



OFFERYNNAU STATUDOL
CYMRU

WELSH STATUTORY
INSTRUMENTS

2015 Rhif 1522 (Cy. 179)

2015 No. 1522 (W. 179)

**CYNLLUNIO GWLAD A
THREF, CYMRU**

**TOWN AND COUNTRY
PLANNING, WALES**

**Rheoliadau Cynllunio Gwlad a
Thref (Ffioedd am Geisiadau,
Ceisiadau Tybiedig ac Ymweliadau
Safle) (Cymru) 2015**

**The Town and Country Planning
(Fees for Applications, Deemed
Applications and Site Visits)
(Wales) Regulations 2015**

NODYN ESBONIADOL

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

Mae'r Rheoliadau hyn yn cydgrynhoi, gyda newidiadau, ddarpariaethau Rheoliadau Cynllunio Gwlad a Thref (Ffioedd am Geisiadau a Cheisiadau Tybiedig) 1989 ("Rheoliadau 1989") i'r graddau y maent yn gymwys yng Nghymru, a Rheoliadau Cynllunio Gwlad a Thref (Ffioedd am Newidiadau Ansylweddol) (Cymru) 2014 ("Rheoliadau 2014").

Mae'r Rheoliadau hyn yn darparu ar gyfer talu ffioedd i awdurdodau cynllunio lleol mewn cysylltiad ag:

(1) ceisiadau a wneir o dan Ddeddf Cynllunio Gwlad a Thref 1990 ("Deddf 1990") am ganiatâd cynllunio ar gyfer datblygu neu am gymeradwyaeth ar gyfer materion a gadwyd yn ôl gan ganiatâd cynllunio amlinellol;

(2) ceisiadau tybiedig am ganiatâd cynllunio o dan adran 177(5) o Ddeddf 1990;

(3) ceisiadau am dystysgrif defnydd neu ddatblygiad cyfreithlon;

(4) ceisiadau am ganiatâd i arddangos hysbysebion;

(5) ceisiadau penodol o dan Ddeddf Cynllunio Gwlad a Thref (Gorchymyn Datblygu Cyffredinol a Ganiateir) 1995;

(6) ceisiadau am newidiadau ansylweddol mewn caniatâd cynllunio; a

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations consolidate, with changes, the provisions of the Town and Country Planning (Fees for Applications and Deemed Applications) Regulations 1989 ("the 1989 Regulations") in so far as they apply in Wales and the Town and Country Planning (Fees for Non-Material Changes) (Wales) Regulations 2014 ("the 2014 Regulations").

These Regulations provide for the payment of fees to local planning authorities in respect of:

(1) applications made under the Town and Country Planning Act 1990 ("the 1990 Act") for planning permission for development or for approval of matters reserved by an outline planning permission;

(2) deemed applications for planning permission under section 177(5) of the 1990 Act;

(3) applications for a certificate of lawful use or development;

(4) applications for consent for the display of advertisements;

(5) certain applications under the Town and Country Planning (General Permitted Development Order) 1995;

(6) applications for non-material changes to planning permission; and

(7) ymweliadau safle ar safleoedd mwynloddio a thirlenwi.

Y prif newidiadau yw:

- (a) cynyddu'r ffioedd oddeutu 15%;
- (b) ad-delir y ffioedd mewn cysylltiad â cheisiadau am ganiatâd cynllunio neu am gymeradwyaeth ar gyfer materion a gadwyd yn ôl, os yw'r awdurdod cynllunio lleol yn methu â phenderfynu'r cais o fewn amseroedd penodedig (rheoliad 9);
- (c) telir y ffioedd mewn cysylltiad â cheisiadau tybiedig i'r awdurdod cynllunio lleol yn hytrach na hanner i'r awdurdod cynllunio lleol a hanner i Weinidogion Cymru (rheoliad 10);
- (d) mae ffioedd a delir mewn cysylltiad â chais tybiedig mewn perthynas â'r defnydd o dir fel safle carafân i'w trin yn yr un modd â cheisiadau eraill at ddibenion ad-daliadau (rheoliad 10(12)). O dan Reoliadau 1989, roedd ceisiadau tybiedig o'r fath wedi eu heithrio o'r darpariaethau ad-dalu;
- (e) mae ffioedd yn daladwy mewn cysylltiad â cheisiadau am ganiatâd, cytundeb neu gymeradwyaeth a wneir yn ofynnol gan unrhyw amod neu gyfyngiad cynllunio, ac ad-delir unrhyw ffi o'r fath os yw'r awdurdod cynllunio lleol yn methu â phenderfynu'r cais o fewn amseroedd penodedig (rheoliad 15);
- (f) mae ffi yn daladwy i'r awdurdod cynllunio lleol am gais diwygiedig am gymeradwyaeth ar gyfer materion a gadwyd yn ôl, os rhoddwyd cymeradwyaeth eisoes ar gyfer y materion hynny. O dan Reoliadau 1989 roedd cais o'r fath yn esempt thag talu ffi os oedd amodau wedi eu bodloni;
- (g) pan wneir ceisiadau am ganiatâd cynllunio, am gymeradwyaeth ar gyfer materion a gadwyd yn ôl neu am dystysgrifau defnydd cyfreithlon neu ddatblygu, sy'n ymwneud â thir yn ardal dau neu ragor o awdurdodau cynllunio lleol, mae ffi'n daladwy i bob un o'r awdurdodau cynllunio lleol (paragraff 8 o Atodlen 1). O dan Reoliadau 1989 roedd y ffi'n daladwy i'r awdurdod cynllunio lleol y lleolid y rhan helaethaf o'r tir yn ei ardal.

Gwnaed rhai mân ddiwygiadau drafftio a chanlyniadol yn ogystal.

Mae Rheoliadau 1989 a 2014 wedi eu dirymu a gwneir rhai darpariaethau trosiannol ac arbed.

(7) site visits to mining and landfill sites.

The main changes are:

- (a) an increase in fees by approximately 15%;
- (b) fees paid in respect of applications for planning permission or for approval of reserved matters are refunded if the local planning authority fail to determine the application within specified times (regulation 9);
- (c) fees in respect of deemed applications are paid to the local planning authority rather than half to the local planning authority and half to the Welsh Ministers (regulation 10);
- (d) fees paid in respect of a deemed application in relation to the use of the land as a caravan site are to be treated the same as other applications for the purposes of refunds (regulation 10(12)). Under the 1989 Regulations, such a deemed application was excluded from the provisions for refunds;
- (e) fees are payable in respect of applications for consent, agreement or approval required by any planning condition or limitation, and any such fee is refunded if the local planning authority fail to determine the application within specified times (regulation 15);
- (f) a fee is payable to the local planning authority on a revised application for approval of reserved matters where those reserved matters have previously been approved. Under the 1989 Regulations such an application was exempt from payment of a fee where conditions were met;
- (g) where applications are made for planning permission, for approval of reserved matters or for certificates of lawful use or development which relate to land in the area of two or more local planning authorities, a fee is payable to each local planning authority (paragraph 8 of Schedule 1). Under the 1989 Regulations the fee was payable to the local planning authority in whose area the largest part of the land was situated.

Some minor and consequential drafting changes have also been made.

The 1989 and 2014 Regulations are revoked and there are transitional and savings provisions.

Mae'r Asesiad Effaith Rheoleiddiol sy'n gymwys i'r Rheoliadau hyn ar gael gan Lywodraeth Cymru ym Mharc Cathays, Caerdydd, CF10 3NQ ac ar wefan Llywodraeth Cymru yn www.cymru.gov.uk.

The Regulatory Impact Assessment applicable to these Regulations is obtainable from the Welsh Government at: Cathays Park, Cardiff, CF10 3NQ and on the Welsh Government website at www.wales.gov.uk.

2015 Rhif 1522 (Cy. 179)

**CYNLLUNIO GWLAD A
THREF, CYMRU**

**Rheoliadau Cynllunio Gwlad a
Thref (Ffioedd am Geisiadau,
Ceisiadau Tybiedig ac Ymweliadau
Safle) (Cymru) 2015**

Gwnaed

6 Gorffennaf 2015

Yn dod i rym

1 Hydref 2015

2015 No. 1522 (W. 179)

**TOWN AND COUNTRY
PLANNING, WALES**

**The Town and Country Planning
(Fees for Applications, Deemed
Applications and Site Visits)
(Wales) Regulations 2015**

Made

6 July 2015

Coming into force

1 October 2015

CYNNWYS

1. Enwi, cychwyn a chymhwyso
2. Dehongli
3. Ffioedd am geisiadau cynllunio
4. Eithriadau – mynediad a chyfleusterau ar gyfer personau anabl
5. Eithriadau – pan nad yw caniatâd a roddir gan y Gorchymyn Datblygu Cyffredinol a Ganiateir yn gymwys
6. Eithriadau – cais mewn perthynas â'r un dosbarth defnydd yn angenrheidiol oherwydd amod
7. Eithriadau – cydgrynhoi caniatadau mwynau sy'n bodoli eisoes
8. Esemptiadau – cais sy'n dilyn tynnu'n ôl gais cynharach neu wrthod caniatâd cynllunio etc.
9. Ad-dalu ffioedd mewn perthynas â cheisiadau nas penderfynir o fewn cyfnodau penodedig
10. Ffioedd mewn cysylltiad â cheisiadau tybiedig
11. Ffioedd am geisiadau am dystysgrifau defnydd neu ddatblygiad cyfreithlon
12. Ffioedd am geisiadau am ganiatâd ar gyfer hysbysebion

CONTENTS

1. Title, commencement and application
2. Interpretation
3. Fees for planning applications
4. Exceptions – access and facilities for disabled persons
5. Exceptions – permission granted by General Permitted Development Order not applying
6. Exceptions – application relating to same use class necessary because of condition
7. Exceptions – consolidation of subsisting minerals permissions
8. Exemptions – application following withdrawal of earlier application or refusal of planning permission etc.
9. Refund of fees in relation to applications not determined within specified periods
10. Fees in respect of deemed applications
11. Fees for applications for certificates of lawful use or development
12. Fees for applications for consent for advertisements

13. Ffioedd am geisiadau penodol o dan y Gorchymyn Datblygu Cyffredinol a Ganiateir
14. Ffioedd mewn cysylltiad â monitro safleoedd mwyngloddio a thirlenwi
15. Ffioedd am geisiadau a wneir o dan amod cynllunio
16. Ffioedd am geisiadau am newidiadau ansylweddol i ganiatâd cynllunio
17. Dirymu, darpariaethau trosiannol ac arbedion

ATODLEN 1 Ffioedd mewn Cysylltiad â Cheisiadau a Cheisiadau Tybiedig am Ganiatâd Cynllunio neu am Gymeradwyaeth ar gyfer Materion a Gadwyd yn ôl

RHAN 1 — Ffioedd sy'n Daladwy o dan Reoliad 3 neu Reoliad 10

RHAN 2 — Graddfa Ffioedd mewn Cysylltiad â Cheisiadau a Wnaed neu y Tybir iddynt gael eu Gwneud

ATODLEN 2 — Ffioedd am Hysbysebion

ATODLEN 3 — Offerynnau Statudol a Ddirymir i'r graddau y maent yn gymwys o ran Cymru

13. Fees for certain applications under the General Permitted Development Order
14. Fees in respect of the monitoring of mining and landfill sites
15. Fees for applications made under planning condition
16. Fees for applications for non-material changes to planning permission
17. Revocation, transitional provisions and savings

SCHEDULE 1 Fees in Respect of Applications and Deemed Applications for Planning Permission or for Approval of Reserved Matters

PART 1 — Fees Payable under Regulation 3 or Regulation 10

PART 2 — Scale of Fees in Respect of Applications Made or Deemed to be Made

SCHEDULE 2 — Fees for Advertisements

SCHEDULE 3 — Statutory Instruments revoked so far as they apply to Wales

Mae Gweinidogion Cymru, drwy arfer y pwerau a roddir iddynt gan adrannau 303 a 333(2A) o Ddeddf Cynllunio Gwlad a Thref 1990(1) yn gwneud y Rheoliadau a ganlyn.

Yn unol ag adran 303(8) o'r Ddeddf honno, gosodwyd drafft o'r offeryn hwn gerbron Cynulliad Cenedlaethol Cymru a chymeradwywyd ef drwy benderfyniad Cynulliad Cenedlaethol Cymru.

Enwi, cychwyn a chymhwyso

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau Cynllunio Gwlad a Thref (Ffioedd am Geisiadau, Ceisiadau Tybiedig ac Ymweliadau Safle) (Cymru) 2015, a deuant i rym ar 1 Hydref 2015.

(2) Mae'r Rheoliadau hyn yn gymwys o ran Cymru.

(3) Mae'r Rheoliadau hyn yn gymwys—

- (a) i geisiadau am ganiatâd cynllunio y tybir iddynt gael eu gwneud yn rhinwedd adran 177(5) o Ddeddf 1990 (rhoi neu addasu caniatâd cynllunio yn dilyn apelau yn erbyn hysbysiadau gorfodi)(2), mewn cysylltiad â hysbysiad gorfodi a ddyroddir ar neu ar ôl y dyddiad y daw'r Rheoliadau hyn i rym; a
- (b) i'r ceisiadau a'r ymweliadau safle canlynol a wneir ar neu ar ôl y dyddiad y daw'r Rheoliadau hyn i rym—
 - (i) ceisiadau am ganiatâd cynllunio;
 - (ii) ceisiadau am gymeradwyaeth ar gyfer materion a gadwyd yn ôl(3);
 - (iii) ceisiadau o dan adran 191 o Ddeddf 1990 (tystysgrif o gyfreithlondeb defnydd neu ddatblygiad presennol)(4);
 - (iv) ceisiadau o dan adran 192 o Ddeddf 1990 (tystysgrif o gyfreithlondeb defnydd neu ddatblygiad arfaethedig)(5);

The Welsh Ministers, in exercise of the powers conferred on them by sections 303 and 333(2A) of the Town and Country Planning Act 1990(1) make the following Regulations.

In accordance with section 303(8) of that Act, a draft of this instrument was laid before and approved by resolution of the National Assembly for Wales.

Title, commencement and application

1.—(1) The title of these Regulations is the Town and Country Planning (Fees for Applications, Deemed Applications and Site Visits) (Wales) Regulations 2015 and they come into force on 1 October 2015.

(2) These Regulations apply in relation to Wales.

(3) These Regulations apply—

- (a) to applications for planning permission deemed to have been made, by virtue of section 177(5) of the 1990 Act (grant or modification of planning permission on appeals against enforcement notices)(2), in connection with an enforcement notice issued on or after the date on which these Regulations come into force; and
- (b) to the following applications and site visits made on or after the date on which these Regulations come into force—
 - (i) applications for planning permission;
 - (ii) applications for approval of reserved matters(3);
 - (iii) applications under section 191 of the 1990 Act (certificate of lawfulness of existing use or development)(4);
 - (iv) applications under section 192 of the 1990 Act (certificate of lawfulness of proposed use or development)(5);

(1) 1990 p. 8. Amnewidiwyd adran 303 gan adran 199 o Ddeddf Cynllunio 2008 (p. 29). Gweler adran 336(1) o Ddeddf 1990 ar gyfer ystyr "prescribed". Gwnaed diwygiadau eraill nad ydynt yn berthnasol i'r Rheoliadau hyn. Mewnosodwyd adran 333(2A) gan adran 118(1) o Ddeddf Cynllunio a Phrynu Gorfodol 2004 (p. 5) a pharagraffau 1 ac 14 o Atodlen 6 i'r Ddeddf honno.

(2) Diwygiwyd adran 177(5) gan adran 32 o Ddeddf Cynllunio a Digolledu 1991 (p. 34) a pharagraffau 8 a 24(3) o Atodlen 7 i'r Ddeddf honno a chan adran 123(1) a (6) o Ddeddf Lleoliaeth 2011 (p. 20).

(3) Diffinnir "reserved matters" yn adran 92(1) o Ddeddf 1990.

(4) Amnewidiwyd adran 191 gan adran 10(1) o Ddeddf Cynllunio a Digolledu 1991 (p. 34) ac fe'i diwygiwyd gan adran 124(3) o Ddeddf Lleoliaeth 2011 (p. 20) a chan adran 58(1) o Ddeddf Cartrefi Symudol (Cymru) 2013 (2013 decc 6) a pharagraff 6(1) a (3) o Atodlen 4 i'r Ddeddf honno.

(5) Amnewidiwyd adran 192 gan adran 10(1) o Ddeddf Cynllunio a Digolledu 1991 (p. 34).

(1) 1990 c. 8. Section 303 was substituted by section 199 of the Planning Act 2008 (c. 29). See section 336(1) of the 1990 Act for the meaning of "prescribed". Other amendments are not relevant to these Regulations. Section 333(2A) was inserted by section 118(1) of, and paragraphs 1 and 14 of Schedule 6 to, the Planning and Compulsory Purchase Act 2004 (c. 5).

(2) Section 177(5) was amended by section 32 of, and paragraphs 8 and 24(3) of Schedule 7 to, the Planning and Compensation Act 1991 (c. 34) and by section 123(1) and (6) of the Localism Act 2011 (c. 20).

(3) "Reserved matters" are defined in section 92(1) of the 1990 Act.

(4) Section 191 was substituted by section 10(1) of the Planning and Compensation Act 1991 (c. 34) and was amended by section 124(3) of the Localism Act 2011 (c. 20) and by section 58(1) of, and paragraph 6(1) and (3) of Schedule 4 to, the Mobile Homes (Wales) Act 2013 (2013 anaw 6).

(5) Section 192 was substituted by section 10(1) of the Planning and Compensation Act 1991 (c. 34).

- (v) ceisiadau am ganiatâd i arddangos hysbysebion;
- (vi) ceisiadau o dan y Gorchymyn Datblygu Cyffredinol a Ganiateir, y cyfeirir atynt yn rheoliad 13;
- (vii) ymweliadau safle â safle mwyngloddio neu safle tirlenwi;
- (viii) ceisiadau o dan amod cynllunio; a
- (ix) ceisiadau o dan adran 96A(4) o Ddeddf 1990 (pŵer i wneud newidiadau ansylweddol i ganiatâd cynllunio)(1).

- (v) applications for consent for the display of advertisements;
- (vi) applications under the General Permitted Development Order referred to in regulation 13;
- (vii) site visits to a mining site or a landfill site;
- (viii) applications under planning condition; and
- (ix) applications under section 96A(4) of the 1990 Act (power to make non-material changes to planning permission)(1).

Dehongli

2.—(1) Yn y Rheoliadau hyn—

mae i “caniatâd cynllunio amlinellol” (“*outline planning permission*”) yr un ystyr a roddir yn erthygl 2(1) o’r Gorchymyn Gweithdrefn Rheoli Datblygu;

ystyr “caniatâd mwynau” (“*mineral permission*”) yw unrhyw ganiatâd cynllunio ar gyfer datblygiad sy’n cynnwys—

- (a) cloddio a gweithio mwynau; neu
- (b) gollwng gwastraff mwynau;

ystyr “caniatâd tirlenwi” (“*landfill permission*”) yw unrhyw ganiatâd cynllunio—

- (a) ar gyfer datblygiad gweithredol tir y bwriedir ei ddefnyddio yn gyfan gwbl neu’n bennaf fel safle i waredu gwastraff drwy ollwng gwastraff ar y tir neu i mewn ynddo, neu
- (b) ar gyfer unrhyw newid defnydd sylweddol o safle o’r fath;

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

mae “defnydd o dir” (“*use of land*”) yn cynnwys defnyddio tir ar gyfer cloddio a gweithio mwynau;

ystyr “y Gorchymyn Datblygu Cyffredinol a Ganiateir” (“*the General Permitted Development Order*”) yw Gorchymyn Cynllunio Gwlad a Thref (Datblygu Cyffredinol a Ganiateir) 1995(2);

ystyr “y Gorchymyn Gweithdrefn Rheoli Datblygu” (“*the Development Management Procedure Order*”) yw Gorchymyn Cynllunio Gwlad a Thref (Gweithdrefn Rheoli Datblygu) (Cymru) 2012(3);

Interpretation

2.—(1) In these Regulations—

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

“the 1989 Regulations” (“*Rheoliadau 1989*”) means the Town and Country Planning (Fees for Applications and Deemed Applications) Regulations 1989(2);

“the 1992 Regulations” (“*Rheoliadau 1992*”) means the Town and Country Planning (Control of Advertisements) Regulations 1992(3);

“the Development Management Procedure Order” (“*y Gorchymyn Gweithdrefn Rheoli Datblygu*”) means the Town and Country Planning (Development Management Procedure) (Wales) Order 2012(4);

“the General Permitted Development Order” (“*y Gorchymyn Datblygu Cyffredinol a Ganiateir*”) means the Town and Country Planning (General Permitted Development) Order 1995(5);

“dwellinghouse” (“*tŷ annedd*”) means a building(6) which is used as a single private dwellinghouse and for no other purpose;

(1) Mewnosodwyd adran 96A gan adran 190(1) a (2) o Ddeddf Cynllunio 2008 (p. 29) ac fe’i diwygiwyd gan O.S. 2014/1770 (Cy. 182).

