel y bo'n briodol



Town and Country Planning (Development Management Procedure) (Wales) Order 2012  
NOTICE UNDER ARTICLE 10(2) OF APPLICATION FOR PLANNING PERMISSION FOR  
THE WINNING AND WORKING OF MINERALS BY UNDERGROUND OPERATIONS

(to be posted in the case of an application for planning permission for development consisting of the winning and working of minerals by underground operations (in addition to the service or publication of any other requisite notices in this Schedule))

Proposed development at (a).....

**I give notice that** (b).....

is applying to the (c) .....[Local Planning Authority] [Welsh Ministers]+

for planning permission to (d).....

Members of the public may inspect copies of:

— the application

— the plans

— and other documents submitted with it

at (e) .....

during all reasonable hours until (f) .....

+ and, online at (g).....

Anyone who wishes to make representations about this application should write to the [Local Planning Authority] [Welsh Ministers]+ at (h) .....

by (f).....

Signed.....

+ On behalf of.....

Date.....

+ delete where inappropriate

---

Insert:

- (a) address or location of the proposed development
- (b) applicant's name
- (c) name of Local Planning Authority, if appropriate
- (d) description of the proposed development
- (e) address at which the application may be inspected (the applicant is responsible for making the application available for inspection within the area of the local planning authority)
- (f) date giving a period of 21 days, beginning with the date when the notice is posted
- (g) local planning authority website address (url)
- (h) address of Local Planning Authority or the Welsh Ministers as appropriate

Gorchymyn Cynllunio Gwlad a Thref (Gweithdrefn Rheoli Datblygu) (Cymru) 2012

HYSBYSIAD O APÊL O DAN ERTHYGLAU 10 A 25

(i'w gyflwyno i berchennog\* neu denant\*\* neu i'w gyhoeddi mewn papur newydd, (ac os yw'r awdurdod cynllunio lleol yn cynnal gwefan, ar wefan yr awdurdod))

Datblygiad arfaethedig yn (a).....

**Rwyf yn hysbysu drwy hyn fod** (b).....

ar ôl gwneud cais i Awdurdod Cynllunio Lleol (c).....

ar gyfer (ch).....

yn apelio i Weinidogion Cymru

yn erbyn penderfyniad yr Awdurdod Cynllunio Lleol +

yn dilyn methiant yr Awdurdod Cynllunio Lleol i roi hysbysiad o benderfyniad +

Caiff aelodau'r cyhoedd archwilio copïau o'r canlynol:

— y cais

— y planiau

— a'r dogfennau eraill a gyflwynwyd ynghyd â'r cais

yn (d).....

yn ystod unrhyw oriau rhesymol hyd at (dd).....

+ ac, ar-lein yn (e).....

Rhaid i unrhyw un sy'n dymuno gwneud sylwadau ynghylch yr apêl hon ysgrifennu at Weinidogion Cymru yn yr Arolygiaeth Gynllunio yn Adeilad y Goron, Parc Cathays, Caerdydd CF10 3NQ, neu ddefnyddio'r wefan yn [www.planningportal.gov.uk/pcs](http://www.planningportal.gov.uk/pcs)

erbyn (dd).....

\* ystyr "perchennog" yw person sydd â buddiant rhydd-ddaliadol neu fuddiant lesddaliadol sydd â'i dymor gweddilliol yn ddim llai na saith mlynedd, neu, yn achos datblygiad sy'n cynnwys ennill neu weithio mwynau, person sydd â hawl i fuddiant mewn mwyn yn y tir (ac eithrio olew, nwy, glo, aur neu arian).

\*\* ystyr "tenant" yw tenant amaethyddol, fel y diffinnir "agricultural tenant" yn adran 65(8) o Ddeddf Cynllunio Gwlad a Thref 1990, o dir y mae unrhyw ran ohono'n gynnwysedig yn y tir y mae'r cais yn ymwneud ag ef.

Llofnodwyd.....

+ Ar ran.....

Dyddiad.....

*Datganiad o hawliau perchnogion*

Nid yw rhoi caniatâd cynllunio yn effeithio ar hawliau perchnogion i gadw neu gael gwared â'u heiddo onid oes rhyw ddarpariaeth i'r gwrthwyneb mewn cytundeb neu mewn les.

*Datganiad o hawliau tenantiaid amaethyddol*

Os rhoddir caniatâd cynllunio ar gyfer datblygiad anamaethyddol, gallai hynny effeithio ar sicrwydd deiliadaeth tenantiaid amaethyddol.

+ dilëer os nad yw'n briodol

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Mewnosoder:

- (a) cyfeiriad neu leoliad y datblygiad arfaethedig
- (b) enw'r ceisydd
- (c) enw'r Awdurdod Cynllunio Lleol
- (ch) disgrifiad o'r datblygiad arfaethedig
- (d) cyfeiriad lle y gellir archwilio'r cais
- (dd) dyddiad sy'n rhoi cyfnod o 21 diwrnod sy'n dechrau gyda dyddiad cyflwyno'r hysbysiad, neu 14 diwrnod sy'n dechrau gyda dyddiad cyhoeddi'r hysbysiad (yn ôl fel y digwydd)
- (e) cyfeiriad gwefan (url) yr awdurdod cynllunio lleol

Town and Country Planning (Development Management Procedure) (Wales) Order 2012

NOTICE OF APPEAL UNDER ARTICLES 10 AND 25

(to be served on an owner\* or a tenant\*\* or to be published in a newspaper (and, where the local planning authority maintain one, on their website))

Proposed development at (a) .....

**I give notice that** (b) .....

having applied to the (c) ..... Local Planning Authority

to (d) .....

is appealing to the Welsh Ministers

against the decision of the Local Planning Authority +

on the failure of the Local Planning Authority to give notice of a decision +

Members of the public may inspect copies of:

— the application

— the plans

— and other documents submitted with it

at (e) .....

during all reasonable hours until (f) .....

+ and, online at (g).....

Anyone who wishes to make representations about this appeal must write to the Welsh Ministers at the Planning Inspectorate at Crown Buildings, Cathays Park, Cardiff CF10 3NQ, or using the website at [www.planningportal.gov.uk/pcs](http://www.planningportal.gov.uk/pcs)

by (f).....

\* "owner" means a person having a freehold interest or a leasehold interest the unexpired term of which is not less than seven years, or, in the case of development consisting of the winning or working of minerals, a person entitled to an interest in a mineral in the land (other than oil, gas, coal, gold or silver).

\*\* "tenant" means an agricultural tenant, as defined in section 65(8) of the Town and Country Planning Act 1990, of land any part of which is comprised in the land to which the application relates.

Signed.....

+On behalf of.....

Date.....

*Statement of owners' rights*

The grant of planning permission does not affect owners' rights to retain or dispose of their property, unless there is some provision to the contrary in an agreement or in a lease.

*Statement of agricultural tenants' rights*

The grant of planning permission for non-agricultural development may affect agricultural tenants' security of tenure.

+delete where inappropriate

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Insert:

- (a) address or location of the proposed development
- (b) applicant's name
- (c) name of Local Planning Authority
- (d) description of the proposed development
- (e) address at which the application may be inspected
- (f) date giving a period of 21 days beginning with the date of service, or 14 days beginning with the date of publication, of the notice (as the case may be)
- (g) local planning authority website address (url)

Gorchymyn Cynllunio Gwlad a Thref (Gweithdrefn Rheoli Datblygu) (Cymru) 2012

HYSBYSIAD O APÊL O DAN ERTHYGL 25

(i'w arddangos mewn achos pan wneir cais am ganiatâd cynllunio ar gyfer datblygiad sy'n cynnwys ennill a gweithio mwynau drwy weithrediadau tanddaearol (yn ychwanegol at gyflwyno neu gyhoeddi unrhyw hysbysiadau gofynnol eraill sydd yn yr Atodlen hon))

Datblygiad arfaethedig yn (a).....

**Rwyf yn hysbysu drwy hyn fod** (b).....

ar ôl gwneud cais i Awdurdod Cynllunio Lleol (c).....

ar gyfer (ch).....

yn apelio i Weinidogion Cymru

yn erbyn penderfyniad yr Awdurdod Cynllunio Lleol +

yn dilyn methiant yr Awdurdod Cynllunio Lleol i roi hysbysiad o benderfyniad +

Caiff aelodau'r cyhoedd archwilio copïau o'r canlynol:

— y cais

— y planiau

— a'r dogfennau eraill a gyflwynwyd ynghyd â'r cais

yn (d).....

yn ystod unrhyw oriau rhesymol hyd at (dd).....

+ ac, ar-lein yn (e).....

