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WELSH STATUTORY  
INSTRUMENTS

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**2014 Rhif 1772 (Cy. 183)**

**2014 No. 1772 (W. 183)**

**CYNLLUNIO GWLAD A  
THREF, CYMRU**

**TOWN AND COUNTRY  
PLANNING, WALES**

Gorchymyn Cynllunio Gwlad a  
Thref (Gweithdrefn Rheoli  
Datblygu) (Cymru) (Diwygio) 2014

The Town and Country Planning  
(Development Management  
Procedure) (Wales) (Amendment)  
Order 2014

**NODYN ESBONIADOL**

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

Mae diwygiadau a wnaed i adran 96A o Ddeddf Cynllunio Gwlad a Thref 1990 gan Orchymyn Cynllunio Gwlad a Thref (Newidiadau Amherthnasol a Chywiro Gwallau) (Cymru) 2014 (O.S. 2014/1770 (Cy.182)) yn caniatáu i awdurdodau cynllunio lleol yng Nghymru wneud newidiadau amherthnasol i ganiatadau cynllunio sy'n ymwneud â thir yn eu hardal.

Mae'r Gorchymyn hwn yn diwygio Gorchymyn Cynllunio Gwlad a Thref (Gweithdrefn Rheoli Datblygu) (Cymru) 2012 (O.S. 2012/801 (Cy. 110)) i wneud darpariaeth ynglŷn â'r ffurf a'r modd y gwneir ceisiadau. Mae'r Gorchymyn hefyd yn gosod gofynion ar awdurdodau cynllunio lleol ynglŷn ag ymgynghori a chyhoeddusrwydd.

Mae asesiad effaith rheoleiddiol wedi ei baratoi mewn perthynas â'r offeryn hwn. Gellir cael copïau ohono o Is-adran Cynllunio Llywodraeth Cymru, Parc Cathays, Caerdydd, CF10 3NQ.

**EXPLANATORY NOTE**

*(This note is not part of the Order)*

Amendments made to section 96A of the Town and Country Planning Act 1990 by the Town and Country Planning (Non-Material Changes and Correction of Errors) (Wales) Order 2014 (S.I. 2014/1770 (W.182)) allow local planning authorities in Wales to make non-material changes to planning permissions relating to land in their area.

This Order amends the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 (S.I. 2012/801 (W. 110)) to make provision for the form and manner in which applications are to be made. The Order also places requirements on local planning authorities as to consultation and publicity.

A regulatory impact assessment has been prepared in relation to this instrument. Copies may be obtained from the Planning Division of the Welsh Government, Cathays Park, Cardiff, CF10 3NQ.

**2014 Rhif 1772 (Cy. 183)**

**CYNLLUNIO GWLAD A  
THREF, CYMRU**

**Gorchymyn Cynllunio Gwlad a  
Thref (Gweithdrefn Rheoli  
Datblygu) (Cymru) (Diwygio) 2014**

*Gwnaed* 3 Gorffennaf 2014

*Gosodwyd gerbron Cynulliad Cenedlaethol  
Cymru* 7 Gorffennaf 2014

*Yn dod i rym* 1 Medi 2014

Mae Gweinidogion Cymru, drwy arfer y pwerau a roddwyd iddynt gan adran 96A o Ddeddf Cynllunio Gwlad a Thref 1990(1) ac a roddwyd i'r Ysgrifennydd Gwladol gan adrannau 69(2) a 333 o'r Ddeddf honno ac sydd bellach yn arferadwy ganddynt hwy(3), yn gwneud y Gorchymyn a ganlyn:

**Enwi, cychwyn a chymhwyso**

1.—(1) Enw'r Gorchymyn hwn yw Gorchymyn Cynllunio Gwlad a Thref (Gweithdrefn Rheoli Datblygu) (Cymru) (Diwygio) 2014 a daw i rym ar 1 Medi 2014.

(2) Mae'r Gorchymyn hwn yn gymwys i'r holl dir yng Nghymru.