(2) O.S. 1995/418.

(3) O.S. 2012/801 (Cy. 110), a ddiwygiwyd gan O.S. 2014/1772 (Cy. 183). Gwnaed diwygiadau eraill nad ydynt yn berthnasol i’r Rheoliadau hyn.

(1) Section 96A was inserted by section 190(1) and (2) of the Planning Act 2008 (c. 29) and amended by S.I. 2014/1770 (W. 182).

(2) S.I. 1989/193. Relevant amending instruments are S.I. 1990/2473, S.I. 1991/2735, S.I. 1992/1817, S.I. 1992/3052, S.I. 1993/3170, S.I. 1996/525, S.I. 1997/37, S.I. 2002/1876 (W. 185), S.I. 2002/2258 (W. 222), S.I. 2003/394 (W. 53), S.I. 2004/2736 (W. 243), S.I. 2006/948 (W. 97), S.I. 2006/1052 (W. 108), S.I. 2006/1282, and S.I. 2009/851 (W. 76).

(3) S.I. 1992/666. Regulation 9 was substituted by regulation 2 of S.I. 2012/791 (W. 106). See regulation 15 of S.I. 2008/1848 (W. 177) in relation to the application of the 1992 Regulations to the display on any site in a voting area of an advertisement relating specifically to a referendum. Other amendments are not relevant to these Regulations.

(4) S.I. 2012/801 (W. 110), amended by S.I. 2014/1772 (W. 183). Other amendments are not relevant to these Regulations.

(5) S.I. 1995/418.

(6) “Building” includes a part of a building, see definition in section 336(1) of the 1990 Act.

ystyr “Rheoliadau 1989” (“*the 1989 Regulations*”) yw Rheoliadau Cynllunio Gwlad a Thref (Ffioedd am Geisiadau a Cheisiadau Tybiedig) 1989(1);

ystyr “Rheoliadau 1992” (“*the 1992 Regulations*”) yw Rheoliadau Cynllunio Gwlad a Thref (Rheoli Hysbysebion) 1992(2);

ystyr “safle mwyngloddio” (“*mining site*”) yw—

(a) cyfanswm arwynebedd y tir y mae unrhyw ddau neu ragor o ganiatadau mwynau yn ymwneud ag ef pan fo cyfanswm arwynebedd y tir—

(i) yn cael ei weithio fel safle sengl; neu

(ii) yn cael ei drin fel safle sengl gan yr awdurdod cynllunio lleol at ddibenion Atodlen 13 i Ddeddf yr Amgylchedd 1995 (adolygu hen ganiatadau cynllunio mwynau)(3) neu Atodlen 14 i'r Ddeddf honno (adolygu yn gyfnodol hen ganiatadau cynllunio mwynau)(4); a

(b) mewn unrhyw achos arall, y tir y mae caniatâd mwynau yn ymwneud ag ef;

ystyr “safle tirlenwi” (“*landfill site*”) yw'r tir y mae caniatâd tirlenwi yn ymwneud ag ef;

ystyr “tŷ annedd” (“*dwellinghouse*”) yw adeilad(5) a ddefnyddir fel tŷ annedd preifat sengl ac nas defnyddir ar gyfer unrhyw ddiben arall;

ystyr “tŷ gwydr” (“*glasshouse*”) yw adeilad—

(a) sydd â dim llai na thri chwarter cyfanswm ei arwynebedd allanol yn cynnwys gwydr neu ddeunydd tryleu arall;

“glasshouse” (“*tŷ gwydr*”) means a building which—

(a) has not less than three-quarters of its total external area comprised of glass or other translucent material;

(b) is designed for the production of flowers, fruit, vegetables, herbs or other horticultural produce; and

(c) is used, or is to be used, solely for the purposes of agriculture;

“landfill permission” (“*caniatâd tirlenwi*”) means any planning permission for—

(a) the operational development of land designed to be used wholly or mainly for the purpose of, or

(b) any material change of use to,

a waste disposal site for the deposit of waste onto or into the land;

“landfill site” (“*safle tirlenwi*”) means the land to which a landfill permission relates;

“mineral permission” (“*caniatâd mwynau*”) means any planning permission for development consisting of—

(a) the winning and working of minerals; or

(b) the depositing of mineral waste;

“mining site” (“*safle mwyngloddio*”) means—

(a) the total area of the land to which any two or more mineral permissions relate where the total area of the land—

(i) is worked as a single site; or

(ii) is treated as a single site by the local planning authority for the purposes of Schedule 13 to the Environment Act 1995 (review of old mineral planning permissions)(1) or Schedule 14 to that Act (periodic review of mineral planning permissions)(2); and

(b) in any other case, the land to which a mineral permission relates;

(1) O.S. 1989/193. Yr offerynnau diwygio perthnasol yw O.S. 1990/2473, O.S. 1991/2735, O.S. 1992/1817, O.S. 1992/3052, O.S. 1993/3170, O.S. 1996/525, O.S. 1997/37, O.S. 2002/1876 (Cy. 185), O.S. 2002/2258 (Cy. 222), O.S. 2003/394 (Cy. 53), O.S. 2004/2736 (Cy. 243), O.S. 2006/948 (Cy. 97) O.S. 2006/1052 (Cy. 108), O.S. 2006/1282 ac O.S. 2009/851 (Cy. 76).

(2) O.S. 1992/666. Amnewidiwyd reoliad 9 gan reoliad 2 o O.S. 2012/791 (Cy. 106). Gweler rheoliad 15 o O.S. 2008/1848 (Cy. 177) mewn perthynas â chymhwyso Rheoliadau 1992 ynglŷn ag arddangos ar unrhyw safle mewn ardal bleidleisio hysbyseb sy'n ymwneud yn benodol â refferendwm. Gwnaed diwygiadau eraill nad ydynt yn berthnasol i'r Rheoliadau hyn.

(3) 1995 p. 25. Diwygiwyd Atodlen 13 gan: adrannau 76(1) a 93 o Ddeddf Cefn Gwlad a Hawliau Tramwy 2000 (p. 37), a pharagraff 10 o Atodlen 10 a pharagraff 13 o Atodlen 15 i'r Ddeddf honno; adrannau 3 a 4 o Ddeddf Cynllunio (Darpariaethau Canlyniadol) (Yr Alban) 1997 (p. 11) a Rhan 3 o Atodlen 1 a pharagraff 60 o Atodlen 2 i'r Ddeddf honno; a chan O.S. 2004/3156 (Cy. 273).

(4) Diwygiwyd Atodlen 14 gan: adran 118(2) o Ddeddf Cynllunio a Phrynu Gorfodol 2004 (p. 5), a pharagraff 19(1) a (4) o Atodlen 7 i'r Ddeddf honno; adran 10(1) o Ddeddf Twf a Seilwaith 2013 (p. 27), a pharagraffau 1 i 9 o Atodlen 3 i'r Ddeddf honno; adrannau 3 a 4 o Ddeddf Cynllunio (Darpariaethau Canlyniadol) (Yr Alban) 1997 (p. 11) a Rhan 3 o Atodlen 1 a pharagraff 60 o Atodlen 2 i'r Ddeddf honno; a chan O.S. 2004/3156 (Cy. 273).

(5) Mae “building” yn cynnwys rhan o adeilad, gweler y diffiniad yn adran 336(1) o Ddeddf 1990.

(1) 1995 c. 25. Schedule 13 was amended by: sections 76(1) and 93 of, and paragraph 10 of Schedule 10 and paragraph 13 of Schedule 15 to, the Countryside and Rights of Way Act 2000 (c. 37); sections 3 and 4 of, and Part 3 of Schedule 1 and paragraph 60 of Schedule 2 to, the Planning (Consequential Provisions) (Scotland) Act 1997 (c. 11) and by S.I. 2004/3156 (W. 273).

(2) Schedule 14 was amended by: section 118(2) of, and paragraph 19(1) and (4) of Schedule 7 to the Planning and Compulsory Purchase Act 2004 (c. 5); section 10(1) of, and paragraphs 1 to 9 of Schedule 3 to the Growth and Infrastructure Act 2013 (c. 27), sections 3 and 4 of, and Part 3 of Schedule 1 and paragraph 60 of Schedule 2 to, the Planning (Consequential Provisions) (Scotland) Act 1997 (c. 11) and by S.I. 2004/3156 (W. 273).

(b) wedi ei gynllunio at y diben o gynhyrchu blodau, ffrwythau, llysiau, perlysiau neu gynhyrchion garddwriaethol eraill; ac

(c) a ddefnyddir neu y bwriedir ei ddefnyddio, at ddibenion amaethyddiaeth yn unig;

ystyr “ymweliad safle” (“*site visit*”) yw awdurdod cynllunio lleol yn mynd i mewn i safle mwynau neu safle tirlenwi er mwyn—

(a) canfod a oes unrhyw doriad rheolaeth gynllunio yn digwydd neu wedi digwydd ar y safle;

(b) penderfynu a ddylid arfer, mewn perthynas â'r safle, unrhyw bwerau a roddwyd i'r awdurdod cynllunio lleol gan Ran 7 o Ddeddf 1990 (gorfodi)(1);

(c) penderfynu sut y dylid arfer unrhyw bŵer o'r fath mewn perthynas â'r safle hwnnw; neu

(d) canfod a fu unrhyw gydymffurfiaid ag unrhyw ofyniad a osodwyd o ganlyniad i arfer unrhyw bŵer o'r fath mewn perthynas â'r safle.

(2) Mae i ymadroddion a ddefnyddir yn rheoliad 12 ac Atodlen 2, ac y defnyddir eu cyfystyron Saesneg yn Rheoliadau 1992, yr ystyron a roddir i'r cyfystyron Saesneg hynny yn Rheoliadau 1992.

(3) Yn y Rheoliadau hyn, mae cyfeiriadau at awdurdod cynllunio lleol yn gyfeiriadau at awdurdod cynllunio lleol yng Nghymru.

Ffioedd am geisiadau cynllunio

3.—(1) Yn ddarostyngedig i reoliadau 4 i 8, pan wneir cais i awdurdod cynllunio lleol am ganiatâd cynllunio ar gyfer datblygu tir neu am gymeradwyaeth ar gyfer materion a gadwyd yn ôl, rhaid talu ffi i'r awdurdod hwnnw.

(2) Cyfrifir y ffi sy'n daladwy mewn cysylltiad â'r cais yn unol ag Atodlen 1.

“outline planning permission” (“*caniatâd cynllunio amlinellol*”) has the same meaning as in article 2(1) of the Development Management Procedure Order;

“site visit” (“*ymweliad safle*”) means entry by a local planning authority on to a mining site or landfill site—

(a) to ascertain whether there is or has been any breach of planning control on the site;

(b) to determine whether any of the powers conferred on the local planning authority by Part 7 of the 1990 Act (enforcement)(1) should be exercised in relation to the site;

(c) to determine how any such power should be exercised in relation to the site; or

(d) to ascertain whether there has been any compliance with any requirement imposed as a result of any such power having been exercised in relation to the site;

“use of land” (“*defnydd o dir*”) includes use of land for the winning and working of minerals.

(2) Expressions used in regulation 12 and Schedule 2 have the meaning which they bear in the 1992 Regulations.

(3) In these Regulations references to a local planning authority are references to a local planning authority in Wales.

Fees for planning applications

3.—(1) Subject to regulations 4 to 8, where an application is made to a local planning authority for planning permission for the development of land or for the approval of reserved matters, a fee must be paid to that authority.

(2) The fee payable in respect of the application is calculated in accordance with Schedule 1.

(1) Diwygiwyd Rhan 7 gan: adrannau 1 i 11, 32 ac 84 o Ddeddf Cynllunio a Digolledu 1991 (p. 34), a pharagraff 11 o Atodlen 1, paragraffau 22 i 33 o Atodlen 7 a Rhan 1 o Atodlen 19 i'r Ddeddf honno; adran 20(4)(b) o Ddeddf Llywodraeth Leol (Cymru) 1994 (p. 19) a pharagraff 24(5) o Atodlen 6 i'r Ddeddf honno; adran 196(4) o Ddeddf Cynllunio 2008 (p. 29) a pharagraffau 1, 5 a 6 o Atodlen 10 a pharagraff 3 o Atodlen 11 i'r Ddeddf honno; adrannau 123 i 126 o Ddeddf Lleoliaeth 2011 (p. 20); adran 63 o Ddeddf Menter a Diwygio Rheoleiddio 2013 (p. 24), a pharagraffau 4, 5 a 6 o Atodlen 17 i'r Ddeddf honno; adran 58(1) o Ddeddf Cartrefi Symudol (Cymru) 2013 (2013 decc 6) a pharagraff 6(1) a (3) o Atodlen 4 i'r Ddeddf honno a chan O.S. 2004/3156 (Cy. 273), O.S. 2009/1307 a chan O.S. 2014/2773 (Cy. 280). Gwnaed diwygiadau eraill nad ydynt yn berthnasol i'r Rheoliadau hyn.

(1) Part 7 was amended by: sections 1 to 11, 32 and 84 of, and paragraph 11 of Schedule 1, paragraphs 22 to 33 of Schedule 7, and Part 1 of Schedule 19 to, the Planning and Compensation Act 1991 (c. 34); section 20(4)(b) of and paragraph 24(5) of Schedule 6 to the Local Government (Wales) Act 1994 (c. 19); section 196(4) of, and paragraphs 1, 5 and 6 of Schedule 10 and paragraph 3 of Schedule 11 to, the Planning Act 2008 (c. 29); sections 123 to 126 of the Localism Act 2011 (c. 20); section 63 of, and paragraphs 4, 5 and 6 of Schedule 17 to the Enterprise and Regulatory Reform Act 2013 (c. 24); section 58(1) of, and paragraph 6(1) and (3) of Schedule 4 to, the Mobile Homes (Wales) Act 2013 (2013 anaw 6) and by S.I. 2004/3156 (W. 273), S.I. 2009/1307 and by S.I. 2014/2773 (W. 280). Other amendments are not relevant to these Regulations.

(3) Pan fo ffi'n daladwy mewn cysylltiad â chais, rhaid talu'r ffi i'r awdurdod cynllunio lleol y cyflwynir y cais iddo, a rhaid ei chyflwyno ynghyd â'r cais.

(4) Os nad yr awdurdod cynllunio lleol sy'n cael y ffi yn unol â pharagraffau (1) i (3) yw'r awdurdod cynllunio lleol sy'n gorfod penderfynu'r cais, rhaid i'r awdurdod sy'n cael y ffi anfon y ffi at yr awdurdod hwnnw yr un pryd ag y bydd yn anfon y cais ymlaen ato.

(5) Rhaid ad-dalu unrhyw ffi a delir yn unol â'r rheoliad hwn os gwrthodir y cais ar y sail ei fod yn annilys.

Eithriadau – mynediad a chyfleusterau ar gyfer personau anabl

4.—(1) Nid yw rheoliad 3 yn gymwys pan fodlonir yr awdurdod cynllunio lleol y gwneir y cais iddo fod y cais yn ymwneud yn unig ag—

- (a) cyflawni gweithrediadau i addasu neu estyn tŷ annedd presennol; neu
- (b) cyflawni gweithrediadau o fewn cwrtill tŷ annedd presennol (ac eithrio codi tŷ annedd),

at y diben, yn y naill achos a'r llall, o ddarparu mynedfa i'r tŷ annedd, neu oddi mewn i'r tŷ annedd, ar gyfer person anabl sy'n preswyllo neu'n bwriadu preswyllo yn y tŷ annedd hwnnw, neu o ddarparu cyfleusterau a fwriadwyd i sicrhau gwell diogelwch, iechyd neu gysur i'r person hwnnw.

(2) Nid yw rheoliad 3 yn gymwys pan fodlonir yr awdurdod cynllunio lleol y gwneir y cais iddo fod y cais yn ymwneud yn unig â chyflawni gweithrediadau at y diben o ddarparu mynedfa ar gyfer personau anabl i adeilad neu fangre y derbynir aelodau'r cyhoedd iddynt (pa un ai am dâl ai peidio), neu oddi mewn i adeilad neu fangre o'r fath.

(3) At ddibenion y rheoliad hwn, mae person yn anabl—

- (a) os oes nam sylweddol ar olwg, clyw neu leferydd y person hwnnw;
- (b) os oes gan y person hwnnw anhwylder meddyliol; neu
- (c) os gwnaed y person hwnnw yn sylweddol anabl yn gorfforol gan unrhyw salwch, unrhyw nam a oedd yn bresennol o'i enedigael, neu rywfodd arall.

(4) Yn y rheoliad hwn, ystyr "anhwylder meddyliol" ("mental disorder") yw unrhyw anhwylder neu anabledd y meddwl.

(3) Where a fee is payable in respect of an application, the fee must be paid to the local planning authority with whom the application is lodged and must accompany the application.

(4) Where the local planning authority who receive the fee in accordance with paragraphs (1) to (3) are not the local planning authority who have to determine the application, they must remit the fee to that authority at the same time as they forward the application to them.

(5) Any fee paid pursuant to this regulation must be refunded if the application is rejected as invalid.

Exceptions – access and facilities for disabled persons

4.—(1) Regulation 3 does not apply where the local planning authority to whom the application is made are satisfied that it relates solely to—

- (a) the carrying out of operations for the alteration or extension of an existing dwellinghouse; or
- (b) the carrying out of operations within the curtilage of an existing dwellinghouse (other than the erection of a dwellinghouse),

for the purpose, in either case, of providing means of access to or within the dwellinghouse for a disabled person who is resident in, or is proposing to take up residence in, that dwellinghouse, or of providing facilities designed to secure that person's greater safety, health or comfort.

(2) Regulation 3 does not apply where the local planning authority to whom the application is made are satisfied that it relates solely to the carrying out of operations for the purpose of providing means of access for disabled persons to or within a building or to premises to which members of the public are admitted (whether on payment or otherwise).

(3) For the purposes of this regulation a person is disabled if—

- (a) the person's sight, hearing or speech is substantially impaired;
- (b) the person has a mental disorder; or
- (c) the person is physically substantially disabled by any illness, any impairment present since birth, or otherwise.

(4) In this regulation "mental disorder" ("*anhwylder meddyliol*") means any disorder or disability of the mind.

Eithriadau – pan nad yw caniatâd a roddir gan y Gorchymyn Datblygu Cyffredinol a Ganiateir yn gymwys

5.—(1) Nid yw rheoliad 3 yn gymwys pan fodlonir yr awdurdod cynllunio lleol—

- (a) bod y cais yn ymwneud yn unig â datblygiad sydd o fewn un neu ragor o'r dosbarthiadau a bennir yn Atodlen 2 i'r Gorchymyn Datblygu Cyffredinol a Ganiateir(1); a
- (b) nad yw'r caniatâd a roddir gan erthygl 3 o'r Gorchymyn hwnnw (datblygu a ganiateir)(2) yn gymwys mewn cysylltiad â'r datblygiad hwnnw oherwydd (ac yn unig oherwydd)—
 - (i) cyfarwyddyd a wnaed o dan erthygl 4 o'r Gorchymyn hwnnw (cyfarwyddiadau sy'n cyfyngu ar ddatblygu a ganiateir)(3) sydd mewn grym ar y dyddiad y gwnaed y cais; neu
 - (ii) gofynion amod a osodwyd ar ganiatâd a roddwyd, neu y tybir iddo gael ei roi o dan Ran 3 o Ddeddf 1990 (rheolaeth dros ddatblygu)(4) rywfodd ac eithrio gan y Gorchymyn hwnnw.

