OFFERYNNAU STATUDOL CYMRU

WELSH STATUTORY INSTRUMENTS

2014 Rhif 593 (Cy. 70)

CYNLLUNIO GWLAD A THREF, CYMRU

Rheoliadau Cynllunio Gwlad a Thref (Digolledu) (Cymru) 2014

2014 No. 593 (W. 70)

TOWN AND COUNTRY PLANNING, WALES

The Town and Country Planning (Compensation) (Wales) Regulations 2014

NODYN ESBONIADOL

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

Mae'r Rheoliadau hyn yn rhagnodi amryw faterion 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 ar gyfer datblygiad a roddwyd gan orchymyn datblygu neu orchymyn datblygu lleol yn cael ei dynnu'n ôl, a phan fo cais am ganiatâd cynllunio ar gyfer y datblygiad hwnnw yn cael ei wrthod neu fod y caniatâd yn cael ei roi yn ddarostyngedig i amodau.

Mae adran 108(2A) a 3(B) i 3(D) (fel y'u diwygiwyd gan Orchymyn Caniatâd Cynllunio (Tynnu'n ôl Orchymyn Datblygu neu Orchymyn Datblygu Lleol) (Iawndal) (Cymru) 2012) (O.S. 2012/210 (Cy.36)) yn caniatáu cyfyngu ar yr amgylchiadau pan fo digolledu yn daladwy. Mae'r Rheoliadau hyn yn rhagnodi mathau o ddatblygiad at ddibenion adran 108(2A) a (3C) (rheoliad 2), y dull ar gyfer tynnu'n ôl ganiatâd cynllunio (rheoliad 3), a'r dull, a'r cyfnod hiraf, ar gyfer rhoi hysbysiad o dynnu'n ôl, dirymu, diwygio neu gyfarwyddiadau (rheoliadau 4 a 5). Mae'r mathau rhagnodedig o ddatblygiad eisoes yn cynnwys datblygiad a ganiateir gan y rhannau canlynol o Atodlen 2 i Orchymyn Cynllunio Gwlad a Thref (Datblygu Cyffredinol a Ganiateir) 1995 (O.S. 1995/418) ("Gorchymyn 1995"): Rhan 1 (datblygu o fewn cwrtil tŷ annedd); Dosbarth A o Ran 8 (estyn neu

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certain cases where planning permission for development granted by a development order or a local development order is withdrawn and where on an application for planning permission for that development, the application is refused or permission is granted subject to conditions.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 3(B) to 3(D) (as amended by the Planning Permission (Withdrawal of Development Order or Local Development Order) (Compensation) (Wales) Order 2012) (S.I. 2012/210 (W.36)) enable the circumstances in which compensation is payable to be limited. These Regulations prescribe types of development for the purposes of section 108(2A) and (3C) (regulation 2), the manner for withdrawing planning permission (regulation 3) and the manner, and maximum period, in which notice of withdrawal, revocation, amendment or directions is to be given (regulations 4 and 5). The prescribed types of development already include development permitted by the following parts of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995 (S.I. 1995/418) ("1995 Order"): Part 1 (development within the curtilage of a dwellinghouse);

addasu adeilad diwydiannol neu warws); Rhan 32 (ysgolion, colegau, prifysgolion ac ysbytai); Rhan 40 (gosod cyfarpar microgynhyrchu domestig) a Rhan 43 (gosod cyfarpar microgynhyrchu annomestig). Mae'r mathau rhagnodedig o ddatblygiad bellach hefyd yn cynnwys Rhan 8 Dosbarth E (storfeydd sbwriel a beiciau o fewn cwrtil adeilad diwydiannol neu warws), Rhan 41 (swyddfeydd) a Rhan 42 (siopau a sefydliadau gwasanaethau ariannol neu broffesiynol).

