



OFFERYNNAU STATUDOL  
CYMRU

WELSH STATUTORY  
INSTRUMENTS

**2015 Rhif 1794 (Cy. 254)**

**2015 No. 1794 (W. 254)**

**CYNLLUNIO GWLAD A  
THREF, CYMRU**

**TOWN AND COUNTRY  
PLANNING, WALES**

Gorchymyn Cynllunio Gwlad a  
Thref (Pŵer i Drechu  
Hawddfreintiau a Cheisiadau gan  
Ymgwymerwyr Statudol) (Cymru)  
2015

The Town and Country Planning  
(Power to Override Easements and  
Applications by Statutory  
Undertakers) (Wales) Order 2015

**NODYN ESBONIADOL**

**EXPLANATORY NOTE**

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

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

Mae'r Gorchymyn hwn yn rhoi pwerau i awdurdodau lleol a chyrrff eraill drechu hawddfreintiau a hawliau eraill a fyddai fel arall yn cyfyngu ar eu defnydd o dir a gaffaelwyd neu a berchenogwyd at ddibenion cynllunio. Ni allant wneud hyn onid yw'r defnydd yn unol â chaniatâd cynllunio. Mae'n gwneud darpariaeth mewn perthynas â Chymru sy'n cyfateb i adran 194(1) o Ddeddf Cynllunio 2008 ("Deddf 2008") ac Atodlen 9 iddi.

This Order confers powers on local authorities and other bodies to override easements and other rights which would otherwise restrict their use of land that has been acquired or appropriated for planning purposes. They can do this only if the use is in accordance with planning permission. It makes provision in relation to Wales which corresponds to section 194(1) of, and Schedule 9 to, the Planning Act 2008 ("the 2008 Act").

Mae'r Gorchymyn hwn hefyd yn datgymhwyso'r gofyniad i Weinidogion Cymru a'r Gweinidog priodol benderfynu ar y cyd ynghylch ceisiadau ac apelau cynllunio penodol pan fo'r cais wedi ei wneud gan ymgwymerwr statudol. Fodd bynnag, caiff Gweinidogion Cymru neu'r Gweinidog priodol gyfarwyddo bod y gofyniad am benderfyniadau ar y cyd yn parhau i fod yn gymwys mewn perthynas â'r cais perthnasol neu'r apêl berthnasol. Mae'r Gorchymyn yn gwneud darpariaeth mewn perthynas â Chymru sy'n cyfateb i adran 195 o Ddeddf 2008.

This Order also disapplies the requirement for the Welsh Ministers and the appropriate Minister to decide jointly certain planning applications and appeals where the application has been made by a statutory undertaker. The Welsh Ministers or the appropriate Minister may however direct that the requirement for joint decisions continues to apply in relation to the relevant application or appeal. The Order makes provision in relation to Wales which corresponds to section 195 of the 2008 Act.

Mae erthygl 7 yn gwneud darpariaeth drosiannol. Mae'n darparu bod adran 266(1B) o Ddeddf Cynllunio Gwlad a Thref 1990 yn gymwys pan wneir cais neu apêl ar ôl i'r Gorchymyn ddod i rym.

Article 7 makes transitional provision. It provides that section 266(1B) of the Town and Country Planning Act 1990 applies where an application or appeal is made after the Order comes into force.

Ystyriwyd Cod Ymarfer Gweinidogion Cymru ar gynnal Asesiadau Effaith Rheoleiddiol mewn perthynas â'r Gorchymyn hwn. O ganlyniad, ystyriwyd nad oedd yn angenrheidiol cynnal asesiad effaith rheoleiddiol o'r costau a'r manteision sy'n debygol o ddeillio o gydymffurfio â'r Gorchymyn hwn.

The Welsh Ministers' Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to this Order. As a result, it was not considered necessary to carry out a regulatory impact assessment as to the likely costs and benefits of complying with this Order.

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The Town and Country Planning  
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Undertakers) (Wales) Order 2015

*Gwnaed* 13 Hydref 2015

*Made* 13 October 2015

*Yn dod i rym yn unol ag erthygl 1(2)*

*Coming into force in accordance with article  
1(2).*

Mae Gweinidogion Cymru, drwy arfer y pwerau a roddwyd gan adran 203 o Ddeddf Cynllunio 2008(1), yn gwneud y Gorchymyn a ganlyn:

The Welsh Ministers, in exercise of the powers conferred by section 203 of the Planning Act 2008(1), make the following Order:

Yn unol ag adran 203(9) o'r Ddeddf honno gosodwyd drafft o'r Gorchymyn hwn gerbron Cynulliad Cenedlaethol Cymru a'i gymeradwyo drwy benderfyniad ganddo.

In accordance with section 203(9) of that Act a draft of this Order was laid before and approved by a resolution of the National Assembly for Wales.

**Enwi, cychwyn a dehongli**

**Title, commencement and interpretation**

1.—(1) Enw'r Gorchymyn hwn yw Gorchymyn Cynllunio Gwlad a Thref (Pŵer i Drechu Hawddfreintiau a Cheisiadau gan Ymgwymerwyr Statudol) (Cymru) 2015.