(2) Rhaid dehongli ceisiadau y cyfeirir atynt ym mharagraff (1)(a) fel pe baent yn cynnwys ceisiadau am ganiatâd cynllunio i barhau'r defnydd o dir, neu gadw adeiladau neu weithfeydd, heb gydymffurfio ag amod y rhoddwyd caniatâd cynllunio blaenorol yn ddarostyngedig iddo, pan fo'r amod hwnnw'n gwahardd neu'n cyfyngu ar gyflawni unrhyw ddatblygiad o fewn un neu ragor o'r dosbarthiadau a bennir yn Atodlen 2 i'r Gorchymyn Datblygu Cyffredinol a Ganiateir.

Exceptions – permission granted by General Permitted Development Order not applying

5.—(1) Regulation 3 does not apply where the local planning authority are satisfied that—

- (a) the application relates solely to development which is within one or more of the classes specified in Schedule 2 to the General Permitted Development Order(1); and
- (b) the permission granted by article 3 of that Order (permitted development)(2) does not apply in respect of that development by reason of (and only by reason of)—
 - (i) a direction made under article 4 of that Order (directions restricting permitted development)(3) which is in force on the date when the application is made; or
 - (ii) the requirements of a condition imposed on a permission granted or deemed to be granted under Part 3 of the 1990 Act (control over development)(4) otherwise than by that Order.

(2) Applications referred to in paragraph (1)(a) must be construed as including applications for planning permission for the continuance of a use of land, or the retention of buildings or works, without compliance with a condition subject to which a previous planning permission was granted, where the condition prohibits or limits the carrying out of any development within one or more of the classes specified in Schedule 2 to the General Permitted Development Order.

(1) Diwygiwyd Atodlen 2 gan adran 76(7) o Ddeddf Cyfleustodau 2000 (p. 27) ac O.S. 1996/528, O.S. 1997/366, O.S. 1999/1661, O.S. 2001/1149, O.S. 2001/4050, O.S. 2002/1878 (Cy. 187), O.S. 2003/2155, O.S. 2004/945, O.S. 2006/124 (Cy. 17), O.S. 2006/1386 (Cy. 136), O.S. 2007/952 (Cy. 83), O.S. 2008/502 (Cy. 43), O.S. 2009/2193 (Cy. 185), O.S. 2011/2085, O.S. 2012/1346 (Cy. 167), O.S. 2012/2318 (Cy. 252), O.S. 2013/1776 (Cy. 177), O.S. 2014/592 (Cy. 69) ac O.S. 2014/2692. Nid yw diwygiadau eraill yn berthnasol i'r Rheoliadau hyn.

(2) Diwygiwyd erthygl 3 gan adran 76(7) o Ddeddf Cyfleustodau 2000 (p. 27), O.S. 1999/293, O.S. 1999/1783, O.S. 2004/3156 ac O.S. 2006/1386. Nid yw diwygiadau eraill yn berthnasol i'r Rheoliadau hyn.

(3) Diwygiwyd erthygl 4 gan O.S. 1996/528, O.S. 2006/124 (Cy. 17), O.S. 2006/1386 (Cy. 136) ac O.S. 2013/1776 (Cy. 177). Nid yw diwygiadau eraill yn berthnasol i'r Rheoliadau hyn.

(4) Diwygiwyd Rhan 3 gan: adran 16(1) o Ddeddf Trafnidiaeth a Gweithfeydd 1992 (p. 42); adrannau 40 a 41 o Ddeddf Cynllunio a Phrynu Gorfodol 2004 (p. 5) ac adran 21 o Ddeddf Twf a Seilwaith 2013 (p. 27). Nid yw diwygiadau eraill yn berthnasol i'r Rheoliadau hyn.

(1) Schedule 2 was amended by section 76(7) of the Utilities Act 2000 (c. 27) and S.I. 1996/528, S.I. 1997/366, S.I. 1999/1661, S.I. 2001/1149, S.I. 2001/4050, S.I. 2002/1878 (W. 187), S.I. 2003/2155, S.I. 2004/945, S.I. 2006/124 (W. 17), S.I. 2006/1386 (W. 136), S.I. 2007/952 (W. 83), S.I. 2008/502 (W. 43), S.I. 2009/2193 (W. 185), S.I. 2011/2085, S.I. 2012/1346 (W. 167), S.I. 2012/2318 (W. 252), S.I. 2013/1776 (W. 177), S.I. 2014/592 (W. 69) and S.I. 2014/2692. Other amendments are not relevant to these Regulations.

(2) Article 3 was amended by section 76(7) of the Utilities Act 2000 (c. 27), S.I. 1999/293, S.I. 1999/1783, S.I. 2004/3156 and S.I. 2006/1386. Other amendments are not relevant to these Regulations.

(3) Article 4 was amended by S.I. 1996/528, S.I. 2006/124 (W. 17), S.I. 2006/1386 (W. 136) and S.I. 2013/1776 (W. 177). Other amendments are not relevant to these Regulations.

(4) Part 3 was amended by: section 16(1) of the Transport and Works Act 1992 (c. 42); sections 40 and 41 of the Planning and Compulsory Purchase Act 2004 (c. 5) and section 21 of the Growth and Infrastructure Act 2013 (c. 27). Other amendments are not relevant to these Regulations.

Eithriadau – cais mewn perthynas â'r un dosbarth defnydd yn angenrheidiol oherwydd amod

6. Nid yw rheoliad 3 yn gymwys pan fodlonir yr awdurdod cynllunio lleol—

- (a) bod y cais yn ymwneud yn unig â'r defnydd o adeilad, neu dir arall, at ddiben o unrhyw ddosbarth a bennir yn yr Atodlen i Orchymyn Cynllunio Gwlad a Thref (Dosbarthiadau Defnydd) 1987(1);
- (b) bod defnydd presennol yr adeilad neu'r tir arall hwnnw at ddiben arall o'r un dosbarth; ac
- (c) bod gwneud cais am ganiatâd cynllunio mewn cysylltiad â'r defnydd y mae'r cais yn ymwneud ag ef yn angenrheidiol oherwydd (ac yn unig oherwydd) gofynion amod a osodwyd ar ganiatâd a roddwyd, neu y tybir iddo gael ei roi, o dan Ran 3 o Ddeddf 1990.

Eithriadau – cydgrynhoi caniatadau mwynau sy'n bodoli eisoes

7. Nid yw rheoliad 3 yn gymwys mewn perthynas â chais i awdurdod cynllunio lleol am ganiatâd i gyflawni datblygiad sy'n cynnwys cloddio a gweithio mwynau—

- (a) pan fo'r cais am ganiatâd sy'n cydgrynhoi dau neu ragor o ganiatadau sy'n bodoli eisoes; a
- (b) pan nad yw'r cais yn ceisio cael caniatâd ar gyfer datblygiad nas awdurdodir gan ganiatâd sy'n bodoli eisoes.

Esemptiadau – cais sy'n dilyn tynnu'n ôl gais cynharach neu wrthod caniatâd cynllunio etc.

8.—(1) Pan fodlonir yr holl amodau a nodir ym mharagraff (2), nid yw rheoliad 3 yn gymwys i'r canlynol—

- (a) cais am ganiatâd cynllunio a wneir yn dilyn tynnu'n ôl (cyn dyroddi hysbysiad o benderfyniad) gais dilys am ganiatâd cynllunio a wnaed gan neu ar ran yr un ceisydd;

Exceptions – application relating to same use class necessary because of condition

6. Regulation 3 does not apply where the local planning authority are satisfied that—

- (a) the application relates solely to the use of a building or other land for a purpose of any class specified in the Schedule to the Town and Country Planning (Use Classes) Order 1987(1);
- (b) the existing use of that building or other land is for another purpose of the same class; and
- (c) the making of an application for planning permission in respect of the use to which the application relates is necessary by reason of (and only by reason of) the requirements of a condition imposed on a permission granted or deemed to be granted under Part 3 of the 1990 Act.

Exceptions – consolidation of subsisting minerals permissions

7. Regulation 3 does not apply in relation to an application to a local planning authority for permission to carry out development consisting of the winning and working of minerals where the application—

- (a) is for a permission which consolidates two or more subsisting permissions; and
- (b) does not seek permission for development which is not authorised by a subsisting permission.

Exemptions – application following withdrawal of earlier application or refusal of planning permission etc.

8.—(1) Where all the conditions set out in paragraph (2) are satisfied, regulation 3 does not apply to—

- (a) an application for planning permission which is made following the withdrawal (before notice of decision was issued) of a valid application for planning permission made by or on behalf of the same applicant;

(1) O.S. 1987/764. Diwygiwyd yr Atodlen gan O.S. 1991/1567, O.S. 1992/610, O.S. 1994/724, O.S. 1995/297 ac O.S. 2006/1386 (Cy. 136). Nid yw diwygiadau eraill yn berthnasol i'r Rheoliadau hyn.

(1) S.I. 1987/764. The Schedule was amended by S.I. 1991/1567, S.I. 1992/610, S.I. 1994/724, S.I. 1995/297 and S.I. 2006/1386 (W. 136). Other amendments are not relevant to these Regulations.

- (b) cais am ganiatâd cynllunio a wneir yn dilyn gwrthod caniatâd cynllunio (pa un ai gan yr awdurdod cynllunio lleol neu gan Weinidogion Cymru yn dilyn apêl, neu'n dilyn cyfeirio'r cais at Weinidogion Cymru i'w benderfynu) ar gyfer cais dilys am ganiatâd cynllunio a wnaed gan neu ar ran yr un ceisydd;
- (c) cais am ganiatâd cynllunio a wneir yn dilyn apêl a wnaed i Weinidogion Cymru o dan adran 78(2) o Ddeddf 1990⁽¹⁾ mewn perthynas â chais dilys am ganiatâd cynllunio a wnaed gan neu ar ran yr un ceisydd;
- (d) cais am gymeradwyaeth ar gyfer un neu ragor o faterion a gadwyd yn ôl, a wneir yn dilyn tynnu'n ôl (cyn dyroddi hysbysiad o benderfyniad) gais dilys a wnaed gan neu ar ran yr un ceisydd am gymeradwyaeth ar gyfer yr un materion a gadwyd yn ôl mewn perthynas â'r un caniatâd cynllunio amlinellol;
- (e) cais am gymeradwyaeth ar gyfer un neu ragor o faterion a gadwyd yn ôl, a wneir yn dilyn gwrthod cymeradwyaeth (pa un ai gan yr awdurdod cynllunio lleol neu gan Weinidogion Cymru yn dilyn apêl) ar gyfer yr un materion a gadwyd yn ôl, a gyflwynwyd mewn cais dilys, a wnaed gan neu ar ran yr un ceisydd ac mewn perthynas â'r un caniatâd cynllunio amlinellol; neu
- (f) cais am gymeradwyaeth ar gyfer un neu ragor o faterion a gadwyd yn ôl, a wneir yn dilyn apêl a wnaed i Weinidogion Cymru o dan adran 78(2) o Ddeddf 1990 mewn perthynas â chais dilys a wnaed gan neu ar ran yr un ceisydd am gymeradwyaeth ar gyfer yr un materion a gadwyd yn ôl mewn perthynas â'r un caniatâd cynllunio amlinellol.

(2) Yr amodau y cyfeirir atynt ym mharagraff (1) yw—

- (a) bod y cais wedi ei wneud o fewn 12 mis ar ôl—
 - (i) yn achos cais dilys cynharach a dynnwyd yn ôl, y dyddiad y cafwyd y cais hwnnw;

- (b) an application for planning permission which is made following the refusal of planning permission (whether by the local planning authority or by the Welsh Ministers on appeal or following the reference of the application to the Welsh Ministers for determination) on a valid application for planning permission made by or on behalf of the same applicant;
- (c) an application for planning permission which is made following the making of an appeal to the Welsh Ministers under section 78(2) of the 1990 Act⁽¹⁾ in relation to a valid application for planning permission made by or on behalf of the same applicant;
- (d) an application for approval of one or more reserved matters which is made following the withdrawal (before notice of decision was issued) of a valid application made by or on behalf of the same applicant for approval of the same reserved matters in relation to the same outline planning permission;
- (e) an application for approval of one or more reserved matters which is made following the refusal (whether by the local planning authority or by the Welsh Ministers on appeal) of approval of the same reserved matters which were submitted in a valid application made by or on behalf of the same applicant and in relation to the same outline planning permission; or
- (f) an application for approval of one or more reserved matters which is made following the making of an appeal to the Welsh Ministers under section 78(2) of the 1990 Act in relation to a valid application made by or on behalf of the same applicant for approval of the same reserved matters in relation to the same outline planning permission.

(2) The conditions referred to in paragraph (1) are—

- (a) the application is made within 12 months of—
 - (i) in the case of an earlier valid application which was withdrawn, the date when that application was received;

⁽¹⁾ Diwygiwyd adran 78(2) gan adran 17(2) o Ddeddf Cynllunio a Digolledu 1991 (p. 24). Nid yw diwygiadau eraill yn berthnasol i'r Rheoliadau hyn.

⁽¹⁾ Section 78(2) was amended by section 17(2) of the Planning and Compensation Act 1991 (c. 24). Other amendments are not relevant to these Regulations.

- (ii) yn achos cais a wneir yn dilyn apêl a wnaed o dan adran 78(2) o Ddeddf 1990, y dyddiad (yn rhinwedd erthygl 22 neu 23 o'r Gorchymyn Gweithdrefn Rheoli Datblygu, yn ôl y digwydd) y daeth y cyfnod i ben ar gyfer rhoi hysbysiad o benderfyniad ar y cais dilys cynharach; neu
- (iii) mewn unrhyw achos arall, dyddiad y gwrthodiad;
- (b) bod y cais—
 - (i) yn achos cais am ganiatâd cynllunio, yn ymwneud â'r un safle ag yr oedd y cais cynharach yn ymwneud ag ef, neu â rhan o'r safle hwnnw, ac nid ag unrhyw dir arall ac eithrio tir a gynhwysir yn unig at y diben o ddarparu mynedfa wahanol i'r safle; neu
 - (ii) yn achos cais am gymeradwyaeth ar gyfer materion a gadwyd yn ôl, yn ymwneud â'r un safle ag yr oedd y cais cynharach yn ymwneud ag ef, neu â rhan o'r safle hwnnw, (ac nid ag unrhyw dir arall);
- (c) yn achos cais am ganiatâd cynllunio, y bodlonwyd yr awdurdod cynllunio lleol fod y cais yn ymwneud â datblygiad o'r un cymeriad neu ddisgrifiad â'r datblygiad yr oedd y cais cynharach yn ymwneud ag ef (ac nid ag unrhyw ddatblygiad arall);
- (d) yn achos cais am ganiatâd cynllunio nas gwneir mewn amlinell, nad oedd y cais cynharach ychwaith wedi ei wneud mewn amlinell;
- (e) bod y ffi a oedd yn daladwy mewn cysylltiad â'r cais cynharach wedi ei thalu; ac
- (f) nad oes unrhyw gais a wnaed gan neu ar ran y ceisydd, mewn perthynas â'r cyfan neu unrhyw ran o'r safle, wedi ei esemptio o reoliad 3 eisoes gan y rheoliad hwn.

(3) Yn y rheoliad hwn, mae i "cais dilys" ("*valid application*") yr un ystyr a roddir iddo yn erthygl 22(3) o'r Gorchymyn Gweithdrefn Rheoli Datblygu.

Ad-dalu ffioedd mewn perthynas â cheisiadau nas penderfynir o fewn cyfnodau penodedig

9.—(1) Yn ddarostyngedig i baragraff (4), rhaid ad-dalu i'r ceisydd unrhyw ffi a delir gan y ceisydd mewn cysylltiad â chais am ganiatâd cynllunio neu am gymeradwyaeth ar gyfer materion a gadwyd yn ôl, os digwydd i'r awdurdod cynllunio lleol fethu â phenderfynu'r cais o fewn y cyfnodau a bennir ym mharagraff (2).

- (ii) in the case of an application which is made following an appeal under section 78(2) of the 1990 Act, the date when (by virtue of article 22 or 23 of the Development Management Procedure Order, as the case may be) the period for the giving of notice of a decision on the earlier valid application expired; or
- (iii) in any other case, the date of the refusal;

- (b) the application relates—
 - (i) in the case of an application for planning permission, to the same site as that to which the earlier application related, or to part of that site, and to no other land except land included solely for the purpose of providing a different means of access to the site; or
 - (ii) in the case of an application for approval of reserved matters, to the same site as that to which the earlier application related, or to part of that site (and no other land);
- (c) in the case of an application for planning permission, the local planning authority to whom the application is made are satisfied that it relates to development of the same character or description as the development to which the earlier application related (and to no other development);
- (d) in the case of an application for planning permission which is not made in outline, the earlier application was also not made in outline;
- (e) the fee payable in respect of the earlier application was paid; and
- (f) no application made by or on behalf of the applicant in relation to the whole or any part of the site has already been exempted from regulation 3 by this regulation.

(3) In this regulation "valid application" ("*cais dilys*") has the same meaning as in article 22(3) of the Development Management Procedure Order.

Refund of fees in relation to applications not determined within specified periods

9.—(1) Subject to paragraph (4), any fee paid by an applicant in respect of an application for planning permission or for the approval of reserved matters, must be refunded to the applicant in the event that the local planning authority fail to determine the application within the periods specified in paragraph (2).

(2) Y cyfnodau penodedig yw—

- (a) pan fo cais am ganiatâd cynllunio yn ymwneud â chategori o ddatblygiad sy'n dod o fewn categori 6 neu 7 yn y tabl a nodir yn Rhan 2 o Atodlen 1, 8 wythnos;
- (b) mewn unrhyw achos arall, 16 wythnos.

(3) Mae'r cyfnodau a bennir ym mharagraff (2) yn dechrau pan ddaw'r cyfnod i ben, ar gyfer rhoi hysbysiad o benderfyniad ar y cais, a bennir yn erthygl 22(2) o'r Gorchymyn Gweithdrefn Rheoli Datblygu.

(4) Nid yw paragraff (1) yn gymwys—

- (a) pan fo Gweinidogion Cymru yn rhoi cyfarwyddyd o dan adran 77 o Ddeddf 1990 (atgyfeirio ceisiadau at Weinidogion Cymru)(1) mewn perthynas â'r cais cyn bo'r cyfnodau a bennir ym mharagraff (2) wedi dod i ben;
- (b) pan fo'r ceisydd wedi apelio i Weinidogion Cymru o dan adran 78(2) o Ddeddf 1990 cyn bo'r cyfnodau a bennir ym mharagraff (2) wedi dod i ben; neu
- (c) pan fo unrhyw berson a dramgwyddir gan unrhyw benderfyniad gan yr awdurdod cynllunio lleol mewn perthynas â'r cais wedi gwneud cais i'r Uchel Lys cyn bo'r cyfnodau a bennir ym mharagraff (2) wedi dod i ben.

Ffioedd mewn cysylltiad â cheisiadau tybiedig

10.—(1) Yn y rheoliad hwn—

- (a) ystyr “apelydd” (“*appellant*”) yw'r person sydd wedi apelio yn erbyn yr hysbysiad gorfodi perthnasol;
- (b) ystyr “awdurdod perthnasol” (“*relevant authority*”) yw'r awdurdod cynllunio lleol a ddyroddodd yr hysbysiad gorfodi; ac
- (c) ystyr “dyddiad perthnasol” (“*relevant date*”) yw'r dyddiad y gwneir yr apêl yn erbyn yr hysbysiad gorfodi.

(2) Yn ddarostyngedig i baragraffau (3), (8) a (9), pan dybir bod cais am ganiatâd cynllunio wedi ei wneud yn rhinwedd adran 177(5) o Ddeddf 1990 (“cais tybiedig”), rhaid talu ffi i'r awdurdod perthnasol.

(2) The periods specified are—

- (a) where an application for planning permission relates to a category of development which falls within category 6 or 7 in the table set out in Part 2 of Schedule 1, 8 weeks;
- (b) in any other case, 16 weeks.

(3) The periods specified in paragraph (2) start on the expiry of the period for the giving of notice of a decision on the application specified in article 22(2) of the Development Management Procedure Order.