Rhaid i unrhyw un sy'n dymuno gwneud sylwadau ynghylch yr apêl hon ysgrifennu at Weinidogion Cymru yn yr Arolygiaeth Gynllunio yn Adeilad y Goron, Parc Cathays, Caerdydd CF10 3NQ, neu ar-lein yn [www.planningportal.gov.uk/pcs](http://www.planningportal.gov.uk/pcs)

erbyn (dd).....

Llofnodwyd.....

+ Ar ran.....

Dyddiad.....

+ dilëer os nad yw'n briodol

---

Mewnosoder:

(a) cyfeiriad neu leoliad y datblygiad arfaethedig

(b) enw'r ceisydd

(c) enw'r Awdurdod Cynllunio Lleol

(ch) disgrifiad o'r datblygiad arfaethedig

(d) cyfeiriad yr Awdurdod Cynllunio Lleol

(dd)dyddiad sy'n rhoi cyfnod o 21 diwrnod sy'n dechrau gyda dyddiad arddangos yr hysbysiad

(e) cyfeiriad gwefan (url) yr awdurdod cynllunio lleol

Town and Country Planning (Development Management Procedure) (Wales) Order 2012

NOTICE OF APPEAL UNDER ARTICLE 25

(to be posted in the case of an application for planning permission for development consisting of the winning and working of minerals by underground operations (in addition to the service or publication of any other requisite notices in this Schedule))

Proposed development at (a).....

**I give notice that** (b) .....

having applied to the (c)..... Local Planning Authority

to (d).....

is appealing to the Welsh Ministers

against the decision of the Local Planning Authority +

on the failure of the Local Planning Authority to give notice of a decision +

Members of the public may inspect copies of:

— the application

— the plans

— and other documents submitted with it

at (e) .....

during all reasonable hours until (f).....

+ and, online at (g).....

Anyone who wishes to make representations about this appeal must write to the Welsh Ministers at the Planning Inspectorate, Crown Buildings, Cathays Park, Cardiff CF10 3NQ, or online at [www.planningportal.gov.uk/pcs](http://www.planningportal.gov.uk/pcs)  
<http://>

by (f).....

Signed.....

+On behalf of.....

Date.....

+ delete where inappropriate

---

Insert:

- (a) address or location of the proposed development
- (b) applicant's name
- (c) name of Local Planning Authority
- (d) description of the proposed development
- (e) address of Local Planning Authority
- (f) date giving a period of 21 days, beginning with the date when the notice is posted
- (g) local planning authority website address (url)

Cyhoeddusrwydd i geisiadau am ganiatâd cynllunio

Gorchymyn Cynllunio Gwlad a Thref (Gweithdrefn Rheoli Datblygu) (Cymru) 2012

HYSBYSIAD O DAN ERTHYGL 12(4) NEU (5) O GAIS AM GANIATÂD CYNLLUNIO

(i'w arddangos ar neu gerllaw'r safle, neu i'w gyflwyno i berchnogion a/neu feddianwyr tir cyffiniol; ac os yw'r awdurdod cynllunio lleol yn cynnal gwefan, i'w gyhoeddi ar wefan yr awdurdod; a phan fo'n ofynnol, i'w gyhoeddi mewn papur newydd)

Datblygiad arfaethedig yn (a).....

**Rwyf yn hysbysu drwy hyn fod** (b).....

yn gwneud cais i Awdurdod Cynllunio Lleol (c).....

am ganiatâd cynllunio i (ch).....

Caiff aelodau'r cyhoedd archwilio copïau o'r canlynol:

— y cais

— y planiau

— a'r dogfennau eraill a gyflwynwyd ynghyd â'r cais

yn (d).....

yn ystod unrhyw oriau rhesymol hyd at (dd).....

+ ac, ar-lein yn (e).....

Rhaid i unrhyw un sy'n dymuno gwneud sylwadau ynghylch y cais hwn ysgrifennu at yr Awdurdod Cynllunio Lleol yn (f).....

erbyn (dd).....

Llofnodwyd.....(swyddog awdurdodedig yr Awdurdod Cynllunio Lleol)

Ar ran Awdurdod Cynllunio Lleol.....

Dyddiad.....

+ dilëer os nad yw'n briodol

Mewnosoder:

(a) cyfeiriad neu leoliad y datblygiad arfaethedig

(b) enw'r ceisydd

(c) enw'r Awdurdod Cynllunio Lleol

(ch) disgrifiad o'r datblygiad arfaethedig

(d) cyfeiriad lle y gellir archwilio'r cais

(dd)dyddiad sy'n rhoi cyfnod o 21 diwrnod sy'n dechrau gyda dyddiad arddangos yr hysbysiad am y tro cyntaf ar neu gerllaw'r safle neu y'i cyflwynir i berchennog a/neu feddiannydd tir cyffiniol, neu gyfnod o 14 diwrnod sy'n dechrau gyda dyddiad cyhoeddi'r hysbysiad mewn papur newydd (yn ôl fel y digwydd)

(e) cyfeiriad gwefan (url) yr awdurdod cynllunio lleol

(f) cyfeiriad yr Awdurdod Cynllunio Lleol



SCHEDULE 3

Article 12

Publicity for applications for planning permission

Town and Country Planning (Development Management Procedure) (Wales) Order 2012

NOTICE UNDER ARTICLE 12(4) OR (5) OF APPLICATION FOR PLANNING PERMISSION

(to be displayed on or near the site, or served on owners and/or occupiers of adjoining land; and, where the local planning authority maintain one, published on their website; and where required published in a newspaper)

Proposed development at (a) .....

**I give notice that** (b).....

is applying to the (c).....Local Planning Authority

for planning permission to (d) .....

Members of the public may inspect copies of:

— the application

— the plans

— and other documents submitted with it

at (e).....

during all reasonable hours until (f) .....

+ and, online at (g)

Anyone who wishes to make representations about this application must write to the Local Planning Authority at (h).....

by (f) .....

Signed.....(Local Planning Authority's authorised officer)

On behalf of.....Local Planning Authority

Date.....

+delete where inappropriate

Insert:

- (a) address or location of the proposed development
- (b) applicant's name
- (c) name of the Local Planning Authority
- (d) description of the proposed development
- (e) address at which the application may be inspected
- (f) date giving a period of 21 days, beginning with the date when the notice is first displayed on or near the site or served on an owner and/or occupier of adjoining land, or a period of 14 days, beginning with the date when the notice is published in a newspaper (as the case may be)
- (g) local planning authority website address (url)
- (h) address of the Local Planning Authority

Gorchymyn Cynllunio Gwlad a Thref (Gweithdrefn Rheoli Datblygu) (Cymru) 2012

HYSBYSIAD O DAN ERTHYGL 12(3) O GAIS AM GANIATÂD CYNLLUNIO

(i'w gyhoeddi mewn papur newydd, (ac os yw'r awdurdod cynllunio lleol yn cynnal gwefan, ar wefan yr awdurdod) ac i'w arddangos ar neu gerllaw'r safle)

Datblygiad arfaethedig yn (a).....

**Rwyf yn hysbysu drwy hyn fod** (b).....

yn gwneud cais i Awdurdod Cynllunio Lleol (c).....

am ganiatâd cynllunio i (ch).....

Cyflwynwyd y cais ynghyd â datganiad amgylcheddol.\*

Nid yw'r datblygiad arfaethedig yn cydweddu â darpariaethau'r cynllun datblygu sydd mewn grym yn yr ardal lle mae'r tir yr ymwneir ag ef yn y cais.\*

Byddai'r datblygiad arfaethedig yn effeithio ar hawl tramwy y mae Rhan 3 o Ddeddf Bywyd Gwyllt a Chefn Gwlad 1981 yn gymwys iddi.\*

Caiff aelodau'r cyhoedd archwilio copïau o'r canlynol:

— y cais

— y planiau

— y datganiad amgylcheddol\*

— a'r dogfennau eraill a gyflwynwyd ynghyd â'r cais

yn (d).....

yn ystod unrhyw oriau rhesymol hyd at (dd).....

Gall aelodau'r cyhoedd gael copïau o'r datganiad amgylcheddol o (e)\*.....

cyhyd â bo'r stociau'n parhau, am dâl o (f).....

Rhaid i unrhyw un sy'n dymuno gwneud sylwadau ynghylch y cais hwn ysgrifennu at yr Awdurdod Cynllunio Lleol yn (ff).....

erbyn (dd).....

Llofnodwyd.....(swyddog awdurdodedig yr Awdurdod Cynllunio Lleol)

Ar ran Awdurdod Cynllunio Lleol.....

Dyddiad.....

