

Bil Cynllunio (Cymru)

[DRAFFT]

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Bil Cynllunio (Cymru)

[DRAFFT]

Deddf gan Gynulliad Cenedlaethol Cymru i wneud darpariaeth ynghylch cynllunio datblygu cenedlaethol, strategol a lleol yng Nghymru; i wneud darpariaeth i geisiadau cynllunio penodol a cheisiadau cysylltiedig eraill gael eu gwneud i Weinidogion Cymru; i wneud darpariaethau eraill ynglŷn â rheoli datblygu a cheisiadau am ganiatâd cynllunio; ac at ddibenion cysylltiedig.

5 **Gan ei fod wedi ei basio gan Gynulliad Cenedlaethol Cymru a chael Cysyniad Ei Mawrhydi, deddfir fel a ganlyn:**

RHAN 1

CYFLWYNIAD

1 Trosolwg o'r Ddeddf hon

- 10 (1) Mae'r Rhan hon yn darparu trosolwg o'r Ddeddf hon.
- (2) Mae Rhan 2 o'r Ddeddf hon yn ymwneud â chynllunio datblygu yng Nghymru. Mae'n gwneud darpariaeth—
- 15 (a) ar gyfer paratoi ac adolygu Fframwaith Datblygu Cenedlaethol Cymru;
- (b) ar gyfer dynodi ardaloedd cynllunio strategol, sefydlu paneli cynllunio strategol a pharatoi cynlluniau datblygu strategol;
- 20 (c) ynglŷn â statws Fframwaith Datblygu Cenedlaethol Cymru a chynlluniau datblygu strategol;
- (d) ynglŷn â chynlluniau datblygu lleol (gan gynnwys darpariaeth ynghylch hyd cynlluniau, tynnu cynlluniau yn ôl a chyfarwyddiadau i baratoi cynlluniau ar y cyd);
- 25 (e) i fyrddau cydgynllunio arfer swyddogaethau cynllunio datblygu.
- (3) Mae Rhan 3 o'r Ddeddf hon yn gwneud darpariaeth ynghylch—
- (a) ymgynghoriad i'w gynnal gan ddarpar ymgeisydd ar gyfer caniatâd cynllunio;
- 30 (b) gwasanaethau cyn ymgeisio sydd i'w darparu gan awdurdod cynllunio lleol neu Weinidogion Cymru.
- (4) Mae Rhan 4 o'r Ddeddf hon yn ymwneud â gwneud ceisiadau penodol i Weinidogion Cymru. Mae'n gwneud darpariaeth—
- (a) i geisiadau am ganiatâd cynllunio ar gyfer datblygiad o arwyddocâd cenedlaethol yng Nghymru gael eu gwneud i Weinidogion Cymru yn hytrach nag i awdurdod cynllunio lleol;
- 35 (b) i geisiadau penodol eraill gael eu gwneud naill ai i Weinidogion Cymru neu i awdurdod cynllunio lleol.
- (5) Mae Rhan 4 hefyd yn gwneud darpariaeth—

(a) i rai o swyddogaethau penodol Gweinidogion Cymru, o ran ceisiadau a wneir iddynt, gael eu harfer gan berson penodedig;

(b) ar gyfer diwygiadau pellach i ddeddfwriaeth bresennol o ran gwneud ceisiadau i Weinidogion Cymru.

(6) Mae Rhan 5 o'r Ddeddf hon yn ymwneud â rheoli datblygu. Mae'n gwneud darpariaeth ynglŷn ag—

(a) hysbysiadau am benderfyniadau i roi caniatâd cynllunio;

(b) hysbysiadau am ddechrau datblygiad y rhoddwyd caniatâd ar ei gyfer;

(c) ymgynghori yng nghyswllt ceisiadau ar gyfer cymeradwyo materion a gadwyd yn ôl a cheisiadau penodol eraill;

(d) apelau cynllunio, gan gynnwys talu a dyfarnu costau.

(7) Mae Rhan 5 hefyd—

(a) yn gymwys i ddarpariaeth statudol bresennol Cymru ynghylch amgylchiadau y caiff awdurdod cynllunio lleol wrthod dyfarnu ar ôl-gais odanynt,

(b) yn gwneud darpariaeth ynghylch cau llwybrau cyhoeddus, ac

(c) yn gwneud darpariaeth ynglŷn â gwneud gorchmynion datblygu gan Weinidogion Cymru.

(8) Mae Rhan 6 yn cynnwys darpariaethau sydd yn gymwys yn gyffredinol at ddibenion y Ddeddf hon (ynghylch cychwyn a dehongli'r Ddeddf, a'i henw byr).

RHAN 2

CYNLLUNIO DATBLYGU

Fframwaith Datblygu Cenedlaethol Cymru

2 Fframwaith Datblygu Cenedlaethol Cymru: paratoi ac adolygu

Yn DCPhG 2004, yn lle adran 60 (a'r croes-bennawd o'i flaen) rhodder—

“National Development Framework

60 National Development Framework for Wales

(1) The Welsh Ministers must prepare and publish a plan to be known as the National Development Framework for Wales.

(2) The Framework must set out such of the policies of the Welsh Ministers in relation to the development and use of land in Wales as the Welsh Ministers consider appropriate.

(3) The Framework may specify that development of a particular description, in a particular area or location, is to constitute development of national significance for the purposes of section 62D of the principal Act (development of national significance: applications to be made to Welsh Ministers).

(4) The Framework must give reasons for—

- (a) the policies that it sets out, and
- (b) any provision that it makes as mentioned in subsection (3).

60A Preparation and publication of Framework

- 5 (1) Before publishing the National Development Framework for Wales, the Welsh Ministers must –
- (a) prepare a draft of the Framework,
 - (b) carry out an appraisal of the sustainability of the policies set out in the draft, and
 - 10 (c) consult such persons as they consider appropriate about the draft.
- (2) If, after complying with subsection (1), the Welsh Ministers wish to proceed with the draft Framework (with or without changes), they must lay before the National Assembly for Wales –
- (a) the draft, and
 - 15 (b) a report which –
 - (i) summarises the representations they received during the consultation carried out under subsection (1)(c), and
 - (ii) explains how they have taken the representations into account.
- 20 (3) The Welsh Ministers must have regard to –
- (a) any resolution passed by the National Assembly for Wales with regard to the draft Framework during the Assembly consideration period, and
 - (b) any recommendation made by a committee of the Assembly with regard to the draft during that period.
- 25 (4) After the expiry of the Assembly consideration period, the Welsh Ministers –
- (a) may publish the National Development Framework for Wales in the terms of the draft laid under subsection (2), or
 - 30 (b) if they propose to make changes to that draft, may –
 - (i) lay before the National Assembly for Wales an amended draft of the Framework, and
 - (ii) publish the National Development Framework for Wales in the terms of the amended draft.
- 35 (5) In this section, “the Assembly consideration period” means the period of 60 days beginning with the day on which a draft of the Framework is laid before the National Assembly for Wales under subsection (2), disregarding any time when the Assembly is dissolved or is in recess for more than four days.

60B Review and revision of Framework

- (1) The Welsh Ministers must keep the National Development Framework for Wales under review.
- (2) The Welsh Ministers may revise the Framework at any time, and must publish the Framework as revised.
- (3) Sections 60 and 60A apply for the purposes of the revision of the Framework, as if references to the Framework (or a draft of the Framework) were references to the Framework as revised (or a draft of the Framework as revised).
- (4) Subsection (5) applies if –
 - (a) a review period ends, and
 - (b) the Welsh Ministers have not, within that period –
 - (i) published a revised Framework, or
 - (ii) laid a draft revised Framework before the National Assembly for Wales under section 60A(2).
- (5) As soon as reasonably practicable after the end of the review period, the Welsh Ministers must publish and lay before the National Assembly for Wales a statement –
 - (a) setting out their assessment of whether the Framework should be revised and giving reasons for that assessment, and
 - (b) if they consider that the Framework should be revised, setting out a timetable for its revision.
- (6) For the purposes of subsections (4) and (5) –
 - (a) the first review period –
 - (i) begins with the day on which the Framework is first published, and
 - (ii) ends with the fifth anniversary of the day on which the Framework is first published or, if earlier, with the day on which a revised Framework is published;
 - (b) each subsequent review period –
 - (i) begins with the day after the last day of the preceding review period, and
 - (ii) ends with the fifth anniversary of the last day of the preceding review period or, if earlier, with the day on which a revised Framework is published.”

Cynllunio strategol

3 Ardaloedd cynllunio strategol a phaneli cynllunio strategol

Yn DCPHG 2004, ar ôl adran 60B (fel y’i mewnosodir gan adran 2) mewnosoder –

*“Strategic planning***60C Power to designate strategic planning area and establish strategic planning panel**

- (1) The Welsh Ministers may by order –
- (a) designate an area in Wales as a strategic planning area for the purposes of this Part, and
 - (b) establish a strategic planning panel for that area.
- (2) A strategic planning area must comprise –
- (a) all of the area of one local planning authority, and
 - (b) all or part of the area of at least one other local planning authority.
- (3) The Welsh Ministers must not make an order under this section unless –
- (a) they have given a direction under section 60D(1) to a local planning authority all or part of whose area is included in the strategic planning area to be designated by the order,
 - (b) either –
 - (i) a proposal for an area to be designated has been submitted in accordance with section 60D(6), or
 - (ii) the period for complying with section 60D(6) has ended without a proposal being submitted, and
 - (c) they have carried out any consultation required by section 60E(1).
- (4) Paragraphs (a) and (b) of subsection (3) do not apply in relation to an order that revokes or amends a previous order under this section.

60D Preparation and submission of proposal for strategic planning area

- (1) The Welsh Ministers may direct one or more local planning authorities to submit a proposal for an area to be designated as a strategic planning area under section 60C.
- (2) If the Welsh Ministers give a direction under subsection (1), they must state their reasons for doing so.
- (3) In this section, the “lead authority” means –
- (a) where a direction under subsection (1) is given to a single local planning authority, that authority;
 - (b) where a direction under subsection (1) is given to two or more local planning authorities, those authorities acting jointly.
- (4) The lead authority must prepare a proposal for an area to be designated as a strategic planning area.

