



OFFERYNNAU STATUDOL
CYMRU

2012 Rhif 2319 (Cy. 253)

**CYNLLUNIO GWLAD A
THREF, CYMRU**

Rheoliadau Cynllunio Gwlad a
Thref (Digolledu) (Cymru) (Rhif 2)
2012

NODYN ESBONIADOL

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

Mae'r Rheoliadau hyn yn rhagnodi materion amrywiol at ddibenion adran 108 o Ddeddf Cynllunio Gwlad a Thref 1990.

Mae adran 108 yn darparu ar gyfer digolledu drwy daliad mewn achosion penodol pan fo caniatâd cynllunio am ddatblygiad a roddwyd drwy orchymyn datblygu neu orchymyn datblygu lleol yn cael ei dynnu'n ôl, a phan fo cais am ganiatâd cynllunio ar gyfer y datblygiad hwnnw, bod y cais yn cael ei wrthod neu fod y caniatâd yn cael ei roi yn ddarostyngedig i amodau.

Mae adran 108(2A) a (3B) i (3D) (fel y'i diwygiwyd gan Orchymyn Caniatâd Cynllunio (Tynnu'n ôl Orchymyn Datblygu neu Orchymyn Datblygu Lleol) (Iawndal) (Cymru) 2012 (O.S. 2012/210 (Cy.36)) yn cyfyngu ar yr amgylchiadau pan fo digolledu yn daladwy. Mae'r Rheoliadau hyn yn rhagnodi'r mathau o ddatblygiad at ddibenion adran 108(2A) a (3C) (rheoliad 2), yn rhagnodi'r dull y mae caniatâd cynllunio i'w dynnu'n ôl (rheoliad 3) ac yn rhagnodi'r dull a'r cyfnod hiraf ar gyfer rhoi hysbysiad o dynnu'n ôl, dirymu, diwygio neu gyfarwyddiadau ynddo (rheoliadau 4 a 5). Mae'r datblygiad rhagnodedig yn awr yn cynnwys gosod cyfarpar microgynhyrchu annomestig.

Mae rheoliad 6 yn ddarpariaeth drosiannol.

Mae'r Rheoliadau hyn yn disodli Rheoliadau Cynllunio Gwlad a Thref (Digolledu) (Cymru) 2012 (O.S. 2012/789 (Cy.105)) a ddirymir gan reoliad 7.

WELSH STATUTORY
INSTRUMENTS

2012 No. 2319 (W. 253)

**TOWN AND COUNTRY
PLANNING, WALES**

The Town and Country Planning
(Compensation) (Wales) (No. 2)
Regulations 2012

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations prescribe various matters for the purposes of section 108 of the Town and Country Planning Act 1990.

Section 108 provides for the payment of compensation in certain cases where planning permission for development granted by a development order or a local development order is withdrawn and where on an application for planning permission for that development, the application is refused or permission is granted subject to conditions.

Section 108(2A) and (3B) to (3D) (as amended by the Planning Permission (Withdrawal of Development Order or Local Development Order) (Compensation) (Wales) Order 2012 (S.I. 2012/210 (W.36)) limits the circumstances in which compensation is payable. These Regulations prescribe types of development for the purposes of section 108(2A) and (3C) (regulation 2), prescribe the manner in which planning permission is to be withdrawn (regulation 3) and prescribe the manner, and maximum period, in which notice of withdrawal, revocation, amendment or directions is to be given (regulations 4 and 5). The prescribed development now includes the installation of non-domestic microgeneration equipment.

Regulation 6 is a transitional provision.

These Regulations replace the Town and Country Planning (Compensation) (Wales) Regulations 2012 (S.I. 2012/789 (W.105)) which are revoked by regulation 7.

Mae asesiad effaith wedi ei baratoi mewn perthynas â'r Rheoliadau hyn. Mae copïau ar gael gan Lywodraeth Cymru, Parc Cathays, Caerdydd, CF10 3NQ ac ar wefan Llywodraeth Cymru yn www.cymru.gov.uk

An impact assessment has been prepared in relation to these Regulations. Copies are available from the Welsh Government at Cathays Park, Cardiff, CF10 3NQ and on the Welsh Government's website at www.wales.gov.uk.

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2012

The Town and Country Planning
(Compensation) (Wales) (No. 2)
Regulations 2012

Gwnaed 6 Medi 2012

Made 6 September 2012

*Gosodwyd gerbron Cynulliad
Cenedlaethol Cymru* 11 Medi 2012

*Laid before the National
Assembly for Wales* 11 September 2012

Yn dod i rym yn unol â rheoliad 1(1)

*Coming into force
in accordance with
regulation 1(1)*

Mae Gweinidogion Cymru, drwy arfer y pwerau a roddwyd gan adran 108(2A), (3C), (3D), (5) a (6) o Ddeddf Cynllunio Gwlad a Thref 1990(1) sydd bellach yn arferadwy ganddynt hwy(2), yn gwneud y Rheoliadau a ganlyn:

The Welsh Ministers, in exercise of the powers conferred by section 108(2A), (3C), (3D), (5) and (6) of the Town and Country Planning Act 1990(1) now exercisable by them(2), make the following Regulations:

Enwi, cychwyn, cymhwyso a dehongli

Title, commencement, application and interpretation

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau Cynllunio Gwlad a Thref (Digolledu) (Cymru) (Rhif 2) 2012 a deuant i rym ar 5 Hydref 2012.

