OFFERYNNAU STATUDOL CYMRU

WELSH STATUTORY INSTRUMENTS

2025 Rhif 400 (Cy. 80)

2025 No. 400 (W. 80)

CYNLLUNIO GWLAD A THREF, CYMRU

TOWN AND COUNTRY PLANNING, WALES

Gorchymyn Gweithdrefn Ddatblygu (Ymgyngoreion) (Cymru) (Diwygiadau Amrywiol) 2025

The Development Procedure (Consultees) (Wales) (Miscellaneous Amendments) Order 2025

NODYN ESBONIADOL

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

Mae'r Gorchymyn hwn yn diwygio Gorchymyn Cynllunio Gwlad a Thref (Gweithdrefn Rheoli Datblygu) (Cymru) 2012 ("Gorchymyn 2012") a Gorchymyn Datblygiadau o Arwyddocâd Cenedlaethol (Gweithdrefn) (Cymru) 2016 ("Gorchymyn 2016") mewn perthynas ag ymgynghori cyn gwneud cais ac ymgynghori cyn rhoi caniatâd cynllunio.

Mae erthygl 2 yn diwygio'r tabl yn Atodlen 4 i Orchymyn 2012 (ymgyngoriadau cyn rhoi caniatâd cynllunio) i amnewid y categori o ddatblygiad sydd mewn perygl o lifogydd y mae rhaid ymgynghori â Chorff Adnoddau Naturiol Cymru yn ei gylch (erthygl 2(2) a (3)).

Mae erthygl 3 yn diwygio'r tabl yn Atodlen 5 i Orchymyn 2016 (dyletswydd i ymgynghori cyn rhoi caniatâd cynllunio) i amnewid y categori o ddatblygiad sydd mewn perygl o lifogydd y mae rhaid ymgynghori â Chorff Adnoddau Naturiol Cymru yn ei gylch (erthygl 3(2) a (3)).

Ystyriwyd Cod Ymarfer Gweinidogion Cymru ar gynnal Asesiadau Effaith Rheoleiddiol mewn perthynas â'r Gorchymyn hwn. O ganlyniad, lluniwyd asesiad effaith rheoleiddiol o'r costau a'r manteision sy'n debygol o ddeillio o gydymffurfio â'r Gorchymyn hwn. Gellir cael copi oddi wrth: Llywodraeth Cymru, Parc Cathays, Caerdydd, CF10 3NQ.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 ("the 2012 Order") and the Developments of National Significance (Procedure) (Wales) Order 2016 ("the 2016 Order") in relation to pre-application consultation and consultation before the grant of planning permission.

Article 2 amends the table in Schedule 4 to the 2012 Order (consultations before the grant of planning permission) to substitute the category of development at risk of flooding on which the Natural Resources Body for Wales are to be consulted (article 2(2) and (3)).

Article 3 amends the table in Schedule 5 to the 2016 Order (duty to consult before grant of planning permission) to substitute the category of development at risk of flooding on which the Natural Resources Body for Wales are to be consulted (article 3(2) and (3)).

The Welsh Ministers' Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to this Order. As a result, a regulatory impact assessment has been prepared as to the likely costs and benefits of complying with this Order. A copy can be obtained from the Welsh Government, Cathays Park, Cardiff, CF10 3NQ.

2025 Rhif 400 (Cy. 80)

CYNLLUNIO GWLAD A THREF, CYMRU

Gorchymyn Gweithdrefn Ddatblygu (Ymgyngoreion) (Cymru) (Diwygiadau Amrywiol) 2025

Gwnaed	*26 Mawrth 2025*
Gosodwyd gerbron Senedd Cymru	*31 Mawrth 2025*
Yn dod i rym	*21 Ebrill 2025*

Mae Gweinidogion Cymru, drwy arfer y pwerau a roddwyd i'r Ysgrifennydd Gwladol gan adrannau 59(1), (2)(b) a (3)(a) a 74(1)(c) o Ddeddf Cynllunio Gwlad a Thref 1990(**1**) ac sydd bellach yn arferadwy ganddynt hwy(**2**), a thrwy arfer y pwerau a roddir iddynt gan adrannau 61Z(8) a (9), 62R a 333(5B) o'r Ddeddf honno(**3**), yn gwneud y Gorchymyn a ganlyn.

