OFFERYNNAU STATUDOL CYMRU

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CYNLLUNIO GWLAD A THREF, CYMRU

Gorchymyn Cynllunio Gwlad a Thref (Pennu'r Weithdrefn) (Cymru) 2014

Gwnaed - - - - 14 Hydref 2014

Yn dod i rym yn unol ag erthygl 1(2)

Mae Gweinidogion Cymru, drwy arfer y pwerau a roddwyd gan adran 203(1), (6) ac (8) 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 ganddo drwy benderfyniad.

Enwi a chychwyn

1.—(1) Enw'r Gorchymyn hwn yw Gorchymyn Cynllunio Gwlad a Thref (Pennu'r Weithdrefn) (Cymru) 2014.

(2) Daw'r Gorchymyn hwn i rym 28 o ddiwrnodau wedi'r diwrnod y'i gwneir.

Pennu'r weithdrefn

2.—(1) Ar ôl adran 319A o Ddeddf Cynllunio Gwlad a Thref 1990(**2**) (y mae ei henw yn newid i "Determination of procedure for certain proceedings: England") mewnosoder—

"**Determination of procedure for certain proceedings: Wales**

319B.—(1) The Welsh Ministers must make a determination as to the procedure by which proceedings to which this section applies are to be considered.

(2) A determination under subsection (1) must provide for the proceedings to be considered in such one or more of the following ways as appear to the Welsh Ministers to be appropriate—

(a) at a local inquiry;

(b) at a hearing;

(c) on the basis of representations in writing.

(**1**) 2008 p. 29.
(**2**) 1990 p. 8. Mewnosodwyd adran 319A gan adran 196(1) o Ddeddf 2008. Fe'i diwygiwyd gan Ddeddf Twf a Seilwaith 2013 (p. 27). Nid yw adran 196(1) wedi ei chychwyn yn llawn.

(3) The Welsh Ministers must make a determination under subsection (1) in respect of proceedings to which this section applies before the end of the prescribed period.

(4) A determination under subsection (1) may be varied by a subsequent determination under that subsection at any time before the proceedings are determined.

(5) The Welsh Ministers must notify the appellant or applicant (as the case may be) and the local planning authority of any determination made under subsection (1).

(6) The Welsh Ministers must publish the criteria which are to be applied in making determinations under subsection (1).

(7) This section applies to—

(a) an application referred to the Welsh Ministers under section 77;

(b) an appeal to the Welsh Ministers under section 78;

(c) an appeal to the Welsh Ministers under section 174;

(d) an appeal to the Welsh Ministers under section 195; and

(e) an appeal to the Welsh Ministers under section 208.

(8) But this section does not apply to proceedings if they are referred to a Planning Inquiry Commission under section 101; and on proceedings being so referred, any determination made in relation to the proceedings under subsection (1) ceases to have effect.

(9) The Welsh Ministers may by order amend subsection (7) to—

(a) add proceedings to, or remove proceedings from, the list of proceedings to which this section applies, or

(b) otherwise modify the descriptions of proceedings to which this section applies.

(10) An order under subsection (9) may—

(a) contain incidental, supplementary, consequential, transitional and transitory provision and savings;

(b) amend, repeal or revoke any provision made by or under this Act or by or under any other Act.

(11) No order may be made under subsection (9) unless a draft of the instrument containing the order has been laid before and approved by resolution of the National Assembly for Wales."

(2) Ar ôl adran 88D o Ddeddf Cynllunio (Adeiladau Rhestredig ac Ardaloedd Cadwraeth) 1990(**3**) (y mae ei henw yn newid i "Determination of procedure for certain proceedings: England") mewnosoder—

"**Determination of procedure for certain proceedings: Wales**

88E.—(1) The Welsh Ministers must make a determination as to the procedure by which proceedings to which this section applies are to be considered.

(2) A determination under subsection (1) must provide for the proceedings to be considered in such one or more of the following ways as appear to the Welsh Ministers to be appropriate—

(a) at a local inquiry;

(b) at a hearing;

(c) on the basis of representations in writing.