(4) Paragraph (1) does not apply where—

- (a) the Welsh Ministers give a direction under section 77 of the 1990 Act (reference of applications to the Welsh Ministers)(1) in relation to the application before the periods specified in paragraph (2) have expired;
- (b) the applicant has appealed to the Welsh Ministers under section 78(2) of the 1990 Act before the periods specified in paragraph (2) have expired; or
- (c) any person who is aggrieved by any decision of the local planning authority in relation to the application has made an application to the High Court before the periods specified in paragraph (2) have expired.

Fees in respect of deemed applications

10.—(1) In this regulation—

- (a) “appellant” (“*apelydd*”) means the person who has appealed against the relevant enforcement notice;
- (b) “relevant authority” (“*awdurdod perthnasol*”) means the local planning authority which issued the enforcement notice; and
- (c) “relevant date” (“*dyddiad perthnasol*”) means the date on which the appeal against the enforcement notice is made.

(2) Subject to paragraphs (3), (8) and (9), where an application for planning permission is deemed to have been made by virtue of section 177(5) of the 1990 Act (a “deemed application”), a fee must be paid to the relevant authority.

(1) Diwygiwyd adran 77 gan adran 32 o Ddeddf Cynllunio a Digolledu 1991 (p. 34), a pharagraffau 1 a 18 o Atodlen 7 i'r Ddeddf honno ac O.S. 2014/2773 (Cy. 280). Nid yw diwygiadau eraill yn berthnasol i'r Rheoliadau hyn.

(1) Section 77 was amended by section 32 of, and paragraphs 1 and 18 of Schedule 7 to the Planning and Compensation Act 1991 (c. 34) and S.I. 2014/2773 (W. 280). Other amendments are not relevant to these Regulations.

(3) Nid oes ffi'n daladwy o dan y rheoliad hwn mewn cysylltiad â chais tybiedig ac eithrio os fyddai ffi wedi bod yn daladwy o dan y Rheoliadau hyn am gais am ganiatâd cynllunio a wnaed i'r awdurdod perthnasol ar y dyddiad perthnasol mewn cysylltiad â'r materion y datgenir yn yr hysbysiad gorfodi eu bod yn torri rheolaeth gynllunio.

(4) Swm y ffi yw dwywaith y ffi a fyddai wedi bod yn daladwy i'r awdurdod perthnasol mewn cysylltiad â chais fel y disgrifir ym mharagraff (3).

(5) Rhaid talu'r ffi mewn cysylltiad â'r cais tybiedig gan bob person sydd wedi gwneud apêl ddilys yn erbyn yr hysbysiad gorfodi ac nad yw ei apêl wedi ei thynnu'n ôl cyn y dyddiad y dyroddir hysbysiad gan Weinidogion Cymru o dan baragraff (7).

(6) Rhaid talu'r ffi i'r awdurdod perthnasol.

(7) Rhaid talu'r ffi ar y cyfryw amser y caiff Gweinidogion Cymru ei bennu yn yr achos penodol, drwy roi hysbysiad ysgrifenedig i'r apelydd.

(8) Mae rheoliadau 4, 5 a 6 yn gymwys i gais tybiedig, fel y maent yn gymwys i gais a wnaed i'r awdurdod cynllunio lleol, gydag addasiadau fel a ganlyn—

- (a) rhaid dehongli cyfeiriadau at yr awdurdod cynllunio lleol fel cyfeiriadau at Weinidogion Cymru; a
- (b) rhaid dehongli cyfeiriadau at y datblygiad y mae'r cais yn ymwneud ag ef fel cyfeiriadau at y defnydd o dir neu'r gweithrediadau y mae'r hysbysiad gorfodi perthnasol yn ymwneud ag ef.

(9) Nid yw'r rheoliad hwn yn gymwys pan fo'r apelydd—

- (a) cyn y dyddiad y dyroddwyd yr hysbysiad gorfodi perthnasol, wedi gwneud cais i'r awdurdod cynllunio lleol am ganiatâd cynllunio ar gyfer y datblygiad y mae'r hysbysiad yn ymwneud ag ef, ac wedi talu i'r awdurdod y ffi daladwy mewn cysylltiad â'r cais hwnnw; neu
- (b) cyn y dyddiad a bennir yn yr hysbysiad gorfodi perthnasol fel y dyddiad y mae'r hysbysiad i gael effaith, wedi gwneud apêl i Weinidogion Cymru yn erbyn gwrthodiad yr awdurdod cynllunio lleol i roi caniatâd o'r fath,

ac nad oedd y cais hwnnw wedi ei benderfynu neu, yn achos apêl, yr apêl honno wedi ei phenderfynu, ar y dyddiad y dyroddwyd yr hysbysiad gorfodi perthnasol.

(10) Rhaid ad-dalu i'r apelydd unrhyw ffi a dalwyd ganddo mewn cysylltiad â'r cais tybiedig os digwydd—

(3) A fee is only payable under this regulation in respect of a deemed application if a fee would have been payable under these Regulations for an application for planning permission made to the relevant authority on the relevant date in respect of the matters stated in the enforcement notice as constituting a breach of planning control.

(4) The amount of the fee is twice the amount of the fee which would have been payable to the relevant authority in respect of the application as described in paragraph (3).

(5) The fee must be paid in respect of the deemed application by every person who has made a valid appeal against the enforcement notice and whose appeal is not withdrawn before the date on which the Welsh Ministers issue a notice under paragraph (7).

(6) The fee must be paid to the relevant authority.

(7) The fee must be paid at such time as the Welsh Ministers may in the particular case specify by notice in writing to the appellant.

(8) Regulations 4, 5 and 6 apply to a deemed application as they apply to an application made to the local planning authority, with the following modifications—

- (a) references to the local planning authority must be construed as references to the Welsh Ministers; and
- (b) references to the development to which the application relates must be construed as references to the use of land or the operations to which the relevant enforcement notice relates.

(9) This regulation does not apply where the appellant had—

- (a) before the date when the relevant enforcement notice was issued, made an application to the local planning authority for planning permission for the development to which the notice relates and had paid to the authority the fee payable in respect of that application; or
- (b) before the date specified in the relevant enforcement notice as the date on which the notice is to take effect, made an appeal to the Welsh Ministers against the refusal of the local planning authority to grant such permission,

and at the date when the relevant enforcement notice was issued that application or, in the case of an appeal, that appeal, had not been determined.

(10) Any fee paid in respect of the deemed application must be refunded to the appellant in the event—

(a) bod Gweinidogion Cymru—

- (i) yn gwrthod awdurdodaeth ar yr apêl berthnasol o dan adran 174 o Ddeddf 1990 (apêl yn erbyn hysbysiad gorfodi)(1) ar y sail nad yw'n cydymffurfio ag un neu ragor o ofynion is-adrannau (1) i (3) o'r adran honno;
 - (ii) yn gwrthod yr apêl berthnasol drwy arfer y pwerau a gynhwysir yn adran 176(3)(a) o Ddeddf 1990 ar y sail bod yr apelydd wedi methu â chydymffurfio ag adran 174(4) o Ddeddf 1990 o fewn y cyfnod rhagnodedig; neu
 - (iii) yn caniatáu'r apêl berthnasol ac yn diddymu'r hysbysiad gorfodi perthnasol drwy arfer y pwerau a gynhwysir yn adran 176(3)(b) o Ddeddf 1990;
- (b) bod yr apêl berthnasol yn cael ei thynnu'n ôl o dan adran 174 o Ddeddf 1990, fel bod cyfnod o 21 diwrnod, o leiaf, rhwng y dyddiad y tynnwyd yr apêl yn ôl ac—
- (i) y dyddiad (neu, os bu gohirio, y dyddiad diweddaraf) a bennwyd ar gyfer cynnal ymchwiliad i'r apêl honno; neu
 - (ii) yn achos apêl yr ymdrinnir â hi ar sail sylwadau ysgrifenedig, y dyddiad (neu, os bu gohirio, y dyddiad diweddaraf) a bennwyd ar gyfer arolygu'r safle y mae'r hysbysiad gorfodi'n ymwneud ag ef; neu
- (c) bod yr awdurdod perthnasol yn tynnu'r hysbysiad gorfodi perthnasol yn ôl cyn iddo gael effaith, neu Weinidogion Cymru yn penderfynu bod yr hysbysiad gorfodi yn ddi-rym.

(11) At ddibenion paragraff (10)(b) trinnir apêl fel pe bai wedi ei thynnu'n ôl ar y dyddiad y mae Gweinidogion Cymru yn cael yr hysbysiad ysgrifenedig o dynnu'r apêl yn ôl.

(a) the Welsh Ministers—

- (i) decline jurisdiction on the relevant appeal under section 174 of the 1990 Act (appeal against enforcement notice)(1) on the grounds that it does not comply with one or more of the requirements of subsections (1) to (3) of that section;
 - (ii) dismiss the relevant appeal in exercise of the powers contained in section 176(3)(a) of the 1990 Act on the grounds that the appellant has failed to comply with section 174(4) of the 1990 Act within the prescribed period; or
 - (iii) allow the relevant appeal and quash the relevant enforcement notice in exercise of the powers contained in section 176(3)(b) of the 1990 Act;
- (b) the relevant appeal under section 174 of the 1990 Act is withdrawn such that there are at least 21 days between the date of withdrawal and—
- (i) the date (or in the event of postponement, the latest date) appointed for the holding of an inquiry into that appeal; or
 - (ii) in the case of an appeal which is being dealt with by way of written representations, the date (or in the event of postponement, the latest date) appointed for the inspection of the site to which the enforcement notice relates; or
- (c) the relevant authority withdraws the relevant enforcement notice before it takes effect or the Welsh Ministers decide that the enforcement notice is a nullity.

(11) For the purpose of paragraph (10)(b) an appeal is treated as being withdrawn on the date on which notice in writing of the withdrawal is received by the Welsh Ministers.

(1) Amnewidiwyd adran 174(2) a (3) gan adran 6(1) o Ddeddf Cynllunio a Digolledu 1991 (p. 34) a diwygiwyd adran 174(6) gan adrannau 32 a 84 o'r Ddeddf honno, a pharagraff 22 o Atodlen 7 a Rhan 1 o Atodlen 19 iddi, a chan O.S. 2004/3156 (Cy. 273). Nid yw diwygiadau eraill yn berthnasol i'r Rheoliadau hyn.

(1) Section 174(2) and (3) was substituted by section 6(1) of the Planning and Compensation Act 1991 (c. 34) and section 174(6) was amended by sections 32 and 84 of, and paragraph 22 of Schedule 7 and Part 1 of Schedule 19 to, that Act and by S.I. 2004/3156 (W. 273). Other amendments are not relevant to these Regulations.

(12) Ac eithrio wrth benderfynu apêl pan fo Gweinidogion Cymru yn dyroddi tystysgrif o dan adran 191 o Ddeddf 1990 (tystysgrif cyfreithlondeb defnydd neu ddatblygiad presennol)(1) yn unol ag adran 177(1)(c) o'r Ddeddf honno(2), rhaid ad-dalu i'r apelydd y ffi a dalwyd ganddo mewn cysylltiad â chais tybiedig os yw Gweinidogion Cymru yn caniatáu'r apêl yn erbyn yr hysbysiad gorfodi perthnasol ar—

- (a) seiliau a nodir yn adran 174(2)(b) i (f) o Ddeddf 1990; neu
- (b) y sail fod yr hysbysiad yn annilys, neu ei fod yn cynnwys diffyg, gwall neu gamddisgrifiad na ellir ei gywiro yn unol â phwerau Gweinidogion Cymru o dan adran 176(1) o Ddeddf 1990(3).

(13) Rhaid ad-dalu i'r apelydd hanner y ffi a dalwyd gan yr apelydd mewn cysylltiad â chais tybiedig os digwydd i Weinidogion Cymru ganiatáu'r apêl yn erbyn yr hysbysiad gorfodi perthnasol ar y sail a nodir yn adran 174(2)(a) o Ddeddf 1990.

(14) Yn achos cais tybiedig—

- (a) pan amrywir hysbysiad gorfodi o dan adran 176(1) o Ddeddf 1990 rywfodd ac eithrio er mwyn cymryd i ystyriaeth caniatâd cynllunio a roddir o dan adran 177(1) o Ddeddf 1990; a
- (b) pan fyddai'r ffi a gyfrifwyd yn unol â pharagraffau (3) a (4) wedi bod yn swm llai pe bai'r hysbysiad gwreiddiol wedi bod yn nhermau'r hysbysiad amrywiedig,

y ffi sy'n daladwy yw'r swm lleiaf hwnnw, a rhaid ad-dalu unrhyw swm dros ben a dalwyd eisoes.

(15) Wrth benderfynu ffi o dan baragraff (14) ni chymerir i ystyriaeth unrhyw newid mewn ffioedd sy'n cael effaith ar ôl gwneud y cais tybiedig.

Ffioedd am geisiadau am dystysgrifau defnydd neu ddatblygiad cyfreithlon

11.—(1) Yn ddarostyngedig i baragraffau (2) a (4), pan wneir cais i awdurdod cynllunio lleol o dan adran 191 neu 192 o Ddeddf 1990, rhaid talu ffi i'r awdurdod hwnnw.

(12) Except on the determination of an appeal where the Welsh Ministers issue a certificate under section 191 of the 1990 Act (certificate of lawfulness of existing use or development)(1) in accordance with section 177(1)(c) of that Act(2), the fee paid by the appellant in respect of a deemed application must be refunded to the appellant if the Welsh Ministers allow the appeal against the relevant enforcement notice on—

- (a) grounds set out in section 174(2)(b) to (f) of the 1990 Act; or
- (b) the ground that the notice is invalid, or that it contains a defect, error or misdescription which cannot be corrected in pursuance of the Welsh Ministers' powers under section 176(1) of the 1990 Act(3).

(13) Half the fee paid by the appellant in respect of a deemed application must be refunded to the appellant in the event of the Welsh Ministers allowing the appeal against the relevant enforcement notice on the ground set out in section 174(2)(a) of the 1990 Act.

(14) In the case of a deemed application where—

- (a) an enforcement notice is varied under section 176(1) of the 1990 Act otherwise than to take account of a grant of planning permission under section 177(1) of the 1990 Act; and
- (b) the fee calculated in accordance with paragraphs (3) and (4) would have been a lesser amount if the original notice had been in the terms of the varied notice,

the fee payable is that lesser amount, and any excess amount already paid must be refunded.

(15) In determining a fee under paragraph (14) no account is taken of any change in fees which takes effect after the making of the deemed application.

Fees for applications for certificates of lawful use or development

11.—(1) Subject to paragraphs (2) and (4), where an application is made to a local planning authority under section 191 or 192 of the 1990 Act, a fee must be paid to that authority.

(1) Amnewidiwyd adran 191 gan adran 10(1) o Ddeddf Cynllunio a Digolledu 1991 (p. 34), ac fe'i diwygiwyd gan adran 124(3) o Ddeddf Lleoliaeth 2011 (p. 20) ac adran 58(1) o Ddeddf Cartrefi Symudol (Cymru) 2013 (2013 decc 6) a pharagraff 6(1) a (3) o Atodlen 4 i'r Ddeddf honno.

(2) Diwygiwyd adran 177(1) gan adran 32 o Ddeddf Cynllunio a Digolledu 1991 (p. 34) a pharagraffau 8 a 24 o Atodlen 7 i'r Ddeddf honno.

(3) Amnewidiwyd adran 176(1) gan adran 32 o Ddeddf Cynllunio a Digolledu 1991 (p. 34) a pharagraffau 8 a 23 o Atodlen 7 i'r Ddeddf honno.

(1) Section 191 was substituted by section 10(1) of the Planning and Compensation Act 1991 (c. 34), and amended by section 124(3) of the Localism Act 2011 (c. 20) and section 58(1) of, and paragraph 6(1) and (3) of Schedule 4 to, the Mobile Homes (Wales) Act 2013 (2013 anaw 6).

(2) Section 177(1) was amended by section 32 of, and paragraphs 8 and 24 of Schedule 7 to, the Planning and Compensation Act 1991 (c. 34).

(3) Section 176(1) was substituted by section 32 of, and paragraphs 8 and 23 of Schedule 7 to, the Planning and Compensation Act 1991 (c. 34).

(2) Nid yw'r rheoliad hwn yn gymwys pan fodlonir yr awdurdod cynllunio lleol fod y cais yn ymwneud yn unig â chyflawni gweithrediadau a bennir yn rheoliad 4 at y dibenion a bennir yn y rheoliad hwnnw.

(3) Yn ddarostyngedig i baragraffau (6) i (9) y ffi sy'n daladwy mewn cysylltiad â chais y mae'r rheoliad hwn yn gymwys iddo yw—

- (a) yn achos cais o dan adran 191(1)(a) neu (b) (neu o dan y ddau baragraff), y swm a fyddai'n daladwy mewn cysylltiad â chais am ganiatâd cynllunio i sefydlu'r defnydd neu gyflawni'r gweithrediadau a bennir yn y cais (neu gais am wneud y ddau beth, yn ôl y digwydd);
- (b) yn achos cais o dan adran 191(1)(c), £190;
- (c) yn achos cais o dan adran 192(1)(a) neu (b) (neu o dan y ddau baragraff), hanner y swm a fyddai'n daladwy mewn cysylltiad â chais am ganiatâd cynllunio i sefydlu'r defnydd neu gyflawni'r gweithrediadau a bennir yn y cais (neu gais am wneud y ddau beth, yn ôl y digwydd).

(4) Pan fodlonir pob un o'r amodau a nodir ym mharagraff (5), nid yw'r rheoliad hwn yn gymwys i'r canlynol—

- (a) cais o dan adran 191 neu 192 a wneir—
 - (i) yn dilyn tynnu cais dilys yn ôl (cyn dyroddi hysbysiad o benderfyniad), a wnaed gan neu ar ran yr un ceisydd;
 - (ii) yn dilyn gwrthod cais dilys (pa un ai gan yr awdurdod cynllunio lleol neu gan Weinidogion Cymru yn dilyn apêl), a wnaed gan neu ar ran yr un ceisydd; neu
- (b) cais a wneir yn dilyn apêl a wnaed i Weinidogion Cymru o dan adran 195(1)(b) o Ddeddf 1990(1) mewn perthynas â chais dilys a wnaed gan neu ar ran yr un ceisydd.

(5) Yr amodau y cyfeirir atynt ym mharagraff (4) yw'r canlynol—

- (a) y gwneir y cais o fewn 12 mis ar ôl—
 - (i) yn achos cais dilys cynharach a dynnwyd yn ôl, y dyddiad y cafwyd y cais hwnnw;

(2) This regulation does not apply where the local planning authority are satisfied that the application relates solely to the carrying out of operations specified in regulation 4 for the purposes specified in that regulation.

(3) Subject to paragraphs (6) to (9) the fee payable in respect of an application to which this regulation applies is—

- (a) in the case of an application under section 191(1)(a) or (b) (or under both paragraphs), the amount that would be payable in respect of an application for planning permission to institute the use or carry out the operations specified in the application (or an application to do both, as the case may be);
- (b) in the case of an application under section 191(1)(c), £190;
- (c) in the case of an application under section 192(1)(a) or (b) (or under both paragraphs), half the amount that would be payable in respect of an application for planning permission to institute the use or carry out the operations specified in the application (or an application to do both, as the case may be).

(4) Where all of the conditions set out in paragraph (5) are satisfied, this regulation does not apply to an application—

- (a) under section 191 or 192 which is made—
 - (i) following the withdrawal (before notice of decision was issued) of a valid application made by or on behalf of the same applicant;
 - (ii) following the refusal of a valid application (whether by the local planning authority or the Welsh Ministers on appeal) made by or on behalf of the same applicant; or
- (b) which is made following the making of an appeal to the Welsh Ministers under section 195(1)(b) of the 1990 Act(1) in relation to a valid application made by or on behalf of the same applicant.

(5) The conditions referred to in paragraph (4) are—

- (a) the application is made within 12 months of—
 - (i) in the case of an earlier valid application which was withdrawn, the date when the application was received;

(1) Diwygiwyd adran 195(1) gan adran 32 o Ddeddf Cynllunio a Digolledu 1991 (p. 34) a pharagraffau 8 a 32 o Atodlen 7 i'r Ddeddf honno.