(5) Before submitting the proposal to the Welsh Ministers, the lead authority must consult –

- (a) any other local planning authority for an area which, or any part of which, is included in the proposed strategic planning area, and
- (b) any other persons or descriptions of persons specified in the direction.

(6) The lead authority must submit to the Welsh Ministers –

- (a) the proposal, and
- (b) a report about the consultation carried out under subsection (5).

(7) A proposal submitted under subsection (6)(a) must include –

- (a) a map showing the boundaries of the area which the lead authority propose should be designated as a strategic planning area,
- (b) a statement of the reasons for proposing that area, and
- (c) any other information specified by the Welsh Ministers in the direction given under subsection (1).

(8) The lead authority must comply with subsection (6) –

- (a) before the end of any period specified in the direction;
- (b) if no period is specified in the direction, before the end of three months beginning with the day on which the direction is given.

(9) The Welsh Ministers may agree to extend the period for complying with subsection (6) in a particular case.

(10) The lead authority must comply with any requirements set out in the direction as to –

- (a) how the consultation required by subsection (5) must be carried out;
- (b) the form and content of the report about the consultation;
- (c) how the proposal and the report must be submitted under subsection (6).

60E Determination of strategic planning area by Welsh Ministers: consultation and information

(1) Before making an order under section 60C to which this subsection applies, the Welsh Ministers must consult –

- (a) each relevant local planning authority, and
- (b) any other persons they consider appropriate.

(2) Subsection (1) applies to an order under section 60C if –

(a) the boundaries of the strategic planning area to be designated by the order are different from the boundaries of the area proposed under section 60D(6), or

(b) the period for complying with section 60D(6) has ended without a proposal being submitted.

(3) Subsection (1) also applies to an order under section 60C revoking or amending a previous order under that section.

(4) A local planning authority must provide the Welsh Ministers with any information that the Welsh Ministers request for the purpose of exercising their functions under section 60C, 60D or this section.

(5) A local planning authority is a relevant local planning authority in relation to an order to which subsection (1) applies if all or any part of the authority's area is included in—

(a) the strategic planning area that would be designated by the order;

(b) a strategic planning area designated by a previous order under section 60C that would be revoked or amended by the order."

4 Ardaloedd cynllunio strategol: arolwg

Yn DCPhG 2004, ar ôl adran 60E (fel y'i mewnosodir gan adran 3) mewnosoder—

"60F Strategic planning area: survey

(1) A strategic planning panel must keep under review the matters which may be expected to affect the development of its strategic planning area or the planning of the development of that area.

(2) Subsections (2) to (5) of section 61 apply in relation to a strategic planning panel as they apply in relation to a local planning authority.

(3) In subsections (2) to (5) of section 61 as they apply by virtue of subsection (2)—

(a) references to a local planning authority are to be construed as references to a strategic planning panel;

(b) references to a neighbouring area are to be construed as references to a neighbouring strategic planning area."

5 Cynlluniau datblygu strategol: paratoi ac adolygu

Yn DCPhG 2004, ar ôl adran 60F (fel y'i mewnosodir gan adran 4) mewnosoder—

"60G Strategic development plan

(1) A strategic planning panel must prepare a plan for its strategic planning area, to be known as a strategic development plan.

(2) The plan must set out—

- (a) the panel's objectives in relation to the development and use of land in its area;
 - (b) the panel's policies for the implementation of those objectives.
- (3) A strategic development plan must be in general conformity with the National Development Framework for Wales.
- (4) The plan must specify the period for which it is to have effect.
- (5) The Welsh Ministers may by regulations make provision about—
 - (a) the period that may be specified under subsection (4);
 - (b) the form and content of the plan.
- (6) In preparing a strategic development plan, the strategic planning panel must have regard to—
 - (a) current national policies;
 - (b) the National Development Framework for Wales;
 - (c) the strategic development plan for any strategic planning area that adjoins the panel's area;
 - (d) the local development plan for each area which is, or any part of which is, included in the panel's area;
 - (e) the resources likely to be available for implementing the strategic development plan;
 - (f) any other matters prescribed by the Welsh Ministers in regulations.
- (7) The panel must also—
 - (a) carry out an appraisal of the sustainability of the plan;
 - (b) prepare a report of the findings of the appraisal.
- (8) A plan is a strategic development plan only in so far as it is—
 - (a) adopted by resolution of the strategic planning panel as a strategic development plan, or
 - (b) approved by the Welsh Ministers under section 65 or 71 (as they apply by virtue of section 60H).
- (9) The plan ceases to be a strategic development plan on the expiry of the period specified under subsection (4).

60H Strategic development plan: application of provisions of this Part

- (1) The provisions specified in subsection (3) apply in relation to a strategic development plan as they apply in relation to a local development plan.
- (2) Accordingly, where a provision specified in subsection (3) confers power for the Welsh Ministers to make provision by regulations in respect of a local development plan, that power is also exercisable so as to make provision in respect of a strategic development plan.

- (3) The provisions are sections 63 to 68, 68A(1), 69 to 71, 73 and 75 to 77.
- (4) In those provisions as they apply by virtue of subsection (1) –
- (a) references to a local planning authority are to be construed as references to a strategic planning panel;
 - (b) references to a local development plan are to be construed as references to a strategic development plan.
- (5) In section 64(5)(a) as it applies by virtue of this section, the reference to section 62 is to be construed as a reference to section 60G.
- (6) In section 77(2)(a) as it applies by virtue of this section, the reference to section 62(6) is to be construed as a reference to section 60G(7)."

Statws y Fframwaith Datblygu Cenedlaethol a chynlluniau datblygu strategol

6 Cynlluniau datblygu lleol a chynlluniau parthau cynllunio syml: cydymffurfio â'r Fframwaith Datblygu Cenedlaethol a'r cynllun datblygu strategol

- (1) Yn adran 62 o DCPhG 2004 (cynllun datblygu lleol), ar ôl is-adran (3) mewnosoder –
- "(3A) The plan must be in general conformity with –
- (a) the National Development Framework for Wales, and
 - (b) the strategic development plan for any strategic planning area that includes all or any part of the area of the authority."

(2) Yn adran 83 o DCGTh 1990 (gwneud cynlluniau parthau cynllunio syml), ar ôl is-adran (3) mewnosoder –

"(3A) A simplified planning zone scheme for an area in Wales must be in general conformity with –

 - (a) the National Development Framework for Wales, and
 - (b) the strategic development plan for any strategic planning area that includes all or any part of the simplified planning zone."

7 Dyletswydd i ystyried p'un ai i adolygu cynllun datblygu lleol ai peidio

- (1) Yn DCPhG 2004, ar ôl adran 68 mewnosoder –

"68A Duty to consider whether to review local development plan

- (1) Following the publication of the National Development Framework for Wales or a revised Framework, a local planning authority must consider whether to carry out a review of their local development plan.
- (2) Following the publication of a strategic development plan or revised strategic development plan for a strategic planning area, a local planning authority for an area which, or any part of which, is included in the strategic planning area must consider whether to carry out a review of their local development plan."

- (2) Yn adran 69 o DCPhG 2004 (adolygu cynllun datblygu lleol), yn is-adran (1), yn lle “at such times as the Assembly prescribes” rhodder “ –

(a) if, after consideration under section 68A, they think that the plan should be reviewed, and

(b) at such other times as the Welsh Ministers prescribe”.

8 Y Fframwaith Datblygu Cenedlaethol a'r cynllun datblygu strategol i fod yn rhan o'r cynllun datblygu

Yn adran 38 o DCPhG 2004 (cynllun datblygu), yn is-adran (4) (ardaloedd yng Nghymru), yn lle “the local development plan approved or adopted in relation to that area” rhodder “ –

(a) the National Development Framework for Wales,

(b) the strategic development plan for any strategic planning area that includes all or any part of that area, and

(c) the local development plan for that area”.

Cynlluniau datblygu lleol

9 Y cyfnod y bydd cynllun datblygu lleol yn cael effaith

(1) Mae adran 62 o DCPhG 2004 (cynllun datblygu lleol) wedi ei diwygio fel a ganlyn.

(2) Cyn is-adran (4) mewnosoder –

“(3B) The plan must specify the period for which it is to have effect.”

(3) Yn is-adran (4), ar ôl “may” mewnosoder “ –

(a) make provision about the period that may be specified under subsection (3B);

(b) ”.

(4) Ar ôl is-adran (8) mewnosoder –

“(9) A plan ceases to be a local development plan on the expiry of the period specified under subsection (3B).”

10 Tynnu cynllun datblygu lleol yn ôl

Yn lle adran 66 o DCPhG 2004 (tynnu cynllun datblygu lleol yn ôl) rhodder –

“66 Withdrawal of local development plan in accordance with direction

(1) The Welsh Ministers may, at any time before a local development plan is adopted under section 67, direct the local planning authority to withdraw the plan.

(2) If the Welsh Ministers give a direction under subsection (1), they must state their reasons for doing so.

(3) The authority must withdraw the plan in accordance with the direction.

66A Withdrawal of local development plan in absence of direction

- (1) This section applies where a local planning authority are not required to withdraw their local development plan under section 66.
- (2) Subject to the provisions of this section, the authority may withdraw the plan at any time before adopting it under section 67.
- (3) A local planning authority may not withdraw their local development plan at any time when the Welsh Ministers have –
- (a) directed the authority to submit the plan for approval under section 65(4), or
 - (b) taken any step under section 71 in connection with the plan.
- (4) A local planning authority may withdraw a local development plan that has been submitted for independent examination under section 64 only if –
- (a) the person carrying out the independent examination recommends that the plan is withdrawn, and
 - (b) the recommendation is not overruled by a direction given by the Welsh Ministers.
- (5) A local planning authority may withdraw a local development plan to which subsection (6) applies only if –
- (a) the authority have given notice to the Welsh Ministers of their intention to withdraw the plan, and
 - (b) the notice period has expired.
- (6) This subsection applies to a local development plan if the local planning authority –
- (a) have not yet submitted the plan for independent examination under section 64, but
 - (b) have taken steps in connection with the preparation of the plan that are specified in regulations made by the Welsh Ministers.
- (7) Where a local planning authority have given notice under subsection (5)(a), the Welsh Ministers may, by direction to the authority, do either or both of the following –
- (a) require the authority to provide further information;
 - (b) extend the notice period.
- (8) The Welsh Ministers may by regulations make provision about the giving of notices and directions under this section (including provision about their form and content and how they are to be given).
- (9) Subject to any direction given under subsection (7)(b) in a particular case, the “notice period” means whatever period, beginning with the giving of notice under subsection (5)(a), is specified in regulations made by the Welsh Ministers.”

