



OFFERYNNAU STATUDOL
CYMRU

WELSH STATUTORY
INSTRUMENTS

2016 Rhif 55 (Cy. 25)

2016 No. 55 (W. 25)

**CYNLLUNIO GWLAD A
THREF, CYMRU**

**TOWN AND COUNTRY
PLANNING, WALES**

Gorchymyn Datblygiadau o
Arwyddocâd Cenedlaethol
(Gweithdrefn) (Cymru) 2016

The Developments of National
Significance (Procedure) (Wales)
Order 2016

NODYN ESBONIADOL

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

Mae datblygiad yng Nghymru yn ddatblygiad o arwyddocâd cenedlaethol os yw'n bodloni'r meini prawf a bennir mewn rheoliadau(1) neu os pennir ei fod yn ddatblygiad o'r fath yn y Fframwaith Datblygu Cenedlaethol(2).

Mae'r Gorchymyn hwn yn gwneud darpariaeth ar gyfer y modd y bydd Gweinidogion Cymru yn ymdrin â cheisiadau am ganiatâd cynllunio ar gyfer datblygiad o'r fath.

Mae'r Gorchymyn hwn yn cynnwys darpariaeth mewn perthynas â—

- Hysbysu ynghylch datblygiad arfaethedig a derbyn hysbysiadau o'r fath gan Weinidogion Gymru (erthyglau 5 a 6);
- Cyhoeddusrwydd ac ymgynghori cyn ymgeisio (erthyglau 7 i 11);
- Gofynion cyffredinol sy'n gymwys ynglŷn â gwneud cais (erthygl 12);
- Derbyn ceisiadau gan Weinidogion Cymru (erthygl 15);

EXPLANATORY NOTE

(This note is not part of the Order)

Development in Wales is of national significance if it meets criteria specified in regulations(1) or is specified as such in the National Development Framework(2).

This Order makes provision for the manner in which applications for planning permission in respect of such development are to be dealt with by the Welsh Ministers.

This Order includes provision in relation to—

- Notification of proposed development and the acceptance of such notification by the Welsh Ministers (articles 5 and 6);
- Pre-application publicity and consultation (articles 7 to 11);
- General requirements applicable to the making of an application (article 12);
- Acceptance of applications by the Welsh Ministers (article 15);

(1) *Gweler* adran 62D(3) o Ddeddf Cynllunio Gwlad a Thref 1990 (p. 8) a Rheoliadau Datblygiadau o Arwyddocâd Cenedlaethol (Meini Prawf Penodedig a Chydsyniadau Eilaidd Rhagnodedig) (Cymru) 2016 (O.S. 2016/53) (Cy. 23) (“Rheoliadau Meini Prawf Penodedig a Chydsyniadau Eilaidd Rhagnodedig”).

(2) *Gweler* adran 62D(4) o Ddeddf Cynllunio Gwlad a Thref 1990.

(1) *See* section 62D(3) of the Town and Country Planning Act 1990 (c. 8) and the Developments of National Significance (Specified Criteria and Prescribed Secondary Consents) (Wales) Regulations 2016 (S.I. 2016/53) (W.25) (“Specified Criteria and Prescribed Secondary Consents Regulations”).

(2) *See* section 62D(4) of the Town and Country Planning Act 1990.

- Gofynion sy'n gymwys ynglŷn â rhoi hysbysiadau cyn gwneud cais (erthygl 16);
- Gofynion cyhoeddusrwydd sy'n gymwys ar ôl gwneud cais (erthyglau 18 a 19);
- Gofynion ynglŷn â'r gofrestr o geisiadau a gynhelir gan awdurdodau cynllunio lleol (erthygl 20);
- Adroddiadau ar yr effaith leol (erthyglau 25 a 26);
- Amrywio ceisiadau (erthygl 27);
- Hysbysiad sydd i'w roi gan Weinidogion Cymru ynglŷn â'u penderfyniad ar geisiadau, a diwygio hysbysiadau o'r fath (erthyglau 29 a 30);
- Gofynion ynglŷn â hysbysu ynghylch cychwyn datblygiad ac arddangos hysbysiadau (erthygl 31).
- Requirements applicable to the giving of notice before an application is made (article 16);
- Publicity requirements applicable following the making of an application (articles 18 and 19);
- Requirements related to the register of applications maintained by local planning authorities (article 20);
- Local impact reports (articles 25 and 26);
- Variation of applications (article 27);
- Notice to be given by the Welsh Ministers in respect of their decision on applications and the revision of such notices (articles 29 and 30);
- Requirements related to notification of initiation of development and display of notices (article 31).