(3) The Welsh Ministers must make a determination under subsection (1) in respect of proceedings to which this section applies before the end of the prescribed period.

(**3**) 1990 p. 9. Mewnosodwyd adran 88D gan adran 196(2) o Ddeddf 2008. Nid yw adran 196(2) wedi ei chychwyn yn llawn.

(4) A determination under subsection (1) may be varied by a subsequent determination under that subsection at any time before the proceedings are determined.

(5) The Welsh Ministers must notify the appellant or applicant (as the case may be) and the local planning authority of any determination made under subsection (1).

(6) The Welsh Ministers must publish the criteria which are to be applied in making determinations under subsection (1).

(7) This section applies to—

(a) an application referred to the Welsh Ministers under section 12;

(b) an appeal to the Welsh Ministers under section 20;

(c) an appeal to the Welsh Ministers under section 39.

(8) The Welsh Ministers may by order amend subsection (7) to—

(a) add proceedings under this Act to, or remove proceedings under this Act from, the list of proceedings to which this section applies; or

(b) otherwise modify the descriptions of proceedings under this Act to which this section applies.

(9) An order under subsection (8) may—

(a) contain incidental, supplementary, consequential, transitional and transitory provision and savings;

(b) amend, repeal or revoke any provision made by or under this Act or by or under any other Act.

(10) No order may be made under subsection (8) unless a draft of the instrument containing the order has been laid before and approved by resolution of the National Assembly for Wales."

(3) Ar ôl adran 21A o Ddeddf Cynllunio (Sylweddau Peryglus) 1990(**4**) mewnosoder—

"**Determination by the Welsh Ministers of procedure for certain proceedings**

21B.—(1) The Welsh Ministers must make a determination as to the procedure by which proceedings to which this section applies are to be considered.

(2) A determination under subsection (1) must provide for the proceedings to be considered in such one or more of the following ways as appear to the Welsh Ministers to be appropriate—

(a) at a local inquiry;

(b) at a hearing;

(c) on the basis of representations in writing.

(3) The Welsh Ministers must make a determination under subsection (1) in respect of proceedings to which this section applies before the end of the prescribed period.

(4) A determination under subsection (1) may be varied by a subsequent determination under that subsection at any time before the proceedings are determined.

(5) The Welsh Ministers must notify the appellant or applicant (as the case may be) and the hazardous substances authority of any determination made under subsection (1).

(6) The Welsh Ministers must publish the criteria which are to be applied in making determinations under subsection (1).

(7) This section applies to—

(a) an application referred to the Welsh Ministers under section 20;

(**4**) 1990 p. 10. Mewnosodwyd adran 21A gan adran 196(3) o Ddeddf 2008. Nid yw adran 196(3) wedi ei chychwyn yn llawn.

(b) an appeal to the Welsh Ministers under section 21.

(8) The Welsh Ministers may by order amend subsection (7) to—

(a) add proceedings under this Act to, or remove proceedings under this Act from, the list of proceedings to which this section applies; or

(b) otherwise modify the descriptions of proceedings under this Act to which this section applies.

(9) An order under subsection (8) may—

(a) contain incidental, supplementary, consequential, transitional and transitory provision and savings;

(b) amend, repeal or revoke any provision made by or under this Act or by or under any other Act.

(10) No order may be made by the Welsh Ministers under subsection (8) unless a draft of the instrument containing the order has been laid before, and approved by resolution of the National Assembly for Wales."

Diwygiadau Canlyniadol

3. Mae'r Atodlen (darpariaethau pellach o ran y weithdrefn ar gyfer achosion penodol) yn cael effaith.

Carl Sargeant
Y Gweinidog Cyfoeth Naturiol, un o Weinidogion Cymru

14 Hydref 2014

YR ATODLEN

Erthygl 3

Darpariaethau pellach o ran y weithdrefn ar gyfer achosion penodol

Deddf Cynllunio Gwlad a Thref 1990

1. Mae Deddf Cynllunio Gwlad a Thref 1990 wedi ei diwygio fel a ganlyn.

2. Yn adran 77 (atgyfeirio ceisiadau at yr Ysgrifennydd Gwladol) cyn is-adran (7) mewnosoder—

"(6A) Subsection (5) does not apply to an application referred to the Welsh Ministers under this section instead of being dealt with by a local planning authority in Wales."