\* dilëer os nad yw'n briodol

---

Mewnosoder:

(a) cyfeiriad neu leoliad y datblygiad arfaethedig

(b) enw'r ceisydd

(c) enw'r Awdurdod Cynllunio Lleol

(ch) disgrifiad o'r datblygiad arfaethedig

(d) cyfeiriad lle y gellir archwilio'r cais

(dd) dyddiad sy'n rhoi cyfnod o 21 diwrnod sy'n dechrau gyda dyddiad arddangos yr hysbysiad am y tro cyntaf ar neu gerllaw'r safle, neu gyfnod o 14 diwrnod sy'n dechrau gyda dyddiad cyhoeddi'r hysbysiad mewn papur newydd (yn ôl fel y digwydd)

(e) y cyfeiriad lle y gellir cael copïau o'r datganiad amgylcheddol (boed yr un cyfeiriad â (d) ai peidio)

- (f) swm y tâl, os codir tâl
- (ff) cyfeiriad yr Awdurdod Cynllunio Lleol

Town and Country Planning (Development Management Procedure) (Wales) Order 2012  
NOTICE UNDER ARTICLE 12(3) OF APPLICATION FOR PLANNING PERMISSION

(to be published in a newspaper (and, where the local planning authority maintain one, on their website) and displayed on or near the site)

Proposed development at (a) .....

**I give notice that** (b) .....

is applying to the (c) .....Local Planning Authority

for planning permission to (d) .....

The application is accompanied by an environmental statement.\*

The proposed development does not accord with the provisions of the development plan in force in the area in which the land to which the application relates is situated.\*

The proposed development would affect a right of way to which Part 3 of the Wildlife and Countryside Act 1981 applies.\*

Members of the public may inspect copies of:

- the application
- the plans
- the environmental statement\*
- and other documents submitted with the application

at (e) .....

during all reasonable hours until (f) .....

Members of the public may obtain copies of the environmental statement from (g)\*.....

so long as stocks last, at a charge of (h)\* .....

Anyone who wishes to make representations about this application must write to the Local Planning Authority at (i) .....

by (f) .....

Signed.....(Local Planning Authority's authorised officer)

On behalf of.....Local Planning Authority

Date.....

\*delete where inappropriate

Insert:

- (a) address or location of the proposed development
- (b) applicant's name
- (c) name of the Local Planning Authority
- (d) description of the proposed development
- (e) address at which the application may be inspected
- (f) date giving a period of 21 days, beginning with the date when the notice is first displayed on or near the site, or a period of 14 days, beginning with the date when the notice is published in a newspaper (as the case may be)
- (g) address from where copies of the environmental statement may be obtained (whether or not the same as (e))

- (h) amount of charge, if any
- (i) address of the Local Planning Authority

## Ymgynghoriadau cyn rhoi caniatâd cynllunio

TABL

<i>Paragraff</i>	<i>Disgrifiad o'r datblygiad</i>	<i>Ymgynghorai</i>
(a)	Datblygiad sy'n debygol o effeithio ar dir yn ardal awdurdod cynllunio lleol arall arall hwnnw	Yr awdurdod cynllunio lleol
(b)	Datblygiad, y gwnaed cais am ganiatâd cynllunio mewn perthynas ag ef i Weinidogion Cymru o dan adran 293A o Ddeddf 1990 (datblygiad brys y Goron: gwneud cais)(1), pan fo'r datblygiad hwnnw'n debygol o effeithio ar dir o fewn ardal cyngor cymuned	Y cyngor cymuned
(c)	Datblygiad, o fewn ardal yr hysbyswyd yr awdurdod cynllunio lleol yn ei chylch gan yr Awdurdod Gweithredol Iechyd a Diogelwch at ddiben y ddarpariaeth hon, oherwydd presenoldeb sylweddau gwenwynig, tra adweithiol, ffrwydrol neu fflamadwy o fewn ei chyffiniau, ac sy'n cynnwys darparu—  (i) llety preswyl; (ii) mwy na 250 metr sgwâr o arwynebedd llawr manwerthu; (iii) mwy na 500 metr sgwâr o arwynebedd llawr swyddfa; neu (iv) mwy na 750 metr sgwâr o arwynebedd llawr i'w ddefnyddio ar gyfer proses ddiwydiannol,  neu sydd, rywfodd arall, yn debygol o arwain at gynnydd sylweddol yn nifer y personau sy'n gweithio yn yr ardal yr hysbyswyd yn ei chylch neu'n ymweld â hi	Yr Awdurdod Gweithredol Iechyd a Diogelwch
(ch)	Datblygiad sy'n debygol o arwain at gynnydd sylweddol ym maint, neu newid sylweddol yng nghymeriad y traffig—  (i) sy'n ymuno neu'n ymadael â chefnffordd; neu (ii) yn defnyddio croesfan dros reilffordd	Gweinidogion Cymru  Gweithredwr y rhwydwaith sy'n cynnwys y rheilffordd dan sylw neu a gyfansoddir o'r rheilffordd honno, a Gweinidogion Cymru
(d)	Datblygiad sy'n debygol o arwain at gynnydd sylweddol ym maint, neu newid sylweddol yng nghymeriad y traffig sy'n ymuno neu'n ymadael â ffordd ddsbarthiadol neu briffordd arfaethedig	Yr awdurdod priffyrdd lleol perthnasol
(dd)	Datblygiad sy'n debygol o beryglu'r gwaith o wella neu adeiladu ffordd ddsbarthiadol neu briffordd arfaethedig	Yr awdurdod priffyrdd lleol perthnasol

(1) Mewnosodwyd adran 293A gan adran 82(1) o Ddeddf 2004.

(e)	Datblygiad sy'n cynnwys—  (i) ffurfio, llunweddu neu newid unrhyw fynedfa i briffordd (ac eithrio cefnffordd); neu  (ii) adeiladu priffordd neu fynedfa breifat i fangre, sy'n darparu mynediad i ffordd y mae gorchymyn tollau mewn grym mewn perthynas â hi	Yr awdurdod priffyrdd lleol perthnasol  Yr awdurdod priffyrdd lleol perthnasol, ac yn achos ffordd sy'n ddarostyngedig i gonsesiwn, y consesiynydd
(f)	Datblygiad a gyfansoddir o lunweddu neu adeiladu, neu sy'n cynnwys llunweddu neu adeiladu, stryd newydd.	Yr awdurdod priffyrdd lleol
(ff)	Datblygiad sy'n ymwneud â darparu adeilad neu biblinell mewn ardal o weithfeydd glo, yr hysbyswyd yr awdurdod cynllunio lleol yn ei gylch gan yr Awdurdod Glo	Yr Awdurdod Glo
(g)	Datblygiad sy'n cynnwys neu'n ymwneud â gweithrediadau mwyngloddio	Asiantaeth yr Amgylchedd
(ng)	Datblygiad sy'n debygol o effeithio ar safle heneb gofrestrdig	Gweinidogion Cymru
(h)	Datblygiad sy'n ymwneud â chyflawni gwaith neu weithrediadau yng ngwely neu ar lannau afon neu ffrwd	Asiantaeth yr Amgylchedd
(i)	Datblygiad at y diben o buro neu storio olewau mwynol a'u deilliadau	Asiantaeth yr Amgylchedd
(j)	Datblygiad sy'n ymwneud â defnyddio tir ar gyfer dyddodi sbwriel neu wastraff	Asiantaeth yr Amgylchedd
(l)	Datblygiad mewn cysylltiad â chadw, trin neu waredu carthion, gwastraff masnachu, slyri neu slwtsh (ac eithrio gosod carthffosydd, adeiladu gorsafoedd pwmpio ar linell o garthffosydd, adeiladu tanciau carthion a charthbyllau i wasanaethu tai annedd sengl neu garafannau sengl neu a deiladau sengl lle na fydd mwy na deg person fel arfer yn preswyllo, yn gweithio neu'n ymgasglu, a gweithiau atodol i'r cyfryw)	Asiantaeth yr Amgylchedd
(ll)	Datblygiad mewn perthynas â defnyddio tir fel mynwent	Asiantaeth yr Amgylchedd
(m)	Datblygiad sydd—  (i) mewn safle o ddiddordeb gwyddonol arbennig, neu'n debygol o effeithio ar safle o'r fath; neu  (ii) o fewn ardal yr hysbyswyd yr awdurdod cynllunio lleol yn ei chylch gan Gyngor Cefn Gwlad Cymru, ac sydd o fewn dau gilometr i safle o ddiddordeb gwyddonol arbennig,  y rhoddwyd hysbysiad yn ei gylch, neu sy'n cael effaith fel pe bai hysbysiad wedi ei roi yn ei gylch, i'r awdurdod cynllunio lleol gan Gyngor Cefn Gwlad Cymru, yn unol ag adran 28 o Ddeddf Bywyd Gwyllt a Chefn Gwlad 1981 (safleoedd o ddiddordeb gwyddonol arbennig)(1)	Cyngor Cefn Gwlad Cymru
(n)	Datblygiad sy'n ymwneud ag unrhyw dir sydd â theatr arno	Yr Ymddiriedolaeth Theatrau

(1) 1981 (p. 69); amnewidiwyd adran 28 gan adran 75(1) o Ddeddf Cefn Gwlad a Hawliau Tramwy 2000 (p.37) a pharagraff 1 o Atodlen 9 i'r Ddeddf honno.

