



OFFERYNNAU STATUDOL
CYMRU

WELSH STATUTORY
INSTRUMENTS

2008 Rhif 2336 (Cy.199)

2008 No. 2336 (W.199)

**CYNLLUNIO GWLAD A
THREF, CYMRU**

**TOWN AND COUNTRY
PLANNING, WALES**

Gorchymyn Cynllunio Gwlad a
Thref (Gweithdrefn Datblygu
Cyffredinol) (Diwygio) (Cymru)
2008

The Town and Country Planning
(General Development Procedure)
(Amendment) (Wales) Order
2008

NODYN ESBONIADOL

EXPLANATORY NOTE

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

(This note is not part of the Order)

Mae Gorchymyn Cynllunio Gwlad a Thref (Gweithdrefn Datblygu Cyffredinol) 1995 ("Gorchymyn 1995") yn pennu'r gweithdrefnau sy'n gysylltiedig â cheisiadau cynllunio, apelau i Weinidogion Cymru a materion perthynol i'r graddau nad yw'r rhain wedi eu gosod yn Neddf Cynllunio Gwlad a Thref 1990 neu mewn deddfwriaeth berthynol.

The Town and Country Planning (General Development Procedure) Order 1995 ("the 1995 Order") specifies the procedures connected with planning applications, appeals to the Welsh Ministers and related matters so far as these are not laid down in the Town and Country Planning Act 1990 or related legislation.

Mae'r Gorchymyn hwn, sy'n gymwys o ran Cymru, yn diwygio'r diffiniad o "reserved matters" (materion a gadwyd yn ôl) yn erthygl 1 o Orchymyn 1995 ac yn diwygio erthygl 3 o Orchymyn 1995 er mwyn pennu beth y mae'n rhaid ei gynnwys mewn ceisiadau am ganiatâd cynllunio amlinellol mewn perthynas â'r materion hynny.

This Order, which applies in relation to Wales, amends the definition of "reserved matters" in article 1 of the 1995 Order and amends article 3 of the 1995 Order so as to specify what must be included in applications for outline planning permission in relation to those matters.

2008 Rhif 2336 (Cy.199)

**CYNLLUNIO GWLAD A
THREF, CYMRU**

**Gorchymyn Cynllunio Gwlad a
Thref (Gweithdrefn Datblygu
Cyffredinol) (Diwygio) (Cymru)
2008**

Gwnaed 31 Awst 2008
*Gosodwyd gerbron Cynulliad Cenedlaethol
Cymru* 2 Medi 2008
Yn dod i rym 6 Hydref 2008

Mae Gweinidogion Cymru, drwy arfer y pwerau a roddwyd i'r Ysgrifennydd Gwladol gan adrannau 59, 61(1), 62(1) a 333(7) o Ddeddf Cynllunio Gwlad a Thref 1990(1) ac sy'n arferadwy bellach gan Weinidogion Cymru(2), yn gwneud y Gorchymyn canlynol:

Enwi, cychwyn a chymhwysu

1.—(1) Enw'r Gorchymyn hwn yw Gorchymyn Cynllunio Gwlad a Thref (Gweithdrefn Datblygu Cyffredinol) (Diwygio) (Cymru) 2008.

(2) Daw'r Gorchymyn hwn i rym ar 6 Hydref 2008.

(3) Mae'r Gorchymyn hwn yn gymwys o ran Cymru.

(1) 1990 p.8.

(2) Trosglwyddwyd swyddogaethau'r Ysgrifennydd Gwladol o dan adrannau 59, 61(1), 62(1) a 333(7) o Ddeddf Cynllunio Gwlad a Thref 1990, i'r graddau y maent yn arferadwy o ran Cymru, i Gynulliad Cenedlaethol Cymru gan erthygl 2 o Orchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999 (O.S. 1999/672) ac Atodlen 1 iddo: gweler y cofnod yn Atodlen 1 ar gyfer Deddf Cynllunio Gwlad a Thref 1990 (p.8) fel y'i hamnewidiwyd gan erthygl 4 o Orchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 2000 (O.S. 2000/253) ac Atodlen 3 iddo. Mae'r swyddogaethau wedi eu trosglwyddo ar ôl hynny i Weinidogion Cymru gan adran 162 o Ddeddf Llywodraeth Cymru 2006 a pharagraff 30 o Atodlen 11 iddi. Yn rhinwedd adran 333(4) o Ddeddf 1990, mae'r pwerau a roddwyd gan adrannau 59, 61(1), 62(1) a 333(7) o Ddeddf 1990 yn arferadwy drwy offeryn statudol.