Effaith y Rheoliadau hyn yw, pan gaiff yr hawliau datblygu a ganiateir a nodir yn rheoliad 2 eu tynnu'n ôl gan gyfarwyddiadau o dan adran 108(2A), nad yw digolledu yn daladwy ond mewn perthynas â'r ceisiadau cynllunio a wnaed o fewn 12 mis yn dechrau ar y dyddiad y daeth y cyfarwyddiadau yn effeithiol. Mae'r materion a ragnodir yn rheoliadau 3 a 4 yn ymwneud â chaniatâd cynllunio a roddir gan orchymyn datblygu ac yn darparu mecanwaith i'r hawliau datblygu a ganiateir a nodir yn rheoliad 2 gael eu tynnu'n ôl heb fod digolledu yn daladwy, cyhyd â bod y gweithdrefnau rhagnodedig yn cael eu dilyn o ran y dull tynnu'n ôl, y dull o gyhoeddi'r tynnu'n ôl a'r cyfnod hiraf o hysbysiad y caniateir ei roi mewn perthynas â'r tynnu'n ôl. Mae Rheoliad 5 yn gwneud darpariaeth debyg o ran tynnu'n ôl hawliau datblygu a ganiateir a roddir gan orchymyn datblygu lleol.

Mae Rheoliad 6 yn ddarpariaeth drosiannol.

Mae'r Rheoliadau hyn yn diwygio ac yn cydgrynhoi Rheoliadau Cynllunio Gwlad a Thref (Digolledu) (Cymru) (Rhif 2) 2012 (O.S. 2012/789 (Cy.105) a ddirymir gan reoliad 7.

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

Class A of Part 8 (extension or alteration of an industrial building or warehouse); Part 32 (schools, colleges, universities and hospitals); Part 40 (installation of domestic microgeneration equipment) and Part 43 (installation of non-domestic microgeneration equipment). The prescribed types of development now also include Part 8 Class E (refuse and cycle stores within the curtilage of an industrial building or warehouse), Part 41 (office buildings) and Part 42 (shops and financial or professional services establishments).

The effect of these Regulations is that when the permitted development rights identified in regulation 2 are withdrawn by directions under section 108(2A), compensation is only payable in respect of planning applications made within 12 months beginning on the date the directions took effect. The matters prescribed in regulations 3 and 4 relate to planning permission granted by development order and provide a mechanism for the permitted development rights identified in regulation 2 to be withdrawn without compensation being payable, provided the prescribed procedures are followed as to the manner of withdrawal, the manner of publishing the withdrawal and the maximum period of notice that may be given in respect of withdrawal. Regulation 5 makes similar provision regarding withdrawal of permitted development rights granted by a local development order.

Regulation 6 is a transitional provision.

These Regulations amend and consolidate the Town and Country Planning (Compensation) (Wales) (No. 2) Regulations 2012 (S.I. 2012/789 (W.105)) which are revoked by regulation 7.

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.

2014 Rhif 593 (Cy. 70)

CYNLLUNIO GWLAD A THREF, CYMRU

Rheoliadau Cynllunio Gwlad a Thref (Digolledu) (Cymru) 2014

Gwnaed	*11 Mawrth 2014*
Gosodwyd gerbron Cynulliad Cenedlaethol Cymru	*13 Mawrth 2014*
Yn dod i rym	*28 Ebrill 2014*

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

Enwi, cychwyn, cymhwyso a dehongli

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau Cynllunio Gwlad a Thref (Digolledu) (Cymru) 2014 a deuant i rym ar 28 Ebrill 2014.

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

(3) Yn y Rheoliadau hyn—

(**1**) 1990 p.8. Diwygiwyd adran 108 gan adran 13(3) 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), adran 63 a pharagraffau 2 a 3 o Atodlen 17 i Ddeddf Menter a Diwygio Rheoleiddio 2013 a Gorchymyn Deddf Cynllunio a Phrynu Gorfodol 2004 (Cychwyn Rhif 9 a Darpariaethau Canlyniadol) 2006 (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)).

(**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.

2014 No. 593 (W. 70)

TOWN AND COUNTRY PLANNING, WALES

The Town and Country Planning (Compensation) (Wales) Regulations 2014

Made	*11 March 2014*
Laid before the National Assembly for Wales	*13 March 2014*
Coming into force	*28 April 2014*

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

Title, commencement, application and interpretation

1.—(1) The title of these Regulations is the Town and Country Planning (Compensation) (Wales) Regulations 2014 and they come into force on 28 April 2014.