(o)	<p>Datblygiad nad yw'n ddatblygiad at ddibenion amaethyddol ac nad yw'n cydweddu â darpariaethau cynllun datblygu ac yn ymwneud ag—</p> <ul style="list-style-type: none"> <li>(i) colli dim llai nag 20 hectar o dir amaethyddol o'r graddau 1, 2 neu 3a a ddefnyddir am y tro (neu a ddefnyddid ddiwethaf) at ddibenion amaethyddol; neu</li> <li>(ii) colli llai nag 20 hectar o dir amaethyddol graddau 1, 2 neu 3a a ddefnyddir am y tro (neu a ddefnyddid ddiwethaf) at ddibenion amaethyddol, mewn amgylchiadau pan fo'r datblygiad yn debygol o arwain at golled bellach o dir amaethyddol a thrwy hynny'n cyrraedd cyfanswm cronol o 20 hectar neu ragor</li> </ul>	Gweinidogion Cymru
(p)	<p>Datblygiad o fewn 250 metr i dir—</p> <ul style="list-style-type: none"> <li>(i) a ddefnyddir, neu sydd wedi ei ddefnyddio, ar unrhyw adeg yn ystod y 30 mlynedd cyn y cais perthnasol, ar gyfer dyddodi sbwriel neu wastraff; a</li> <li>(ii) yr hysbyswyd yr awdurdod cynllunio lleol yn ei gylch gan Asiantaeth yr Amgylchedd at ddibenion y ddarpariaeth hon</li> </ul>	Asiantaeth yr Amgylchedd
(ph)	Datblygiad at ddibenion ffermio pysgod	Asiantaeth yr Amgylchedd
(r)	<p>Datblygiad—</p> <ul style="list-style-type: none"> <li>(i) sy'n debygol o beryglu'r defnydd, neu o arwain at gollu'r defnydd, o dir a ddefnyddir fel maes chwarae; neu</li> <li>(ii) sydd ar dir: <ul style="list-style-type: none"> <li>(aa) a ddefnyddiwyd fel maes chwarae ar unrhyw adeg yn ystod y 5 mlynedd cyn gwneud y cais perthnasol, ac sy'n parhau heb ei ddatblygu; neu</li> <li>(bb) a neilltuwyd i'w ddefnyddio fel maes chwarae mewn cynllun datblygu neu mewn cynigion ar gyfer cynllun o'r fath neu addasu neu ddisodli cynllun o'r fath; neu</li> </ul> </li> <li>(iii) sy'n cynnwys disodli'r arwyneb o laswellt ar lain chwarae o faes chwarae gan arwyneb artiffisial, arwyneb o waith llaw neu arwyneb cyfansawdd</li> </ul>	Cyngor Chwaraeon Cymru
(rh)	<p>Datblygiad sy'n debygol o effeithio ar—</p> <ul style="list-style-type: none"> <li>(i) unrhyw ddyfrffordd fewndirol (boed naturiol neu artiffisial) neu gronfa ddŵr sy'n eiddo i, neu a reolir gan Fwrdd Dyfrffyrdd Prydain(1); neu</li> <li>(ii) unrhyw sianel cyflenwi camlas, cwrs dŵr, dihangfa neu gwlfert,</li> </ul>	Bwrdd Dyfrffyrdd Prydain

(1) Gweler adrannau 1 a 10 o Ddeddf Trafnidiaeth 1962 (p.46).



	sydd o fewn ardal yr hysbyswyd yr awdurdod cynllunio lleol yn ei chylch gan Fwrdd Dyfrffyrdd Prydain at ddibenion y ddarpariaeth hon	
(s)	<p>Datblygiad—</p> <p>(i) sy'n cynnwys lleoli sefydliadau newydd; neu</p> <p>(ii) yn cynnwys addasiadau i sefydliadau presennol a allai arwain at ôl-ffeithiau sylweddol ar beryglon o ddamweiniau mawr; neu</p> <p>(iii) sy'n cynnwys cysylltiadau trafniadaeth, lleoliadau a fynychir gan y cyhoedd ac ardaloedd preswyl yng nghyffiniau sefydliadau presennol, lle y byddai'r lleoli neu'r datblygu yn cynyddu'r risg o ddamwain fawr, neu'n ychwanegu at ganlyniadau damwain fawr.</p>	Yr Awdurdod Gweithredol Iechyd a Diogelwch ac Asiantaeth yr Amgylchedd, ac os yw'n ymddangos i'r awdurdod cynllunio lleol y gellid effeithio ar ardal o sensitifrwydd neu ddiddordeb naturiol penodol, Cyngor Cefn Gwlad Cymru

### Dehongli'r Tabl

Yn y Tabl uchod—

- (a) ym mharagraff (c)(iv), ystyr "proses ddiwydiannol" ("*industrial process*") yw proses sydd ar gyfer, neu'n atodol i, unrhyw un o'r dibenion canlynol—
- (i) gwneud unrhyw wrthrych neu ran o unrhyw wrthrych (gan gynnwys llong neu gwch, neu ffilm, fideo neu recordiad sain);
- (ii) newid, atgyweirio, cynnal, addurno, gorffen, glanhau, golchi, pacio, canio, addasu ar gyfer gwerthu, datgymalu neu chwalu unrhyw wrthrych; neu
- (iii) cael, naddu neu drin mwynau yng nghwrs unrhyw fasnach neu fusnes heblaw amaethyddiaeth, ac eithrio proses a ymgwymerir ar dir a ddefnyddir fel mwynglawdd neu sy'n gyfagos i fwynglawdd ac a feddiennir ynghyd â'r mwynglawdd (ac yn yr is-baragraff hwn, ystyr "mwynglawdd" ("*mine*") yw unrhyw safle lle y cyflawnir gweithrediadau mwyngloddio);
- (b) ym mharagraff (ch)(ii), mae i "rhwydwaith a "gweithredwr", yn eu trefn, yr un ystyr ag a roddir i "network" ac "operator" yn Rhan I o Ddeddf Rheilffyrdd 1993 (darparu gwasanaethau rheilffordd)(1);
- (c) ym mharagraffau (d) ac (dd), ystyr "ffordd ddosbarthiadol" ("*classified road*") yw priffordd neu briffordd arfaethedig—
- (i) sy'n ffordd ddosbarthiadol neu'n brif ffordd yn rhinwedd adran 12(1) o Ddeddf Priffyrdd 1980 (darpariaeth gyffredinol o ran prif ffyrdd a ffyrdd dosbarthiadol)(2); neu
- (ii) a ddosbarthwyd at ddibenion unrhyw ddeddfiad gan Weinidogion Cymru yn rhinwedd adran 12(3) o'r Ddeddf honno;
- (ch) ym mharagraff (e), mae i "consesiynydd", "ffordd sy'n ddarostyngedig i gonsesiwn" a "gorchymyn tollau", yn eu trefn, yr un ystyr a roddir i "concessionaire", "road subject to a concession" a "toll order" yn Rhan I o Ddeddf Ffyrdd Newydd a Gwaith Stryd 1991 (ffyrdd newydd yng Nghymru a Lloegr)(3);
- (d) ym mharagraff (f), mae i "stryd" yr un ystyr a roddir i "street" yn adran 48(1) o Ddeddf Ffyrdd Newydd a Gwaith Stryd 1991 (strydoedd, gwaith stryd ac ymgwymerwyr), ac y mae "stryd newydd" ("new street") yn cynnwys parhad o stryd bresennol;
- (dd) ym mharagraff (ng), mae i "heneb gofrestredig" yr un ystyr a roddir i "scheduled monument" yn adran 1(11) o Ddeddf Henebion a Mannau Archeolegol 1979 (rhestr o henebion)(4);
- (e) ym mharagraff (l), ystyr "slyri" ("*slurry*") yw ysgarthion a throeth anifeiliaid (pa un a ychwanegwyd dŵr er mwyn eu trin ai peidio), ac y mae i "carafán" yr un ystyr a roddir i "caravan" at ddibenion Rhan I o

(1) 1993 p.43; gweler adran 83.

(2) 1980 p.66.

(3) 1991 p.22.

(4) 1979 p.46.