11 Pŵer Gweinidogion Cymru i gyfarwyddo bod cynllun datblygu lleol yn cael ei baratoi ar y cyd

(1) Mae adran 72 o DCPhG 2004 (cynlluniau datblygu lleol ar y cyd) wedi ei diwygio fel a ganlyn.

(2) Cyn is-adran (1) mewnosoder –

“(A1) The Welsh Ministers may direct two or more local planning authorities to prepare a joint local development plan.”

(3) Yn is-adran (1), ar ôl “may” mewnosoder “, in the absence of a direction to any of them under subsection (A1),”.

(4) Ar ôl is-adran (1) mewnosoder –

“(1A) If the Welsh Ministers give a direction under subsection (A1), they must state their reasons for doing so.

(1B) The authorities to whom a direction is given must, subject to any withdrawal or variation of the direction, act jointly in exercising their functions under this Part relating to local development plans.”

(5) Yn is-adran (3), ar ôl “mentioned in subsection” mewnosoder “(A1) or”.

(6) Yn is-adran (4), ar ôl “if” mewnosoder “ –

(a) the Welsh Ministers withdraw a direction under subsection (A1) or vary such a direction so that it ceases to apply to a local planning authority, or

(b) ”.

(7) Yn is-adran (5) –

(a) ym mharagraff (a), ar ôl “authority” mewnosoder “to which the direction was given or”;

(b) ym mharagraff (b), yn lle “who” rhodder “to which the direction was given or which”.

(8) Yn is-adran (6), ar ôl “to which the” mewnosoder “direction or”.

(9) Yn is-adran (7), ar ôl “authority” mewnosoder “to which the direction was given or”.

(10) Ar ôl is-adran (7) mewnosoder –

“(7A) The Welsh Ministers may by regulations –

(a) specify circumstances in which subsections (5) and (7) are not to apply in relation to an authority;

(b) make provision as to what is a corresponding plan or corresponding joint local development plan.”

12 Byrddau cydgynllunio: swyddogaethau sy’n ymwneud ag arolygon a chynlluniau datblygu lleol

(1) Mae DCPhG 2004 wedi ei diwygio fel a ganlyn.

(2) Yn adran 78 (dehongli Rhan 6), yn lle is-adran (3) rhodder –

“(3) But –

- (a) a National Park authority is the local planning authority for the whole of its area;
- (b) a joint planning board is the local planning authority for the whole of its united district (and references to the area of a local planning authority are, in relation to such a board, to be construed as references to its united district)."

(3) Yn adran 62 (cynllun datblygu lleol) –

(a) yn is-adran (7), ar ôl paragraff (b) mewnosoder –

“(c) in the case of an authority which is a joint planning board, it has been published by a relevant council under section 39 of that Measure or, if the strategy for a relevant council’s area has been amended, is the strategy most recently published under section 41 of that Measure.”;

(b) ar y diwedd mewnosoder –

“(10) For the purposes of subsection (7)(c), a relevant council is a county council or county borough council for an area which, or any part of which, is included in the united district of the joint planning board.”

Cyffredinol

13 Cynllunio datblygu: diwygiadau pellach

Mae Atodlen 1 (cynllunio datblygu: diwygiadau pellach) yn cael effaith.

RHAN 3

GWEITHDREFN CYN YMGEISIO

14 Gofyniad i gynnal ymgynghoriad cyn ymgeisio

(1) Mae DCGTh 1990 wedi ei diwygio fel a ganlyn.

(2) Ar ôl adran 61Y mewnosoder –

“Wales: pre-application procedure

61Z Wales: requirement to carry out pre-application consultation

(1) This section applies where –

- (a) a person (the “applicant”) proposes to make an application for planning permission for the development of land within the area of a local planning authority in Wales, and
- (b) the proposed development is development of a description specified in a development order.

(2) The applicant must carry out consultation in respect of the proposed development in accordance with subsections (3) and (4).

- (3) The applicant must publicise the proposed application in such manner as the applicant reasonably considers likely to bring the proposed application to the attention of a majority of the persons who own or occupy premises in the vicinity of the land.
- (4) The applicant must consult each specified person about the proposed application.
- (5) Publicity under subsection (3) must –
- (a) set out how the applicant may be contacted by persons wishing to comment on the proposed development,
 - (b) give such information about the proposed timetable for the consultation as is sufficient to ensure that persons wishing to comment on the proposed development may do so in good time.
- (6) For the purposes of subsection (4), a specified person is a person specified in, or of a description specified in, a development order.
- (7) Subsection (2) does not apply –
- (a) if the proposed application is an application under section 293A, or
 - (b) in cases specified in a development order.
- (8) A development order may make provision about, or in connection with, consultation required to be carried out under this section (including by way of publicising an application under subsection (3)).
- (9) That provision may include (among other things) –
- (a) provision about how the consultation is to be carried out (including about the form and content of documents, and information and other materials that are to be provided to a person for the purposes of, or in connection with, the consultation);
 - (b) provision about responding to the consultation (including provision requiring a person consulted to respond to the consultation, or to respond to the consultation in a particular way, or to respond within a particular time);
 - (c) provision about the timetable (including deadlines) for consultation;
 - (d) provision for a person consulted by virtue of subsection (4) to make a report to the Welsh Ministers about the person's compliance with any requirement imposed by virtue of paragraph (b) or (c) (including provision as to the form and content of the report and the time at which it is to be made).
- (10) References in this section to a development order are to a development order made by the Welsh Ministers."

(3) Yn adran 62 (ceisiadau am ganiatâd cynllunio), ar ôl is-adran (6) mewnosoder –

“(6A) In subsection (6B), a “relevant Welsh application” means the application for planning permission in a case where a person –

- (a) has been required by section 61Z to carry out consultation in respect of a proposed development, and
- (b) is going ahead with making an application for planning permission for the development.

(6B) A development order made by the Welsh Ministers must require a relevant Welsh application to be accompanied by a report (the “pre-application consultation report”) that gives particulars of –

- (a) consultation carried out under section 61Z by the person making the application (the “applicant”) in respect of the development to which the application relates;
- (b) any responses received by the applicant from persons consulted under section 61Z(3) or (4);
- (c) the account taken of those responses.

(6C) A development order made by the Welsh Ministers may make provision –

- (a) about the form and content of the pre-application consultation report;
- (b) about circumstances in which consultation carried out by the applicant under section 61Z is to be treated for the purposes of subsection (6B) as consultation in respect of the development to which the application relates.”

(4) Ym mhennawd adran 61W, yn lle “Requirement” rhodder “England: requirement”.

(5) Yn y croes-bennawd cyn yr adran honno, yn lle “Consultation” rhodder “England: consultation”.

15 Gofyniad i ddarparu gwasanaethau cyn ymgeisio

Yn DCGTh 1990, ar ôl adran 61Z (fel y’i mewnosodir gan adran 14(2)) mewnosoder –

“61ZA Wales: pre-application services

- (1) The Welsh Ministers may by regulations make provision for and in connection with the provision of pre-application services to a person, by a local planning authority in Wales or the Welsh Ministers, in respect of a qualifying application that the person proposes to make.
- (2) For this purpose, a qualifying application is an application, of a description specified in regulations made by the Welsh Ministers, that is made under or by virtue of this Part in connection with the development of land in Wales.
- (3) Regulations under this section may (among other things) make provision –

- (a) about circumstances in which pre-application services are required to be provided in respect of a proposed qualifying application (including provision about the form and content of requests for pre-application services, and information that is to accompany a request);
- (b) about the nature of the services required to be provided, and when and how they are to be provided;
- (c) for information and documents relating to services provided under the regulations, or relating to requests for such services, to be published or otherwise made available to the public, or to persons specified in the regulations, by a local planning authority or the Welsh Ministers;
- (d) about other steps required to be taken by any person in connection with, or for the purposes of, the provision of services under the regulations.

- (4) References in this section and section 61ZB to pre-application services are to services provided to a person, in respect of an application proposed to be made by the person under or by virtue of this Part in respect of the development of land in Wales, for the purpose of assisting the person in making the application.

61ZB Pre-application services: records and statement of services

- (1) The Welsh Ministers may by regulations make provision requiring a pre-application service provider—
- (a) to keep records of pre-application services that have been provided by the provider, and of requests made to the provider for pre-application services;
- (b) to prepare and publish, or otherwise make available, a statement giving information about the range of pre-application services the provider provides (a “statement of services”).
- (2) The regulations may (among other things) make provision about any of the following matters—
- (a) the form and content of the records required to be kept;
- (b) the form and content of the statement of services;
- (c) the way in which records are to be kept;
- (d) the publication of the statement of services and the persons to whom, and circumstances in which, it is to be made available.
- (3) For the purposes of this section each of the following is a pre-application service provider—
- (a) a local planning authority in Wales;
- (b) the Welsh Ministers.

61ZC Regulations under sections 61ZA and 61ZB: supplementary

- (1) Regulations under section 61ZA or 61ZB may contain incidental, supplementary and consequential provision.
- (2) A statutory instrument containing regulations under section 61ZA or 61ZB is subject to annulment in pursuance of a resolution of the National Assembly for Wales.
- (3) Section 333(3) does not apply in relation to regulations under section 61ZA or 61ZB."

