OFFERYNNAU STATUDOL CYMRU

WELSH STATUTORY INSTRUMENTS

2014 Rhif 1770 (Cy. 182)

2014 No. 1770 (W. 182)

CYNLLUNIO GWLAD A THREF, CYMRU

TOWN AND COUNTRY PLANNING, WALES

Gorchymyn Cynllunio Gwlad a Thref (Newidiadau Ansylweddol a Chywiro Gwallau) (Cymru) 2014

The Town and Country Planning (Non-Material Changes and Correction of Errors) (Wales) Order 2014

NODYN ESBONIADOL

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

Mae'r Gorchymyn hwn yn gwneud darpariaeth mewn perthynas â Chymru sy'n cyfateb i adran 96A o Ddeddf Cynllunio Gwlad a Thref 1990. Gwneir hynny drwy ddileu'r geiriau "in England" o is-adran (1) o'r adran honno. Mae'r Gorchymyn hefyd yn gwneud darpariaeth atodol yn adran 96A mewn perthynas â Chymru. Mae adran 96A(4) yn darparu na chaiff awdurdod cynllunio lleol wneud newid ansylweddol i ganiatâd cynllunio oni wneir cais gan neu ar ran person sydd â buddiant yn y tir dan sylw. Mae erthygl 2 yn mewnosod is-adran (10) sy'n datgan pa bryd y mae gan berson "fuddiant yn y tir".

Mae erthygl 3 yn gwneud darpariaeth sydd â'i heffaith yn cyfateb i adran 184 o Ddeddf Cynllunio 2008. Roedd adran 184 yn dileu'r gofyniad yn adran 56 o Ddeddf Cynllunio a Phrynu Gorfodol 2004 mewn perthynas â Lloegr, sef bod rhaid cael y cydsyniad priodol ar gyfer cywiro gwall mewn dogfen penderfyniad. Mae'r diwygiadau yn erthygl 3 yn dileu'r gofyniad i gael cydsyniad ar gyfer cywiro gwallau mewn dogfennau penderfyniad mewn perthynas â Chymru.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order makes provision in relation to Wales which corresponds to section 96A of the Town and Country Planning Act 1990. It does this by removing "in England" from subsection (1) of that section. The Order also makes supplementary provision in section 96A in relation to Wales. Section 96A(4) provides that a local planning authority can only make a non-material change to a planning permission if an application is made by or for a person with an interest in the land concerned. Article 2 inserts subsection (10) which states when a person has "an interest in the land".

Article 3 makes provision which has effect corresponding to section 184 of the Planning Act 2008. Section 184 removed the requirement in section 56 of the Planning and Compulsory Purchase Act 2004 in relation to England, that the appropriate consent must be obtained to an error in a decision document being corrected. The amendments in article 3 remove the requirement to obtain consent to the correction of errors in decision documents in relation to Wales.

OFFERYNNAU STATUDOL CYMRU

2014 Rhif 1770 (Cy. 182)

CYNLLUNIO GWLAD A THREF, CYMRU

Gorchymyn Cynllunio Gwlad a Thref (Newidiadau Ansylweddol a Chywiro Gwallau) (Cymru) 2014

Gwnaed *2 Gorffennaf 2014*

Yn dod i rym *1 Medi 2014*

Mae Gweinidogion Cymru, drwy arfer y pwerau a roddir gan adran 203 o Ddeddf Cynllunio 2008(**1**), yn gwneud y Gorchymyn a ganlyn.

Yn unol ag adran 203(9) o'r Ddeddf honno gosodwyd drafft o'r Gorchymyn hwn gerbron Cynulliad Cenedlaethol Cymru, a chymeradwywyd ef drwy benderfyniad gan Gynulliad Cenedlaethol Cymru.

Enwi a chychwyn

1.—(1) Enw'r Gorchymyn hwn yw Gorchymyn Cynllunio Gwlad a Thref (Newidiadau Ansylweddol a Chywiro Gwallau) (Cymru) 2014.

(2) Daw'r Gorchymyn hwn i rym ar 1 Medi 2014.

Newidiadau ansylweddol i ganiatâd cynllunio

2.—(1) Mae adran 96A o Ddeddf Cynllunio Gwlad a Thref 1990(**2**) wedi ei diwygio fel a ganlyn.

(2) Yn is-adran (1) hepgorer y geiriau "in England".

(**1**) 2008 p. 29.
(**2**) 1990 p. 8; mewnosodwyd adran 96A gan adran 190(2) o Ddeddf Cynllunio 2008.