1.—(1) The title of this Order is The Town and Country Planning (Power to Override Easements and Applications by Statutory Undertakers) (Wales) Order 2015.

(2) Daw'r Gorchymyn hwn i rym ar y diwrnod wedi'r diwrnod y gwneir y Gorchymyn.

(2) This Order comes into force on the day after the day on which it is made.

(3) Yn y Gorchymyn hwn ystyr "Deddf 1990" ("the 1990 Act") yw Deddf Cynllunio Gwlad a Thref 1990(2).

(3) In this Order "the 1990 Act" ("Deddf 1990") means the Town and Country Planning Act 1990(2).

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(1) 2008 p. 29.  
(2) 1990 p. 8.

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(1) 2008 c. 29.  
(2) 1990 c. 8.

## Pŵer i drechu hawddfrentiau a hawliau eraill

2. Ym mharagraff 6(1A) o Atodlen 28 i Ddeddf Llywodraeth Leol, Cynllunio a Thir 1980(1) ar ôl “in England”, mewnosoder “or Wales”.

3. Yn adran 19(1A) o Ddeddf Trefi Newydd 1981(2) hepgorer “in England”.

4. Ym mharagraff 5(1A) o Atodlen 10 i Ddeddf Tai 1988(3) ar ôl “in England”, mewnosoder “in Wales”.

5. Yn adran 237(1A) o Ddeddf 1990(4) hepgorer “in England”.

## Ceisiadau am ganiatâd cynllunio gan ymgymerwyr statudol

6. Yn adran 266 o Ddeddf 1990(5) ar ôl is-adran (1A) mewnosoder—

“(1B) Subsection (1) has effect in relation to an application or appeal relating to land in Wales only if the Welsh Ministers or the appropriate Minister have given a direction for it to have effect in relation to the application or appeal (and the direction has not been revoked).”

## Darpariaeth drosiannol

7. Nid yw'r diwygiad a wneir gan erthygl 6 yn gymwys ond mewn perthynas â cheisiadau ac apelau a wneir ar neu ar ôl y diwrnod y daw'r Gorchymyn hwn i rym.

## Power to override easements and other rights

2. In paragraph 6(1A) of Schedule 28 to the Local Government, Planning and Land Act 1980(1) after “in England” insert “or Wales”.

3. In section 19(1A) of the New Towns Act 1981(2) omit “in England”.

4. In paragraph 5(1A) of Schedule 10 to the Housing Act 1988(3) after “in England” insert “or Wales”.

5. In section 237(1A) of the 1990 Act(4) omit “in England”.

## Applications for planning permission by statutory undertakers

6. In section 266 of the 1990 Act(5) after subsection (1A) insert—

“(1B) Subsection (1) has effect in relation to an application or appeal relating to land in Wales only if the Welsh Ministers or the appropriate Minister have given a direction for it to have effect in relation to the application or appeal (and the direction has not been revoked).”

## Transitional provision

7. The amendment made by article 6 applies only in relation to applications and appeals made on or after the day on which this Order comes into force.

*Carl Sargeant*

Y Gweinidog Cyfoeth Naturiol, un o Weinidogion  
Cymru  
13 Hydref 2015

Minister for Natural Resources, one of the Welsh  
Ministers  
13 October 2015

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- (1) 1980 p. 65; mewnosodwyd is-baragraff 6(1A) o Atodlen 28 gan adran 194(1) o Ddeddf Cynllunio 2008 a pharagraff 1 o Atodlen 9 iddi.
  - (2) 1981 p. 64; mewnosodwyd adran 19(1A) gan adran 194(1) o Ddeddf Cynllunio 2008 a pharagraff 2 o Atodlen 9 iddi.
  - (3) 1988 p. 50; mewnosodwyd is-baragraff 5(1A) o Atodlen 10 gan adran 194(1) o Ddeddf Cynllunio 2008 a pharagraff 3 o Atodlen 9 iddi.
  - (4) 1990 p. 8; mewnosodwyd adran 237(1A) gan adran 194(1) o Ddeddf Cynllunio 2008 a pharagraff 4 o Atodlen 9 iddi.
  - (5) 1990 p. 8; mewnosodwyd adran 266(1A) gan adran 195 o Ddeddf Cynllunio 2008.

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- (1) 1980 c. 65; sub-paragraph 6(1A) of Schedule 28 was inserted by section 194(1) of, and paragraph 1 of Schedule 9 to, the Planning Act 2008.
  - (2) 1981 c. 64; section 19(1A) was inserted by section 194(1) of, and paragraph 2 of Schedule 9 to, the Planning Act 2008.
  - (3) 1988 c. 50; sub-paragraph 5(1A) of Schedule 10 was inserted by section 194(1) of, and paragraph 3 of Schedule 9 to, the Planning Act 2008.
  - (4) 1990 c. 8; section 237(1A) was inserted by section 194(1) of, and paragraph 4 of Schedule 9 to, the Planning Act 2008.
  - (5) 1990 c. 8; section 266(1A) was inserted by section 195 of the Planning Act 2008.

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