RHAN 4**CEISIADAU I WEINIDOGION CYMRU**

Datblygiadau o arwyddocâd cenedlaethol

16 Datblygiadau o arwyddocâd cenedlaethol: ceisiadau am ganiatâd cynllunio

Yn DCGTh 1990, ar ôl adran 62C mewnosoder –

"Wales: applications in respect of development of national significance

62D Development of national significance: applications to be made to Welsh Ministers

- (1) A nationally significant development application is to be made to the Welsh Ministers instead of to the local planning authority.
- (2) A nationally significant development application is an application for planning permission for the development of land in Wales, where the development to which the application relates is of national significance.
- (3) For this purpose, development is of national significance if –
 - (a) it is development that meets criteria specified in regulations made by the Welsh Ministers for the purposes of this section, or
 - (b) it is development that the National Development Framework for Wales specifies, under section 60(3) of the Planning and Compulsory Purchase Act 2004, is to constitute development of national significance for the purposes of this section.
- (4) The decision of the Welsh Ministers on any application made to them under this section is final.
- (5) No regulations are to be made under this section unless a draft of the instrument containing the regulations has been laid before and approved by resolution of the National Assembly for Wales.
- (6) Section 333(3) does not apply in relation to regulations under this section.

- (7) The planning permission that may be granted on an application under this section does not include outline planning permission (and for this purpose “outline planning permission” has the meaning given in section 92).

62E Notification of proposed application under section 62D

- (1) A person who proposes to make an application to the Welsh Ministers under section 62D must notify the Welsh Ministers of the proposed application.
- (2) The notification must comply with any requirements specified in a development order (which may include requirements relating to the form and content of a notification, information that is to accompany it, and the way in which and time by which it is to be given).
- (3) On receiving notification of an application from a person in accordance with this section, the Welsh Ministers must give notice to the person that the notification has been accepted.
- (4) Any step taken in respect of an application that is proposed to be made under section 62D, if taken before the date on which notice is given under subsection (3) in respect of the application, is not to be treated for the purposes of this Act as constituting consultation with any person about the application.
- (5) A development order may make provision about the giving of notice by the Welsh Ministers under subsection (3).
- (6) That provision may include (among other things) provision –
- (a) about the form and content of the notice to be given under subsection (3);
 - (b) about the way in which it is to be given;
 - (c) about the period within which it is to be given (including provision about circumstances in which the Welsh Ministers may extend that period in a particular case).
- (7) References in this section to a development order are to a development order made by the Welsh Ministers.”

17 Datblygiadau o arwyddocâd cenedlaethol: adroddiadau effaith lleol

Yn DCGTh 1990, ar ôl adran 62E (fel y'i mewnosodir gan adran 16) mewnosoder –

“62F Requirement to submit local impact report

- (1) This section applies where –
- (a) an application has been made to the Welsh Ministers under section 62D, and
 - (b) in respect of the application, the Welsh Ministers have taken steps specified in a development order for the purposes of this section.

- 5
- (2) The Welsh Ministers must give notice in writing to each relevant local planning authority, requiring the authority to submit a local impact report in respect of the application to the Welsh Ministers.
- (3) The notice must specify the deadline for receipt of the report by the Welsh Ministers.
- (4) An authority to which notice is given under this section must comply with it.
- 10
- (6) A local planning authority is a relevant local planning authority for the purposes of subsection (2) if the land to which the application relates, or any part of that land, is in the authority's area.

62G Duty to have regard to local impact report

- 15
- (1) In dealing with an application made to them under section 62D, the Welsh Ministers must have regard to –
- (a) any local impact report submitted to them by a local planning authority, in respect of the application, pursuant to a notice under section 62F;
- (b) any local impact report submitted to them, in respect of the application, by a local planning authority in Wales that has not been required to submit a report under section 62F in respect of the application (a “voluntary local impact report”).
- 20
- (2) A development order may make provision about the submission of voluntary local impact reports to the Welsh Ministers (including provision about the manner in which a voluntary local impact report is to be submitted, and the time at which it may be submitted).
- 25
- (3) The duty imposed by subsection (1) does not apply in respect of a voluntary local impact report submitted otherwise than in accordance with any provision made as described in subsection (2).

62H Local impact report: supplementary

- 30
- (1) For the purposes of sections 62F and 62G, a local impact report, in respect of an application, is a report in writing that –
- (a) gives details of the likely impact of the proposed development on the area (or any part of the area) of the authority submitting the report, and
- (b) complies with any requirements specified in a development order as to the form and content of local impact reports.
- 35
- (2) For this purpose the “proposed development” is the development in respect of which the application in question is made.
- (3) References in this section and sections 62F and 62G to a development order are to a development order made by the Welsh Ministers.”

*Dewis i wneud cais i Weinidogion Cymru***18 Dewis i wneud cais i Weinidogion Cymru**

Yn DCGTh 1990, ar ôl adran 62H (fel y'i mewnosodir gan adran 17) mewnosoder –

“Wales: option to make application to Welsh Ministers

62I Option to make application directly to Welsh Ministers

- (1) If the following conditions are met, a qualifying application that would otherwise have to be made to the local planning authority may (if the applicant so chooses) instead be made to the Welsh Ministers.
- (2) The first condition is that the local planning authority is designated by the Welsh Ministers for the purposes of this section.
- (3) The second condition is that –
 - (a) the development to which the application relates, in the case of a qualifying application within subsection (4)(a), or
 - (b) the development for which the outline planning permission has been granted, in the case of a qualifying application within subsection (4)(b),
 is development of a description prescribed by regulations made by the Welsh Ministers.
- (4) A qualifying application, for the purposes of this section, is –
 - (a) an application for planning permission for the development of land in Wales, provided that the development to which it relates is not development of national significance for the purposes of section 62D;
 - (b) an application for approval of a matter that, for the purposes of section 92, is a reserved matter in the case of an outline planning permission for the development of land in Wales.
- (5) But an application of the kind described in section 73(1) that would otherwise be a qualifying application for the purposes of this section is not to be treated as such unless it is an application of a description specified in regulations made by the Welsh Ministers.
- (6) The power to make a designation for the purposes of this section, or to revoke a designation, is exercisable by notice in writing to the authority concerned.
- (7) The Welsh Ministers must publish (in whatever way they think fit) –
 - (a) the criteria to be applied in deciding whether to designate an authority for the purposes of this section;
 - (b) the criteria to be applied in deciding whether to revoke a designation;
 - (c) a copy of any notice given to an authority under subsection (6).

- (8) An urban development corporation is not to be designated for the purposes of this section.

62J Option to make application to Welsh Ministers: connected applications

- (1) This section applies where an application (the “principal application”) is made to the Welsh Ministers under section 62I.
- (2) A connected application that would otherwise have to be made to the local planning authority or hazardous substances authority may (if the applicant so chooses) instead be made to the Welsh Ministers, provided that it is made on the same day as the principal application.
- (3) A connected application, for this purpose, is an application under the Planning Acts that –
- (a) relates to land in Wales, and
 - (b) is an application of a description prescribed by regulations made by the Welsh Ministers,
- and which is considered by the person making it to be connected to the principal application.
- (4) Subsection (5) applies if –
- (a) an application is made to the Welsh Ministers under this section instead of to the local planning authority or hazardous substances authority, but
 - (b) the Welsh Ministers consider that the application is not connected to the principal application.
- (5) The Welsh Ministers must refer the application made to them under this section to the local planning authority or hazardous substances authority.
- (6) An application referred to an authority under subsection (5) –
- (a) is to be treated as from the date of its referral as being an application made to the authority concerned (instead of an application made to the Welsh Ministers), and
 - (b) is to be determined by the authority accordingly.
- (7) A development order made by the Welsh Ministers may make provision about the referral of applications under subsection (5) (including provision about what constitutes the referral of an application for the purposes of subsection (6)).

62K Applications under sections 62I and 62J: supplementary

- (1) A decision of the Welsh Ministers on an application made to them under section 62I or 62J is final.

(2) The Welsh Ministers may give directions requiring a local planning authority or hazardous substances authority to do things in relation to an application made to the Welsh Ministers under section 62I or 62J that would otherwise have been made to the authority.

(3) Directions given under subsection (2) –

(a) may relate to a particular application, or a description of application, or to applications generally;

(b) may be given to a particular authority, or to authorities generally.

(4) The power to give directions under this section includes power to vary or revoke the directions.

(5) A statutory instrument containing regulations made under sections 62I or 62J is subject to annulment in pursuance of a resolution of the National Assembly for Wales.

(6) Section 333(3) does not apply in relation to regulations under section 62I or 62J.”

Cyffredinol

19 Hysbysu cyngorau cymuned am gais a wnaed i Weinidogion Cymru

Yn DCGTh 1990, ar ôl adran 62K (fel y’i mewnosodir gan adran 18) mewnosoder –

“Applications made to Welsh Ministers: general

62L Notifying community councils of applications made to Welsh Ministers

(1) This section applies if –

(a) an application is made to the Welsh Ministers under section 62D, 62I or 62J, and

(b) a community council (the “relevant community council”) would be entitled under paragraph 2 of Schedule 1A to be notified of the application.

(2) The Welsh Ministers (instead of the local planning authority) must notify the relevant community council of –

(a) the application, and

(b) any alteration to the application accepted by the Welsh Ministers.

(3) Sub-paragraphs (4) and (5) of paragraph 2 of Schedule 1A apply for the purposes of the Welsh Ministers’ duty under subsection (2) as they apply for the purposes of the duties of a local planning authority under paragraph 2(1) of that Schedule.

(4) The relevant local planning authority must comply with any request made by the Welsh Ministers for the purposes of this section to supply information to them about requests received by the authority under paragraph 2(1) of Schedule 1A.

(5) The relevant local planning authority, for this purpose, is –

(a) in the case of an application under section 62D or section 62I, the local planning authority to which (but for the section in question) the application would have been made;

(b) in the case of an application under section 62J which (but for that section) would have been made to a local planning authority, that authority.”