2008 No. 2336 (W.199)

**TOWN AND COUNTRY
PLANNING, WALES**

**The Town and Country Planning
(General Development Procedure)
(Amendment) (Wales) Order
2008**

Made 31 August 2008
*Laid before the National
Assembly for Wales* 2 September 2008
Coming into force 6 October 2008

The Welsh Ministers, in exercise of the powers conferred upon the Secretary of State by sections 59, 61(1), 62(1) and 333(7) of the Town and Country Planning Act 1990(1) and which are now exercisable by the Welsh Ministers(2), make the following Order:

Title, commencement and application

1.—(1) The title of this Order is the Town and Country Planning (General Development Procedure) (Amendment) (Wales) Order 2008.

(2) This Order comes into force on 6 October 2008.

(3) This Order applies in relation to Wales.

(1) 1990 c.8.

(2) The functions of the Secretary of State under sections 59, 61(1), 62(1) and 333(7) of the Town and Country Planning Act 1990 were, so far as exercisable in relation to Wales, transferred to the National Assembly for Wales by article 2 of and Schedule 1 to the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672): see the entry in Schedule 1 for the Town and Country Planning Act 1990 (c.8) as substituted by article 4 of, and Schedule 3 to, the National Assembly for Wales (Transfer of Functions) Order 2000 (S.I. 2000/253). The functions have subsequently been transferred to the Welsh Ministers by section 162 of, and paragraph 30 of Schedule 11 to, the Government of Wales Act 2006. By virtue of section 333(4) of the 1990 Act, the powers conferred by sections 59, 61(1), 62(1) and 333(7) of the 1990 Act are exercisable by statutory instrument.

Diwygio Gorchymyn Cynllunio Gwlad a Thref (Gweithdrefn Datblygu Cyffredinol) 1995

2. Diwygir Gorchymyn Cynllunio Gwlad a Thref (Gweithdrefn Datblygu Cyffredinol) 1995(1) yn unol ag erthygl 3 o'r Gorchymyn hwn.

Diwygiadau sy'n ymwneud â materion a gadwyd yn ôl

3.—(1) Yn erthygl 1(2) (dehongli)—

(a) ar ôl y diffiniad o "the Act" mewnosoder—

""access", in relation to reserved matters, means the accessibility to and within the site, for vehicles, cycles and pedestrians in terms of the positioning and treatment of access and circulation routes and how these fit into the surrounding access network; where "site" means the site or part of the site in respect of which outline planning permission is granted or, as the case may be, in respect of which an application for such a permission has been made;

"appearance" means the aspects of a building or place within the development which determine the visual impression the building or place makes, including the external built form of the development, its architecture, materials, decoration, lighting, colour and texture;"

(b) yn lle'r diffiniad o "landscaping" rhodder—

""landscaping", in relation to a site or any part of a site for which outline planning permission has been granted or, as the case may be, in respect of which an application for such permission has been made, means the treatment of land (other than buildings) for the purpose of enhancing or protecting the amenities of the site and the area in which it is situated and includes screening by fences, walls or other means, the planting of trees, hedges, shrubs or grass, the formation of banks, terraces or other earthworks, the laying out or provision of gardens, courts or squares, water features, sculpture, or public art, and the provision of other amenity features;"

(c) ar ôl y diffiniad o "landscaping" mewnosoder—

""layout" means the way in which buildings, routes and open spaces within the development are provided, situated and orientated in relation to each other and to buildings and spaces outside the development;"

Amendment of the Town and Country Planning (General Development Procedure) Order 1995

2. The Town and Country Planning (General Development Procedure) Order 1995(1) is amended in accordance with article 3 of this Order.