3. Yn adran 78 (hawl i apelio yn erbyn penderfyniadau cynllunio a methiant i wneud penderfyniadau o'r fath) yn is-adran (5)(**5**) yn lle "and 319A(7)(b)" rhodder ", 319A(7)(b) and 319B(7)(b)".

4. Yn adran 79 (penderfynu ar apelau) cyn is-adran (4) mewnosoder—

"(3A) Subsection (2) does not apply to an appeal to the Welsh Ministers."

5. Yn adran 175 (darpariaethau atodol ynglŷn ag apelau yn erbyn hysbysiadau gorfodi) cyn is-adran (4), mewnosoder—

"(3B) Subsection (3) does not apply to an appeal against an enforcement notice issued by a local planning authority in Wales."

6. Yn adran 195 (apelau yn erbyn gwrthodiad neu fethiant i benderfynu ar gais) yn is-adran (5)(**6**) ar ôl "For the purposes of the application" mewnosoder "in relation to England" ac ar ôl yr is-adran honno mewnosoder—

"(5A) For the purposes of the application in relation to Wales of sections 288(10)(b) and 319B(7)(d) in relation to an appeal in a case within subsection (1)(b) it shall be assumed that the authority decided to refuse the application in question."

7.—(1) Mae adran 196 (darpariaethau pellach o ran atgyfeirio at yr Ysgrifennydd Gwladol ac apelio iddo) wedi ei diwygio fel a ganlyn.

(2) Cyn is-adran (2) mewnosoder—

"(1B) Subsection (1) does not apply to an appeal to the Welsh Ministers."

(3) Yn is-adran (2) yn lle "such an appeal" rhodder "an appeal under section 195(1)".

8.—(1) Mae adran 208 (apelau yn erbyn hysbysiadau o dan adran 207) wedi ei diwygio fel a ganlyn.

(2) Cyn is-adran (6) mewnosoder—

"(5B) Subsection (5) does not apply to an appeal to the Welsh Ministers."

(3) Yn is-adran (6) yn lle "such an appeal is brought" rhodder "an appeal is brought under subsection (1)".

9. Yn adran 322 (gorchmynion o ran costau partïon pan na fo ymchwiliad lleol wedi ei gynnal) cyn is-adran (1B)(**7**) mewnosoder—

(**5**) Diwygiwyd is-adran (5) gan adran 196(4) o Ddeddf 2008 a pharagraffau 1 a 3 o Atodlen 10 iddi. Nid yw paragraffau 1 a 3 wedi eu cychwyn yn llawn. Mae diwygiadau eraill i adran 78 nad ydynt yn berthnasol i'r Gorchymyn hwn.

(**6**) Diwygiwyd adran 195(5) gan adran 196(4) o Ddeddf 2008, a pharagraffau 1 a 7 o Atodlen 10 iddi. Nid yw paragraff 7 wedi ei gychwyn. Mae diwygiadau eraill i adran 195 nad ydynt yn berthnasol i'r Gorchymyn hwn.

(**7**) Mewnosodwyd is-adran (1B) gan adran 2(2) o Ddeddf Twf a Seilwaith 2013. Mae diwygiadau eraill i'r adran hon nad ydynt yn berthnasol i'r Gorchymyn hwn.

"(1AA) This section also applies to proceedings under this Act to which section 319B applies."

10. Yn adran 322A(**8**) cyn is-adran (2) mewnosoder—

"(1B) This section also applies where—

(a) arrangements are made for a local inquiry or a hearing to be held pursuant to a determination of the Welsh Ministers under section 319B;

(b) the inquiry or hearing does not take place; and

(c) if it had taken place, the Welsh Ministers or a person appointed by the Welsh Ministers would have had power to make an order under section 250(5) of the Local Government Act 1972 requiring any party to pay any costs of any other party."