20 Y weithdrefn ar gyfer ystyried cais a wneir i Weinidogion Cymru

Yn DCGTh 1990, ar ôl adran 62L (fel y’i mewnosodir gan adran 19) mewnosoder –

“62M Application made to Welsh Ministers: determination of procedure

(1) This section applies where an application has been made to the Welsh Ministers under section 62D, 62I or 62J.

(2) The Welsh Ministers must make a determination as to the procedure by which the application is to be considered.

(3) The determination must be made before the end of a period prescribed in regulations made by the Welsh Ministers.

(4) It must provide for the application to be considered in such of the following ways appears to the Welsh Ministers to be appropriate –

(a) at a local inquiry;

(b) at a hearing;

(c) on the basis of representations in writing.

(5) The determination may be varied by a subsequent determination under this section at any time before the Welsh Ministers’ decision on the application is made.

(6) The Welsh Ministers must notify the following persons of a determination made under this section in respect of an application –

(a) the applicant;

(b) the local planning authority to which, but for section 62D, 62I or 62J (as applicable) the application would have been made;

(c) any representative persons the Welsh Ministers consider appropriate.

(7) “Representative persons” are qualifying persons appearing to the Welsh Ministers to be representative of any persons, other than the applicant and the local planning authority referred to in subsection (6)(b), who appear to the Welsh Ministers to have an interest in the development to which the application relates.

- (8) Qualifying persons for this purpose are persons, or persons of a description, specified in regulations made by the Welsh Ministers.
- (9) The Welsh Ministers must publish the criteria that are to be applied in making a determination under this section.

62N Application made to Welsh Ministers: rules as to procedure

- (1) The Welsh Ministers may make rules regulating the procedure to be followed in connection with—
 - (a) a local inquiry or other hearing held on an application under section 62D, 62I or 62J;
 - (b) proceedings on an application under section 62D, 62I or 62J that is to be considered on the basis of representations in writing.
- (2) The rules may make provision—
 - (a) about the procedure to be followed in connection with matters preparatory or subsequent to an inquiry or hearing or the making of representations in writing;
 - (b) about the conduct of proceedings.
- (3) The power to make rules under this section is exercisable by statutory instrument; and a statutory instrument containing rules under this section is subject to annulment in pursuance of a resolution of the National Assembly for Wales.
- (4) Rules made under this section may make different provision for different purposes."

21 Pŵer i wneud darpariaeth drwy orchymyn datblygu mewn perthynas â cheisiadau i Weinidogion Cymru

Yn DCGTh 1990, ar ôl adran 62N (fel y'i mewnosodir gan adran 20) mewnosoder—

"62O Applications to Welsh Ministers: power to make provision by development order

- (1) A development order made by the Welsh Ministers may make provision about the way in which an application for planning permission made to the Welsh Ministers under section 62D, 62I or 62J is to be dealt with by the Welsh Ministers.
- (2) That provision may (among other things) include provision about—
 - (a) consultation to be carried out by the Welsh Ministers before planning permission for a development is granted or refused;
 - (b) the variation of an application."

22 Arfer swyddogaethau gan berson penodedig pan fo cais yn cael ei wneud i Weinidogion Cymru

- (1) Yn DCGTh 1990, ar ôl adran 62O (fel y'i mewnosodir gan adran 21) mewnosoder—

"62P Applications to Welsh Ministers: exercise of functions by appointed person

Schedule 4D (applications to Welsh Ministers: exercise of functions by appointed person) has effect."

- 5 (2) Mae Atodlen 2 (ceisiadau i Weinidogion Cymru: arfer swyddogaethau gan berson penodedig) yn cael effaith.

23 Ceisiadau i Weinidogion Cymru: diwygiadau pellach

Mae Atodlen 3 (ceisiadau i Weinidogion Cymru: diwygiadau pellach) yn cael effaith.

RHAN 5**RHEOLI DATBLYGU***Ôl-geisiadau***24 Pŵer i wrthod dyfarnu ar ôl-gais**

Yn adran 70C o DCGTh 1990 (pŵer i wrthod dyfarnu ar ôl-gais), yn is-adran (1), hepgorer "in England".

15 *Hysbysiadau penderfynu a hysbysu am ddatblygiad*

25 Hysbysiadau penderfynu

Yn DCGTh 1990, ar ôl adran 71 mewnosoder —

"71ZA Decision notices: Wales

- 20 (1) A development order made by the Welsh Ministers may include provision as to —
- (a) the form of decision notices,
 - (b) the manner in which decision notices are to be given, and
 - (c) the particulars to be contained in decision notices.
- 25 (2) A decision notice must specify any plans or other documents in accordance with which the development to which it relates is to be carried out.
- 30 (3) A planning permission granted in respect of a development in Wales is deemed to be granted subject to the condition that the development must be carried out in accordance with any plans or other documents specified in the decision notice relating to it.
- (4) Subsection (5) applies where, after planning permission is granted in respect of a development in Wales —
- (a) a local planning authority or the Welsh Ministers give any consent, agreement or approval required by any condition or
 - 35 limitation subject to which the planning permission was granted, or

(b) such a condition or limitation is imposed, removed or altered.

(5) The local planning authority or the Welsh Ministers must give a revised version of the notice of the decision to grant planning permission to such persons as may be specified by a development order made by the Welsh Ministers.

(6) The revised version of the notice must contain such details relating to the giving of the consent, agreement or approval, or to the imposition, removal or alteration of the limitation or condition, as may be specified by a development order made by the Welsh Ministers.

(7) In this section “decision notice” means a notice of a decision to grant planning permission in respect of a development in Wales.”

26 Hysbysiad o ddatblygiad

Yn DCGTh 1990, ar ôl adran 71ZA (fel y’i mewnosodir gan adran 25) mewnosoder –

“71ZB Notification of initiation of development and display of notice: Wales

(1) Before beginning any development to which a relevant planning permission relates, a person must give to the local planning authority notice –

(a) stating the date on which the development is to begin;

(b) giving details of the planning permission and of such other matters as may be specified by a development order made by the Welsh Ministers.

(2) A person carrying out development to which a relevant planning permission relates must display at or near the place where the development is being carried out, at all times when it is being carried out, a copy of any notice of a decision to grant it.

(3) A notice under subsection (1) must be in the form specified by a development order made by the Welsh Ministers; and a copy of a notice to grant planning permission displayed under subsection (2) must be in a form specified by, and must be displayed in accordance with, such a development order.

(4) A notice of a decision to grant a relevant planning permission must set out the duties imposed by subsections (1) to (3).

(5) A relevant planning permission is deemed to be granted subject to the condition that the duties imposed by subsections (1) to (3) must be complied with.

(6) For the purposes of this section a “relevant” planning permission is a planning permission of a description specified by a development order made by the Welsh Ministers.

(7) This section applies only in relation to Wales.”

*Ymgynghori etc yng nghyswllt cais am gymeradwyaeth***27 Cais am gymeradwyaeth: ymgynghori etc**

Yn DCGTh 1990, ar ôl adran 100 mewnosoder —

“Consultation etc in respect of application for approval: Wales”

- 5 **“100A Wales: consultation etc in respect of application for approval**
- (1) A development order made by the Welsh Ministers may provide that a local planning authority in Wales to which an application for approval is made are not to determine the application before the end of a period specified in the order.
- 10 (2) If a local planning authority in Wales to which an application for approval is made consult a statutory consultee about the application, the consultee must give a substantive response.
- 15 (3) That response must be given before the end of a period specified in a development order made by the Welsh Ministers, unless the consultee and the authority agree otherwise in writing; in which case the substantive response must be given before the end of whatever period is specified in the agreement.
- (4) A development order made by the Welsh Ministers may make provision —
- 20 (a) about information that is to be provided by a local planning authority to a statutory consultee for the purposes of, or in connection with, consultation about an application for approval;
- (b) about the requirements of a substantive response;
- 25 (c) about the regard that is to be had by an authority, in determining an application for approval, to a response to consultation given by a statutory consultee;
- (d) requiring a statutory consultee consulted about an application for approval to give a report to the Welsh Ministers about the consultee’s compliance with subsections (2) and (3) (including provision as to the form and content of the report, and the time at which it is to be made).
- 30 (5) For the purposes of this section an “application for approval” is —
- (a) an application for approval of reserved matters (within the meaning of section 92);
- 35 (b) an application for consent, agreement or approval required by any condition or limitation subject to which planning permission has been granted.
- (6) References in this section to a statutory consultee, in relation to an application for approval, are to —
- 40

- (a) a person consulted by virtue of section 61Z(4) in connection with the making of the original application;
 - (b) a person whose representations were required by virtue of section 71 (or would have been so required, had any representations been made by the person) to be taken into account in determining the original application.
- (7) The original application, in relation to an application for approval, is the application for the planning permission in accordance with which the application for approval is made."

Cau neu wyro llwybrau cyhoeddus

28 **Cau neu wyro llwybrau cyhoeddus pan wneir cais am ganiatâd cynllunio**

- (1) Mae DCGTh 1990 wedi ei diwygio fel a ganlyn.
 - (2) Yn adran 257 (llwybrau troed, llwybrau ceffylau a chilffyrdd cyfyngedig yr effeithir arnynt gan ddatblygiad arall: gorchmynion gan awdurdodau eraill), yn is-adran (1A), hepgorer "in England".
 - (3) Yn adran 259 (cadarnhau gorchmynion) —
 - (a) ym mhob un o'r is-adrannau (1), (1A) a (2), yn lle "Secretary of State" rhodder "appropriate national authority";
 - (b) ar ôl is-adran (4) mewnosoder —
- "(5) The appropriate national authority, for the purposes of this section, is —
- (a) in relation to England, the Secretary of State;
 - (b) in relation to Wales, the Welsh Ministers."