**2014 No. 1772 (W. 183)**

**TOWN AND COUNTRY  
PLANNING, WALES**

**The Town and Country Planning  
(Development Management  
Procedure) (Wales) (Amendment)  
Order 2014**

*Made* 3 July 2014

*Laid before the National Assembly for Wales* 7 July 2014

*Coming into force* 1 September 2014

The Welsh Ministers, in exercise of the powers conferred on them by section 96A of the Town and Country Planning Act 1990(1) and conferred on the Secretary of State by sections 69(2) and 333 of that Act and now exercisable by them(3), make the following Order:

**Title, commencement and application**

1.—(1) The title of this Order is The Town and Country Planning (Development Management Procedure) (Wales) (Amendment) Order 2014 and it comes into force on 1 September 2014.

(2) This Order applies to all land in Wales.

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(1) 1990 p. 8. Mewniodwyd adran 96A gan adran 190(1) o Ddeddf Cynllunio 2008 (p. 29), ac fe'i diwygiwyd gan erthygl 2 o Orchymyn Cynllunio Gwlad a Thref (Newidiadau Amherthnasol a Chywiro Gwallau) (Cymru) 2014 (O.S. 2014/1770 (Cy.182)).

(2) Amnewidiwyd adran 69 gan adran 118 o Ddeddf Cynllunio a Phrynu Gorfodol 2004 (p. 5), a pharagraffau 1 a 3 o Atodlen 6 i'r Ddeddf honno, ac fe'i diwygiwyd gan adran 190 o Ddeddf Cynllunio 2008 (p. 29).

(3) Trosglwyddwyd swyddogaethau'r Ysgrifennydd Gwladol o dan adran 333 i Gynulliad Cenedlaethol Cymru gan erthygl 2 o Orchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999 (O.S. 1999/672), ac i Weinidogion Cymru yn rhinwedd adran 162 o Ddeddf Llywodraeth Cymru 2006 (p. 32), a pharagraffau 30 a 32 o Atodlen 11 i'r Ddeddf honno.

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(1) 1990. c. 8. Section 96A was inserted by section 190(1) of the Planning Act 2008 (c.29) and was amended by article 2 of the Town and Country Planning (Non-Material Changes and Correction of Errors) (Wales) Order 2014 (S.I. 2014/1770 (W.182)).

(2) Section 69 was substituted by section 118 of, and paragraphs 1 and 3 of Schedule 6 to, the Planning and Compulsory Purchase Act 2004 (c.5) and amended by section 190 of the Planning Act 2008 (c. 29).

(3) The functions of the Secretary of State under section 333 were transferred to the National Assembly for Wales by article 2 of the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672) and to the Welsh Ministers by virtue of section 162 of, and paragraphs 30 and 32 of Schedule 11 to, the Government of Wales Act 2006 (c. 32).

## Diwygio Gorchymyn Cynllunio Gwlad a Thref (Gweithdrefn Rheoli Datblygu) (Cymru) 2012

2.—(1) Mae Gorchymyn Cynllunio Gwlad a Thref (Gweithdrefn Rheoli Datblygu) (Cymru) 2012(1) wedi ei ddiwygio fel a ganlyn.

(2) Ar ôl erthygl 28 mewnosoder—

### “Ceisiadau am newidiadau amherthnasol i ganiatâd cynllunio

**28A.**—(1) Mae'r erthygl hon yn gymwys i gais a wneir o dan adran 96A(4) o Ddeddf 1990 (pŵer i wneud newidiadau amherthnasol i ganiatâd cynllunio).

(2) Rhaid i gais y mae'r erthygl hon yn gymwys iddo gael ei wneud i'r awdurdod cynllunio lleol mewn ysgrifen ar y ffurflen a gyhoeddir gan Weinidogion Cymru.

(3) Caniateir rhoi cyhoeddusrwydd i gais am newidiadau amherthnasol i ganiatâd cynllunio, gan yr awdurdod cynllunio lleol, drwy roi hysbysiad—

(a) drwy arddangos ar y safle mewn o leiaf un man ar neu gerllaw'r tir y mae'r cais yn ymwneud ag ef, am gyfnod o ddim llai na 14 diwrnod; neu

(b) drwy gyflwyno'r hysbysiad i unrhyw berchennog neu feddiannydd cyffiniol.

(4) Os caiff yr hysbysiad ei dynnu ymaith, ei guddio neu'i ddifwyno cyn bo'r cyfnod o 14 diwrnod y cyfeirir ato ym mharagraff (3)(a) wedi dod i ben, a hynny pan nad oedd unrhyw fai ar yr awdurdod cynllunio lleol na bwriad ganddo i wneud hynny, rhaid trin yr awdurdod fel pe bai wedi cydymffurfio â'r gofyniad yn y paragraff hwnnw, os cymerodd gamau rhesymol i ddiogelu'r hysbysiad ac i'w ailosod pe bai angen.