(1) Section 195(1) was amended by section 32 of, and paragraphs 8 and 32 of Schedule 7 to, the Planning and Compensation Act 1991 (c. 34).

(ii) yn achos cais a wneir yn dilyn apêl o dan adran 195(1)(b) o Ddeddf 1990, y dyddiad, yn rhinwedd erthygl 28(10) o'r Gorchymyn Gweithdrefn Rheoli Datblygu, pan ddaeth y cyfnod i ben ar gyfer rhoi hysbysiad ysgrifenedig o benderfyniad ar y cais dilys cynharach; neu

(iii) mewn unrhyw achos arall, dyddiad y gwrthodiad;

(b) bod y cais yn ymwneud â'r un safle, neu â rhan o'r un safle, ag yr oedd y cais cynharach yn ymwneud ag ef, ac nad yw'n ymwneud ag unrhyw dir arall;

(c) bod yr awdurdod cynllunio lleol y cyflwynir y cais iddo wedi ei fodloni bod y cais yn ymwneud â defnydd, gweithrediad neu fater arall o'r un disgrifiad â'r defnydd, gweithrediad neu fater yr oedd y cais cynharach yn ymwneud ag ef ac nid ag unrhyw ddefnydd, gweithrediad neu fater arall;

(d) bod y ffi a oedd yn daladwy mewn cysylltiad â'r cais cynharach wedi ei thalu; ac

(e) nad oes cais, a wnaed gan neu ar ran yr un ceisydd, mewn perthynas â'r cyfan neu unrhyw ran o'r safle, eisoes wedi ei esemptio o'r rheoliad hwn gan baragraff (4).

(6) Pan fo'r defnydd a bennir mewn cais o dan adran 191(1)(a) yn ddefnydd fel un neu ragor o dai annedd ar wahân, bydd y ffi sy'n daladwy mewn cysylltiad â'r defnydd hwnnw fel a ganlyn—

(a) os y defnydd a bennir felly yw defnydd fel 50 neu nifer llai o dai annedd, £380 am bob tŷ annedd;

(b) os y defnydd a bennir felly yw defnydd fel mwy na 50 o dai annedd, £19,000 a swm ychwanegol o £100 am bob tŷ annedd dros 50, yn ddarostyngedig i uchafswm o £287,500.

(7) Pan wneir cais o dan adran 191(1)(a) neu (b) (neu o dan y ddau baragraff) ac o dan adran 191(1)(c), y ffi sy'n daladwy yw cyfanswm y ffioedd a fyddai wedi bod yn daladwy pe byddid wedi gwneud cais o dan adran 191(1)(a) neu (b) (neu o dan y ddau baragraff, yn ôl y digwydd) a chais ar wahân o dan adran 191(1)(c).

(8) Yn achos cais sy'n ymwneud â thir mewn ardaloedd dau neu ragor o awdurdodau cynllunio lleol, mae paragraff 8(2) o Ran 1 o Atodlen 1 yn gymwys at y diben o benderfynu'r swm taladwy fel y mae'n gymwys yn achos cais am ganiatâd cynllunio sy'n ymwneud â thir o'r fath.

(ii) in the case of an application which is made following an appeal under section 195(1)(b) of the 1990 Act, the date when by virtue of article 28(10) of the Development Management Procedure Order the period for the giving of written notice of a decision on the earlier valid application expired; or

(iii) in any other case, the date of refusal;

(b) the application relates to the same site as that to which the earlier application related, or to part of that site and to no other land;

(c) the local planning authority to whom the application is made are satisfied that it relates to a use, operation or other matter of the same description as the use, operation or matter to which the earlier application related and to no other use, operation or matter;

(d) the fee payable in respect of the earlier application was paid; and

(e) no application made by or on behalf of the same applicant in relation to the whole or any part of the site has already been exempted from this regulation by paragraph (4).

(6) Where a use specified in an application under section 191(1)(a) is use as one or more separate dwellinghouses, the fee payable in respect of that use will be—

(a) where the use so specified is use as 50 or fewer dwellinghouses, £380 for each dwellinghouse;

(b) where the use so specified is use as more than 50 dwellinghouses, £19,000 and an additional £100 for each dwellinghouse in excess of 50, subject to a maximum in total of £287,500.

(7) Where an application is made under section 191(1)(a) or (b) (or under both paragraphs) and under section 191(1)(c), the fee payable is the sum of the fees that would have been payable if there had been an application under section 191(1)(a) or (b) (or under both paragraphs, as the case may be) and a separate application under section 191(1)(c).

(8) In the case of an application which relates to land in the area of two or more local planning authorities, paragraph 8(2) of Part 1 of Schedule 1 applies for the purpose of determining the amount payable as it applies in the case of an application for planning permission which relates to such land.

(9) Pan wneir cais gan neu ar ran cyngor cymuned, y ffi sy'n daladwy yw hanner y swm a fyddai, fel arall, yn daladwy yn unol â pharagraffau (3), (6) a (7).

(10) Rhaid i'r ffi sy'n ddyladwy mewn cysylltiad â chais y mae'r rheoliad hwn yn gymwys iddo fynd gyda'r cais pan gyflwynir ef i'r awdurdod cynllunio lleol.

(11) Os nad yr awdurdod cynllunio lleol sy'n cael y ffi yn unol â'r rheoliad hwn yw'r awdurdod cynllunio lleol sy'n gorfod penderfynu'r cais, rhaid i'r awdurdod sy'n cael y ffi anfon y ffi at yr awdurdod hwnnw yr un pryd ag y bydd yn anfon y cais ymlaen ato.

(12) Rhaid ad-dalu unrhyw ffi a dalwyd yn unol â'r rheoliad hwn os gwrthodir y cais fel un annilys.

(13) Yn y rheoliad hwn mae i "cais dilys" ("*valid application*") yr un ystyr a roddir iddo yn erthygl 28(12) o'r Gorchymyn Gweithdrefn Rheoli Datblygu.

Ffioedd am geisiadau am ganiatâd ar gyfer hysbysebion

12.—(1) Yn ddarostyngedig i baragraffau (9) ac (11), pan wneir cais i awdurdod cynllunio lleol o dan reoliad 9 o Reoliadau 1992⁽¹⁾ am ganiatâd datganiedig i arddangos hysbyseb, rhaid talu ffi i'r awdurdod hwnnw yn unol â'r rheoliad hwn.

(2) Pan fo'r cais yn ymwneud ag arddangos un hysbyseb yn unig, y ffi sy'n daladwy mewn cysylltiad â'r cais yw'r swm a bennir yn y tabl yn Atodlen 2 ar gyfer y categori priodol.

(3) Pan fo'r cais yn ymwneud ag arddangos mwy nag un hysbyseb ar yr un safle, mae ffi sengl yn daladwy mewn cysylltiad â'r holl hysbysebion sydd i'w harddangos ar y safle hwnnw ac a restrir yn y cais, ac—

- (a) os yw'r holl hysbysebion o fewn yr un categori, y ffi daladwy yw'r swm a bennir ar gyfer y categori hwnnw;
- (b) os yw'r holl hysbysebion o fewn categorïau 1 a 2, y ffi daladwy yw'r swm a bennir ar gyfer categori 1;
- (c) os oes un neu ragor o'r hysbysebion o fewn categori 3, y ffi daladwy yw'r swm a bennir ar gyfer categori 3.

(9) Where an application is made by or on behalf of a community council, the fee payable is one half of the amount that would otherwise be payable in accordance with paragraphs (3), (6) and (7).

(10) The fee due in respect of an application to which this regulation applies must accompany the application when it is lodged with the local planning authority.

(11) Where the local planning authority who receive the fee in accordance with this regulation are not the local planning authority who have to determine the application, they must remit the fee to that authority at the same time as they forward the application to them.

(12) Any fee paid pursuant to this regulation must be refunded if the application is rejected as invalid.

(13) In this regulation "*valid application*" ("*cais dilys*") has the same meaning as in article 28(12) of the Development Management Procedure Order.

Fees for applications for consent for advertisements

12.—(1) Subject to paragraphs (9) and (11), where an application is made to a local planning authority under regulation 9 of the 1992 Regulations⁽¹⁾ for express consent for the display of an advertisement, a fee must be paid to that authority in accordance with this regulation.

(2) Where the application relates to the display of one advertisement only the fee payable in respect of the application is the amount specified in the table in Schedule 2 for the appropriate category.

(3) Where the application relates to the display of more than one advertisement on the same site, a single fee is payable in respect of all of the advertisements to be displayed on that site and listed in the application and—

- (a) if all of the advertisements are within the same category the fee payable is the amount specified for that category;
- (b) if all of the advertisements are within categories 1 and 2 the fee payable is the amount specified for category 1;
- (c) if one or more of the advertisements is within category 3 the fee payable is the amount specified for category 3.

⁽¹⁾ Amnewidiwyd rheoliad 9 gan reoliad 2 o O.S. 2012/791 (Cy. 106).

⁽¹⁾ Regulation 9 was substituted by regulation 2 of S.I. 2012/791 (W. 106).

(4) Pan fo'r cais yn ymwneud ag arddangos hysbysebion ar feteri parcio, biniau sbwriel, meinciau eistedd cyhoeddus neu lochesi bysiau o fewn ardal benodedig, rhaid trin yr ardal gyfan y mae'r cais yn ymwneud â hi fel un safle at ddiben y rheoliad hwn.

(5) Pan fo'r cais yn ymwneud ag arddangos hysbysebion ar fwy nag un safle, y ffi sy'n daladwy mewn cysylltiad â'r cais yw cyfanswm y symiau taladwy mewn cysylltiad ag arddangos hysbysebion ar bob safle o'r fath.

(6) Pan wneir y cais gan neu ar ran cyngor cymuned, y ffi sy'n daladwy mewn cysylltiad â'r cais yw hanner y swm a fyddai, fel arall, yn daladwy o dan y rheoliad hwn.

(7) Rhaid i'r ffi sy'n ddyladwy mewn cysylltiad â chais y mae'r rheoliad hwn yn gymwys iddo fynd gyda'r cais pan gyflwynir ef i'r awdurdod cynllunio lleol.

(8) Os nad yr awdurdod cynllunio lleol sy'n cael y ffi yn unol â'r rheoliad hwn yw'r awdurdod cynllunio lleol sy'n gorfod penderfynu'r cais, rhaid i'r awdurdod sy'n cael y ffi anfon y ffi at yr awdurdod hwnnw yr un pryd ag y bydd yn anfon y cais ymlaen ato.

(9) Pan fodlonir pob un o'r amodau a nodir ym mharagraff (10), nid yw'r rheoliad hwn yn gymwys i'r canlynol—

- (a) cais o dan reoliad 9 o Reoliadau 1992 a wneir yn dilyn tynnu'n ôl (cyn dyroddi hysbysiad o benderfyniad) gais dilys a wnaed gan neu ar ran yr un person; neu
- (b) cais a wneir o dan y rheoliad hwnnw yn dilyn gwrthod caniatâd (pa un ai gan yr awdurdod cynllunio lleol neu gan Weinidogion Cymru yn dilyn apêl) ar gyfer cais dilys am arddangos hysbysebion, a wnaed gan neu ar ran yr un person.

(10) Yr amodau y cyfeirir atynt ym mharagraff (9) yw'r canlynol—

- (a) y gwneir y cais o fewn 12 mis ar ôl—
 - (i) yn achos cais dilys cynharach a dynnwyd yn ôl, y dyddiad y cafwyd y cais hwnnw; neu
 - (ii) mewn unrhyw achos arall, dyddiad y gwrthodiad;
- (b) bod y cais yn ymwneud â'r un safle ag yr oedd y cais cynharach yn ymwneud ag ef, neu â rhan o'r safle hwnnw;
- (c) bod yr awdurdod cynllunio lleol y cyflwynir y cais iddo wedi ei fodloni bod y cais yn ymwneud â hysbyseb o'r un disgrifiad â'r hysbyseb yr oedd y cais cynharach yn ymwneud ag ef;

(4) Where the application relates to the display of advertisements on parking meters, litter bins, public seating benches or bus shelters within a specified area, the whole of the area to which the application relates must be treated as one site for the purpose of this regulation.

(5) Where the application relates to the display of advertisements on more than one site, the fee payable in respect of the application is the aggregate of the sums payable in respect of the display of advertisements on each such site.

(6) Where the application is made by or on behalf of a community council, the fee payable in respect of the application is one half of the amount that would otherwise be payable under this regulation.

(7) The fee due in respect of an application to which this regulation applies must accompany the application when it is lodged with the local planning authority.

(8) Where the local planning authority who receive the fee in accordance with this regulation are not the local planning authority who have to determine the application, they must remit the fee to that authority at the same time as they forward the application to them.

(9) Where all of the conditions set out in paragraph (10) are satisfied, this regulation does not apply to—

- (a) an application under regulation 9 of the 1992 Regulations which is made following the withdrawal (before notice of decision was issued) of a valid application made by or on behalf of the same person; or
- (b) an application under that regulation which is made following the refusal of consent (whether by the local planning authority or by the Welsh Ministers on appeal) for the display of advertisements on a valid application made by or on behalf of the same person.

(10) The conditions referred to in paragraph (9) are—

- (a) the application is made within 12 months of—
 - (i) in the case of an earlier valid application which was withdrawn, the date when that application was received; or
 - (ii) in any other case, the date of refusal;
- (b) the application relates to the same site as that to which the earlier application related, or to part of that site;
- (c) the local planning authority to whom the application is made are satisfied that it relates to an advertisement of the same description as the advertisement to which the earlier application related;

- (d) bod y ffi a oedd yn daladwy mewn cysylltiad â'r cais cynharach wedi ei thalu; ac
- (e) nad oes cais blaenorol wedi ei wneud ar unrhyw adeg, gan neu ar ran yr un ceisydd, a oedd yn ymwneud ag—
 - (i) yr un safle â'r un yr oedd y cais cynharach yn ymwneud ag ef, neu ran o'r safle hwnnw; a
 - (ii) hysbyseb o'r un disgrifiad â'r hysbyseb (neu unrhyw un o'r hysbysebion) yr oedd y cais cynharach yn ymwneud â hwy,

ac a esemptiwyd o ddarpariaethau'r rheoliad hwn gan baragraff (9).

(11) Nid oes ffi yn daladwy o dan y rheoliad hwn mewn cysylltiad â chais am ganiatâd i arddangos hysbyseb os ysgogir y cais gan gyfarwyddyd o dan reoliad 7 o Reoliadau 1992 (cyfarwyddiadau sy'n cyfyngu ar ganiatâd tybiedig) sy'n datgymhwyso rheoliad 6 o'r Rheoliadau hynny (caniatâd tybiedig ar gyfer arddangos hysbysebion)(1) mewn perthynas â'r hysbyseb (neu unrhyw un o'r hysbysebion) dan sylw.

(12) Rhaid ad-dalu unrhyw ffi a dalwyd yn unol â'r rheoliad hwn os gwrthodir y cais perthnasol fel un annilys.

Ffioedd am geisiadau penodol o dan y Gorchymyn Datblygu Cyffredinol a Ganiateir

13.—(1) Pan wneir cais i awdurdod cynllunio lleol am iddo benderfynu a fydd cymeradwyaeth ymlaen llaw gan yr awdurdod yn ofynnol mewn perthynas â datblygiad o dan Atodlen 2 i'r Gorchymyn Datblygu Cyffredinol a Ganiateir, rhaid talu ffi i'r awdurdod, mewn symiau fel a ganlyn—

- (a) ar gyfer cais o dan Rannau 6 (adeiladau a gweithrediadau amaethyddol)(2), 7 (adeiladau a gweithrediadau coedwigaeth)(3) neu 31 (dymchwel adeiladau)(4) o'r Atodlen honno, £80; a

- (d) the fee payable in respect of the earlier application was paid; and
- (e) no previous application has at any time been made by or on behalf of the same applicant which related to—
 - (i) the same site as that to which the earlier application related, or part of that site; and
 - (ii) an advertisement of the same description as the advertisement (or any of the advertisements) to which the earlier application related,

and which was exempted from the provisions of this regulation by paragraph (9).

(11) No fee is payable under this regulation in respect of an application for consent to display an advertisement if the application is occasioned by a direction under regulation 7 of the 1992 Regulations (directions restricting deemed consent) disapplying regulation 6 of those Regulations (deemed consent for the display of advertisements)(1) in relation to the advertisement (or any of the advertisements) in question.

(12) Any fee paid pursuant to this regulation must be refunded if the relevant application is rejected as invalid.

Fees for certain applications under the General Permitted Development Order

13.—(1) Where an application is made to a local planning authority for their determination as to whether the prior approval of the authority will be required in relation to development under Schedule 2 to the General Permitted Development Order a fee must be paid to the authority in the following amounts—

- (a) for an application under Parts 6 (agricultural buildings and operations)(2), 7 (forestry buildings and operations)(3) or 31 (demolition of buildings)(4) of that Schedule, £80; and

(1) Gweler rheoliad 15 o O.S. 2008/1848 (Cy. 177) mewn perthynas â chymhwyso Rheoliadau 1992 i arddangos hysbyseb sy'n ymwneud yn benodol â refferendwm, ar unrhyw safle mewn ardal bleidleisio.
 (2) Diwygiwyd Rhan 6 gan O.S. 1997/366 ac O.S. 2012/2318 (Cy. 252). Nid yw diwygiadau eraill yn berthnasol i'r Rheoliadau hyn.
 (3) Diwygiwyd Rhan 7 gan O.S. 2012/2318 (Cy. 252). Nid yw diwygiadau eraill yn berthnasol i'r Rheoliadau hyn.
 (4) Gwnaed diwygiadau i Ran 31 ond nid oes yr un ohonynt yn berthnasol i'r Rheoliadau hyn.

(1) See regulation 15 of S.I. 2008/1848 (W. 177) in relation to the application of the 1992 Regulations to the display on any site in a voting area of an advertisement relating specifically to a referendum.
 (2) Part 6 was amended by S.I. 1997/366 and S.I. 2012/2318 (W. 252). Other amendments are not relevant to these Regulations.
 (3) Part 7 was amended by S.I. 2012/2318 (W. 252). Other amendments are not relevant to these Regulations.
 (4) There are amendments to Part 31 but none is relevant to these Regulations.

- (b) ar gyfer cais o dan Ran 24 o'r Atodlen honno (datblygu gan weithredwyr cod cyfathrebiadau electronig)(1), £380.

(2) Os nad yr awdurdod cynllunio lleol sy'n cael y ffi yn unol â'r rheoliad hwn yw'r awdurdod cynllunio lleol sy'n gorfod penderfynu'r cais, rhaid i'r awdurdod sy'n cael y ffi anfon y ffi at yr awdurdod hwnnw yr un pryd ag y bydd yn anfon y cais ymlaen ato.

(3) Rhaid ad-dalu unrhyw ffi a dalwyd yn unol â'r rheoliad hwn os gwrthodir y cais fel un annyls.

Ffioedd mewn cysylltiad â monitro safleoedd mwynloddio a thirlenwi

14.—(1) Yn ddarostyngedig i baragraffau (2) a (3), pan wneir ymweliad safle, rhaid i weithredwr y safle dalu i'r awdurdod cynllunio lleol ffi sydd â'i swm fel a bennir ym mharagraffau (4) neu (5).

(2) Y nifer mwyaf o ymweliadau safle ag unrhyw un safle o'r fath, y codir ffi amdanynt o dan y rheoliad hwn, yn ystod unrhyw gyfnod o 12 mis sy'n dechrau gyda dyddiad yr ymweliad cyntaf yn ystod y cyfnod hwnnw, yw'r canlynol—

- (a) pan fo'r safle yn safle gweithredol, wyth; neu
- (b) pan fo'r safle yn safle anweithredol, un.

(3) Os—

- (a) y person sy'n atebol i dalu'r ffi mewn cysylltiad ag ymweliad safle yw perchennog y safle; a
- (b) bod mwy nag un perchennog,

rhaid rhannu swm y ffi yn gyfartal â chyfanswm nifer y perchnogion, ac mae pob perchennog yn atebol i dalu un rhan o'r swm a rannwyd felly.

(4) Pan fo'r cyfan neu ran o'r safle yn safle gweithredol, y ffi sy'n daladwy yw £330.