Apelau etc

29 **Dim amrywio ar gais ar ôl cyflwyno hysbysiad am apêl**

- (1) Yn adran 78 o DCGTh 1990 (hawl i apelio yn erbyn penderfyniadau cynllunio neu fethiant i wneud penderfyniadau o'r fath), ar ôl is-adran (4B) mewnosoder —

"(4BA) Once notice of an appeal under this section to the Welsh Ministers has been served, the application to which it relates may not be varied."
- (2) Yn adran 195 o DCGTh 1990 (apelau yn erbyn gwrthod neu fethu â rhoi penderfyniad ar gais am dystysgrif cyfreithlondeb), ar ôl is-adran (1D) mewnosoder —

"(1DA) Once notice of an appeal under this section to the Welsh Ministers has been served, the application to which it relates may not be varied."
- (3) Yn adran 21 o Ddeddf Cynllunio (Adeiladau Rhestredig ac Ardaloedd Cadwraeth) 1990 (hawl i apelio yn erbyn penderfyniadau ar adeiladau rhestredig neu fethiant i wneud penderfyniadau o'r fath), ar ôl is-adran (4) mewnosoder —

"(4A) Once notice of an appeal under section 20 to the Welsh Ministers has been served, the application to which it relates may not be varied."

- (4) Yn adran 21 o Ddeddf Cynllunio (Sylweddau Peryglus) 1990 (apelau yn erbyn penderfyniadau neu fethiant i wneud penderfyniadau yn ymwneud â sylweddau peryglus), ar ôl is-adran (3D) mewnoder –

“(3E) Once notice of an appeal under this section to the Welsh Ministers has been served, the application to which it relates may not be varied.”

30 Gwahardd codi materion newydd wrth apelio

Yn adran 323 o DCGTh 1990 (gweithdrefn ar gyfer apelau a cheisiadau penodol), ar ôl is-adran (4) mewnoder –

“(5) Regulations made by the Welsh Ministers may provide that in prescribed circumstances a matter may not be raised in proceedings on an appeal under this Act to the Welsh Ministers unless it has been previously raised before a prescribed time or it is shown that it could not have been raised before that time.

(6) A statutory instrument containing regulations made under subsection (5) is subject to annulment in pursuance of a resolution of the National Assembly for Wales and section 333(3) does not apply in relation to regulations made under that subsection.”

31 Costau apelau a chyfeiriadau

- (1) Yn DCGTh 1990, ar ôl adran 322B mewnoder –

“322C Costs: Wales

(1) This section applies in relation to any appeal or reference under this Act to the Welsh Ministers (whether it is considered at an inquiry or hearing or on the basis of written representations and whether or not it involves a person appointed by the Welsh Ministers).

(2) The costs incurred by the Welsh Ministers in relation to the appeal or reference (or so much of them as the Welsh Ministers or the appointed person may direct) are to be paid by such local planning authority or party to the appeal or reference as the Welsh Ministers or the appointed person may direct.

(3) The costs to which subsection (2) applies includes costs in respect of an inquiry or hearing that does not in the event take place.

(4) The Welsh Ministers or the appointed person may make orders as to the costs of the appellant or applicant or any other party to the appeal or reference and as to the person or persons by whom the costs are to be paid.”

- (2) Mae Atodlen 4 (costau apelau: diwygiadau pellach) yn cael effaith.

Gorchmynion datblygu

32 Gorchmynion datblygu a wneir gan Weinidogion Cymru

- (1) Mae adran 333 o DCGTh 1990 (rheoliadau a gorchmynion) wedi ei diwygio fel a ganlyn.

(2) Ar ôl is-adran (2A) mewnosoder –

“(2B) A development order made by the Welsh Ministers may make different provision for different purposes (including different provision for different areas and for different classes or descriptions of development).”

(3) Yn is-adran (5), ym mharagraff (b) –

(a) ar ôl “a development order” mewnosoder “made by the Secretary of State”;

(b) ar ôl “an order” mewnosoder “made by the Secretary of State”;

(c) hepgorer “(unless it is made by the National Assembly for Wales)”.

(4) Ar ôl is-adran (5A), mewnosoder –

“(5B) A statutory instrument containing a development order made by the Welsh Ministers is subject to annulment in pursuance of a resolution of the National Assembly for Wales.”

(5) Yn is-adran (6) –

(a) ar ôl “is-adran (5)” mewnosoder “or (5B)”;

(b) ar ôl “each House of Parliament” mewnosoder “(in the case of an order made by the Secretary of State) or the National Assembly for Wales (in the case of an order made by the Welsh Ministers)”.

(6) Yn adran 78 o DCGTh 1990, hepgorer is-adrannau (4C) a (4D).

(7) Yn adran 195 o DCGTh 1990, hepgorer is-adrannau (1E) ac (1F).

RHAN 6

DARPARIAETHAU CYFFREDINOL

33 Dehongli

Yn y Ddeddf hon –

ystyr “DCPhG 2004” yw Deddf Cynllunio a Phrynu Gorfodol 2004;

ystyr “DCGTh 1990” yw Deddf Cynllunio Gwlad a Thref 1990.

34 Cychwyn

(1) Daw Rhan 1 a’r Rhan hon i rym ar y diwrnod y bydd y Ddeddf hon yn derbyn Cydsyniad Brenhinol.

(2) Daw gweddill darpariaethau’r Ddeddf hon i rym ar ddyddiad a bennir gan Weinidogion Cymru drwy orchymyn.

(3) Mae’r pŵer i wneud gorchymyn o dan is-adran (2) –

(a) yn arferadwy drwy offeryn statudol;

(b) yn cynnwys pŵer –

(i) i bennu gwahanol ddyddiau at wahanol ddibenion, a

- (ii) i wneud darpariaeth drosiannol, darpariaeth ddarfodol neu ddarpariaeth arbed mewn cysylltiad â dod â darpariaeth o'r Ddeddf hon i rym.

35 Enw byr

Enw byr y Ddeddf hon yw Deddf Cynllunio (Cymru) 2014.

ATODLEN 1
(a gyflwynir gan adran 13)

CYNLLUNIO DATBLYGU: DIWYGIADAU PELLACH

RHAN 1

- 5 Y FFRAMWAITH DATBLYGU CENEDLAETHOL A CHYNLLUNIAU DATBLYGU STRATEGOL: MÂN
DDIWYGIADAU A DIWYGIADAU CANLYNIADOL

Deddf Cynllunio a Phrynu Gorfodol 2004

- 1 Mae DCPHG 2004 wedi ei diwygio fel a ganlyn.
- 2 Yn adran 19 (paratoi dogfennau datblygu lleol Lloegr), yn is-adran (2)(e), yn lle “Wales
10 Spatial Plan” rhodder “National Development Framework for Wales,”.
- 3 Yn adran 39 (datblygu cynaliadwy), yn is-adran (1)(c), yn lle “Wales Spatial Plan”
rhodder “National Development Framework for Wales, a strategic development plan”.
- 4 Yn adran 62 (cynllun datblygu lleol), yn is-adran (5) (materion y mae’n rhaid i awdurdod
cynllunio lleol eu hystyried wrth baratoi cynllun), yn lle paragraff (b) rhodder –
- 15 “(b) the National Development Framework for Wales;
(ba) the strategic development plan for any strategic planning area
that –
(i) includes all or any part of the area of the authority, or
(ii) adjoins that area;”.
- 20 5 Yn adran 74 (corfforaethau datblygu trefol) yn lle “section 60” rhodder “sections 60 to
60B”.
- 6 (1) Mae adran 113 (dilysrwydd strategaethau, cynlluniau a dogfennau) wedi ei diwygio fel a
ganlyn.
- (2) Yn is-adran (1) –
- 25 (a) yn lle paragraff (b) rhodder –
“(b) the National Development Framework for Wales;
(ba) strategic development plan;”;
- (b) ym mharagraff (e), ar ôl “(b),” mewnosoder “(ba),”.
- (3) Yn is-adran (9), yn lle paragraff (b) rhodder –
- 30 “(b) sections 60 to 60B above in the case of the National
Development Framework for Wales or a revised Framework;
(ba) in the case of a strategic development plan or any revision of
it –
(i) section 60G above, and
- 35 (ii) sections 63 to 68, 68A(1), 69 to 71 and 73 to 78 above, as
they apply in relation to strategic development plans
(see section 60H);”.

(4) Yn is-adran (11), yn lle paragraff (b) rhodder –

“(b) for the purposes of the National Development Framework for Wales (or a revised Framework), the date when it is published by the Welsh Ministers;

(ba) for the purposes of a strategic development plan (or a revision of it), the date when it is adopted by the strategic planning panel or approved by the Welsh Ministers (as the case may be);”.

Deddf Llywodraeth Cymru 2006

7 Yn Atodlen 10 i Ddeddf Llywodraeth Cymru 2006 (mân ddiwygiadau a diwygiadau canlyniadol), hepgorer paragraff 66 a’r croes-bennawd o’i flaen.

Deddf y Môr a Mynediad i’r Arfordir 2009

(1) Mae Atodlen 6 i Ddeddf y Môr a Mynediad i’r Arfordir 2009 (cynlluniau morol: eu paratoi a’u mabwysiadu) wedi ei diwygio fel a ganlyn.

(2) Ym mharagraff 3 –

(a) yn is-baragraff (2), yn y geiriau ar ôl paragraff (b), yn lle “relevant Planning Act plan” rhodder “development plan”;

(b) hepgorer is-baragraffau (4) a (5);

(c) yn is-baragraff (6), hepgorer y diffiniad o “the Wales Spatial Plan”.

(3) Ym mharagraff 9(2)(b), yn lle “Planning Act plans” rhodder “development plans”.

RHAN 2

RHEOLIADAU A GORCHMYNION

(1) Mae adran 122 o DCPhG 2004 (rheoliadau a gorchmynion) wedi ei diwygio fel a ganlyn.

(2) Yn is-adran (1)(b), yn lle “National Assembly for Wales” rhodder “Welsh Ministers”.

(3) Yn is-adran (5)(g), yn lle “National Assembly for Wales” rhodder “Welsh Ministers”.

(4) Ar ôl is-adran (6) mewnosoder –

“(6A) Subsection (6) does not apply in relation to a statutory instrument containing subordinate legislation made by the Welsh Ministers.