(2) These Regulations apply in relation to Wales.

(3) In these Regulations—

(**1**) 1990 c.8. Section 108 was amended by section 13(3) 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), section 63 and paragraphs 2 and 3 of Schedule 17 to the Enterprise and Regulatory Reform Act 2013 and the Planning and Compulsory Purchase Act 2004 (Commencement No.9 and Consequential Provisions) Order 2006 (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**) 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 "Atodlen 2" *("Schedule 2")* yw Atodlen 2 i Orchymyn 1995;

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 gaiff gorchymyn datblygu neu orchymyn datblygu lleol ei dynnu'n ôl), caiff datblygiad o'r disgrifiad canlynol ei ragnodi—

(a) datblygiad a ganiateir gan Ran 1 o Atodlen 2 (datblygiad o fewn cwrtil tŷ annedd);

(b) datblygiad a ganiateir gan Ddosbarthiadau A ac E o Ran 8 o Atodlen 2 (estyn neu addasu adeilad diwydiannol neu warws a chodi neu adeiladu storfa sbwriel neu feiciau o fewn cwrtil 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);

(e) datblygiad a ganiateir gan Ran 41 o Atodlen 2 (swyddfeydd);

(f) datblygiad a ganiateir gan Ran 42 o Atodlen 2 (siopau, sefydliadau gwasanaethau ariannol neu broffesiynol); ac

(g) datblygiad a ganiateir gan Ran 43 o Atodlen 2 (gosod cyfarpar microgynhyrchu annomestig).

Dull rhagnodedig o dynnu'n ôl ganiatâd cynllunio

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

(**1**) O.S 1995/418.

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

"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 Classes A and E of Part 8 of Schedule 2 (extension or alteration of an industrial building or a warehouse and erection or construction of a refuse or cycle store within the curtilage of an industrial building or 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);

(e) development permitted by Part 41 of Schedule 2 (office buildings);

(f) development permitted by Part 42 of Schedule 2 (shops, financial or professional services establishments); and

(g) development permitted by Part 43 of Schedule 2 (installation of non-domestic microgeneration equipment).

Prescribed manner in which planning permission 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.

(**1**) S.I 1995/418.

Hysbysiad o'r tynnu'n ôl – y dull a'r cyfnod rhagnodedig

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

(a) y dull rhagnodedig ar gyfer cyhoeddi hysbysiad o'r tynnu'n ôl yw'r dull a ddisgrifir yn erthyglau 5 a (fel y bo'n briodol) 6 o Ddeddf 1995; a

(b) y cyfnod rhagnodedig yw 24 mis.

Hysbysiad o ddirymu, diwygio neu gyfarwyddiadau – y dull a'r cyfnod rhagnodedig

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

(a) y dull rhagnodedig ar gyfer cyhoeddi'r hysbysiad o ddirymu, diwygio neu gyfarwyddiadau yw'r dull a ddisgrifir ym mharagraffau (7) ac (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'n ôl o ganiatâd cynllunio ar gyfer datblygiad o ddisgrifiad a ragnodir yn rheoliad 2(d) pan fo, cyn 18 Mehefin 2012—

(a) hysbysiad o'r cyfarwyddyd yn tynnu'n ôl y caniatâd cynllunio hwnnw wedi cael 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 wedi dod i rym.

Dirymu

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

Notice of the 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 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) (No.2) Regulations 2012(**2**) are revoked.

Carl Sargeant

Y Gweinidog Tai ac Adfywio, un o Weinidogion Cymru

11 March 2014

Minister for Housing and Regeneration, one of the Welsh Ministers

11 March 2014

(**1**) O.S. 2012/801 (Cy.110).
(**2**) O.S. 2012/2319 (Cy.253).

(**1**) S.I 2012/801 (W.110).
(**2**) S.I. 2012/2319 (W.253).

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