Ddeddf Safleoedd Carafannau a Rheoli Datblygu 1960 (safleoedd carafannau)(1);

- (f) ym mharagraff (m), ystyr "safle o ddiddordeb gwyddonol arbennig" ("*site of special scientific interest*") yw tir y mae adran 28(1) o Ddeddf Bywyd Gwyllt a Chefn Gwlad 1981 (safleoedd o ddiddordeb gwyddonol arbennig) yn gymwys iddo;
- (ff) ym mharagraff (n), mae i "theatr" yr un ystyr a roddir i "theatre" yn adran 5 o Ddeddf Ymddiriedolaeth Theatrau 1976 (dehongli)(2);
- (g) ym mharagraff (r)—
  - (i) ystyr "maes chwarae" ("*playing field*") yw'r cyfan o safle sy'n cwmpasu o leiaf un llain chwarae;
  - (ii) ystyr "llain chwarae" ("*playing pitch*") yw man wedi ei amlinellu y mae ei arwynebedd ynghyd ag unrhyw redegfa iddo, yn 0.2 hectar neu'n fwy, sy'n cael ei ddefnyddio ar gyfer pêl-droed, pêl-droed Americanaidd, rygbi, criced, hoci, lacros, rownderi, pêl fas, pêl feddal, pêl-droed Awstralaidd, pêl-droed Wyddelig, bando, hyrli, polo neu bolo beiciau; ac
- (ng) mae i'r ymadroddion a ddefnyddir ym mharagraff (s) yr un ystyr a roddir i'r ymadroddion Saesneg cyfatebol yng Nghyfarwyddeb y Cyngor 96/82/EC ar reoli'r peryglon o ddamweiniau mawr yn ymwneud â sylweddau peryglus(3) fel y'i diwygiwyd gan Gyfarwyddeb y Cyngor 2003/105/EC(4).

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(1) 1960 p.62.

(2) 1976 p.27.

(3) OJ Rhif L10, 14.01.1997, t.3.

(4) OJ Rhif L345, 03.12.2003, t.97.

SCHEDULE 4

Article 14 and 15

Consultations before the grant of permission

**TABLE**

<i>Paragraph</i>	<i>Description of Development</i>	<i>Consultee</i>
(a)	Development likely to affect land in the area of another local planning authority	The local planning authority concerned
(b)	Development, in relation to which an application for planning permission has been made to the Welsh Ministers under section 293A of the 1990 Act (urgent Crown development: application)(1), where that development is likely to affect land in the area of a community council	The community council
(c)	Development within an area which has been notified to the local planning authority by the Health and Safety Executive for the purpose of this provision because of the presence within the vicinity of toxic, highly reactive, explosive or inflammable substances and which involves the provision of—  <ul style="list-style-type: none"> <li>(i) residential accommodation;</li> <li>(ii) more than 250 square metres of retail floor space;</li> <li>(iii) more than 500 square metres of office floor space; or</li> <li>(iv) more than 750 square metres of floor space to be used for an industrial process,</li> </ul> or which is otherwise likely to result in a material increase in the number of persons working within or visiting the notified area	The Health and Safety Executive
(d)	Development likely to result in a material increase in the volume or a material change in the character of traffic—  <ul style="list-style-type: none"> <li>(i) entering or leaving a trunk road; or</li> <li>(ii) using a level crossing over a railway</li> </ul>	The Welsh Ministers  The operator of the network which includes or consists of the railway in question and the Welsh Ministers
(e)	Development likely to result in a material increase in the volume or a material change in the character of traffic entering or leaving a classified road or proposed highway	The local highway authority concerned
(f)	Development likely to prejudice the improvement or construction of a classified road or proposed highway	The local highway authority concerned
(g)	Development involving—  <ul style="list-style-type: none"> <li>(i) the formation, laying out or alteration of any means of access to a highway (other than a trunk road); or</li> </ul>	The local highway authority concerned

(1) Section 293A was inserted by section 82(1) of the 2004 Act.

	(ii) the construction of a highway or private means of access to premises affording access to a road in relation to which a toll order is in force	The local highway authority concerned, and in the case of a road subject to a concession, the concessionaire
(h)	Development which consists of or includes the laying out or construction of a new street	The local highway authority
(i)	Development which involves the provision of a building or pipe-line in an area of coal working notified by the Coal Authority to the local planning authority	The Coal Authority
(j)	Development involving or including mining operations	The Environment Agency
(k)	Development likely to affect the site of a scheduled monument	The Welsh Ministers
(l)	Development involving the carrying out of works or operations in the bed of or on the banks of a river or stream	The Environment Agency
(m)	Development for the purpose of refining or storing mineral oils and their derivatives	The Environment Agency
(n)	Development involving the use of land for the deposit of refuse or waste	The Environment Agency
(o)	Development relating to the retention, treatment or disposal of sewage, trade-waste, slurry or sludge (other than the laying of sewers, the construction of pumphouses in a line of sewers, the construction of septic tanks and cesspools serving single dwellinghouses or single caravans or single buildings in which not more than ten people will normally reside, work or congregate, and works ancillary thereto)	The Environment Agency
(p)	Development relating to the use of land as a cemetery	The Environment Agency
(q)	Development—  (i) in or likely to affect a site of special scientific interest; or  (ii) within an area which has been notified to the local planning authority by the Countryside Council for Wales, and which is within two kilometres, of a site of special scientific interest,  of which notification has been given, or has effect as if given, to the local planning authority by the Countryside Council for Wales, in accordance with section 28 of the Wildlife and Countryside Act 1981 (sites of special scientific interest)(1)	The Countryside Council for Wales
(r)	Development involving any land on which there is a theatre	The Theatres Trust
(s)	Development which is not for agricultural purposes and is not in accordance with the provisions of a development plan and involves—  (i) the loss of not less than 20 hectares of grades 1, 2 or 3a agricultural land which is for the time being used (or was last used) for agricultural purposes; or	The Welsh Ministers

(1) 1981 (c. 69); section 28 was substituted by section 75(1) of, and paragraph 1 of Schedule 9 to, the Countryside and Rights of Way Act 2000 (c.37).

	(ii) the loss of less than 20 hectares of grades 1, 2 or 3a agricultural land which is for the time being used (or was last used) for agricultural purposes, in circumstances in which the development is likely to lead to a further loss of agricultural land amounting cumulatively to 20 hectares or more	
(t)	Development within 250 metres of land which—  (i) is or has, at any time in the 30 years before the relevant application, been used for the deposit of refuse or waste; and  (ii) has been notified to the local planning authority by the Environment Agency for the purposes of this provision	The Environment Agency
(u)	Development for the purposes of fish farming	The Environment Agency
(v)	Development which—  (i) is likely to prejudice the use, or lead to the loss of use, of land being used as a playing field; or  (ii) is on land which has been:  (aa) used as a playing field at any time in the 5 years before the making of the relevant application and which remains undeveloped; or  (bb) allocated for use as a playing field in a development plan or in proposals for such a plan or its alteration or replacement; or  (iii) involves the replacement of the grass surface of a playing pitch on a playing field with an artificial, man-made or composite surface	The Sports Council for Wales.
(w)	Development likely to affect—  (i) any inland waterway (whether natural or artificial) or reservoir owned or managed by the British Waterways Board <sup>(1)</sup> ; or  (ii) any canal feeder channel, watercourse, let off or culvert,  which is within an area which has been notified for the purposes of this provision to the local planning authority by the British Waterways Board	The British Waterways Board
(x)	Development—  (i) involving the siting of new establishments; or  (ii) consisting of modifications to existing establishments which could have significant repercussions on major accident hazards; or	The Health and Safety Executive and the Environment Agency, and, where it appears to the local planning authority that an area of particular natural sensitivity or interest may be affected, the Countryside Council for Wales

(1) See sections 1 and 10 of the Transport Act 1962 (c.46).

	(iii) including transport links, locations frequented by the public and residential areas in the vicinity of existing establishments, where the siting or development is such as to increase the risk or consequences of a major accident.	
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### Interpretation of Table