(5) Pan fo'r safle yn safle anweithredol, y ffi sy'n daladwy yw £110.

(6) Yn y rheoliad hwn—

ystyr "gweithredwr" ("operator") yw—

- (a) y person sy'n—
 - (i) cyflawni gweithrediadau ar y tir sy'n cynnwys cloddio a gweithio mwynau;
 - (ii) defnyddio'r tir ar gyfer gollwng gwastraff mwynau;
 - (iii) cyflawni gweithrediadau ar y tir at ddibenion safle gwaredu gwastraff, neu

- (b) for an application under Part 24 of that Schedule (development by electronic communications code operators)(1), £380.

(2) Where the local planning authority who receive the fee in accordance with this regulation are not the local planning authority who have to determine the application, they must remit the fee to that authority at the same time as they forward the application to them.

(3) Any fee paid pursuant to this regulation must be refunded if the application is rejected as invalid.

Fees in respect of the monitoring of mining and landfill sites

14.—(1) Subject to paragraphs (2) and (3), where a site visit is made, the operator of the site must pay to the local planning authority a fee in the amount specified in paragraphs (4) or (5).

(2) The maximum number of site visits to any one such site for which a fee is payable under this regulation in any period of 12 months beginning with the date of the first visit during that period is—

- (a) where the site is an active site, eight; or
- (b) where the site is an inactive site, one.

(3) Where—

- (a) the person liable to pay the fee in respect of a site visit is the owner of the site; and
- (b) there is more than one owner,

the amount of the fee is to be divided equally between the total number of owners and each owner is liable to pay one part of the amount so divided.

(4) Where the whole or a part of the site is an active site, the fee payable is £330.

(5) Where the site is an inactive site the fee payable is £110.

(6) In this regulation—

"active site" ("safle gweithredol") means the whole or a part of a mining site or landfill site, or a site which is partly a mining site and partly a landfill site, where—

- (a) development to which the relevant mineral permission or landfill permission relates is being carried out to any substantial extent on the site or (as the case may be) that part of it; or
- (b) other works to which a condition attached to such permission relates are being carried out

(1) Amnewidiwyd Rhan 24 mewn perthynas â Chymru gan O.S. 2002/1878 (Cy. 187) ac fe'i diwygiwyd gan O.S. 2003/2155 ac O.S. 2004/945. Nid yw diwygiadau eraill yn berthnasol i'r Rheoliadau hyn.

(1) Part 24 was substituted in relation to Wales by S.I. 2002/1878 (W. 187) and amended by S.I. 2003/2155 and S.I. 2004/945. Other amendments are not relevant to these Regulations.

ddefnyddio'r tir fel safle o'r fath, ar gyfer gollwng gwastraff ar y tir neu i mewn ynddo; neu

(iv) cyflawni gweithiau eraill ar y tir y mae amod neu gyfyngiad a osodwyd ar ganiatâd mwynau neu ganiatâd tirlenwi yn ymwneud â hwy;

(b) pan fo mwy nag un person yn cyflawni'r gweithrediadau, y gweithiau neu'n defnyddio'r tir yn y modd a ddisgrifir yn is-baragraff (a), y person sydd â rheolaeth gyffredinol ar y safle; neu

(c) pan nad oes unrhyw berson sy'n dod o fewn y disgrifiadau yn is-baragraff (a) neu (b), perchennog y safle;

ystyr "perchennog" ("owner") yw—

(a) y person sydd â hawl i denantiaeth o'r safle a roddwyd neu a estynnwyd am dymor sicr o flynyddoedd nad oes llai na saith mlynedd ohono'n weddill, ond nid yw'n cynnwys is-brydlesai; neu

(b) pan nad oes unrhyw berson sy'n dod o fewn y disgrifiad yn is-baragraff (a), perchennog y safle mewn ffi syml;

ystyr "safle anweithredol" ("inactive site") yw safle mwyngloddio neu safle tirlenwi, neu safle sy'n rhannol yn safle mwyngloddio a rhannol yn safle tirlenwi, nad yw'n safle gweithredol; ac

ystyr "safle gweithredol" ("active site") yw'r cyfan neu ran o safle mwyngloddio neu safle tirlenwi, neu safle sy'n rhannol yn safle mwyngloddio a rhannol yn safle tirlenwi, lle—

(a) y cyflawnir datblygiad y mae'r caniatâd mwynau neu ganiatâd tirlenwi perthnasol yn ymwneud ag ef, ar unrhyw raddfa sylweddol, ar y safle neu (yn ôl y digwydd) ar y rhan honno o'r safle; neu

(b) y cyflawnir gweithiau eraill y mae amod a osodwyd ar ganiatâd o'r fath yn ymwneud â hwy, ar unrhyw raddfa sylweddol, ar y safle neu (yn ôl y digwydd) ar y rhan honno o'r safle.

to any substantial extent or (as the case may be) that part of it;

"inactive site" ("safle anweithredol") means a mining site or landfill site, or a site which is partly a mining site and partly a landfill site, which is not an active site;

"operator" ("gweithredwr") means—

(a) the person—

(i) carrying out on the land operations consisting of the winning and working of minerals;

(ii) using the land for the deposit of mineral waste;

(iii) carrying out on the land operations for the purposes of, or using the land as, a waste disposal site for the deposit of waste onto or into the land; or

(iv) carrying out on the land other works to which a condition or limitation attached to a mineral permission or landfill permission relates;

(b) where there is more than one person carrying out the operations, works or using the land in the way described in sub-paragraph (a), the person in overall control of the site; or

(c) where there is no person who falls within the descriptions in sub-paragraph (a) or (b), the owner of the site; and

"owner" ("perchennog") means—

(a) the person who is entitled to a tenancy of the site granted or extended for a term of years certain of which not less than seven years remains unexpired, but does not include an underlessee; or

(b) where there is no person who falls within the description in sub-paragraph (a), the owner in fee simple of the site.

Ffioedd am geisiadau a wneir o dan amod cynllunio

15.—(1) Pan fo cais wedi ei wneud i awdurdod cynllunio lleol o dan erthygl 23 o'r Gorchymyn Gweithdrefn Rheoli Datblygu, rhaid talu ffi i'r awdurdod hwnnw fel a ganlyn—

(a) pan fo'r cais yn ymwneud â chaniatâd ar gyfer datblygiad sy'n dod o fewn categori 6 neu 7 a bennir yn y tabl a nodir yn Rhan 2 o Atodlen 1, £30 am bob cais;

Fees for applications made under planning condition

15.—(1) Where an application is made to a local planning authority under article 23 of the Development Management Procedure Order, a fee must be paid to that authority as follows—

(a) where the application relates to a permission for development which falls within category 6 or 7 specified in the table set out in Part 2 of Schedule 1, £30 for each application;

(b) mewn unrhyw achos arall, £95 am bob cais.

(2) Rhaid ad-dalu unrhyw ffi a dalwyd o dan y rheoliad hwn os yw'r awdurdod cynllunio lleol yn methu â phenderfynu'r cais o fewn cyfnod o 8 wythnos ar ôl diwedd y cyfnod ar gyfer rhoi hysbysiad o benderfyniad, a bennir yn erthygl 23 o'r Gorchymyn Gweithdrefn Rheoli Datblygu.

(3) Nid yw paragraff (2) yn gymwys pan ddigwydd un o'r canlynol cyn diwedd y cyfnod a grybwyllir ym mharagraff (2)—

- (a) bod Gweinidogion Cymru yn rhoi cyfarwyddyd o dan adran 77 o Ddeddf 1990 mewn perthynas â'r cais;
- (b) bod y ceisydd yn apelio at Weinidogion Cymru o dan adran 78(2) o Ddeddf 1990; neu
- (c) bod unrhyw berson a dramgwyddir gan unrhyw benderfyniad gan yr awdurdod cynllunio lleol mewn perthynas â'r cais yn gwneud cais i'r Uchel Lys.

Ffioedd am geisiadau am newidiadau ansylweddol i ganiatâd cynllunio

16.—(1) Yn ddarostyngedig i baragraff (3), pan wneir cais o dan adran 96A(4) o Ddeddf 1990 rhaid talu'r ffi ganlynol i'r awdurdod cynllunio lleol—

- (a) os yw'r cais yn gais deiliad tŷ, £30;
- (b) ym mhob achos arall, £95.

(2) Os nad yr awdurdod cynllunio lleol sy'n cael y ffi yn unol â'r rheoliad hwn yw'r awdurdod cynllunio lleol sy'n gorfod penderfynu'r cais, rhaid i'r awdurdod sy'n cael y ffi anfon y ffi at yr awdurdod hwnnw yr un pryd ag y bydd yn anfon y cais ymlaen ato.

(3) Nid yw paragraff (1) yn gymwys yn yr amgylchiadau a nodir yn rheoliadau 4 a 5.

(4) Rhaid ad-dalu unrhyw ffi a delir yn unol â'r rheoliad hwn os gwrthodir y cais ar y sail ei fod yn annilys.

(5) Yn y rheoliad hwn, ystyr “cais deiliad tŷ” (“*householder application*”) yw cais i wneud newid mewn caniatâd cynllunio sy'n ymwneud ag—

- (a) datblygu tŷ annedd presennol, neu
- (b) datblygiad o fewn cwrtill tŷ annedd o'r fath,

at unrhyw ddiben sy'n gysylltiedig â mwynhau'r tŷ annedd, ond nid yw'n cynnwys cais am newid defnydd na chais am newid nifer yr anheddau mewn adeilad.

(b) in any other case, £95 for each application.

(2) Any fee paid under this regulation must be refunded if the local planning authority fail to determine the application within a period of 8 weeks from the expiry of the period for the giving of notice of a decision specified in article 23 of the Development Management Procedure Order.

(3) Paragraph (2) does not apply where before the period mentioned in paragraph (2) has expired—

- (a) the Welsh Ministers give a direction under section 77 of the 1990 Act in relation to the application;
- (b) the applicant appeals to the Welsh Ministers under section 78(2) of the 1990 Act; or
- (c) any person who is aggrieved by any decision of the local planning authority in relation to the application makes an application to the High Court.

Fees for applications for non-material changes to planning permission

16.—(1) Subject to paragraph (3), where an application is made under section 96A(4) of the 1990 Act the following fee must be paid to the local planning authority—

- (a) if the application is a householder application, £30;
- (b) in any other case, £95.

(2) Where the local planning authority who receive the fee in accordance with this regulation are not the local planning authority who have to determine the application, they must remit the fee to that authority at the same time as they forward the application to them.

(3) Paragraph (1) does not apply in the circumstances set out in regulations 4 and 5.

(4) Any fee paid pursuant to this regulation must be refunded if the application is rejected as invalid.

(5) In this regulation “householder application” (“*cais deiliad tŷ*”) means an application to make a change to a planning permission relating to—

- (a) development of an existing dwellinghouse, or
- (b) development within the curtilage of such a dwellinghouse,

for any purpose incidental to the enjoyment of the dwellinghouse, but does not include an application for change of use or an application to change the number of dwellings in a building.

Dirymu, darpariaethau trosiannol ac arbedion

17.—(1) Yn ddarostyngedig i baragraffau (2) a (3), mae'r Rheoliadau a bennir yn y tabl yn Atodlen 3 wedi eu dirymu i'r graddau y maent yn gymwys o ran Cymru.

(2) Rhaid dehongli cyfeiriad yn rheoliadau 8(2)(f), 11(5)(e) neu 12(10)(e) at y ffi am gais a esemptir o dan ddarpariaeth benodol o'r Rheoliadau hyn fel pe bai'n cynnwys cyfeiriad at esemptio'r cais rhag talu ffi o dan (yn ôl y digwydd) reoliad 8, 10A(3) ac 11(9) o Reoliadau 1989.

(3) Mae darpariaethau perthnasol Rheoliadau 1989 yn parhau i gael effaith mewn perthynas ag unrhyw gais am ganiatâd cynllunio y tybir iddo gael ei wneud yn rhinwedd adran 177(5) o Ddeddf 1990 mewn cysylltiad â hysbysiad gorfodi a ddyroddwyd cyn y dyddiad y daeth y Rheoliadau hyn i rym.

Revocation, transitional provisions and savings

17.—(1) Subject to paragraphs (2) and (3), the Regulations specified in the table in Schedule 3 are revoked in so far as they apply in relation to Wales.

(2) A reference in regulations 8(2)(f), 11(5)(e) or 12(10)(e) to the fee for an application being exempted under a particular provision of these Regulations must be construed as including a reference to the application being exempted from payment of a fee under (as the case may be) regulation 8, 10A(3) and 11(9) of the 1989 Regulations.

(3) The relevant provisions of the 1989 Regulations continue to have effect in relation to any application for planning permission deemed to have been made by virtue of section 177(5) of the 1990 Act in connection with an enforcement notice issued before the date on which these Regulations come into force.

Carl Sargeant

Y Gweinidog Cyfoeth Naturiol, un o Weinidogion
Cymru

6 Gorffennaf 2015

Minister for Natural Resources, one of the Welsh
Ministers

6 July 2015

ATODLEN 1 Rheoliadau 3, 9, 10, 11(8) a 15(1)

Ffioedd mewn Cysylltiad â Cheisiadau a Cheisiadau Tybiedig am Ganiatâd Cynllunio neu am Gymeradwyaeth ar gyfer Materion a Gadwyd yn ôl

RHAN 1

Ffioedd sy'n Daladwy o dan Reoliad 3 neu Reoliad 10

Cyffredinol

1.—(1) Yn ddarostyngedig i baragraffau 2 i 9 o'r Rhan hon, cyfrifir y ffi sy'n daladwy o dan reoliad 3 neu reoliad 10 yn unol â'r tabl a nodir yn Rhan 2 a pharagraffau 10 i 13.

(2) Yn y Rhan hon, mae cyfeiriad at gategori yn gyfeiriad at gategori o ddatblygiad a bennir yn y tabl a nodir yn Rhan 2; a chyfeiriad at gategori â rhif yn gyfeiriad at y categori o ddatblygiad a rifwyd felly yn y tabl, ac ystyr "categori o ddatblygiad" ("*category of development*") yw—

- (a) yn achos cais am ganiatâd cynllunio, y categori o ddatblygiad y ceisir caniatâd mewn cysylltiad ag ef; a
- (b) yn achos cais am gymeradwyaeth ar gyfer materion a gadwyd yn ôl, y categori o ddatblygiad a ganiateir gan y caniatâd cynllunio amlinellol perthnasol.

(3) Yn achos cais tybiedig(1) yn yr Atodlen hon—

- (a) rhaid dehongli cyfeiriadau at y datblygiad y mae cais yn ymwneud ag ef fel cyfeiriadau at y defnydd o dir neu'r gweithrediadau (yn ôl y digwydd) y mae'r hysbysiad gorfodi perthnasol yn ymwneud â hwy;
- (b) rhaid dehongli cyfeiriadau at faint arwynebedd llawr neu nifer y tai annedd a grëir gan y datblygiad fel cyfeiriadau at y maint arwynebedd llawr neu'r nifer tai annedd y mae'r hysbysiad gorfodi hwnnw yn ymwneud â hwy; ac

SCHEDULE 1 Regulations 3, 9, 10, 11(8) and 15(1)

Fees in Respect of Applications and Deemed Applications for Planning Permission or for Approval of Reserved Matters

PART 1

Fees Payable under Regulation 3 or Regulation 10

General

1.—(1) Subject to paragraphs 2 to 9 of this Part, the fee payable under regulation 3 or regulation 10 is calculated in accordance with the table set out in Part 2 and paragraphs 10 to 13.

(2) In this Part, a reference to a category is to a category of development specified in the table set out in Part 2; and a reference to a numbered category is to the category of development so numbered in the table and "category of development" ("*category of development*") means—

- (a) in the case of an application for planning permission, the category of development in respect of which the permission is being sought; and
- (b) in the case of an application for approval of reserved matters, the category of development permitted by the relevant outline planning permission.

(3) In the case of a deemed application(1) in this Schedule—

- (a) references to the development to which an application relates must be construed as references to the use of land or the operations (as the case may be) to which the relevant enforcement notice relates;
- (b) references to the amount of floor space or the number of dwellinghouses to be created by the development must be construed as references to the amount of floor space or the number of dwellinghouses to which that enforcement notice relates; and

(1) Diffinnir "cais tybiedig" yn rheoliad 10(2).

(1) "Deemed application" is defined in regulation 10(2).

- (c) rhaid dehongli cyfeiriadau at y dibenion y bwriedir defnyddio arwynebedd llawr ar eu cyfer fel cyfeiriadau at y dibenion y datganwyd bod yr arwynebedd llawr i'w ddefnyddio ar eu cyfer yn yr hysbysiad gorfodi.

Ffioedd mewn achosion penodol

2. Pan fo cais neu gais tybiedig wedi ei wneud neu y tybir iddo gael ei wneud, gan neu ar ran cyngor cymuned, y ffi sy'n daladwy yw hanner y swm a fyddai, fel arall, yn daladwy.

3.—(1) Pan fo cais neu gais tybiedig wedi ei wneud neu y tybir iddo gael ei wneud, gan neu ar ran clwb, cymdeithas neu gorff arall (gan gynnwys unrhyw bersonau sy'n gweinyddu ymddiriedolaeth), nas sefydlwyd ac nac yw'n cael ei gynnal er mwyn gwneud elw, ac amcanion y clwb, y gymdeithas neu'r corff hwnnw yw darparu cyfleusterau ar gyfer chwaraeon neu hamdden, a'r amodau a bennir yn is-baragraff (2) wedi eu bodloni, y ffi daladwy yw £385.

(2) Yr amodau y cyfeirir atynt yn is-baragraff (1) yw—

- (a) bod y cais neu'r cais tybiedig yn ymwneud ag—
 - (i) gwneud newid sylweddol yn y defnydd o dir i'w ddefnyddio fel maes chwarae; neu
 - (ii) cyflawni gweithrediadau (ac eithrio codi adeilad sy'n cynnwys arwynebedd llawr) at ddibenion sy'n atodol i'r defnydd o dir fel maes chwarae,

ac nid ag unrhyw ddatblygiad arall; a

- (b) y bodlonwyd yr awdurdod cynllunio lleol y cyflwynwyd y cais iddo, neu (yn achos cais tybiedig) y bodlonwyd Gweinidogion Cymru, fod y datblygiad i'w gyflawni ar dir a feddiennir, neu y bwriedir ei feddiannu gan y clwb, y gymdeithas neu'r corff a'i ddefnyddio'n gyfan gwbl neu'n bennaf ar gyfer cyflawni ei amcanion.

4.—(1) Mae'r paragraff hwn yn gymwys—

- (a) pan fo cais wedi ei wneud am gymeradwyaeth ar gyfer un neu ragor o faterion a gadwyd yn ôl ("y cais cyfredol"); a
- (b) pan fo'r ceisydd wedi gwneud cais blaenorol am gymeradwyaeth o'r fath o dan yr un caniatâd cynllunio amlinellol ac wedi talu ffioedd mewn perthynas ag un neu ragor o geisiadau o'r fath; ac
- (c) pan nad oes cais wedi ei wneud o dan y caniatâd hwnnw ac eithrio gan neu ar ran y ceisydd.

- (c) references to the purposes for which it is proposed that floor space be used must be construed as references to the purposes for which floor space was stated to be used in the enforcement notice.

Fees in particular cases

2. Where an application or deemed application is made or deemed to be made by or on behalf of a community council, the fee payable is one half of the amount as would otherwise be payable.

3.—(1) Where an application or deemed application is made or deemed to be made by or on behalf of a club, society or other organisation (including any persons administering a trust) which is not established or conducted for profit and whose objects are the provision of facilities for sport or recreation, and the conditions specified in sub-paragraph (2) are satisfied, the fee payable is £385.

(2) The conditions referred to in sub-paragraph (1) are—

- (a) the application or deemed application relates to—
 - (i) the making of a material change in the use of land to use as a playing field; or
 - (ii) the carrying out of operations (other than the erection of a building containing floor space) for purposes ancillary to the use of land as a playing field,

and to no other development; and

- (b) the local planning authority with whom the application is lodged, or (in the case of a deemed application) the Welsh Ministers, are satisfied that the development is to be carried out on land which is, or is intended to be, occupied by the club, society or organisation and used wholly or mainly for the carrying out of its objects.