11.—(1) Mae adran 323 wedi ei diwygio fel a ganlyn.

(2) Cyn is-adran (2), mewnosoder—

"(1B) The Welsh Ministers may by regulations prescribe the procedure to be followed in connection with proceedings under this Act which, pursuant to a determination under section 319B, are to be considered on the basis of representations in writing."

(3) Yn is-adrannau (2) a (3) yn lle "The regulations may" (i'r graddau y mae'r geiriau hynny'n parhau i fod yn rhan o'r is-adrannau hynny(**9**)) rhodder "Regulations under this section may".

12. Yn adran 333 (rheoliadau a gorchmynion) cyn is-adran (5), mewnosoder—

"(4A) The power to make orders under section 319B(9) shall be exercisable by statutory instrument."

13.—(1) Mae Atodlen 6 wedi ei diwygio fel a ganlyn.

(2) Ym mharagraff 2—

(a) cyn is-baragraff (6) mewnosoder—

"(5A) Sub-paragraph (2) does not apply in the case of an appeal to which section 319B applies.";

(b) cyn is-baragraff (11)(**10**) mewnosoder—

"(10A) Sub-paragraph (9) does not apply to references to the Welsh Ministers in section 319B (determination of procedure for certain proceedings: Wales)."

(3) Ym mharagraff 3—

(a) ar ôl is-baragraff (5)(**11**) mewnosoder—

"(5ZA) Sub-paragraph (4) does not apply in the case of an appeal to which section 319B applies.";

(b) cyn is-baragraff (6)(**12**) mewnosoder—

"(5B) In the case of an appeal to which section 319B applies, the Welsh Ministers must give the appellant, the local planning authority and any person who has made

(**8**) Mewnosodwyd adran 322A gan adran 30 o Ddeddf Cynllunio a Digolledu 1991 (p. 34). Mae diwygiadau eraill i'r adran nad ydynt yn berthnasol i'r Gorchymyn hwn.
(**9**) Diwygiwyd adran 323(2) a (3) gan baragraff 12(3) o Atodlen 10 i Ddeddf 2008. Mae paragraff 12 wedi ei gychwyn at ddibenion penodol, gweler erthygl 3(j) o Orchymyn Deddf Cynllunio 2008 (Cychwyn Rhif 1 ac Arbedion) 2009 (O.S. 2008/400).
(**10**) Mewnosodwyd paragraff 2(11) gan adran 2(7) o Ddeddf Twf a Seilwaith 2013.
(**11**) Amnewidiwyd paragraff 3(5) gan adran 196(4) o Ddeddf 2008, a pharagraffau 1 a 14(1) o Atodlen 10 iddi. Nid yw paragraff 14 wedi ei gychwyn.
(**12**) Mae diwygiadau i is-baragraff (6) nad ydynt yn berthnasol i'r Gorchymyn hwn.

any representations mentioned in sub-paragraph (2) an opportunity to make further representations if the reasons for the direction raise matters with respect to which any of those persons have not made representations.";

(c) yn is-baragraff (b) cyn ", the Secretary of State" mewnosoder "or (5B)".

(4) Ym mharagraff 6—

(a) cyn is-baragraff (2) mewnosoder—

"(1B) Sub-paragraph (1) does not apply in the case of an appeal to which section 319B applies; but an appointed person may hold a hearing or local inquiry in connection with such an appeal pursuant to a determination under that section.";

(b) yn is-baragraff (2)(a) ar ôl "2(4)" mewnosoder "or this paragraph" (i'r graddau nad yw'r is-baragraff hwnnw eisoes yn cynnwys y geiriau hynny(**13**)).