(**1**) 1990 p. 8 ("Deddf 1990"). Diwygiwyd adran 59 gan adran 27 o Ddeddf Cynllunio (Cymru) 2015 (dccc 4) ("Deddf 2015") a pharagraffau 1 a 3 o Atodlen 4 iddi, ac adran 55 o'r Ddeddf honno a pharagraff 5 o Atodlen 7 iddi, a chan adran 1(2) o Ddeddf Twf a Seilwaith 2013 (p. 27) a pharagraffau 1 a 4 o Atodlen 1 iddi. Mae diwygiadau i adran 74 nad ydynt yn berthnasol i'r offeryn hwn.

(**2**) Trosglwyddwyd swyddogaethau'r Ysgrifennydd Gwladol i Gynulliad Cenedlaethol Cymru gan erthygl 2 o Orchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999 (O.S. 1999/672); gweler y cofnod yn Atodlen 1 ar gyfer Deddf 1990 fel y'i hamnewidiwyd gan O.S. 2000/253. Trosglwyddwyd swyddogaethau Cynulliad Cenedlaethol Cymru i Weinidogion Cymru yn rhinwedd adran 162 o Ddeddf Llywodraeth Cymru 2006 (p. 32) a pharagraffau 30 a 32 o Atodlen 11 iddi. Gweler hefyd adran 59(4) o Ddeddf 1990 sy'n darparu mai ystyr gorchymyn datblygu o ran Cymru yw gorchymyn datblygu sydd wedi ei wneud gan Weinidogion Cymru.

(**3**) Mewnosodwyd adran 61Z gan adran 17(1) a (2) o Ddeddf 2015. Mewnosodwyd adran 333(5B) gan adran 55 o Ddeddf 2015 a pharagraff 6(5) o Atodlen 7 iddi.

2025 No. 400 (W. 80)

TOWN AND COUNTRY PLANNING, WALES

The Development Procedure (Consultees) (Wales) (Miscellaneous Amendments) Order 2025

Made	*26 March 2025*
Laid before Senedd Cymru	*31 March 2025*
Coming into force	*21 April 2025*

The Welsh Ministers, in exercise of the powers conferred on the Secretary of State by sections 59(1), (2)(b) and (3)(a) and 74(1)(c) of the Town and Country Planning Act 1990(**1**) and now exercisable by them(**2**), and in exercise of the powers conferred on them by sections 61Z(8) and (9), 62R and 333(5B) of that Act(**3**), make the following Order.

(**1**) 1990 c. 8 ("the 1990 Act"). Section 59 was amended by section 27 of, and paragraphs 1 and 3 of Schedule 4 to, and section 55 of, and paragraph 5 of Schedule 7 to, the Planning (Wales) Act 2015 (anaw 4) ("the 2015 Act") and by section 1(2) of, and paragraphs 1 and 4 of Schedule 1 to, the Growth and Infrastructure Act 2013 (c. 27). There are amendments to section 74 which are not relevant to this instrument.

(**2**) The functions of the Secretary of State 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); see the entry in Schedule 1 for the 1990 Act as substituted by S.I. 2000/253. The functions of the National Assembly for Wales were transferred 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). See also section 59(4) of the 1990 Act which provides that a development order in relation to Wales means a development order made by the Welsh Ministers.

(**3**) Section 61Z was inserted by section 17(1) and (2) of the 2015 Act. Section 333(5B) was inserted by section 55 of, and paragraph 6(5) of Schedule 7 to the 2015 Act.

Enwi, dod i rym a dehongli

1.—(1) Enw'r Gorchymyn hwn yw Gorchymyn Gweithdrefn Ddatblygu (Ymgyngoreion) (Cymru) (Diwygiadau Amrywiol) 2025.

(2) Daw i rym ar 21 Ebrill 2025.

(3) Yn y Gorchymyn hwn—

ystyr "Gorchymyn 2012" ("*the 2012 Order*") yw Gorchymyn Cynllunio Gwlad a Thref (Gweithdrefn Rheoli Datblygu) (Cymru) 2012(**1**);

ystyr "Gorchymyn 2016" ("*the 2016 Order*") yw Gorchymyn Datblygiadau o Arwyddocâd Cenedlaethol (Gweithdrefn) (Cymru) 2016(**2**).