4.—(1) This paragraph applies where—

- (a) an application is made for approval of one or more reserved matters ("the current application"); and
- (b) the applicant has previously applied for such approval under the same outline planning permission and paid fees in relation to one or more such applications; and
- (c) no application has been made under that permission other than by or on behalf of the applicant.

(2) Pan fo'r swm a dalwyd fel y crybwyllir yn is-baragraff (1)(b) yn ddim llai na'r swm a fyddai'n daladwy pe bai'r ceisydd, drwy'r cais cyfredol, yn ceisio cael cymeradwyaeth ar gyfer yr holl faterion a gadwyd yn ôl gan y caniatâd amlinellol (ac mewn perthynas â'r holl ddatblygiad a awdurdodwyd gan y caniatâd), y ffi daladwy mewn cysylltiad â'r cais cyfredol yw £385.

(3) Os—

- (a) oedd ffi wedi ei thalu fel y crybwyllir yn is-baragraff (1)(b) ar gyfradd is na'r gyfradd sydd mewn bodolaeth ar ddyddiad y cais cyfredol; a
- (b) byddai is-baragraff (2) yn gymwys pe bai'r ffi honno wedi ei thalu ar y gyfradd sydd yn gymwys ar y dyddiad hwnnw,

y ffi mewn cysylltiad â'r cais cyfredol yw £385.

5. Pan wneir cais yn unol ag adran 73 o Ddeddf 1990 (penderfynu ceisiadau i ddatblygu tir heb gydymffurfio ag amodau a osodwyd yn flaenorol)(1) y ffi daladwy yw £190.

6. Pan fo cais yn ymwneud â datblygiad y mae adran 73A o Ddeddf 1990 (caniatâd cynllunio ar gyfer datblygiad a gyflawnwyd eisoes)(2) yn gymwys iddo, y ffi daladwy yw—

- (a) pan fo'r cais yn ymwneud â datblygiad a gyflawnwyd heb ganiatâd cynllunio, y ffi a fyddai'n daladwy pe bai'r cais yn gais am ganiatâd cynllunio i gyflawni'r datblygiad hwnnw;
- (b) mewn unrhyw achos arall, £190.

7. Pan wneir cais am ganiatâd cynllunio ac—

- (a) bod caniatâd cynllunio wedi ei roi yn flaenorol ar gyfer datblygiad nad yw eto wedi ei gychwyn; a
- (b) bod terfyn amser erbyn pryd y mae'n rhaid cychwyn y datblygiad wedi ei osod gan neu o dan adran 91(3) neu adran 92 o Ddeddf 1990 (amod cyffredinol yn cyfyngu ar barhad caniatâd cynllunio a chaniatâd cynllunio amlinellol) a'r amser hwnnw heb ddod i ben,

y ffi daladwy yw £190.

(2) Where the amount paid as mentioned in sub-paragraph (1)(b) is not less than the amount which would be payable if the applicant were, by the current application, seeking approval of all the matters reserved by the outline permission (and in relation to the whole of the development authorised by the permission), the fee payable in respect of the current application is £385.

(3) Where—

- (a) a fee has been paid as mentioned in sub-paragraph (1)(b) at a rate lower than that prevailing at the date of the current application; and
- (b) sub-paragraph (2) would apply if that fee had been paid at the rate applying at that date,

the fee in respect of the current application is £385.

5. Where application is made pursuant to section 73 of the 1990 Act (determination of applications to develop land without compliance with conditions previously attached)(1) the fee payable is £190.

6. Where an application relates to development to which section 73A of the 1990 Act (planning permission for development already carried out)(2) applies, the fee payable is—

- (a) where the application relates to development carried out without planning permission, the fee that would be payable if the application were for planning permission to carry out that development;
- (b) £190, in any other case.

7. Where an application is made for planning permission and—

- (a) a planning permission has previously been granted for development which has not yet begun; and
- (b) a time limit by which the development must be begun was imposed by or under section 91(3) or section 92 of the 1990 Act (general condition limiting duration of planning permission and outline planning permission) which has not yet expired,

the fee payable is £190.

(1) Diwygiwyd adran 73 gan adrannau 42 a 120 o Ddeddf Cynllunio a Phrynu Gorfodol 2004 (p. 5) a pharagraff 1 o Atodlen 9 i'r Ddeddf honno. Nid yw diwygiadau eraill yn berthnasol i'r Rheoliadau hyn.

(2) Mewnosodwyd adran 73A gan adran 32 o Ddeddf Cynllunio a Digolledu 1991 (p. 34) a pharagraffau 8 ac 16(1) o Atodlen 7 i'r Ddeddf honno.

(3) Diwygiwyd adran 91 gan adrannau 21 a 32 o Ddeddf Cynllunio a Digolledu 1991 (p. 34) a pharagraffau 1 a 3 o Atodlen 1 a pharagraffau 8 ac 20 o Atodlen 7 i'r Ddeddf honno. Nid yw diwygiadau eraill yn berthnasol i'r Rheoliadau hyn.

(1) Section 73 was amended by sections 42 and 120 of, and paragraph 1 of Schedule 9 to, the Planning and Compulsory Purchase Act 2004 (c. 5). Other amendments are not relevant to these Regulations.

(2) Section 73A was inserted by section 32 of, and paragraphs 8 and 16(1) of Schedule 7 to, the Planning and Compensation Act 1991 (c. 34).

(3) Section 91 was amended by sections 21 and 32 of, and paragraphs 1 and 3 of Schedule 1 and paragraphs 8 and 20 of Schedule 7 to the Planning and Compensation Act 1991 (c. 34). Other amendments are not relevant to these Regulations.

8.—(1) Mae'r paragraff hwn yn gymwys pan fo—

- (a) ceisydd yn gwneud cais am ganiatâd cynllunio neu am gymeradwyaeth ar gyfer materion a gadwyd yn ôl mewn cysylltiad â datblygu tir (“y tir perthnasol”); a
- (b) y tir perthnasol yn pontio'r ffin neu'r ffiniau rhwng ardaloedd dau neu ragor o awdurdodau cynllunio lleol, ac felly, yn hytrach na gwneud cais i un awdurdod mewn perthynas â'r cyfan o'r datblygiad hwnnw, y gwneir ceisiadau i ddau neu ragor o awdurdodau cynllunio lleol.

(2) Y ffi sy'n daladwy i bob awdurdod cynllunio lleol unigol y gwneir cais iddo yw'r swm taladwy mewn cysylltiad â'r cais sydd i'w benderfynu gan yr awdurdod cynllunio lleol hwnnw.

9.—(1) Pan wneir—

- (a) cais am ganiatâd cynllunio mewn cysylltiad â dau neu ragor o gynigion amgen ar gyfer datblygu yr un tir; neu
- (b) cais am gymeradwyaeth ar gyfer materion a gadwyd yn ôl mewn cysylltiad â dau neu ragor o gynigion amgen ar gyfer cyflawni'r datblygiad a awdurdodwyd gan ganiatâd cynllunio amlinellol,

a gwneir y cais mewn cysylltiad â'r holl gynigion amgen ar yr un dyddiad a chan neu ar ran yr un ceisydd, cyfrifir y ffi daladwy mewn cysylltiad â'r cais hwnnw yn unol ag is-baragraff (2).

(2) Rhaid gwneud cyfrifiadau yn unol â'r Atodlen hon o'r ffi a fyddai'n daladwy mewn cysylltiad â chais am ganiatâd cynllunio, neu gymeradwyaeth ar gyfer materion a gadwyd yn ôl (yn ôl y digwydd), fel pe bai cais wedi ei wneud mewn cysylltiad â phob un o'r cynigion amgen, a'r ffi daladwy mewn cysylltiad â'r cais a wnaed yw cyfanswm y canlynol—

- (a) swm sy'n hafal i'r swm uwch neu uchaf o'r symiau a gyfrifwyd mewn cysylltiad â phob un o'r cynigion amgen; a
- (b) swm a gyfrifir drwy adio'r symiau at ei gilydd sy'n briodol i bob un o'r cynigion amgen ac eithrio'r swm y cyfeirir ato ym mharagraff (a), a rhannu'r cyfanswm hwnnw gyda 2.

Darpariaethau mewn perthynas â chategorïau penodedig

10.—(1) Pan fo'r ffi, mewn cysylltiad ag unrhyw gategori, i gael ei chyfrifo drwy gyfeirio at arwynebedd y safle, rhaid ystyried bod yr arwynebedd hwnnw'n cynnwys—

- (a) arwynebedd y tir y mae'r cais yn ymwneud ag ef; neu

8.—(1) This paragraph applies where—

- (a) an applicant applies for planning permission or for the approval of reserved matters in respect of the development of land (“the relevant land”); and
- (b) the relevant land straddles the boundary or boundaries between the areas of two or more local planning authorities so that, instead of application being made to one authority in relation to the whole of that development, applications are made to two or more local planning authorities.

(2) The fee payable to each local planning authority to whom an application is made is the amount payable in respect of the application which is to be determined by that local planning authority.

9.—(1) Where—

- (a) an application for planning permission is made in respect of two or more alternative proposals for the development of the same land; or
- (b) an application for approval of reserved matters is made in respect of two or more alternative proposals for the carrying out of the development authorised by an outline planning permission,

and the application is made in respect of all of the alternative proposals on the same date and by or on behalf of the same applicant, the fee payable in respect of that application is calculated in accordance with sub-paragraph (2).

(2) Calculations must be made in accordance with this Schedule of the fee that would be payable in respect of an application for planning permission, or approval of reserved matters (as the case may be), if made in respect of each of the alternative proposals, and the fee payable in respect of the application is the sum of—

- (a) an amount equal to the higher or highest of the amounts calculated in respect of each of the alternative proposals; and
- (b) an amount calculated by adding together the amounts appropriate to all of the alternative proposals, other than the amount referred to in paragraph (a), and dividing that total by 2.

Provisions in relation to specified categories

10.—(1) Where, in respect of any category, the fee is to be calculated by reference to the site area, that area must be taken as consisting of—

- (a) the area of land to which the application relates; or

- (b) yn achos cais tybiedig, arwynebedd y tir y mae'r hysbysiad gorfodi perthnasol yn ymwneud ag ef.

(2) Pan nad yw'r arwynebedd y cyfeirir ato yn is-baragraff (1) yn lluosrif union o'r uned fesur a bennir mewn cysylltiad â'r categori datblygiad perthnasol, rhaid trin y ffraciwn o uned sy'n weddill ar ôl rhannu cyfanswm yr arwynebedd gyda'r uned fesur fel pe bai'n uned gyflawn.

11.—(1) Mewn perthynas â datblygiad o fewn categorïau 2, 3 neu 4, rhaid canfod yr arwynebedd llawr gros a grëir gan y datblygiad drwy fesur yr arwynebedd llawr yn allanol, pa un a fwriedir iddo gael ei ffinio (yn gyfan gwbl neu'n rhannol) gan waliau allanol adeilad ai peidio.

(2) Mewn perthynas â datblygiad o fewn categori 2, pan fo'r arwynebedd llawr gros sydd i'w greu gan y datblygiad yn fwy na 75 metr sgwâr ac nad yw'n lluosrif union o 75 metr sgwâr, rhaid trin yr arwynebedd sy'n weddill, ar ôl rhannu nifer cyfanswm y metrau sgwâr o arwynebedd llawr gros gyda'r ffigur 75, fel pe bai'n 75 metr sgwâr.

12.—(1) Pan fo cais (ac eithrio cais am ganiatâd cynllunio amlinellol) neu gais tybiedig yn ymwneud â datblygiad sy'n rhannol o fewn categori 1 ac yn rhannol o fewn categori 2, 3 neu 4, mae'r is-baragraffau sy'n dilyn yn gymwys at y diben o gyfrifo'r ffi sy'n daladwy mewn cysylltiad â'r cais neu'r cais tybiedig.

(2) Rhaid gwneud asesiad o gyfanswm maint yr arwynebedd llawr gros sydd i'w greu gan y rhan honno o'r datblygiad sydd o fewn categori 2, 3 neu 4 ("yr arwynebedd llawr amhreswyl"), a rhaid adio'r swm taladwy mewn cysylltiad â'r arwynebedd llawr amhreswyl sydd i'w greu gan y datblygiad at y swm taladwy mewn cysylltiad â'r rhan honno o'r datblygiad sydd o fewn categori 1, ac, yn ddarostyngedig i is-baragraff (4), y swm a gyfrifir felly yw'r ffi daladwy.

(3) At y diben o gyfrifo'r ffi daladwy o dan is-baragraff (2)—

- (a) pan fo unrhyw rai o'r adeiladau i gynnwys arwynebedd llawr y bwriedir ei ddefnyddio at y diben o ddarparu mynedfa gyffredin neu wasanaethau neu gyfleusterau cyffredin ar gyfer personau sy'n meddiannu neu'n defnyddio rhan o'r adeilad hwnnw at ddibenion preswyl ac ar gyfer personau sy'n meddiannu neu'n defnyddio rhan ohono at ddibenion amhreswyl ("arwynebedd llawr cyffredin"), rhaid asesu maint yr arwynebedd llawr amhreswyl, mewn perthynas â'r adeilad hwnnw, drwy gynnwys yr un gyfran o'r arwynebedd llawr cyffredin ag y mae maint yr arwynebedd llawr amhreswyl yn yr adeilad yn

- (b) in the case of a deemed application, the area of land to which the relevant enforcement notice relates.

(2) Where the area referred to in sub-paragraph (1) is not an exact multiple of the unit of measurement specified in respect of the relevant category of development, the fraction of a unit remaining after division of the total area by the unit of measurement must be treated as a complete unit.

11.—(1) In relation to development within category 2, 3 or 4, the area of gross floor space to be created by the development must be ascertained by external measurement of the floor space, whether or not it is to be bounded (wholly or partly) by external walls of a building.

(2) In relation to development within category 2, where the area of gross floor space to be created by the development exceeds 75 square metres and is not an exact multiple of 75 square metres, the area remaining after division of the total number of square metres of gross floor space by the figure of 75 must be treated as being 75 square metres.

12.—(1) Where an application (other than for outline planning permission) or a deemed application relates to development which is in part within category 1 and in part within category 2, 3 or 4, the following sub-paragraphs apply for the purpose of calculating the fee payable in respect of the application or deemed application.

(2) An assessment must be made of the total amount of gross floor space which is to be created by that part of the development which is within category 2, 3 or 4 ("the non-residential floor space"), and the sum payable in respect of the non-residential floor space to be created by the development must be added to the sum payable in respect of that part of the development which is within category 1 and, subject to sub-paragraph (4), the sum so calculated is the fee payable.

(3) For the purpose of calculating the fee payable under sub-paragraph (2)—

- (a) where any of the buildings is to contain floor space which it is proposed to use for the purposes of providing common access or common services or facilities for persons occupying or using part of that building for residential purposes and for persons occupying or using part of it for non-residential purposes ("common floor space"), the amount of non-residential floor space must be assessed, in relation to that building, as including such proportion of the common floor space as the amount of non-residential

ei ffurfio o gyfanswm yr arwynebedd llawr gros yn yr adeilad sydd i'w greu gan y datblygiad;

- (b) pan fo'r datblygiad yn dod o fewn mwy nag un o'r categorïau 2, 3 a 4, rhaid cyfrifo swm yn unol â phob categori o'r fath, a'r swm uchaf a gyfrifir felly yw'r swm taladwy mewn cysylltiad â'r holl arwynebedd llawr amhreswyl.

(4) Pan fo cais neu gais tybiedig y mae'r paragraff hwn yn gymwys iddo yn ymwneud â datblygiad sydd hefyd o fewn un neu ragor o'r categorïau 5 i 12—

- (a) cyfrifir swm yn unol â phob categori o'r fath; a
- (b) os oes unrhyw symiau a gyfrifir felly yn fwy na'r swm a gyfrifir yn unol ag is-baragraff (2), y swm uwch hwnnw yw'r ffi sy'n daladwy mewn cysylltiad â'r cyfan o'r datblygiad y mae'r cais neu'r cais tybiedig yn ymwneud ag ef.

(5) Yn is-baragraff (3), mae'r cyfeiriad at ddefnyddio'r adeilad at ddibenion preswyl yn gyfeiriad at ei ddefnyddio fel tŷ annedd.

13.—(1) Yn ddarostyngedig i baragraff 12 ac is-baragraff (2), pan fo cais neu gais tybiedig yn ymwneud ag adeilad sydd o fewn mwy nag un o'r categorïau—

- (a) cyfrifir swm yn unol â phob categori unigol o'r fath; a
- (b) y swm uchaf a gyfrifir felly yw'r ffi daladwy mewn cysylltiad â'r cais neu'r cais tybiedig.

(2) Pan fo cais yn gais am ganiatâd cynllunio amlinellol ac yn ymwneud â datblygiad sydd o fewn mwy nag un o'r categorïau, y ffi daladwy yw—

- (a) pan nad yw arwynebedd y safle'n fwy na 2.5 hectar, £380 am bob 0.1 hectar o arwynebedd y safle;
- (b) pan fo arwynebedd y safle'n fwy na 2.5 hectar, £9,500 a £100 ychwanegol am bob 0.1 hectar dros 2.5 hectar, yn ddarostyngedig i'r cyfanswm uchaf o £143,750.

floor space in the building bears to the total amount of gross floor space in the building to be created by the development;

- (b) where the development falls within more than one of categories 2, 3 and 4 an amount must be calculated in accordance with each such category and the highest amount so calculated is the sum payable in respect of all of the non-residential floor space.

(4) Where an application or deemed application to which this paragraph applies relates to development which is also within one or more than one of categories 5 to 12—

- (a) an amount is calculated in accordance with each such category; and
- (b) if any of the amounts so calculated exceeds the amount calculated in accordance with sub-paragraph (2) that higher amount is the fee payable in respect of all of the development to which the application or deemed application relates.

(5) In sub-paragraph (3), the reference to using the building for residential purposes is a reference to using it as a dwellinghouse.

13.—(1) Subject to paragraph 12 and sub-paragraph (2), where an application or deemed application relates to development which is within more than one of the categories—

- (a) an amount is calculated in accordance with each such category; and
- (b) the highest amount so calculated is the fee payable in respect of the application or deemed application.

(2) Where an application is for outline planning permission and relates to development which is within more than one of the categories, the fee payable is—

- (a) where the site area does not exceed 2.5 hectares, £380 for each 0.1 hectare of the site area;
- (b) where the site area exceeds 2.5 hectares £9,500, and an additional £100 for each 0.1 hectare in excess of 2.5 hectares, subject to a maximum in total of £143,750.