1.—(1) The title of these Regulations is the Town and Country Planning (Compensation) (Wales) (No. 2) Regulations 2012 and they come into force on 5 October 2012.

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

(2) These Regulations apply in relation to Wales.

(3) Yn y Rheoliadau hyn—

(3) In these Regulations—

ystyr "Atodlen 2" ("*Schedule 2*") yw Atodlen 2 i Orchymyn 1995;

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

(1) 1990 p.8. Diwygiwyd adran 108 gan adran 13 o Ddeddf Cynllunio a Digolledu 1991 (p.34), adran 40(2) a pharagraffau 1 a 6 o Atodlen 6 i Ddeddf Cynllunio a Phrynu Gorfodol 2004 (p.5), adran 189 o Ddeddf Cynllunio 2008 (p.29), adran 121 a pharagraffau 1 a 15 o Atodlen 12 i Ddeddf Lleoliaeth 2011 (p.20) ac O.S. 2006/1281. Diwygiwyd is-adrannau 108(2A), (3C), (3D) a (6) gan Orchymyn Caniatâd Cynllunio (Tynnu'n ôl Orchymyn Datblygu neu Orchymyn Datblygu Lleol) (Iawndal) (Cymru) 2012 (O.S. 2012/210 (Cy.36)).

(1) 1990 c.8. Section 108 was amended by section 13 of the Planning and Compensation Act 1991 (c.34), section 40(2) and paragraphs 1 and 6 of Schedule 6 to the Planning and Compulsory Purchase Act 2004 (c.5), section 189 of the Planning Act 2008 (c.29), section 121 and paragraphs 1 and 15 of Schedule 12 to the Localism Act 2011 (c.20) and S.I. 2006/1281. Subsections 108(2A), (3C), (3D) and (6) were amended by the Planning Permission (Withdrawal of Development Order or Local Development Order) (Compensation) (Wales) Order 2012 (S.I. 2012/210 (W.36)).

(2) Diwygiwyd adran 108(6) er mwyn rhoi swyddogaethau mewn perthynas â Chymru sy'n arferadwy gan Weinidogion Cymru gan Orchymyn Caniatâd Cynllunio (Tynnu'n ôl Orchymyn Datblygu neu Orchymyn Datblygu Lleol) (Iawndal) (Cymru) 2012.

(2) Section 108(6) was amended so as to confer functions in relation to Wales exercisable by the Welsh Ministers by the Planning Permission (Withdrawal of Development Order or Local Development Order) (Compensation) (Wales) Order 2012.

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

ystyr "Gorchymyn 1995" ("*the 1995 Order*") yw Gorchymyn Cynllunio Gwlad a Thref (Datblygu Cyffredinol a Ganiateir) 1995(1).

Datblygiad rhagnodedig

2. At ddibenion paragraffau (2A)(a) a (3C)(a) o adran 108 o'r Ddeddf (digolledu pan fo gorchymyn datblygu neu orchymyn datblygu lleol yn cael ei dynnu'n ôl), mae datblygiad o'r disgrifiad canlynol yn rhagnodedig—

- (a) datblygiad a ganiateir gan Ran 1 o Atodlen 2 (datblygiad o fewn cwrtil tŷ annedd);
- (b) datblygiad a ganiateir gan Ddosbarth A o Ran 8 o Atodlen 2 (estyn neu newid adeilad diwydiannol neu warws);
- (c) datblygiad a ganiateir gan Ran 32 o Atodlen 2 (ysgolion, colegau, prifysgolion ac ysbytai);
- (d) datblygiad a ganiateir gan Ran 40 o Atodlen 2 (gosod cyfarpar microgynhyrchu domestig); a
- (e) datblygiad a ganiateir gan Ran 43 o Atodlen 2 (gosod cyfarpar microgynhyrchu annomestig).

Y dull rhagnodedig ar gyfer tynnu caniatâd cynllunio yn ôl

3. At ddibenion adran 108(3C)(b) o'r Ddeddf, y dull rhagnodedig ar gyfer tynnu caniatâd cynllunio yn ôl yw drwy gyfarwyddyd yn unol ag erthyglau 4, 5 a (fel y bo'n briodol) 6 o Orchymyn 1995.