Mae asesiad effaith wedi ei baratoi mewn perthynas â'r Gorchymyn hwn. Mae copïau ohono ar gael gan Isadran Gynllunio Llywodraeth Cymru, Parc Cathays, Caerdydd, CF10 3NQ ac ar wefan Llywodraeth Cymru yn www.cymru.gov.uk.

An impact assessment has been prepared in relation to this Order. Copies are available from the Planning Division of the Welsh Government, Cathays Park, Cardiff, CF10 3NQ and on the Welsh Government's website at www.wales.gov.uk.

2016 Rhif 55 (Cy. 25)

**CYNLLUNIO GWLAD A
THREF, CYMRU**

**Gorchymyn Datblygiadau o
Arwyddocâd Cenedlaethol
(Gweithdrefn) (Cymru) 2016**

Gwnaed 27 Ionawr 2016

*Gosodwyd gerbron Cynulliad
Cenedlaethol Cymru* 2 Chwefror 2016

Yn dod i rym yn unol ag erthygl 1

2016 No. 55 (W. 25)

**TOWN AND COUNTRY
PLANNING, WALES**

**The Developments of National
Significance (Procedure) (Wales)
Order 2016**

Made 27 January 2016

*Laid before the National Assembly
for Wales* 2 February 2016

Coming into force in accordance with article 1

CYNNWYS

RHAN 1

Rhagarweiniol

1. Enwi, cychwyn a chymhwyso
2. Dehongli
3. Cyfathrebiadau electronig
4. Cyfnod sylwadau

RHAN 2

Cyn gwneud cais

5. Hysbysiad o ddatblygiad arfaethedig
6. Derbyn hysbysiad o ddatblygiad arfaethedig
7. Gofyniad i gynnal ymgynghoriad cyn gwneud cais
8. Cyhoeddusrwydd cyn gwneud cais am ganiatâd cynllunio
9. Ymgynghori cyn gwneud cais am ganiatâd cynllunio
10. Dyletswydd i ymateb i ymgynghoriad cyn-ymgeisio: ymgynghoreion arbenigol
11. Adroddiadau ar ymgynghoriad cyn-ymgeisio

CONTENTS

PART 1

Preliminary

1. Title, commencement and application
2. Interpretation
3. Electronic communications
4. Representation period

PART 2

Pre-application

5. Notification of proposed development
6. Acceptance of notification of proposed development
7. Requirement to carry out pre-application consultation
8. Publicity before applying for planning permission
9. Consultation before applying for planning permission
10. Duty to respond to pre-application consultation: specialist consultees
11. Pre-application consultation reports

RHAN 3

Ceisiadau

12. Ceisiadau: gofynion cyffredinol
13. Ceisiadau mewn perthynas â thir y Goron
14. Datganiadau dylunio a mynediad
15. Derbyn ceisiadau
16. Hysbysiadau o geisiadau am ganiatâd cynllunio
17. Tystysgrifau mewn cysylltiad â hysbysiadau o geisiadau
18. Cyhoeddusrwydd i geisiadau am ganiatâd cynllunio: Gweinidogion Cymru
19. Cyhoeddusrwydd i geisiadau am ganiatâd cynllunio: awdurdod cynllunio lleol
20. Cofrestr ceisiadau
21. Sylwadau a geir gan yr awdurdod cynllunio lleol mewn cysylltiad â cheisiadau