Diwygio Gorchymyn 2012

2.—(1) Mae Atodlen 4 i Orchymyn 2012 wedi ei diwygio fel a ganlyn.

(2) Yn y tabl, yn lle rhes (x) rhodder—

"(x)	Datblygiad— (i) Ar dir o fewn Afonydd a'r Môr – Parth Llifogydd 2; (ii) Ar dir o fewn Afonydd a'r Môr – Parth Llifogydd 3; (iii) Ar dir o fewn Parthau Amddiffyne dig TAN 15.	Corff Adnoddau Naturiol Cymru"

(3) O dan y pennawd "Dehongli'r Tabl", yn lle paragraff (n) rhodder—

"(n) ym mharagraff (x)—

ystyr "Afonydd a'r Môr – Parth Llifogydd 2" ("*Rivers and Sea – Flood Zone 2*") yw ardal â llai nag 1 siawns mewn 100 o lifogydd o afonydd a llai nag 1 siawns mewn 200 o lifogydd o'r môr ond mwy nag 1 siawns mewn 1000 o lifogydd o afonydd a'r môr mewn blwyddyn benodol, gan gynnwys newid hinsawdd;

(**1**) O.S. 2012/801 (Cy. 110).
(**2**) O.S. 2016/55 (Cy. 25).

Title, coming into force and interpretation

1.—(1) The title of this Order is the Development Procedure (Consultees) (Wales) (Miscellaneous Amendments) Order 2025.

(2) It comes into force on 21 April 2025.

(3) In this Order–

"the 2012 Order" ("*Gorchymyn 2012*") means the Town and Country Planning (Development Management Procedure) (Wales) Order 2012(**1**);

"the 2016 Order" ("*Gorchymyn 2016*") means the Developments of National Significance (Procedure) (Wales) Order 2016(**2**).

Amendment of the 2012 Order

2.—(1) Schedule 4 to the 2012 Order is amended as follows.

(2) In the table, for row (x) substitute—

"(x)	Development – (i) On land within Rivers and Sea – Flood Zone 2; (ii) On land within Rivers and Sea – Flood Zone 3; (iii) On land within TAN 15 Defended Zones.	The Natural Resources Body for Wales"

(3) Under the heading "Interpretation of Table", for paragraph (n) substitute—

"(n) in paragraph (x)–

"Rivers and Sea – Flood Zone 2" ("*Afonydd a'r Môr – Parth Llifogydd 2*") means an area with less than a 1 in 100 chance of flooding from rivers and less than 1 in 200 chance of flooding from the sea but greater than 1 in 1000 chance of flooding from rivers and the sea in a given year, including climate change;

(**1**) S.I. 2012/801 (W. 110).
(**2**) S.I. 2016/55 (W. 25).

ystyr "Afonydd a'r Môr – Parth Llifogydd 3" ("*Rivers and Sea – Flood Zone 3*") yw ardal â mwy nag 1 siawns mewn 100 o lifogydd o afonydd mewn blwyddyn benodol, gan gynnwys newid hinsawdd, a mwy nag 1 siawns mewn 200 o lifogydd o'r môr mewn blwyddyn benodol, gan gynnwys newid hinsawdd;

ystyr "Parthau Amddiffynedig TAN 15" ("*TAN 15 Defended Zones*") yw ardaloedd lle y mae seilwaith rheoli perygl llifogydd yn darparu safon ofynnol o ddiogelwch rhag llifogydd o 1 mewn 100 o afonydd ac 1 mewn 200 o'r môr (ynghyd â newid hinsawdd a bwrdd rhydd) fel y nodir yn y Map Llifogydd ar gyfer Cynllunio a gyhoeddir gan Gyfoeth Naturiol Cymru(**1**)".

Diwygio Gorchymyn 2016

3.—(1) Mae Atodlen 5 i Orchymyn 2016 wedi ei diwygio fel a ganlyn.