Deddf Cynllunio (Adeiladau Rhestredig ac Ardaloedd Cadwraeth) 1990

14. Mae Deddf Cynllunio (Adeiladau Rhestredig ac Ardaloedd Cadwraeth) 1990 wedi ei diwygio fel a ganlyn.

15. Yn adran 12 (atgyfeirio ceisiadau penodol at yr Ysgrifennydd Gwladol) cyn is-adran (5) mewnosoder—

"(4B) Subsection (4) does not apply to an application referred to the Welsh Ministers under this section instead of being dealt with by a local planning authority in Wales."

16. Yn adran 20(4) (hawl i apelio yn achos methiant i hysbysu am benderfyniad)(**14**) ar ôl "For the purposes of the application" mewnosoder "in relation to England" ac ar ôl yr is-adran honno mewnosoder—

"(5) For the purposes of the application in relation to Wales of sections 22(1), 63(7)(b) and 88E(7)(b) in relation to an appeal under subsection (2) it shall be assumed that the authority decided to refuse the application in question."

17.—(1) Mae adran 22 (penderfynu ar apelau o dan adran 20) wedi ei diwygio fel a ganlyn.

(2) Cyn is-adran (3) mewnosoder—

"(2B) Subsection (2) does not apply to an appeal to the Welsh Ministers."

(3) Yn is-adran (3) yn lle "the appeal" rhodder "an appeal under section 20".

18. Yn adran 40 (darpariaethau atodol ynglŷn ag apelau yn erbyn hysbysiadau gorfodi adeiladau rhestredig) cyn is-adran (3) mewnosoder—

"(2B) Subsection (2) does not apply to an appeal against a listed building enforcement notice issued by a local planning authority in Wales."

19. Yn adran 41(4) (penderfynu ar apelau: datgymhwyso adran 40(2))—

(a) ar ôl "If" mewnosoder "section 40(2) would otherwise apply and", a

(b) ar ôl "subsection (3)" mewnosoder "of this section".

20. Yn adran 74(3)(**15**) (cymhwyso darpariaethau penodol mewn perthynas ag adeiladau mewn ardaloedd cadwraeth) cyn "and 90(2) to (4)" mewnosoder ", 88E".

(**13**) Diwygiwyd paragraff 6(2)(a) gan baragraff 14(7) o Atodlen 10 i Ddeddf 2008. Mae paragraff 14(7) wedi ei gychwyn at ddibenion penodol, gweler erthygl 3(j) o Orchymyn Deddf Cynllunio 2008 (Cychwyn Rhif 1 ac Arbedion) 2009.

(**14**) Diwygiwyd adran 20(4) gan adran 196(4) o Ddeddf 2008, a pharagraffau 15 a 17 o Atodlen 10 iddi. Nid yw paragraff 17 wedi ei gychwyn.

(**15**) Diwygiwyd adran 74(3) gan adran 196(4) o Ddeddf 2008, a pharagraffau 15 a 21 o Atodlen 10 iddi. Nid yw paragraff 21 wedi ei gychwyn. Mae diwygiadau eraill i'r is-adran nad ydynt yn berthnasol i'r Gorchymyn hwn.

21. Yn adran 89 (cymhwyso darpariaethau cyffredinol penodol DCGTh 1990) cyn is-adran (1A)(**16**) mewnosoder—

"(1ZB) In the application of sections 322, 322A and 323 of that Act, references to section 319B of that Act shall have effect as references to section 88E of this Act."

22. Yn adran 93 (rheoliadau a gorchmynion) yn is-adran (4)(**17**) cyn "and 92" mewnosoder ", 88E".

23.—(1) Mae Atodlen 3 wedi ei diwygio fel a ganlyn.

(2) Ym mharagraff 2—

(a) cyn is-baragraff (5) mewnosoder—

"(4B) Sub-paragraph (2) does not apply in the case of an appeal to which section 88E applies.";

(b) ar ôl is-baragraff (9)(**18**) mewnosoder—

"(10) Sub-paragraph (8) does not apply to references to the Welsh Ministers in section 88E (determination of procedure for certain proceedings: Wales)."