(5) Cyn penderfynu cais, caiff awdurdod cynllunio lleol ymgynghori ag unrhyw awdurdod, corff neu berson yr ymgynghorwyd ag ef yn unol ag erthygl 14 cyn rhoi'r caniatâd cynllunio.

(6) Pan fo hysbysiad wedi ei roi o dan baragraff (3) neu os yw'r awdurdod cynllunio lleol wedi ymgynghori yn unol â pharagraff (5), rhaid i'r awdurdod, wrth benderfynu cais, gymryd i ystyriaeth unrhyw sylwadau a wneir o fewn y cyfnod o 14 diwrnod sy'n dechrau gyda'r dyddiad y rhoddwyd yr hysbysiad.

## Amendments to the Town and Country Planning (Development Management Procedure) (Wales) Order 2012

2.—(1) The Town and Country Planning (Development Management Procedure) (Wales) Order 2012(1) is amended as follows.

(2) After article 28 insert—

### “Applications for non-material changes to planning permission

**28A.**—(1) This article applies to an application made under section 96A(4) of the 1990 Act (power to make non-material changes to planning permission).

(2) An application to which this article applies must be made in writing to the local planning authority on the form published by the Welsh Ministers.

(3) An application for non-material changes to planning permission may be publicised by the local planning authority by giving notice—

(a) by site display in at least one place on or near the land to which the application relates for not less than 14 days; or

(b) by serving the notice on any adjoining owner or occupier.

(4) Where the notice is without any fault or intention of the local planning authority, removed, obscured or defaced before the period of 14 days referred to in paragraph (3)(a) has elapsed, the authority will be treated as having complied with the requirement of that paragraph if they have taken reasonable steps to protect the notice and, if need be, replace it.

(5) Before determining an application a local planning authority may consult any authority, body or person whom they consulted in accordance with article 14 before granting planning permission.

(6) Where notice is given under paragraph (3) or if the local planning authority has consulted in accordance with paragraph (5), the authority must, in determining an application, take into account any representations made within 14 days beginning with the date when the notice was given.

(1) O.S. 2012/801 (Cy. 110). Gwnaed diwygiadau i'r Gorchymyn hwn, ond nid oes yr un o'r diwygiadau yn berthnasol.

(1) S.I. 2012/801 (W.110). There are amendments to this Order but none is relevant.

(7) Rhaid i awdurdod cynllunio lleol roi hysbysiad ysgrifenedig o'i benderfyniad ar y cais i'r ceisydd o fewn 28 diwrnod ar ôl cael y cais neu pa bynnag gyfnod hwy a gytunir mewn ysgrifen rhwng y ceisydd a'r awdurdod."

(3) Yn erthygl 29, ar ôl paragraff (3) mewnosoder—

"(3A) Rhaid i Ran 2 gynnwys hefyd yr wybodaeth ganlynol mewn perthynas â phob cais a wneir o dan erthygl 28A mewn perthynas â'i ardal—

- (a) copi (a gaiff fod mewn ffurf ffotograffig neu electronig) o'r cais ynghyd ag unrhyw blaniau a lluniadau a gyflwynwyd gydag ef; a
- (b) penderfyniad yr awdurdod, os gwnaed un, mewn perthynas â'r cais, dyddiad y cyfryw benderfyniad ac enw'r awdurdod."

(7) A local planning authority must give the applicant notice in writing of their decision on the application within 28 days of receipt of the application or such longer period as may be agreed in writing between the applicant and the authority."

(3) In article 29 after paragraph (3) insert—

"(3A) Part 2 must also contain the following information in respect of every application made under article 28A relating to their area—

- (a) a copy (which may be photographic or in electronic form) of the application together with any accompanying plans and drawings; and
- (b) the decision, if any, of the authority in respect of the application, the date of such decision and the name of the authority."

*Carl Sargeant*

Y Gweinidog Tai ac Adfywio, un o Weinidogion Cymru

3 Gorffennaf 2014

Minister for Housing and Regeneration, one of the Welsh Ministers

3 July 2014

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