RHAN 2

Graddfa Ffioedd mewn Cysylltiad â Cheisiadau a Wnaed neu y Tybir iddynt gael eu Gwneud

Categori'r datblygiad	Ffi daladwy
I Gweithrediadau	
1 Codi tai annedd (ac eithrio datblygiad o fewn categori 6 isod)	<p>(a) Pan fo'r cais yn gais am ganiatâd cynllunio amlinellol ac—</p> <p>(i) nad yw arwynebedd y safle yn fwy na 2.5 hectar, £380 am bob 0.1 hectar o arwynebedd y safle,</p> <p>(ii) bod arwynebedd y safle yn fwy na 2.5 hectar, £9,500 a £100 ychwanegol am bob 0.1 hectar dros 2.5 hectar, yn ddarostyngedig i'r cyfanswm uchaf o £143,750;</p> <p>(b) mewn achosion eraill—</p> <p>(i) pan fo nifer y tai annedd sydd i'w creu gan y datblygiad yn 50 neu'n llai, £380 am bob tŷ annedd,</p> <p>(ii) pan fo nifer y tai annedd sydd i'w creu gan y datblygiad yn fwy na 50, £19,000 a £100 ychwanegol am bob tŷ annedd dros 50 o dai annedd, yn ddarostyngedig i'r cyfanswm uchaf o £287,500.</p>
2 Codi adeiladau (ac eithrio adeiladau yng nghategoriâu 1, 3, 4, 5 neu 7).	<p>(a) Pan fo'r cais yn gais am ganiatâd cynllunio amlinellol ac—</p> <p>(i) nad yw arwynebedd y safle yn fwy na 2.5 hectar, £380 am bob 0.1 hectar o arwynebedd y safle,</p> <p>(ii) bod arwynebedd y safle yn fwy na 2.5 hectar, £9,500 a £100 ychwanegol am bob 0.1 hectar dros 2.5 hectar, yn ddarostyngedig i'r cyfanswm uchaf o £143,750;</p> <p>(b) mewn achosion eraill—</p> <p>(i) pan nad oes arwynebedd llawr i gael ei greu gan y datblygiad, neu pan nad yw'r arwynebedd llawr gros sydd i'w greu gan y datblygiad yn fwy na 40 metr sgwâr, £190,</p> <p>(ii) pan fo'r arwynebedd llawr gros sydd i'w greu gan y datblygiad yn fwy na 40 metr sgwâr ond nid yn fwy na 75 metr sgwâr, £380,</p> <p>(iii) pan fo'r arwynebedd llawr gros sydd i'w greu gan y datblygiad yn fwy na 75 metr sgwâr, £380 am bob 75 metr sgwâr (neu ran o hynny), yn ddarostyngedig i'r cyfanswm uchaf o £287,500.</p>
3 Codi, ar dir a ddefnyddir at ddibenion amaethyddiaeth, adeiladau i'w defnyddio at ddibenion amaethyddol (ac eithrio adeiladau yng nghategori 4).	<p>(a) Pan fo'r cais yn gais am ganiatâd cynllunio amlinellol ac—</p> <p>(i) nad yw arwynebedd y safle yn fwy na 2.5 hectar, £380 am bob 0.1 hectar o arwynebedd y safle,</p> <p>(ii) bod arwynebedd y safle yn fwy na 2.5 hectar, £9,500 a £100 ychwanegol am bob 0.1 hectar dros 2.5 hectar, yn ddarostyngedig i'r cyfanswm uchaf o £143,750;</p>

PART 2

Scale of Fees in Respect of Applications Made or Deemed to be Made

Category of development	Fee payable
I Operations	
1 The erection of dwellinghouses (other than development within category 6 below)	<p>(a) Where the application is for outline planning permission and—</p> <p>(i) the site area does not exceed 2.5 hectares, £380 for each 0.1 hectare of the site area,</p> <p>(ii) the site area exceeds 2.5 hectares, £9,500 and an additional £100 for each 0.1 hectare in excess of 2.5 hectares, subject to a maximum in total of £143,750;</p> <p>(b) in other cases—</p> <p>(i) where the number of dwellinghouses to be created by the development is 50 or fewer, £380 for each dwellinghouse,</p> <p>(ii) where the number of dwellinghouses to be created by the development exceeds 50, £19,000 and an additional £100 for each dwellinghouse in excess of 50 dwellinghouses, subject to a maximum in total of £287,500.</p>
2 The erection of buildings (other than buildings in categories 1, 3, 4, 5 or 7).	<p>(a) Where the application is for outline planning permission and—</p> <p>(i) the site area does not exceed 2.5 hectares, £380 for each 0.1 hectare of the site area,</p> <p>(ii) the site area exceeds 2.5 hectares, £9,500 and an additional £100 for each 0.1 hectare in excess of 2.5 hectares, subject to a maximum in total of £143,750;</p> <p>(b) in other cases—</p> <p>(i) where no floor space is to be created by the development or where the area of gross floor space to be created by the development does not exceed 40 square metres, £190,</p> <p>(ii) where the area of the gross floor space to be created by the development exceeds 40 square metres but does not exceed 75 square metres, £380,</p> <p>(iii) where the area of the gross floor space to be created by the development exceeds 75 square metres, £380 for each 75 square metres (or part thereof), subject to a maximum in total of £287,500.</p>
3 The erection, on land used for the purposes of agriculture, of buildings to be used for agricultural purposes (other than buildings in category 4).	<p>(a) Where the application is for outline planning permission and—</p> <p>(i) the site area does not exceed 2.5 hectares, £380 for each 0.1 hectare of the site area,</p> <p>(ii) the site area exceeds 2.5 hectares, £9,500 and an additional £100 for each 0.1 hectare in excess of 2.5 hectares, subject to a maximum in total of £143,750;</p>

	<p>(b) mewn achosion eraill—</p> <p>(i) pan nad oes arwynebedd llawr i gael ei greu gan y datblygiad, neu pan nad yw'r arwynebedd llawr gros sydd i'w greu gan y datblygiad yn fwy na 465 metr sgwâr, £70,</p> <p>(ii) pan fo'r arwynebedd llawr gros sydd i'w greu gan y datblygiad yn fwy na 465 metr sgwâr ond nid yn fwy na 540 metr sgwâr, £380,</p> <p>(iii) pan fo'r arwynebedd llawr gros sydd i'w greu gan y datblygiad yn fwy na 540 metr sgwâr, £380 a £380 ychwanegol am bob 75 metr sgwâr (neu ran o hynny) dros 540 metr sgwâr, yn ddarostyngedig i'r cyfanswm uchaf o £287,500.</p>
4 Codi tai gwydr ar dir a ddefnyddir at ddibenion amaethyddiaeth.	<p>(a) Pan nad yw'r arwynebedd llawr gros sydd i'w greu gan y datblygiad yn fwy na 465 metr sgwâr, £70;</p> <p>(b) pan fo'r arwynebedd llawr gros sydd i'w greu gan y datblygiad yn fwy na 465 metr sgwâr, £2,150.</p>
5 Codi, addasu neu amnewid peiriannau neu beirianwaith.	<p>(a) Pan nad yw arwynebedd y safle yn fwy na 5 hectar, £385 am bob 0.1 hectar o arwynebedd y safle;</p> <p>(b) pan fo arwynebedd y safle yn fwy na 5 hectar, £19,000 a £100 ychwanegol am bob 0.1 hectar dros 5 hectar, yn ddarostyngedig i'r cyfanswm uchaf o £287,500.</p>
6 Ehangu neu wella tai annedd presennol, neu eu haddasu rywfodd arall	<p>(a) Pan fo'r cais yn ymwneud ag un tŷ annedd, £190;</p> <p>(b) pan fo'r cais yn ymwneud â 2 neu ragor o dai annedd, £380.</p>
7 (a) cyflawni gweithrediadau (gan gynnwys codi adeilad) o fewn cwrtail tŷ annedd presennol, at ddibenion sy'n atodol i fwynhad o'r tŷ annedd fel y cyfryw, neu godi neu adeiladu lliidiardau, ffensys, waliau neu ddulliau cau eraill ar hyd ffin cwrtail tŷ annedd presennol; neu (b) adeiladu meysydd parcio, ffyrdd gwasanaethu a mynedfeydd eraill ar dir a ddefnyddir at ddibenion menter sengl, pan fo angen y datblygiad at ddiben sy'n gysylltiedig â'r defnydd o dir presennol.	£190 ym mhob achos
8 Cyflawni unrhyw weithrediadau sy'n gysylltiedig â drilio wrth chwilio am olew neu nwy naturiol.	<p>(a) Pan nad yw arwynebedd y safle yn fwy na 7.5 hectar, £380 am bob 0.1 hectar o arwynebedd y safle;</p> <p>(b) pan fo arwynebedd y safle yn fwy na 7.5 hectar, £28,500 a £100 ychwanegol am bob 0.1 hectar dros 7.5 hectar, yn ddarostyngedig i'r cyfanswm uchaf o £287,500.</p>
9 Cyflawni unrhyw weithrediadau nad ydynt yn dod o fewn unrhyw un o'r categorïau uchod.	<p>(a) Yn achos gweithrediadau ar gyfer cloddio a gweithio mwynau—</p> <p>(i) pan nad yw arwynebedd y safle yn fwy na 15 hectar, £190 am bob 0.1 hectar o arwynebedd y safle,</p> <p>(ii) pan fo arwynebedd y safle yn fwy na 15 hectar, £28,500 a £100 ychwanegol am bob 0.1 hectar dros 15 hectar, yn ddarostyngedig i'r cyfanswm uchaf o £74,800;</p>

	<p>(b) in other cases—</p> <p>(i) where no floor space is to be created by the development or where the area of gross floor space to be created by the development does not exceed 465 square metres, £70,</p> <p>(ii) where the area of gross floor space to be created by the development exceeds 465 square metres but does not exceed 540 square metres, £380,</p> <p>(iii) where the area of gross floor space to be created by the development exceeds 540 square metres, £380 and an additional £380 for each 75 square metres (or part thereof) in excess of 540 square metres, subject to a maximum in total of £287,500.</p>
4 The erection of glasshouses on land used for the purposes of agriculture.	(a) Where the gross floor space to be created by the development does not exceed 465 square metres, £70;
	(b) where the gross floor space to be created by the development exceeds 465 square metres, £2,150.
5 The erection, alteration or replacement of plant or machinery.	(a) Where the site area does not exceed 5 hectares, £385 for each 0.1 hectare of the site area;
	(b) where the site area exceeds 5 hectares, £19,000 and an additional £100 for each 0.1 hectare in excess of 5 hectares, subject to a maximum in total of £287,500.
6 The enlargement, improvement or other alteration of existing dwellinghouses	(a) Where the application relates to one dwellinghouse, £190;
	(b) where the application relates to 2 or more dwellinghouses, £380.
<p>7</p> <p>(a) the carrying out of operations (including the erection of a building) within the curtilage of an existing dwellinghouse, for purposes ancillary to the enjoyment of the dwellinghouse as such, or the erection or construction of gates, fences, walls or other means of enclosure along a boundary of the curtilage of an existing dwellinghouse; or</p> <p>(b) the construction of car parks, service roads and other means of access on land used for the purposes of a single undertaking, where the development is required for a purpose incidental to the existing use of the land.</p>	£190 in each case
8 The carrying out of any operations connected with exploratory drilling for oil or natural gas	(a) Where the site area does not exceed 7.5 hectares, £380 for each 0.1 hectares of the site area;
	(b) where the site area exceeds 7.5 hectares, £28,500 and an additional £100 for each 0.1 hectare in excess of 7.5 hectares, subject to a maximum in total of £287,500.
9 The carrying out of any operations not coming within any of the above categories.	<p>(a) In the case of operations for the winning and working of minerals—</p> <p>(i) where the site area does not exceed 15 hectares, £190 for each 0.1 hectare of the site area,</p> <p>(ii) where the site area exceeds 15 hectares, £28,500 and an additional £100 for each 0.1 hectare in excess of 15 hectares, subject to a maximum in total of £74,800;</p>

	(b) mewn unrhyw achos arall, £190 am bob 0.1 hectar o arwynebedd y safle, yn ddarostyngedig i uchafswm o £287,500.
II Defnydd o dir	
10 Newid y defnydd o adeilad i ddefnydd fel un neu ragor o dai annedd ar wahân	<p>(a) Pan fo'r newid defnydd yn newid o ddefnydd blaenorol fel un tŷ annedd i ddefnydd fel dau neu ragor o dai annedd sengl—</p> <p>(i) pan fo'r newid defnydd yn newid i ddefnydd fel 50 neu lai o dai annedd, £380 am bob tŷ annedd ychwanegol,</p> <p>(ii) pan fo'r newid defnydd yn newid i ddefnydd fel mwy na 50 o dai annedd, £19,000 a £100 ychwanegol am bob tŷ annedd dros 50 o dai annedd, yn ddarostyngedig i'r cyfanswm uchaf o £287,500;</p> <p>(b) ym mhob achos arall—</p> <p>(i) pan fo'r newid defnydd yn newid i ddefnydd fel 50 neu lai o dai annedd, £380 am bob tŷ annedd,</p> <p>(ii) pan fo'r newid defnydd yn newid i ddefnydd fel mwy na 50 o dai annedd, £19,000 a £100 ychwanegol am bob tŷ annedd dros 50 o dai annedd, yn ddarostyngedig i'r cyfanswm uchaf o £287,500.</p>
11 Defnydd o dir ar gyfer gwaredu sbwriel neu ddeunyddiau gwastraff neu ar gyfer gollwng deunydd sy'n weddill ar ôl echdynnu mwynau o dir, neu ar gyfer storio mwynau mewn man agored.	<p>(a) Pan nad yw arwynebedd y safle yn fwy na 15 hectar, £190 am bob 0.1 hectar o arwynebedd y safle;</p> <p>(b) pan fo arwynebedd y safle yn fwy na 15 hectar, £28,500 a £100 ychwanegol am bob 0.1 hectar dros 15 hectar, yn ddarostyngedig i'r cyfanswm uchaf o £74,800.</p>
12 Gwneud newid sylweddol yn y defnydd o adeilad neu dir (ac eithrio newid defnydd sylweddol sy'n dod o fewn unrhyw un o'r categorïau uchod).	£380.

ATODLEN 2 Rheoliad 12

Ffioedd am Hysbysebion

Graddfa Ffioedd mewn Cysylltiad â Cheisiadau am Ganiatâd i Arddangos Hysbysebion

Categori'r datblygiad	Ffi daladwy
1 Hysbysebion a arddangosir ar fangre busnes, ar flaengwrt mangre busnes neu ar dir arall o fewn cwrtil mangre busnes, sydd, yn gyfan gwbl, yn cyfeirio at bob un neu unrhyw rai o'r materion canlynol—	£100.
<p>(a) natur y busnes neu'r gweithgaredd arall a gynhelir yn y fangre;</p> <p>(b) y nwyddau a werthir neu'r gwasanaethau a ddarperir yn y fangre; neu</p> <p>(c) enw a chymwysterau'r person sy'n cynnal y cyfryw fusnes neu weithgaredd neu'n cyflenwi'r cyfryw nwyddau neu wasanaethau.</p>	
2 Hysbysebion at y diben o gyfeirio aelodau o'r cyhoedd at fangre busnes, neu dynnu sylw rywfodd arall at fodolaeth mangre busnes, sydd yng nghyffiniau'r safle yr arddangosir yr hysbyseb arno, ond nid yn weladwy o'r safle hwnnw.	£100.
3 Pob hysbyseb arall.	£380.

	(b) in any other case, £190 for each 0.1 hectare of the site area, subject to a maximum of £287,500.
II Uses of land	
10 The change of use of a building to use as one or more separate dwellinghouses	<p>(a) Where the change of use is from a previous use as a single dwellinghouse to use as two or more single dwellinghouses—</p> <p>(i) where the change of use is to use as 50 or fewer dwellinghouses, £380 for each additional dwellinghouse,</p> <p>(ii) where the change of use is to use as more than 50 dwellinghouses, £19,000 and an additional £100 for each dwellinghouse in excess of 50 dwellinghouses, subject to a maximum in total of £287,500;</p> <p>(b) in all other cases—</p> <p>(i) where the change of use is to use as 50 or fewer dwellinghouses, £380 for each dwellinghouse,</p> <p>(ii) where the change of use is to use as more than 50 dwellinghouses, £19,000 and an additional £100 for each dwellinghouse in excess of 50 dwellinghouses, subject to a maximum in total of £287,500.</p>
11 The use of land for the disposal of refuse or waste materials or for the deposit of material remaining after minerals have been extracted from land, or for the storage of minerals in the open.	<p>(a) Where the site area does not exceed 15 hectares, £190 for each 0.1 hectare of the site area;</p> <p>(b) where the site area exceeds 15 hectares, £28,500 and an additional £100 for each 0.1 hectare in excess of 15 hectares, subject to a maximum in total of £74,800.</p>
12 The making of a material change in the use of a building or land (other than a material change of use coming within any of the above categories).	£380.

SCHEDULE 2 Regulation 12

Fees for Advertisements

Scale of Fees in Respect of Applications for Consent to Display Advertisements

Category of development	Fee payable
1 Advertisements displayed on business premises, on the forecourt of business premises or on other land within the curtilage of business premises, wholly with reference to all or any of the following matters— (a) the nature of the business or other activity carried on the premises; (b) the goods sold or the services provided on the premises; or (c) the name and qualifications of the person carrying on such business or activity or supplying such goods or services.	£100.
2 Advertisements for the purpose of directing members of the public to, or otherwise drawing attention to the existence of, business premises which are in the same locality as the site on which the advertisement is to be displayed but which are not visible from that site.	£100.
3 All other advertisements.	£380.

ATODLEN 3 Rheoliad 17(1)

Offerynnau Statudol a Ddirymir i'r graddau y maent yn gymwys o ran Cymru

Enw'r offeryn	Cyfeirnod
Rheoliadau Cynllunio Gwlad a Thref (Ffioedd am Geisiadau a Cheisiadau Tybiedig) 1989	1989/193
Rheoliadau Cynllunio Gwlad a Thref (Ffioedd am Geisiadau a Cheisiadau Tybiedig) (Diwygio) 1990	1990/2473
Rheoliadau Cynllunio Gwlad a Thref (Ffioedd am Geisiadau a Cheisiadau Tybiedig) (Diwygio) 1991	1991/2735
Rheoliadau Cynllunio Gwlad a Thref (Ffioedd am Geisiadau a Cheisiadau Tybiedig) (Diwygio) 1992	1992/1817
Rheoliadau Cynllunio Gwlad a Thref (Ffioedd am Geisiadau a Cheisiadau Tybiedig) (Diwygio) (Rhif 2) 1990	1992/3052
Rheoliadau Cynllunio Gwlad a Thref (Ffioedd am Geisiadau a Cheisiadau Tybiedig) (Diwygio) 1993	1993/3170
Rheoliadau Cynllunio Gwlad a Thref (Ffioedd am Geisiadau a Cheisiadau Tybiedig) (Diwygio) 1997	1997/37
Rheoliadau Cynllunio Gwlad a Thref (Ffioedd ar gyfer Ceisiadau a Cheisiadau Tybiedig) (Diwygio) (Cymru) 2002	2002/1876 (Cy. 185)
Rheoliadau Cynllunio Gwlad a Thref (Ffioedd am Geisiadau a Cheisiadau Tybiedig) (Diwygio Rhif 2) (Cymru) 2006	2006/1052 (Cy. 108)
Rheoliadau Cynllunio Gwlad a Thref (Ffioedd am Geisiadau a Cheisiadau Tybiedig) (Diwygio) (Cymru) 2009	2009/851 (Cy. 76)
Rheoliadau Cynllunio Gwlad a Thref (Ffioedd am Newidiadau Ansylweddol) (Cymru) 2014	2014/1761 (Cy. 176)

©Hawlfraint y Goron 2015

Argraffwyd a chyhoeddwyd yn y Deyrnas Unedig gan The Stationery Office Limited o dan awdurdod ac arolygiaeth Carol Tullo, Rheolwr Gwasg Ei Mawrhydi ac Argraffydd Deddfau Seneddol y Frenhines.

SCHEDULE 3 Regulation 17(1)

Statutory Instruments Revoked so far as they apply to Wales

Title of instrument	Reference
The Town and Country Planning (Fees for Applications and Deemed Applications) Regulations 1989	1989/193
The Town and Country Planning (Fees for Applications and Deemed Applications) (Amendment) Regulations 1990	1990/2473
The Town and Country Planning (Fees for Applications and Deemed Applications) (Amendment) Regulations 1991	1991/2735
The Town and Country Planning (Fees for Applications and Deemed Applications) (Amendment) Regulations 1992	1992/1817
The Town and Country Planning (Fees for Applications and Deemed Applications) (Amendment) (No.2) Regulations 1990	1992/3052
The Town and Country Planning (Fees for Applications and Deemed Applications) (Amendment) Regulations 1993	1993/3170
The Town and Country Planning (Fees for Applications and Deemed Applications) (Amendment) Regulations 1997	1997/37
The Town and Country Planning (Fees for Applications and Deemed Applications) (Amendment) (Wales) Regulations 2002	2002/1876 (W. 185)
The Town and Country Planning (Fees for Applications and Deemed Applications) (Amendment No.2) (Wales) Regulations 2006	2006/1052 (W. 108)
The Town and Country Planning (Fees for Applications and Deemed Applications) (Amendment) (Wales) Regulations 2009	2009/851 (W. 76)
The Town and Country Planning (Fees for Non-Material Changes) (Wales) Regulations 2014	2014/1761 (W. 176)

© Crown copyright 2015

Printed and Published in the UK by The Stationery Office Limited under the authority and superintendence of Carol Tullo,
Controller of Her Majesty's Stationery Office and Queen's Printer of Acts of Parliament.