(6B) The Welsh Ministers must not make a statutory instrument containing subordinate legislation which includes provision amending or repealing an enactment contained in primary legislation unless a draft of the instrument has been laid before and approved by resolution of the National Assembly for Wales.

(6C) A statutory instrument containing subordinate legislation made by the Welsh Ministers to which subsection (6B) does not apply is subject to annulment in pursuance of a resolution of the National Assembly for Wales.”

(5) Ar ôl is-adran (10) mewnosoder –

“(11) In subsection (6B), “primary legislation” means –

(a) an Act of Parliament;

(b) an Act or Measure of the National Assembly for Wales.”

10 Yn Atodlen 11 i Ddeddf Llywodraeth Cymru 2006 (darpariaethau trosiannol), ym
5 mharagraff 35(4), yn Nhabl 2, hepgorer yr eitemau sy’n ymwneud â DCPHG 2004.

ATODLEN 2
(a gyflwynir gan adran 22(2))

CEISIADAU I WEINIDOGION CYMRU: ARFER SWYDDOGAETHAU GAN BERSON
PENODEDIG

5 1 Yn DCGTh 1990, ar ôl Atodlen 4C mewnosoder –

“SCHEDULE 4D

APPLICATIONS TO WELSH MINISTERS: EXERCISE OF FUNCTIONS BY
APPOINTED PERSON

Applications in respect of development of national significance: exercise of functions

- 10 1 (1) Unless a direction otherwise is given under paragraph 9, a specified function, so far as exercisable in respect of –
- (a) an application made under section 62D, or
 - (b) an application that a person proposes to make under section 62D,
- 15 is to be exercised by a person appointed for the purpose by the Welsh Ministers under this paragraph.
- (2) A “specified function”, for the purposes of sub-paragraph (1), is a function exercisable by the Welsh Ministers under or by virtue of this Act, that has been prescribed in regulations made for the purposes of
- 20 this paragraph by the Welsh Ministers.
- (3) Paragraph 14 makes provision about regulations under this paragraph.

Applications under section 62I or 62J: exercise of functions

- 25 2 Unless a direction otherwise is given under paragraph 9 –
- (a) an application made under section 62I or 62J is to be determined by a person appointed for the purpose by the Welsh Ministers under this paragraph;
 - (b) functions exercisable by the Welsh Ministers, by virtue of section 61ZA, in respect of an application that a person proposes to make under section 62I or 62J, are to be exercised by a person appointed for the purpose by the Welsh Ministers under this paragraph.
- 30

Revocation of appointments

- 35 3 Where a person has been appointed under paragraph 1 or 2 in respect of an application, the Welsh Ministers may at any time –
- (a) revoke the appointment, and

- (b) appoint another person, in respect of the application, under paragraph 1 or 2 (as the case may be).

Exercise of functions by appointed person

- 4 (1) This paragraph applies for the purposes of paragraphs 5 to 13.
- 5 (2) References to an appointed person are to a person appointed to exercise functions under paragraph 1 or 2.
- 10 (3) References to a relevant application are to an application, or a proposed application, in respect of which functions are exercisable by a person other than the Welsh Ministers by virtue of the person's appointment under paragraph 1 or 2.
- 5 A person appointed under paragraph 2 to determine an application has, so far as the context permits, the same powers and duties that the Welsh Ministers have by virtue of section 75A.
- 15 6 (1) This paragraph applies where any enactment (other than this Schedule) –
- (a) refers (or is to be read as referring) to the Welsh Ministers in a context relating to or capable of relating to an application under section 62I or section 62J, or
- 20 (b) refers (or is to be read as referring) to anything (other than the making of an application) done or authorised or required to be done by, to or before the Welsh Ministers in connection with any such application.
- 25 (2) So far as the context permits, the enactment is to be read, in relation to an application determined or to be determined by a person appointed under paragraph 2, as if the reference to the Welsh Ministers were or included a reference to an appointed person.

Determination of application by appointed person

- 7 Where a relevant application is determined by an appointed person –
- 30 (a) that person's decision is to be treated as being the decision of the Welsh Ministers, and
- (b) except as provided by Part 12, the validity of the decision is not to be questioned in any proceedings whatsoever.
- 35 8 (1) It is not a ground of application to the High Court under section 288 that a relevant application ought to have been determined by the Welsh Ministers instead of an appointed person, unless the applicant challenges the person's power to determine the application before the person's decision on the application is given.
- 40 (2) But in the case of an application under section 62D, the restriction imposed by sub-paragraph (1) applies only if the function of determining the application is a function specified in regulations under paragraph 1.

Power of Welsh Ministers to exercise functions in place of appointed person

- 9 The Welsh Ministers may direct that functions specified in the
direction are to be exercised, in respect of a relevant application, by
them instead of by a person appointed under paragraph 1 or
paragraph 2.
- 10 A copy of a direction given under paragraph 9 in respect of a relevant
application is to be served on—
- (a) the person (if any) appointed, in respect of the application,
under paragraph 1 or 2;
 - (b) the applicant;
 - (c) in the case of an application under section 62I or 62J, the local
planning authority or hazardous substances authority
concerned.
- 11 (1) Sub-paragraph (2) applies where, in consequence of a direction under
paragraph 9, an application is to be determined by the Welsh
Ministers instead of a person appointed under paragraph 1 or 2.
- (2) In determining the application, the Welsh Ministers may take into
account any report made to them by any person previously appointed
under paragraph 1 or 2 in respect of the application.
- 12 Subject to that, for the purpose of the exercise of functions by the
Welsh Ministers in respect of an application in consequence of a
direction under paragraph 9, the provisions of the planning Acts that
are relevant to the application apply to it as if no appointment under
paragraph 1 or 2 had ever been made.
- 13 (1) The Welsh Ministers may by a further direction revoke a direction
under paragraph 9 at any time before the determination of the
application concerned.
- (2) On giving a direction under this paragraph in respect of an
application, the Welsh Ministers must serve a copy of the direction
on—
- (a) the person, if any, previously appointed under paragraph 1 or
2 in respect of the application;
 - (b) the applicant;
 - (c) in the case of an application under section 62I or 62J, the local
planning authority or hazardous substances authority
concerned.
- (3) Where a direction is given under this paragraph in relation to an
application—
- (a) the Welsh Ministers must appoint a person (the “new
appointee”) under paragraph 1 or 2, as the case may be, in
respect of the application;

- (b) anything done by or on behalf of the Welsh Ministers in connection with the application that might have been done by a person appointed under paragraph 1 or 2 in respect of the application is, unless the new appointee directs otherwise, to be treated as having been done by that person, and
- (c) subject to that, this Schedule applies to the application as if no direction under paragraph 9 had been given in relation to the application.

General

- (1) Regulations under paragraph 1 may contain incidental or consequential provision.
- (2) A statutory instrument containing regulations made under paragraph 1 is subject to annulment in pursuance of a resolution of the National Assembly for Wales.
- (3) Section 333(3) does not apply in relation to regulations under paragraph 1."

Yn adran 59 o DCPhG 2004, (cywiro gwallau: atodol), yn is-adran (2), ar ôl "Secretary of State" mewnosoder "or the Welsh Ministers, or a person appointed under Schedule 4D to the principal Act to determine an application instead of the Welsh Ministers".

ATODLEN 3
(a gyflwynir gan adran 23)

CEISIADAU I WEINIDOGION CYMRU: DIWYGIADAU PELLACH

1 Mae DCGTh 1990 wedi ei diwygio fel a ganlyn.

5 2 Yn adran 58 (rhoi caniatâd cynllunio: cyffredinol), yn is-adran (1)(b) –

(a) ar ôl “by the Secretary of State” mewnosoder “or the Welsh Ministers”;

(b) ar ôl “to the Secretary of State” mewnosoder “or the Welsh Ministers”.

3 Yn adran 59 (gorchmynion datblygu: cyffredinol), yn is-adran (2)(b) –

(a) ar ôl “by the Secretary of State” mewnosoder “or the Welsh Ministers”;

10 (b) ar ôl “to the Secretary of State” mewnosoder “or the Welsh Ministers”.

4 Cyn adran 62A, mewnosoder –

“England: option to make application directly to Secretary of State”.

5 Yn adran 70 (dyfarnu ar geisiadau), yn is-adran (1)(a), ar ôl “subject to” mewnosoder “section 62D(7) and”.

15 6 Yn adran 70A (pŵer i wrthod dyfarnu ar gais), fel y bo’n gymwys mewn perthynas â Chymru, yn is-adran (1)(a), yn lle “Secretary of State has refused a similar application referred to him under section 77 or has” rhodder “Welsh Ministers have refused a similar application made to them under section 62D, 62I or 62J, or referred to them under section 77, or have”.

20 7 Ar ôl adran 75 mewnosoder –

“Applications made to the Welsh Ministers: applicable provisions

75A Provisions applying for purpose of applications made to the Welsh Ministers

(1) A development order may –

25 (a) provide for the provisions specified in subsection (2) to apply, with or without modifications, to an application for planning permission made to the Welsh Ministers under section 62D or 62I;

30 (b) provide for section 100A to apply, with or without modifications, to an application for approval (within the meaning of that section) made to the Welsh Ministers.

(2) The provisions are sections 62(3) and (4), 65(5), 70, 70A, 70C, 72(1) and (5), 73, 73A and 327A.

35 (3) Any requirements imposed by a development order by virtue of the provisions specified in subsection (4) may be applied by a development order, with or without modifications, to an application for planning permission made to the Welsh Ministers under section 62D or 62I.

(4) The provisions are sections 62, 65, 71 and 74, and paragraph 2(6) of Schedule 1A.

(5) A development order may apply to an application made to the Welsh Ministers under section 62J, with or without modifications, any enactment that relates to applications of that kind when made to the relevant authority.

(6) For the purposes of subsection (5), the relevant authority, in relation to an application made under section 62J, is the authority to which, but for section 62J, the application would have been made.

(7) References in this section to a development order are to a development order made by the Welsh Ministers."