(2) Yn y tabl, yn lle rhes (u) rhodder—

"(u)	Datblygiad— (i) Ar dir o fewn Afonydd a'r Môr – Parth Llifogydd 2; (ii) Ar dir o fewn Afonydd a'r Môr – Parth Llifogydd 3; iii) Ar dir o fewn Parthau Amddiffyne dig TAN 15.	Corff Adnoddau Naturiol Cymru"

(3) O dan y pennawd "Dehongli'r Tabl", yn lle paragraff (j) rhodder—

"ym mharagraff (u)—

(i) ystyr "Afonydd a'r Môr – Parth Llifogydd 2" ("*Rivers and Sea – Flood Zone 2*") yw ardal â llai nag 1 siawns mewn 100 o lifogydd o afonydd a llai nag 1 siawns mewn 200 o lifogydd o'r môr ond mwy nag 1 siawns mewn 1000 o lifogydd o afonydd a'r môr mewn blwyddyn benodol, gan gynnwys newid hinsawdd;

(**1**) https://map-llifogydd-ar-gyfer-cynllunio.cyfoethnaturiol.cymru

"Rivers and Sea – Flood Zone 3" ("*Afonydd a'r Môr – Parth Llifogydd 3*") means an area with a greater than 1 in 100 chance of flooding from rivers in a given year, including climate change, and a greater than 1 in 200 chance of flooding from the sea in a given year, including climate change;

"TAN 15 Defended Zones" ("*Parthau Amddiffynedig TAN 15*") means areas where flood risk management infrastructure provides a minimum standard of protection against flooding of 1 in 100 from rivers and 1 in 200 from the sea (plus climate change and freeboard) as set out in the Flood Map for Planning published by Natural Resources Wales(**1**)".

Amendment of the 2016 Order

3.—(1) Schedule 5 to the 2016 Order is amended as follows.

(2) In the table, for row (u) substitute—

"(u)	Development – (i) On land within Rivers and Sea – Flood Zone 2; (ii) On land within Rivers and Sea – Flood Zone 3; iii) On land within TAN 15 Defended Zones.	The Natural Resources Body for Wales"

(3) Under the heading "Interpretation of Table", for paragraph (j) substitute—

"in paragraph (u)—

(i) "Rivers and Sea – Flood Zone 2" ("*Afonydd a'r Môr – Parth Llifogydd 2*") means an area with less than 1 in 100 chance of flooding from rivers and less than 1 in 200 chance of flooding from the sea but greater than 1 in 1000 chance of flooding from rivers and the sea in a given year, including climate change;

(**1**) https://flood-map-for-planning.naturalresources.wales

(ii) ystyr "Afonydd a'r Môr – Parth Llifogydd 3" ("*Rivers and Sea – Flood Zone 3*") yw ardal lle y mae mwy nag 1 siawns mewn 100 o lifogydd o afonydd mewn blwyddyn benodol, gan gynnwys newid hinsawdd, a mwy nag 1 siawns mewn 200 o lifogydd o'r môr mewn blwyddyn benodol, gan gynnwys newid hinsawdd;

(iii) ystyr "Parthau Amddiffynedig TAN 15" ("*TAN 15 Defended Zones*") yw ardaloedd lle y mae seilwaith rheoli perygl llifogydd yn darparu safon ofynnol o ddiogelwch rhag llifogydd o 1 mewn 100 o afonydd ac 1 mewn 200 o'r môr (ynghyd â newid hinsawdd a bwrdd rhydd) fel y nodir yn y Map Llifogydd ar gyfer Cynllunio a gyhoeddir gan Gyfoeth Naturiol Cymru".

(ii) "Rivers and Sea – Flood Zone 3" ("*Afonydd a'r Môr – Parth Llifogydd 3*") means an area with a greater than 1 in 100 chance of flooding from rivers in a given year, including climate change, and a greater than 1 in 200 chance of flooding from the sea in a given year, including climate change;

(iii) "TAN 15 Defended Zones" ("*Parthau Amddiffynedig TAN 15*") means areas where flood risk management infrastructure provides a minimum standard of protection against flooding of 1 in 100 from rivers and 1 in 200 from the sea (plus climate change and freeboard) as set out in the Flood Map for Planning published by Natural Resources Wales".

Rebecca Evans

Ysgrifennydd y Cabinet dros yr Economi, Ynni a Chynllunio, un o Weinidogion Cymru
26 Mawrth 2025

Cabinet Secretary for Economy, Energy and Planning, one of the Welsh Ministers
26 March 2025

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Argraffwyd a chyhoeddwyd yn y DU gan Y Llyfrfa Cyf dan awdurdod a goruchwyliaeth Saul Nassé, Rheolwr Llyfrfa Ei Fawrhydi ac Argraffydd Deddfau Senedd y Brenin.

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