Hysbysiad o dynnu'n ôl-dull a chyfnod rhagnodedig

4. At ddibenion adran 108(3C)(c) o'r Ddeddf—

- (a) y dull rhagnodedig ar gyfer cyhoeddi'r hysbysiad o dynnu'n ôl yw'r dull a ddisgrifir yn erthyglau 5 a (fel y bo'n briodol) 6 o Orchymyn 1995; ac
- (b) y cyfnod rhagnodedig yw 24 mis.

Hysbysiad dirymu, diwygio neu gyfarwyddiadau-dull a chyfnod rhagnodedig

5. At ddibenion adran 108(3D)(c) o'r Ddeddf—

- (a) y dull rhagnodedig ar gyfer cyhoeddi'r hysbysiad dirymu, diwygio neu

"the 1995 Order" ("*Gorchymyn 1995*") means the Town and Country Planning (General Permitted Development) Order 1995(1); and

"Schedule 2" ("*Atodlen 2*") means Schedule 2 to the 1995 Order.

Prescribed development

2. For the purposes of paragraphs (2A)(a) and (3C)(a) of section 108 of the Act (compensation where development order or local development order withdrawn), development of the following description is prescribed—

- (a) development permitted by Part 1 of Schedule 2 (development within the curtilage of a dwellinghouse);
- (b) development permitted by Class A of Part 8 of Schedule 2 (extension or alteration of an industrial building or a warehouse);
- (c) development permitted by Part 32 of Schedule 2 (schools, colleges, universities and hospitals);
- (d) development permitted by Part 40 of Schedule 2 (installation of domestic microgeneration equipment); and
- (e) development permitted by Part 43 of Schedule 2 (installation of non-domestic microgeneration equipment).

Prescribed manner in which planning permission to be withdrawn

3. For the purposes of section 108(3C)(b) of the Act, the prescribed manner for withdrawing planning permission is by direction in accordance with articles 4, 5 and (as appropriate) 6 of the 1995 Order.

Notice of withdrawal-prescribed manner and period

4. For the purposes of section 108(3C)(c) of the Act—

- (a) the prescribed manner in which notice of the withdrawal is to be published is in the manner described in articles 5 and (as appropriate) 6 of the 1995 Order; and
- (b) the prescribed period is 24 months.

Notice of revocation, amendment or directions-prescribed manner and period

5. For the purposes of section 108(3D)(c) of the Act—

- (a) the prescribed manner for publication of notice of the revocation, amendment or directions is

(1) O.S. 1995/418; gwnaed diwygiadau perthnasol gan O.S. 2006/124 (Cy.17), 2009/2193 (Cy.185) a 2012/1346 (Cy.167).

(1) S.I. 1995/418; relevant amendments were made by S.I. 2006/124 (W.17), 2009/2193 (W.185) and 2012/1346 (W. 167).

gyfarwyddiadau yw'r dull a ddisgrifir ym mharagraffau (7) a (8) o erthygl 27 o Orchymyn Cynllunio Gwlad a Thref (Gweithdrefn Rheoli Datblygu) (Cymru) 2012(1); a

(b) y cyfnod rhagnodedig yw 24 mis.

Darpariaeth drosiannol

6. Nid yw'r Rheoliadau hyn yn gymwys mewn perthynas ag unrhyw dynnu caniatâd cynllunio yn ôl ar gyfer datblygiad o ddisgrifiad a ragnodir yn rheoliad 2(d) pan oedd, cyn 18 Mehefin 2012, naill ai—

- (a) hysbysiad o'r cyfarwyddyd yn tynnu'r caniatâd hwnnw yn ôl wedi ei roi yn unol ag erthygl 5 o Orchymyn 1995; neu
- (b) y cyfarwyddyd yn un y mae erthygl 6 o Orchymyn 1995 (hysbysiad a chadarnhad o gyfarwyddiadau erthygl 4(2)) yn gymwys iddo a bod y cyfarwyddyd eisoes wedi dod i rym.

Dirymu

7. Mae Rheoliadau Cynllunio Gwlad a Thref (Digolledu) (Cymru) 2012 wedi eu dirymu(2).

in the manner described in paragraphs (7) and (8) of article 27 of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012(1); and

(b) the prescribed period is 24 months.

Transitional provision

6. These Regulations do not apply in relation to any withdrawal of planning permission for development of a description prescribed in regulation 2(d) where, before 18 June 2012, either—

- (a) notice of the direction withdrawing that permission has been given in accordance with article 5 of the 1995 Order; or
- (b) the direction is one to which article 6 of the 1995 Order (notice and confirmation of article 4(2) directions) applies and the direction has come into force.

Revocation

7. The Town and Country Planning (Compensation) (Wales) Regulations 2012(2) are revoked.

John Griffiths

Gweinidog yr Amgylchedd a Datblygu Cynaliadwy, un o Weinidogion Cymru

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

6 Medi 2012

6 September 2012

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(1) O.S. 2012/801 (Cy.110).

(2) O.S. 2012/789 (Cy.105).

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