Yn adran 87 (eithrio tir penodol neu ddisgrifiadau o ddatblygiad o gynllun parth cynllunio syml), ar ôl is-adran (4) mewnosoder –

"(5) A simplified planning zone scheme for an area in Wales does not have effect to grant planning permission for the development of land in Wales, where the development is of national significance for the purposes of section 62D."

Yn adran 88 (caniatâd cynllunio ar gyfer datblygiad mewn ardaloedd menter), ar ôl is-adran (10) mewnosoder –

"(11) An enterprise zone scheme for an area in Wales does not have effect to grant planning permission for the development of land in Wales, where the development is of national significance for the purposes of section 62D."

Yn adran 92 (caniatâd cynllunio amlinellol), yn is-adran (1), ar ôl "authority" mewnosoder ", the Welsh Ministers".

Yn adran 93 (darpariaethau atodol i adrannau 91 a 92), yn is-adran (1)(a), ar ôl "authority" mewnosoder ", the Welsh Ministers".

Yn adran 253 (gweithdrefn wrth ddisgwyl cael caniatâd cynllunio), yn is-adran (2), ar ôl paragraff (a) mewnosoder –

"(aa) that application has been made to the Welsh Ministers under section 62D, 62I or 62J; or".

Yn adran 257 (llwybrau troed etc y mae datblygiad arall yn effeithio arnynt: gorchmynion gan awdurdodau eraill), yn is-adran (4) –

(a) ym mharagraff (a), ar ôl "Secretary of State" mewnosoder "or by the Welsh Ministers";

(b) ym mharagraff (c), ar ôl "62A" mewnosoder "or to the Welsh Ministers under section 62D, 62I or 62J".

(1) Mae adran 284 (camau na chaniateir eu cwestiynu mewn achosion cyfreithiol ond i'r graddau y darperir ar gyfer hynny gan Ran 12) wedi ei diwygio fel a ganlyn.

(2) Yn is-adran (1)(f), ar ôl "Secretary of State" mewnosoder "or the Welsh Ministers".

(3) Yn is-adran (3) –

(a) yn y geiriau agoriadol, ar ôl “action on the part of the Secretary of State” mewnosoder “or the Welsh Ministers”;

(b) ym mharagraff (a), yn lle “him” rhodder “the Secretary of State or the Welsh Ministers”;

(c) ar ôl paragraff (a) mewnosoder –

“(aa) any decision on an application made to the Welsh Ministers under section 62D;

(ab) any decision on an application made to the Welsh Ministers under section 62I or section 62J (not including a decision to refer an application under section 62J(5));”;

(d) ym mharagraff (h), ar ôl “Secretary of State” mewnosoder “or the Welsh Ministers”.

(4) Yn is-adran (4), ar ôl “Secretary of State” mewnosoder “or the Welsh Ministers”.

(1) Mae adran 288 (gweithdrefnau ar gyfer cwestiynu dilysrwydd gorchmynion eraill, etc) wedi ei diwygio fel a ganlyn.

(2) Yn is-adran (1)(b), ar ôl “Secretary of State” mewnosoder “or the Welsh Ministers”.

(3) Yn is-adran (2), ar ôl “Secretary of State” mewnosoder “or the Welsh Ministers”.

(4) Yn is-adran (4), ar ôl “Secretary of State” mewnosoder “or the Welsh Ministers”.

(5) Yn is-adran (10) –

(a) ym mharagraff (a), yn lle “has modified” rhodder “or the Welsh Ministers have modified”;

(b) ym mharagraff (b) –

(i) ar ôl “Secretary of State” mewnosoder “or the Welsh Ministers”;

(ii) yn lle “him” rhodder “the Secretary of State or the Welsh Ministers”.

Ar ôl adran 303 mewnosoder –

“303ZZA Provision for payment of fees etc to Welsh Ministers

(1) The Welsh Ministers may by regulations make provision for the payment of a charge or fee to the Welsh Ministers in respect of –

(a) the performance by the Welsh Ministers of any function they have in respect of an application made to them under section 62D (developments of national significance), section 62I (option to make application directly to Welsh Ministers) or section 62J (connected applications);

(b) anything done by the Welsh Ministers which is calculated to facilitate, or is conducive or incidental to, the performance of any such function.

(2) In respect of the payment of any such fee or charge, the regulations may make any provision that may be made by regulations under section 303 in respect of the payment of any charge or fee to a local planning authority in Wales.

(3) No regulations are to be made under this section unless a draft of the instrument containing the regulations has been laid before and approved by resolution of the National Assembly for Wales.

(4) Section 333(3) does not apply in relation to regulations under this section."

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17 Yn adran 324 (hawliau mynediad), yn is-adran (1), ar ôl paragraff (b) mewnosoder —

“(ba) any application made to the Welsh Ministers under section 62J that is not an application within paragraph (b);”.

ATODLEN 4

(a gyflwynir gan adran 31(2))

COSTAU APELAU: DIWYGIADAU PELLACH

Deddf Cynllunio Gwlad a Thref 1990

- 5 1 Mae DCGTh 1990 wedi ei diwygio fel a ganlyn.
- 2 Yn adran 175 (apelau: darpariaethau atodol), yn is-adran (7), ar ôl “any proceedings” mewnosoder “in England”.
- 3 Yn adran 196 (darpariaethau pellach ynglŷn â chyfeiriadau ac apelau i’r Ysgrifennydd Gwladol), yn is-adran (8), ar ôl “any proceedings” mewnosoder “in England”.
- 10 4 Yn adran 208 (apelau yn erbyn hysbysiadau o dan adran 207), yn is-adran (11), ar ôl “any proceedings” mewnosoder “in England”.
- 5 (1) Mae adran 320 (ymchwiliadau lleol) wedi ei diwygio fel a ganlyn.
- (2) Yn is-adran (1) –
- (a) ar ôl “Secretary of State” mewnosoder “or the Welsh Ministers”;
- 15 (b) ar ôl “his” mewnosoder “or their”.
- (3) Yn is-adran (2), yn lle “held by virtue of this section” rhodder “caused to be held under this section by the Secretary of State; and subsections (2) and (3) of that section apply to an inquiry caused to be held under this section by the Welsh Ministers”.
- (4) Yn is-adran (3), yn lle “held in England” rhodder “caused to be held by the Secretary of State”.
- 20 6 Yn adran 322 (gorchmynion ynghylch costau partïon pan na chynhelir ymchwiliad lleol), yn is-adran (2), ar ôl “proceedings” mewnosoder “in England”.
- 7 Yn adran 322A (gorchmynion ynghylch costau: atodol), yn is-adran (1)(a), ar ôl “proceedings” mewnosoder “in England”.
- 25 8 Yn Atodlen 6, (apelau penodol i gael eu dyfarnu gan berson wedi ei benodi gan Ysgrifennydd Gwladol) ym mharagraff 6 –
- (a) yn is-baragraff (4), ar ôl “paragraph” mewnosoder “in England”;
- (b) ar ôl is-baragraff (4) mewnosoder –
- “(4A) Subsections (2) and (3) of that section apply to an inquiry held under this paragraph in Wales.”;
- 30 (c) yn is-baragraff (5), ar ôl “proceedings” mewnosoder “in England”.
- 9 Yn Atodlen 8, ym mharagraff 5(4), ar ôl “sub-paragraph (1)” mewnosoder “in England, and subsections (2) and (3) of that section shall apply in relation to an inquiry held under that sub-paragraph in Wales,”.
- 35 *Deddf Cynllunio (Adeiladau Rhestredig ac Ardaloedd Cadwraeth) 1990*
- 10 Mae Deddf Cynllunio (Adeiladau Rhestredig ac Ardaloedd Cadwraeth) 1990 wedi ei diwygio fel a ganlyn.

- 11 Yn adran 41 (dyfarnu ar apelau o dan adran 39), yn is-adran (8), ar ôl “any proceedings”
mewnosoder “in England”.
- 12 Yn adran 89 (cymhwyso rhai o ddarpariaethau cyffredinol y brif Ddeddf), yn is-adran (1),
ar ôl y cofnod sy’n ymwneud ag adran 322A, mewnosoder –
- 5 “section 322C (costs: Wales),”.
- 13 Yn Atodlen 3 (apelau penodol i gael eu dyfarnu gan berson wedi ei benodi gan
Ysgrifennydd Gwladol), ym mharagraff 6 –
- (a) yn is-baragraff (4), ar ôl “paragraph” mewnosoder “in England”;
- (b) ar ôl is-bargraff (4) mewnosoder –
- 10 “(4A) Subsections (2) and (3) of that section apply to an inquiry held under
this paragraph in Wales.”;
- (c) yn is-baragraff (5), yn lle “such inquiry” rhodder “inquiry held by virtue of this
paragraph”;
- (d) yn is-baragraff (8), ar ôl “proceedings” mewnosoder “in England”.
- 15 *Deddf Cynllunio (Sylweddau Peryglus) 1990*
- 14 Mae Deddf Cynllunio (Sylweddau Peryglus) 1990 wedi ei diwygio fel a ganlyn.
- 15 Yn adran 25 (hysbysiadau tramgwydd sylweddau peryglus: darpariaethau atodol), yn is-
adran (5), ar ôl “any proceedings” mewnosoder “in England”.
- 16 Yn adran 37 (cymhwyso rhai o ddarpariaethau cyffredinol y brif Ddeddf), yn is-adran (2),
20 ar ôl y cofnod sy’n ymwneud ag adran 322A, mewnosoder –
- “section 322C (costs: Wales),”.
- 17 Yn yr Atodlen (apelau i gael eu dyfarnu gan berson wedi ei benodi gan Ysgrifennydd
Gwladol), ym mharagraff 6 –
- (a) yn is-baragraff (4), ar ôl “paragraph” mewnosoder “in England”;
- 25 (b) ar ôl is-baragraff (4) mewnosoder –
- “(4A) Subsections (2) and (3) of that section apply to an inquiry held under
this paragraph in Wales.”;
- (c) yn is-baragraff (5), yn lle “such inquiry” rhodder “inquiry held by virtue of this
paragraph”;
- 30 (d) yn is-baragraff (8), ar ôl “proceedings” mewnosoder “in England”.