In the above Table—

- (a) in paragraph (c)(iv), "industrial process" ("*proses ddiwydiannol*") means a process for or incidental to any of the following purposes—
- (i) the making of any article or part of any article (including a ship or vessel, or a film, video or sound recording);
  - (ii) the altering, repairing, maintaining, ornamenting, finishing, cleaning, washing, packing, canning, adapting for sale, breaking up or demolition of any article; or
  - (iii) the getting, dressing or treatment of minerals in the course of any trade or business other than agriculture, and other than a process carried out on land used as a mine or adjacent to and occupied together with a mine (and in this sub-paragraph, "mine" ("*mwynglawdd*") means any site on which mining operations are carried out);
- (b) in paragraph (d)(ii), "network" ("*rhwydwaith*") and "operator" ("*gweithredwr*") have the same meaning as in Part I of the Railways Act 1993 (the provision of railway services)(1);
- (c) in paragraphs (e) and (f), "classified road" ("*ffordd ddosbarthiadol*") means a highway or proposed highway which—
- (i) is a classified road or a principal road by virtue of section 12(1) of the Highways Act 1980 (general provision as to principal and classified roads)(2); or
  - (ii) is classified for the purposes of any enactment by the Welsh Ministers by virtue of section 12(3) of that Act;
- (d) in paragraph (g), "concessionaire" ("*consesiynydd*"), "road subject to a concession" ("*ffordd sy'n ddarostyngedig i gonsesiwn*") and "toll order" ("*gorchymyn tollau*") have the same meaning as in Part I of the New Roads and Street Works Act 1991 (new roads in England and Wales)(3);
- (e) in paragraph (h), "street" ("*stryd*") has the same meaning as in section 48(1) of the New Roads and Street Works Act 1991 (streets, street works and undertakers), and "new street" ("*stryd newydd*") includes a continuation of an existing street;
- (f) in paragraph (k), "scheduled monument" ("*heneb gofrestredig*") has the same meaning as in section 1(11) of the Ancient Monuments and Archaeological Areas Act 1979 (schedule of monuments)(4);
- (g) in paragraph (o), "slurry" ("*slyri*") means animal faeces and urine (whether or not water has been added for handling), and "caravan" ("*carafán*") has the same meaning as for the purposes of Part I of the Caravan Sites and Control of Development Act 1960 (caravan sites)(5);
- (h) in paragraph (q), "site of special scientific interest" ("*safle o ddiddordeb gwyddonol arbennig*") means land to which section 28(1) of the Wildlife and Countryside Act 1981 (sites of special scientific interest) applies;
- (i) in paragraph (r), "theatre" ("*theatr*") has the same meaning as in section 5 of the Theatres Trust Act 1976 (interpretation)(6);
- (j) in paragraph (v)—
- (i) "playing field" ("*maes chwarae*") means the whole of a site which encompasses at least one playing pitch;
  - (ii) "playing pitch" ("*llain chwarae*") means a delineated area which, together with any run-off area, is of 0.2 hectares or more, and which is used for association football, American football, rugby, cricket,

(1) 1993 c.43; see section 83.

(2) 1980 c.66.

(3) 1991 c.22.

(4) 1979 c.46.

(5) 1960 c.62.

(6) 1976 c.27.

hockey, lacrosse, rounders, baseball, softball, Australian football, Gaelic football, shinty, hurling, polo or cycle polo; and

- (k) the expressions used in paragraph (x) have the same meaning as in Council Directive 96/82/EC on the control of major accident hazards involving dangerous substances<sup>(1)</sup> as amended by Council Directive 2003/105/EC<sup>(2)</sup>.

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<sup>(1)</sup> OJ No. L10, 14.01.1997, p.3.

<sup>(2)</sup> OJ No. L.345, 03.12.2003, p.97.

Hysbysiad pan wrthodir caniatâd cynllunio neu pan roddir caniatâd cynllunio yn ddarostyngedig i amodau

### **DEDDF CYNLLUNIO GWLAD A THREF 1990**

Hysbysiad sydd i'w anfon at geisydd pan fo awdurdod cynllunio lleol yn gwrthod caniatâd cynllunio neu'n rhoi caniatâd cynllunio yn ddarostyngedig i amodau (sydd i'w harnodi ar hysbysiadau o benderfyniad)

#### **Apelau i Weinidogion Cymru**

— Os ydych wedi eich tramgwyddo gan benderfyniad eich awdurdod cynllunio lleol i wrthod caniatâd ar gyfer y datblygiad arfaethedig neu i roi'r caniatâd yn ddarostyngedig i amodau, yna gellwch apelio i Weinidogion Cymru o dan adran 78 o Ddeddf Cynllunio Gwlad a Thref 1990.

— Os ydych am apelio yn erbyn penderfyniad eich awdurdod cynllunio lleol, rhaid ichi wneud hynny o fewn cyfnod o 6 mis o ddyddiad yr hysbysiad hwn.

— Rhaid gwneud apelau drwy ddefnyddio ffurflen y gellwch ei chael gan Weinidogion Cymru, yn yr Arolygiaeth Gynllunio, Adeilad y Goron, Parc Cathays, Caerdydd CF10 3NQ, neu ar-lein yn [www.planningportal.gov.uk/pcs](http://www.planningportal.gov.uk/pcs)

— Caiff Gweinidogion Cymru ganiatáu cyfnod hwy ar gyfer rhoi hysbysiad o apêl, ond fel rheol, nid ydynt yn fodlon defnyddio'r pŵer hwnnw ac eithrio mewn amgylchiadau arbennig sy'n esgusodi'r oedi cyn rhoi hysbysiad o apêl.

— Nid oes raid i Weinidogion Cymru ystyried apêl os yw'n ymddangos iddynt na fyddai wedi bod yn bosibl i'r awdurdod cynllunio lleol roi caniatâd cynllunio ar gyfer y datblygiad arfaethedig, neu na fyddai wedi bod yn bosibl iddo ei roi heb yr amodau a osodwyd, o ystyried y gofynion statudol, darpariaethau unrhyw orchymyn datblygu ac unrhyw gyfarwyddiadau a roddwyd o dan orchymyn datblygu.

— Yn ymarferol, ni fydd Gweinidogion Cymru yn gwrthod ystyried apelau oherwydd, yn unig, fod yr awdurdod cynllunio lleol wedi seilio ei benderfyniad ar gyfarwyddyd a roddwyd gan Weinidogion Cymru.

#### **Hysbysiadau Prynu**

— Os yw naill ai'r awdurdod cynllunio lleol neu Weinidogion Cymru wedi gwrthod caniatâd i ddatblygu tir, neu wedi ei roi yn ddarostyngedig i amodau, caiff y perchennog hawlio nad oes modd i'r perchennog ddefnyddio'r tir yn ei gyflwr presennol mewn ffordd sy'n rhesymol fuddiol, nac ychwaith roi'r tir mewn cyflwr a fyddai'n galluogi ei ddefnyddio mewn ffordd resymol fuddiol, drwy gyflawni unrhyw ddatblygiad sydd wedi ei ganiatáu neu y byddid yn ei ganiatáu.

— Yn yr amgylchiadau hyn, caiff y perchennog gyflwyno hysbysiad prynu i awdurdod cynllunio lleol yr ardal y lleolir y tir ynddi. Bydd yr hysbysiad hwnnw'n ei gwneud yn ofynnol bod awdurdod cynllunio lleol yn prynu buddiant y perchennog yn y tir, yn unol â darpariaethau Rhan VI o Ddeddf Cynllunio Gwlad a Thref 1990. (Caiff awdurdod cynllunio lleol dderbyn yr hysbysiad a mynd ymlaen i gaffael y tir; neu wrthod yr hysbysiad ac os yw'n gwrthod, rhaid iddo atgyfeirio'r hysbysiad at Weinidogion Cymru.)



## SCHEDULE 5

Article 24

Notification where planning permission refused or granted subject to conditions

### **TOWN AND COUNTRY PLANNING ACT 1990**

Notification to be sent to an applicant when a local planning authority refuse planning permission or grant it subject to conditions (to be endorsed on notices of decision)

#### **Appeals to the Welsh Ministers**

— If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Welsh Ministers under section 78 of the Town and Country Planning Act 1990.

— If you want to appeal against your local planning authority's decision then you must do so within 6 months of the date of this notice.

— Appeals must be made using a form which you can get from the Welsh Ministers, Planning Inspectorate at Crown Buildings, Cathays Park, Cardiff CF10 3NQ, or online at [www.planningportal.gov.uk/pcs](http://www.planningportal.gov.uk/pcs).

— The Welsh Ministers can allow a longer period for giving notice of an appeal, but are not normally prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

— The Welsh Ministers need not consider an appeal if it seems to them that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

— In practice, the Welsh Ministers do not refuse to consider appeals solely because the local planning authority based their decision on a direction given by them.

#### **Purchase Notices**

— If either the local planning authority or the Welsh Ministers refuse permission to develop land or grant it subject to conditions, the owner may claim that the owner can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

— In these circumstances, the owner may serve a purchase notice on the local planning authority in whose area the land is situated. This notice will require the local planning authority to purchase the owner's interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990. (The local planning authority may accept the notice and proceed to acquire the land; or reject the notice in which case they must refer the notice to the Welsh Ministers.)

Hysbysiad o dan Erthygl 27

Gorchymyn Cynllunio Gwlad a Thref (Gweithdrefn Rheoli Datblygu) (Cymru) 2012

HYSBYSIAD O DAN ERTHYGL 27 O GYNNIG AR GYFER GORCHYMYN DATBLYGU  
LLEOL SY'N RHOI CANIATÂD CYNLLUNIO

(i'w arddangos ar neu gerllaw'r safle y mae'r gorchymyn yn ymwneud ag ef, ac i'w gyflwyno i berchennog\*  
neu denant\*\*)

Datblygiad arfaethedig yn (a).....

**Rwyf yn hysbysu drwy hyn fod** Awdurdod Cynllunio Lleol (b)..... yn bwriadu gwneud gorchymyn datblygu lleol sy'n rhoi caniatâd cynllunio ar gyfer (c).....