Amendments relating to reserved matters

3.—(1) In article 1(2) (interpretation)—

(a) after the definition of "the Act" insert—

""access", in relation to reserved matters, means the accessibility to and within the site, for vehicles, cycles and pedestrians in terms of the positioning and treatment of access and circulation routes and how these fit into the surrounding access network; where "site" means the site or part of the site in respect of which outline planning permission is granted or, as the case may be, in respect of which an application for such a permission has been made;

"appearance" means the aspects of a building or place within the development which determine the visual impression the building or place makes, including the external built form of the development, its architecture, materials, decoration, lighting, colour and texture;"

(b) for the definition of "landscaping" substitute—

""landscaping", in relation to a site or any part of a site for which outline planning permission has been granted or, as the case may be, in respect of which an application for such permission has been made, means the treatment of land (other than buildings) for the purpose of enhancing or protecting the amenities of the site and the area in which it is situated and includes screening by fences, walls or other means, the planting of trees, hedges, shrubs or grass, the formation of banks, terraces or other earthworks, the laying out or provision of gardens, courts or squares, water features, sculpture, or public art, and the provision of other amenity features;"

(c) after the definition of "landscaping" insert—

""layout" means the way in which buildings, routes and open spaces within the development are provided, situated and orientated in relation to each other and to buildings and spaces outside the development;"

(1) O.S. 1995/419. Mae diwygiadau perthnasol wedi eu gwneud gan O.S. 1996/525, 2004/1434 (Cy.147) a 2004/3156 (Cy.273).

(1) S.I. 1995/419. Relevant amendments have been made by S.I. 1996/525, 2004/1434 (W.147) and 2004/3156 (W.273).

(ch) yn lle'r diffiniad o "reserved matters" rhodder—

"reserved matters", in relation to an outline planning permission, or an application for such permission, means any of the following matters in respect of which details have not been given in the application—

- (a) access;
- (b) appearance;
- (c) landscaping;
- (d) layout; and
- (e) scale, within the upper and lower limit for the height, width and length of each building stated in the application for planning permission in accordance with article 3(4);

(d) ar ôl y diffiniad o "reserved matters" mewnosoder—

"scale" means the height, width and length of each building proposed within the development in relation to its surroundings;".

(2) Ar ôl paragraff (2) o erthygl 3 (ceisiadau am ganiatâd cynllunio amlinellol) ychwaneger—

"(3) Where layout is a reserved matter the application for outline planning permission shall state the approximate location of buildings, routes and open spaces included in the development proposed.

(4) Where scale is a reserved matter the application for outline planning permission shall state the upper and lower limit for the height, width and length of each building included in the development proposed.

(5) Where access is a reserved matter the application for outline planning permission shall state the area or areas where access points to the development proposed will be situated."

(d) for the definition of "reserved matters" substitute—

"reserved matters", in relation to an outline planning permission, or an application for such permission, means any of the following matters in respect of which details have not been given in the application—

- (a) access;
- (b) appearance;
- (c) landscaping;
- (d) layout; and
- (e) scale, within the upper and lower limit for the height, width and length of each building stated in the application for planning permission in accordance with article 3(4);

(e) after the definition of "reserved matters" insert—

"scale" means the height, width and length of each building proposed within the development in relation to its surroundings;".

(2) After paragraph (2) of article 3 (applications for outline planning permission) add—

"(3) Where layout is a reserved matter the application for outline planning permission shall state the approximate location of buildings, routes and open spaces included in the development proposed.

(4) Where scale is a reserved matter the application for outline planning permission shall state the upper and lower limit for the height, width and length of each building included in the development proposed.

(5) Where access is a reserved matter the application for outline planning permission shall state the area or areas where access points to the development proposed will be situated."

Jane Davidson

Y Gweinidog dros yr Amgylchedd, Cynaliadwyedd a
Thai, un o Weinidogion Cymru

Minister for Environment Sustainability and Housing,
one of the Welsh Ministers

31 Awst 2008

31 August 2008

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