(3) Ym mharagraff 3—

(a) cyn is-baragraff (5) mewnosoder—

"(4C) Sub-paragraph (4) does not apply in the case of an appeal to which section 88E applies.

(4D) In the case of an appeal to which section 88E applies, the Welsh Ministers must give the appellant, the local planning authority and any person who has made any representations mentioned in sub-paragraph (2) an opportunity to make further representations if the reasons for the direction raise matters with respect to which any of those persons have not made representations.";

(b) yn is-baragraff (5) cyn ", the Secretary of State" mewnosoder "or (4D)".

(4) Ym mharagraff 6—

(a) cyn is-baragraff (2) mewnosoder—

"(1B) Sub-paragraph (1) does not apply in the case of an appeal to which section 88E applies, but an appointed person may hold a hearing or local inquiry in connection with such an appeal pursuant to a determination under that section.";

(b) yn is-baragraff (2)(a) ar ôl "2(4)" mewnosoder "or this paragraph".

Deddf Cynllunio (Sylweddau Peryglus) 1990

24. Mae Deddf Cynllunio (Sylweddau Peryglus) 1990 wedi ei diwygio fel a ganlyn.

25. Yn adran 20 (atgyfeirio ceisiadau at yr Ysgrifennydd Gwladol) cyn is-adran (5) mewnosoder—

"(4B) Subsection (4) does not apply to an application referred to the Welsh Ministers under this section instead of being dealt with by a hazardous substances authority in Wales."

26. Yn adran 21 (apelau yn erbyn penderfyniadau neu fethiant i wneud penderfyniadau sy'n ymwneud â sylweddau peryglus) cyn is-adran (6) mewnosoder—

(**16**) Mewnosodwyd is-adran (1A) gan erthygl 8 o Orchymyn Cynllunio Gwlad a Thref (Cyfathrebu Electronig) (Cymru) (Rhif 1) 2004 (O.S. 2004/3156 (Cy. 273)).

(**17**) Diwygiwyd is-adran (4) gan adran 196(4) o Ddeddf 2008, a pharagraffau 15 a 23 o Atodlen 10 iddi. Nid yw paragraff 23 wedi ei gychwyn. Mae diwygiadau eraill i is-adran (4) nad ydynt yn berthnasol i'r Gorchymyn hwn.

(**18**) Mewnosodwyd is-baragraff (9) gan adran 196(4) o Ddeddf 2008, a pharagraffau 15 a 24(3) o Atodlen 10 iddi.

"(5B) Subsection (5) does not apply to an appeal against a decision of a hazardous substances authority in Wales."

27. Yn adran 25(1) (apelau yn erbyn hysbysiadau tramgwydd sylweddau peryglus: darpariaethau atodol)—

(a) ym mharagraff (b)(v)(**19**) cyn "of this Act" mewnosoder "and section 21B"; a

(b) ym mharagraff (c) yn lle "that Act" rhodder "the principal Act".

28. Ar ôl adran 37 ar y diwedd mewnosoder—

"(4) In the application of sections 322, 322A and 323 of that Act by virtue of this section in relation to proceedings in Wales, references to section 319B of that Act shall have effect as references to section 21B of this Act."

29.—(1) Mae'r Atodlen wedi ei diwygio fel a ganlyn.

(2) Ym mharagraff 2 cyn is-baragraff (5) mewnosoder—

"(4B) Sub-paragraph (2) does not apply to an appeal to the Welsh Ministers."

(3) Ar ôl is-baragraff (9)(**20**) o'r paragraff hwnnw, mewnosoder—

"(10) Sub-paragraph (8) does not apply to references to the Welsh Ministers in section 21B (determination by the Welsh Ministers of procedure for certain proceedings)."

(4) Ym mharagraff 3 cyn is-baragraff (5) mewnosoder—

"(4C) Sub-paragraph (4) does not apply in the case of an appeal to the Welsh Ministers.