WELSH STATUTORY INSTRUMENTS

2014 No. 1770 (W. 182)

TOWN AND COUNTRY PLANNING, WALES

The Town and Country Planning (Non-Material Changes and Correction of Errors) (Wales) Order 2014

Made *2 July 2014*

Coming into force *1 September 2014*

The Welsh Ministers, in exercise of the powers conferred by section 203 of the Planning Act 2008(**1**), make the following Order:

In accordance with section 203(9) of that Act a draft of this Order was laid before and approved by a resolution of the National Assembly for Wales.

Title and commencement

1.—(1) — The title of this Order is The Town and Country Planning (Non-Material Changes and Correction of Errors) (Wales) Order 2014.This Order comes into force on 1 September 2014.

Non-material changes to planning permission

2.—(1) Section 96A of the Town and Country Planning Act 1990(**2**) is amended as follows.

(2) In subsection (1) omit "in England".

(**1**) 2008 c.29.
(**2**) 1990 c.8, section 96A was inserted by the Planning Act 2008 section 190(2).

(3) Yn is-adran (5) ar ôl "An application under subsection (4)" mewnosoder "to a local planning authority in England".

(4) Ar ôl is-adran (5) mewnosoder—

"(5A) A development order may provide that an application under subsection (4) to a local planning authority in Wales must be made—

(a) in the form prescribed by the order or in a form published by the Welsh Ministers, and

(b) in the manner prescribed by the order."

(5) Yn is-adran (8) ar ôl "local planning authority" mewnosoder "in England".

(6) Ar ôl is-adran (8) mewnosoder—

"(9) A development order may make provision about how a local planning authority in Wales are to deal with an application under subsection (4) (including provision imposing requirements as to consultation and publicity and as to when steps specified in the order are to be taken).

(10) For the purposes of this section as it applies in relation to Wales, a person has an interest in land only if in relation to that land (or any mineral in, on or under it) the person—

(a) is the estate owner of the fee simple;

(b) is entitled to a tenancy granted or extended for a term of years certain of which not less than two years remain unexpired;

(c) is the mortgagee of any interest or estate in the land; or

(d) is a party to an estate contract within the meaning of section 2(4) of the Land Charges Act 1972(**1**)."

Cywiro gwallau mewn penderfyniadau

3.—(1) Mae adran 56 o Ddeddf Cynllunio a Phrynu Gorfodol 2004(**2**) wedi ei diwygio fel a ganlyn.

(2) Yn is-adran (3)—

(a) ar ôl paragraff (a) mewnosoder "and";

(b) hepgorer paragraff (c) (a'r gair "and" sy'n ei ragflaenu).

(3) Hepgorer is-adrannau (6) a (7).

(**1**) 1972 p. 61.
(**2**) 2004 p. 5; diwygiwyd adran 56 gan adran 184 o Ddeddf Cynllunio 2008.

(3) In subsection (5) after "An application under subsection (4)" insert "to a local planning authority in England".

(4) After subsection (5) insert—

"(5A) A development order may provide that an application under subsection (4) to a local planning authority in Wales must be made—

(a) in the form prescribed by the order or in a form published by the Welsh Ministers; and

(b) in the manner prescribed by the order."

(5) In subsection (8) after "local planning authority" insert "in England".

(6) After subsection (8) insert—

"(9) A development order may make provision about how a local planning authority in Wales are to deal with an application under subsection (4) (including provision imposing requirements as to consultation and publicity and as to when steps specified in the order are to be taken).

(10) For the purposes of this section as it applies in relation to Wales, a person has an interest in land only if in relation to that land (or any mineral in, on or under it) the person—

(a) is the estate owner of the fee simple;

(b) is entitled to a tenancy granted or extended for a term of years certain of which not less than two years remain unexpired;

(c) is the mortgagee of any interest or estate in the land; or

(d) is a party to an estate contract within the meaning of section 2(4) of the Land Charges Act 1972(**1**)."

Correction of errors in decisions

3.—(1) Section 56 of the Planning and Compulsory Purchase Act 2004(**2**) is amended as follows.

(2) In subsection (3)—

(a) After paragraph (a) insert "and";

(b) Omit paragraph (c) (and the "and" before it).

(3) Omit subsections (6) and (7).

(**1**) 1972 c.61.
(**2**) 2004 c.5; section 56 was amended by the Planning Act 2008 section 184.

Carl Sargeant

Y Gweinidog Tai ac Adfywio, un o Weinidogion Cymru

2 Gorffennaf 2014

Minister for Housing and Regeneration, one of the Welsh Ministers

2 July 2014

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