Mae copi o'r gorchymyn drafft ac o ddatganiad yr Awdurdod Cynllunio Lleol o'i resymau dros wneud y gorchymyn ar gael i'w harchwilio yn.....(ch)

ac wedi eu cyhoeddi ar wefan yr Awdurdod Cynllunio Lleol yn .....(d)

Dylai unrhyw un sy'n dymuno gwneud sylwadau ynglŷn â'r gorchymyn datblygu lleol arfaethedig hwn ysgrifennu at yr Awdurdod Cynllunio Lleol yn (dd).....

erbyn (e).....

\* ystyr "perchennog" yw person sydd â buddiant rhydd-ddaliadol neu fuddiant lesddaliadol sydd â'i dymor gweddilliol yn ddim llai na saith mlynedd, neu, yn achos datblygiad sy'n cynnwys ennill neu weithio mwynau, person sydd â hawl i fuddiant mewn mwyn yn y tir (ac eithrio olew, nwy, glo, aur neu arian).

\*\* ystyr "tenant" yw tenant amaethyddol, fel y diffinnir "agricultural tenant" yn adran 65(8) o Ddeddf Cynllunio Gwlad a Thref 1990, o dir y mae unrhyw ran ohono'n gynwysedig yn y safle.

Llofnodwyd.....(swyddog awdurdodedig yr Awdurdod Cynllunio Lleol)

+ Ar ran Awdurdod Cynllunio Lleol.....

Dyddiad.....

Datganiad o hawliau perchnogion

Nid yw rhoi caniatâd cynllunio yn effeithio ar hawliau perchnogion i gadw neu gael gwared â'u heiddo onid oes rhyw ddarpariaeth i'r gwrthwyneb mewn cytundeb neu mewn les.

Datganiad o hawliau tenantiaid amaethyddol

Os rhoddir caniatâd cynllunio ar gyfer datblygiad anamaethyddol, gallai hynny effeithio ar sicrwydd deiliadaeth tenantiaid amaethyddol.

---

Mewnosoder:

- (a) cyfeiriad neu leoliad y datblygiad arfaethedig
- (b) enw'r Awdurdod Cynllunio Lleol
- (c) disgrifiad o'r datblygiad arfaethedig
- (ch) y manau lle y mae'r dogfennau ar gael i'w harchwilio, a'r amseroedd
- (d) cyfeiriad y wefan lle y cyhoeddir y dogfennau
- (dd) cyfeiriad yr Awdurdod Cynllunio Lleol
- (e) dyddiad sy'n rhoi cyfnod o ddim llai na 28 diwrnod sy'n dechrau gyda'r [dyddiad yr arddangosir yr hysbysiad am y tro cyntaf ar y safle neu gerllaw'r safle, neu ddyddiad cyflwyno'r hysbysiad (yn ôl fel y digwydd)].

SCHEDULE 6

Article 27

Notice under Article 27

Town and Country Planning (Development Management Procedure) (Wales) Order 2012  
NOTICE UNDER ARTICLE 27 OF PROPOSAL FOR LOCAL DEVELOPMENT ORDER  
GRANTING PLANNING PERMISSION

(to be displayed on or near the site to which the order relates and to be served on an owner\* or a tenant\*\*)

Proposed development at (a).....

**I give notice that the** (b)..... Local Planning Authority proposes to make a local development order granting planning permission to (c).....

A copy of the draft order and a statement of the Local Planning Authority's reasons for making the order are available for inspection at .....(d)

and are published on the Local Planning Authority's website at.....(e)

Anyone who wishes to make representations about this proposed local development order should write to the Local Planning Authority at (f).....

by (g) .....

\* "owner" means a person having a freehold interest or a leasehold interest the unexpired term of which is not less than seven years, or, in the case of development consisting of the winning or working of minerals, a person entitled to an interest in a mineral in the land (other than oil, gas, coal, gold or silver).

\*\* "tenant" means an agricultural tenant, as defined in section 65(8) of the Town and Country Planning Act 1990, of land any part of which is comprised in the site.

Signed.....(Local Planning Authority's authorised officer)

+ On behalf of.....Local Planning Authority

Date.....

Statement of owners' rights

The grant of planning permission does not affect owners' rights to retain or dispose of their property, unless there is some provision to the contrary in an agreement or in a lease.

Statement of agricultural tenants' rights

The grant of planning permission for non-agricultural development may affect agricultural tenants' security of tenure.

---

Insert:

- (a) address or location of the proposed development
- (b) name of the Local Planning Authority
- (c) description of the proposed development
- (d) places where and times when the documents are available for inspection
- (e) website address where the documents are published
- (f) address of the Local Planning Authority
- (g) date giving a period of not less than 28 days beginning with the [date the notice is first displayed on or near the site, or the date of service of the notice (as the case may be)].

Tystysgrif o Gyfreithlondeb Defnydd neu Ddatblygiad  
 Deddf Cynllunio Gwlad a Thref 1990: Adranau 191 a 192  
 Gorchymyn Cynllunio Gwlad a Thref (Gweithdrefn Rheoli Datblygu) (Cymru) 2012

TYSTYSGRIF CYFREITHLONDEB DEFNYDD NEU DDATBLYGIAD

Mae Awdurdod Cynllunio Lleol (a)..... drwy hyn yn ardystio bod y\*/ y byddai'r\*/ defnydd\*/gweithrediadau\*/mater\* a ddisgrifir yn yr Atodlen Gyntaf i'r dystysgrif hon, mewn perthynas â'r tir a bennir yn yr Ail Atodlen i'r dystysgrif hon ac a ddangosir ag amlinell\*/ â chroeslinellau\*/ â lliw\* (c)..... ar y plan a atodir i'r dystysgrif hon, yn gyfreithlon ar (b)..... o fewn ystyr adran 191 o Ddeddf Cynllunio Gwlad a Thref 1990, am y rheswm (rhesymau) canlynol:

.....  
 .....

Llofnod.....(swyddog awdurdodedig yr Awdurdod Cynllunio Lleol)

Ar ran Awdurdod Cynllunio Lleol (a).....

Dyddiad.....

Atodlen Gyntaf.....(ch)

Ail Atodlen.....(d)

Nodiadau

1 Dyroddir y dystysgrif hon, at ddibenion, yn unig, adran 191\* / 192\* o Ddeddf Cynllunio Gwlad a Thref 1990.

2 Mae'n ardystio bod y\*/ y byddai'r\*, defnydd\*/gweithrediadau\*/mater\* a bennir yn yr Atodlen Gyntaf, yn digwydd ar y tir a ddisgrifir yn yr Ail Atodlen, yn gyfreithlon ar y dyddiad a bennir, ac felly nad oedd\*/ na fyddai]\* /nad oeddent\*/na fyddent\* yn agored i gamau gorfodi o dan adran 172 o Ddeddf 1990 ar y dyddiad hwnnw.

3 Mae'r dystysgrif hon yn gymwys, yn unig, i hyd a lled y defnydd\*/gweithrediadau\*/mater\* a ddisgrifir yn yr Atodlen Gyntaf, ac i'r tir a bennir yn yr Ail Atodlen ac a ddangosir ar y plan a atodir. Gallai unrhyw ddefnydd\*/weithrediadau\*/fater sy'n wahanol mewn modd perthnasol i'r defnydd\*/gweithrediadau\*/mater\* a ddisgrifir, neu sy'n ymwneud â thir arall, beri bod y perchennog neu feddiannydd yn agored i gamau gorfodi.

\*4 Goleddfir effaith y dystysgrif o dan adran 192 o Ddeddf 1990 (tystysgrif cyfreithlondeb defnydd neu ddatblygiad arfaethedig) hefyd gan y profiso yn adran 192(4) o'r Ddeddf honno, sy'n datgan na cheir rhagdybio cyfreithlondeb y defnydd neu'r gweithrediadau a ddisgrifir yn derfynol ac eithrio pan nad oes unrhyw newid perthnasol wedi digwydd, cyn sefydlu'r defnydd neu ddechrau'r gweithrediadau, mewn unrhyw un o'r materion sy'n berthnasol i benderfynu'r cyfryw gyfreithlondeb.