(4D) In the case of an appeal to which section 21B applies, the Welsh Ministers must give the appellant, the hazardous substances authority and any person who has made representations mentioned in sub-paragraph (2) an opportunity to make further representations if the reasons for the direction raise matters with respect to which any of those persons have not made representations."

(5) Yn is-baragraff (5)(**21**) o'r paragraff hwnnw, cyn ", the Secretary of State" mewnosoder "or (4D)".

(6) Ym mharagraff 6—

(a) cyn is-baragraff (2) mewnosoder—

"(1B) Sub-paragraph (1) does not apply in the case of an appeal to the Welsh Ministers, but an appointed person may hold a hearing or a local inquiry in connection with such an appeal pursuant to a determination under section 21B."; a

(b) yn is-baragraffau (2)(a) a (3)(a) ar ôl "2(4)" mewnosoder "or this paragraph".

(**19**) Diwygiwyd paragraff (b)(v) gan adran 196(4) o Ddeddf 2008, a pharagraffau 25 a 28 o Atodlen 10 iddi. Nid yw paragraff 28 wedi ei gychwyn.

(**20**) Mewnosodwyd is-baragraff (9) gan adran 196(4) o Ddeddf 2008, a pharagraffau 25 a 30(1) a (3) o Atoden 10 iddi.

(**21**) Diwygiwyd is-baragraff (5) gan adran 196(4) o Ddeddf 2008, a pharagraffau 25 a 30 o Atodlen 10 iddi.

NODYN ESBONIADOL

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

Mae'r Gorchymyn hwn yn gwneud darpariaeth o ran Cymru sy'n cyfateb i adran 196 o Ddeddf Cynllunio 2008 (p. 29) ac Atodlen 10 iddi. Roedd adran 196 yn gwneud darpariaeth i'r Ysgrifennydd Gwladol bennu'r weithdrefn ar gyfer achosion penodol.

Mae erthygl 2 yn diwygio Deddf Cynllunio Gwlad a Thref 1990 (p. 8), Deddf Cynllunio (Adeiladau Rhestredig ac Ardaloedd Cadwraeth) 1990 (p. 9) a Deddf Cynllunio (Sylweddau Peryglus) 1990 (p. 10), ym mhob achos er mwyn ei gwneud yn ofynnol i Weinidogion Cymru bennu'r weithdrefn y dylid ei dilyn wrth ystyried achosion penodol o dan y Ddeddf honno.

Gall y weithdrefn fod yn ymchwiliad lleol, yn wrandawiad neu'n sylwadau ysgrifenedig, neu'n gyfuniad ohonynt, yn ôl yr hyn a ystyrir yn briodol gan Weinidogion Cymru. Rhaid i Weinidogion Cymru bennu'r weithdrefn o fewn y cyfnod rhagnodedig, hysbysu'r apelydd/ceisydd a'r awdurdod cynllunio lleol o ran pa weithdrefn sydd wedi ei dewis a chyhoeddi'r meini prawf sydd i'w cymhwyso wrth bennu'r weithdrefn i'w dilyn.

Mae erthygl 3 a'r Atodlen yn gwneud diwygiadau sy'n ganlyniadol i'r darpariaethau newydd a fewnosodir gan erthygl 2. Mae'r diwygiadau ym mharagraffau 11(3) a 13(4)(b) o'r Atodlen yn cyfateb i baragraffau 12(3) a 14(7) o Atodlen 10 i Ddeddf Cynllunio 2008. Mae'r ddau baragraff hynny wedi eu cychwyn mewn perthynas ag apelau o dan adran 78 o Ddeddf Cynllunio Gwlad a Thref 1990 yn erbyn penderfyniad awdurdod cynllunio lleol ac o dan adran 174 o'r Ddeddf honno yn erbyn hysbysiad gorfodi.

Mae asesiad effaith wedi ei baratoi mewn perthynas â'r offeryn hwn. Gellir cael copïau oddi wrth yr Is-adran Gynllunio, Llywodraeth Cymru, Parc Cathays, Caerdydd, CF10 3NQ.