\*dilëer os nad yw'n briodol

---

Mewnosoder:

- (a) enw'r Awdurdod Cynllunio Lleol
- (b) dyddiad y cais i'r Awdurdod Cynllunio Lleol
- (c) y lliw a ddefnyddir yn y plan
- (ch) disgrifiad llawn o'r defnydd, gweithrediadau neu fater arall, gan gyfeirio, pan fo angen, at fanylion yn y cais neu yn y planiau a gyflwynwyd, gan gynnwys cyfeiriad at y dosbarth o fathau o ddefnydd, os oes un, a bennir mewn gorchymyn o dan adran 55(2)(f) o Ddeddf 1990, y mae'r defnydd a ardystir yn perthyn iddo
- (d) cyfeiriad neu leoliad y safle

SCHEDULE 7

Article 28

Certificate of Lawful Use or Development

Town and Country Planning Act 1990: Sections 191 and 192

Town and Country Planning (Development Management Procedure) (Wales) Order 2012

CERTIFICATE OF LAWFUL USE OR DEVELOPMENT

The (a) ..... Local Planning Authority hereby certify that on (b) ..... the use\*/operations\*/matter\* described in the First Schedule to this certificate in respect of the land specified in the Second Schedule to this certificate and edged\*/hatched\*/coloured\* (c) ..... on the plan attached to this certificate, was\*/were\*/would have been\* lawful within the meaning of section 191 of the Town and Country Planning Act 1990, for the following reason(s):

.....  
.....

Signed.....(Local Planning Authority's authorised officer)

On behalf of (a).....Local Planning Authority

Date.....

First Schedule.....(d)

Second Schedule.....(e)

Notes

1 This certificate is issued solely for the purpose of section 191 \*/192\* of the Town and Country Planning Act 1990.

2 It certifies that the use\*/operations\*/matter\* specified in the First Schedule taking place on the land described in the Second Schedule was\*/were\*/would have been\* lawful, on the specified date and, therefore, was not\*/were not\*/would not have been\* liable to enforcement action under section 172 of the 1990 Act on that date.

3 This certificate applies only to the extent of the use\*/operations\*/matter\* described in the First Schedule and to the land specified in the Second Schedule and identified on the attached plan. Any use\*/operations\*/matter\* which is\*/are\* materially different from that\*/those\* described or which relate/s\* to other land may render the owner or occupier liable to enforcement action.

\*4 The effect of the certificate under section 192 of the 1990 Act (certificate of lawfulness of proposed use or development) is also qualified by the proviso in section 192(4) of that Act, which states that the lawfulness of a described use or operation is only conclusively presumed where there has been no material change, before the use is instituted or the operations begun, in any of the matters relevant to determining such lawfulness.

\*delete where inappropriate



---

Insert:

- (a) name of Local Planning Authority
- (b) date of application to the Local Planning Authority
- (c) colour used on the plan
- (d) full description of use, operations or other matter, if necessary, by reference to details in the application or submitted plans, including a reference to the use class, if any, specified in an order under section 55(2)(f) of the 1990 Act, within which the certificated use falls
- (e) address or location of the site

## OFFERYNNAU STATUDOL A DDIRYMIIR

<i>Enw'r Offeryn</i>	<i>Cyfeirnod</i>	<i>Graddau'r dirymiad</i>
Gorchymyn Cynllunio Gwlad a Thref (Gweithdrefn Datblygu Cyffredinol) 1995(1)	OS 1995/419	Y Gorchymyn cyfan(2)
Gorchymyn Cynllunio Gwlad a Thref (Gweithdrefn Datblygu Cyffredinol) (Ffurflenni Cymraeg) 1995	OS 1995/3336	Y Gorchymyn cyfan
Gorchymyn Awdurdodau Parciau Cenedlaethol (Cymru) 1995	OS 1995/2803	Paragraff 21 o Atodlen 5 ac erthygl 18 i'r graddau y mae'n ymwneud â'r paragraff hwnnw
Gorchymyn Cynllunio Gwlad a Thref (Gweithdrefn Datblygu Cyffredinol) (Diwygio) 1996(3)	OS 1996/1817	Y Gorchymyn cyfan
Gorchymyn Ad-drefnu Llywodraeth Leol (Cymru) (Diwygiadau Canlyniadol) 1996	OS 1996/525	Paragraff 20 o'r Atodlen ac erthygl 3 i'r graddau y mae'n ymwneud â'r paragraff hwnnw
Gorchymyn Cynllunio Gwlad a Thref (Gweithdrefn Datblygu Cyffredinol) (Diwygio) 1997(4)	OS 1997/858	Y Gorchymyn cyfan
Gorchymyn Cynllunio Gwlad a Thref (Gweithdrefn Datblygu Cyffredinol) (Diwygio) (Cymru) 2002	OS 2002/1877 (Cy.186)	Y Gorchymyn cyfan
Gorchymyn Cynllunio Gwlad a Thref (Gweithdrefn Datblygu Cyffredinol) (Diwygio) (Cymru) 2004	OS 2004/1434 (Cy.147)	Y Gorchymyn cyfan
Gorchymyn Cynllunio Gwlad a Thref (Cyfathrebiadau Electronig) (Cymru) (Rhif 1) 2004	OS 2004/3156 (Cy.273)	Erthygl 11 ac Atodlen 1
Gorchymyn Cynllunio Gwlad a Thref (Gweithdrefn Datblygu Cyffredinol) (Diwygio) (Cymru) 2006	OS 2006/3390 (Cy.310)	Y Gorchymyn cyfan
Gorchymyn Cynllunio Gwlad a Thref (Diwygiadau Amrywiol ac Addasiadau sy'n ymwneud â Thir y Goron) (Cymru) 2006	OS 2006/1386 (Cy.136)	Erthygl 4
Gorchymyn Cynllunio Gwlad a Thref (Gweithdrefn Datblygu Cyffredinol) (Diwygio) (Cymru) 2008	OS 2008/2336 (Cy.199)	Y Gorchymyn cyfan
Gorchymyn Cynllunio Gwlad a Thref (Gweithdrefn Datblygu Cyffredinol) (Diwygio) (Cymru) 2009	OS 2009/1024 (Cy.87)	Y Gorchymyn cyfan

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- (1) Dirymwyd i'r graddau yr oedd yn gymwys i Loegr gan Orchymyn Cynllunio Gwlad a Thref (Gweithdrefn Datblygu Cyffredinol) 2010 (O.S. 2010/2184).
- (2) Gweler erthygl 33 am arbedion.
- (3) Dirymwyd i'r graddau yr oedd yn gymwys i Loegr gan Orchymyn Cynllunio Gwlad a Thref (Gweithdrefn Datblygu Cyffredinol) 2010 (O.S. 2010/2184).
- (4) Dirymwyd i'r graddau yr oedd yn gymwys i Loegr gan Orchymyn Cynllunio Gwlad a Thref (Gweithdrefn Datblygu Cyffredinol) 2010 (O.S. 2010/2184).

SCHEDULE 8

STATUTORY INSTRUMENTS REVOKED

Article 33

<i>Title of Instrument</i>	<i>Reference</i>	<i>Extent of revocation</i>
The Town and Country Planning (General Development Procedure) Order 1995(1)	SI 1995/419	The whole of the Order(2)
The Town and Country Planning (General Development Procedure) (Welsh Forms) Order 1995	SI 1995/3336	The whole of the Order
National Park Authorities (Wales) Order 1995	SI 1995/2803	Paragraph 21 of Schedule 5 and article 18 in so far as it relates to that paragraph
The Town and Country Planning (General Development Procedure) (Amendment) Order 1996(3)	SI 1996/1817	The whole of the Order
Local Government Reorganisation (Wales) (Consequential Amendments) Order 1996	SI 1996/525	Paragraph 20 of the Schedule and article 3 in so far as it relates to that paragraph
The Town and Country Planning (General Development Procedure) (Amendment) Order 1997(4)	SI 1997/858	The whole of the Order
The Town and Country Planning (General Development Procedure) (Amendment) (Wales) Order 2002	SI 2002/1877 (W.186)	The whole of the Order
The Town and Country Planning (General Development Procedure) (Amendment) (Wales) Order 2004	SI 2004/1434 (W.147)	The whole of the Order
The Town and Country Planning (Electronic Communications) (Wales) (No. 1) Order 2004	SI 2004/3156 (W.273)	Article 11 and Schedule 1
The Town and Country Planning (General Development Procedure) (Amendment) (Wales) Order 2006	SI 2006/3390 (W.310)	The whole of the Order
The Town and Country Planning (Miscellaneous Amendments and Modifications relating to Crown Land) (Wales) Order 2006	SI 2006/1386 (W.136)	Article 4
The Town and Country Planning (General Development Procedure) (Amendment) (Wales) Order 2008	SI 2008/2336 (W.199)	The whole of the Order
The Town and Country Planning (General Development Procedure) (Amendment) (Wales) Order 2009	SI 2009/1024 (W.87)	The whole of the Order

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- (1) Revoked in so far as it applied to England by the Town and Country Planning (Development Management Procedure) Order 2010 (S.I. 2010/2184).
- (2) See article 33 for savings.
- (3) Revoked in so far as it applied to England by the Town and Country Planning (Development Management Procedure) Order 2010 (S.I. 2010/2184).
- (4) Revoked in so far as it applied to England by the Town and Country Planning (Development Management Procedure) Order 2010 (S.I. 2010/2184).









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