RHAN 4

Ymgynghoriadau cyn rhoi caniatâd

22. Dyletswydd i ymgynghori cyn rhoi caniatâd
23. Dyletswydd i ymateb i ymgynghoriad
24. Dyletswydd i ymateb i ymgynghoriad: adroddiadau blynyddol

RHAN 5

Adroddiadau

25. Adroddiadau ar yr effaith leol
26. Adroddiadau gwirfoddol ar yr effaith leol

RHAN 6

Amrywio ceisiadau

27. Gweithdrefn mewn cysylltiad ag amrywio ceisiadau

RHAN 7

Penderfynu a hysbysu ynghylch cychwyn datblygiad

28. Sylwadau sydd i'w cymryd i ystyriaeth
29. Hysbysiad ysgrifenedig o benderfyniad mewn perthynas â chais
30. Hysbysiad diwygiedig o benderfyniad i roi caniatâd cynllunio
31. Hysbysiad o gychwyn datblygiad ac arddangos hysbysiad

PART 3

Applications

12. Applications: general requirements
13. Applications in respect of Crown land
14. Design and access statements
15. Acceptance of applications
16. Notices of applications for planning permission
17. Certificates in relation to notices of application
18. Publicity for applications for planning permission: Welsh Ministers
19. Publicity for applications for planning permission: local planning authority
20. Register of applications
21. Representations received by the local planning authority in respect of applications

PART 4

Consultations before the grant of permission

22. Duty to consult before the grant of permission
23. Duty to respond to consultation
24. Duty to respond to consultation: annual reports

PART 5

Reports

25. Local impact reports
26. Voluntary local impact reports

PART 6

Variation of applications

27. Procedure in respect of variation of applications

PART 7

Determination and notification of initiation of development

28. Representations to be taken into account
29. Written notice of decision relating to an application
30. Revised notice of decision to grant planning permission
31. Notification of initiation of development and display of notice

RHAN 8

Diwygio Gorchymyn 2012

32. Diwygio Gorchymyn 2012

- ATODLEN 1 — Cyhoeddusrwydd ac ymgynghori cyn gwneud cais am ganiatâd cynllunio
- ATODLEN 2 — Ymgynghori cyn gwneud cais am ganiatâd cynllunio
- ATODLEN 3 — Hysbysiadau o dan erthygl 16
- ATODLEN 4 — Cyhoeddusrwydd i geisiadau
- ATODLEN 5 — Dyletswydd i ymgynghori cyn rhoi caniatâd
- ATODLEN 6 — Hysbysiad o gychwyn datblygiad ac arddangos hysbysiad
- ATODLEN 7 — Hysbysiad i'w arddangos drwy gydol yr amser tra cyflawnir y datblygiad

Mae Gweinidogion Cymru, drwy arfer y pwerau a roddwyd i'r Ysgrifennydd Gwladol gan adrannau 59 a 61 o Ddeddf Cynllunio Gwlad a Thref 1990(1) ac sydd bellach yn arferadwy ganddynt hwy(2), drwy arfer y pwerau a roddwyd i'r Ysgrifennydd Gwladol gan

PART 8

Amendment to 2012 Order

32. Amendment to the 2012 Order

- SCHEDULE 1 — Publicity and consultation before applying for planning permission
- SCHEDULE 2 — Consultation before applying for planning permission
- SCHEDULE 3 — Notices under Article 16
- SCHEDULE 4 — Publicity for applications
- SCHEDULE 5 — Duty to consult before the grant of permission
- SCHEDULE 6 — Notification of initiation of development and display of notice
- SCHEDULE 7 — Notice to be displayed at all times when development is being carried out

The Welsh Ministers, in exercise of the powers conferred on the Secretary of State by sections 59 and 61 of the Town and Country Planning Act 1990(1) and now exercisable by them(2), in exercise of the powers conferred on the Secretary of State by sections 62, 65,

(1) 1990 p. 8; Diwygiwyd adran 59 gan adran 27 ac adran 55 o Ddeddf Cynllunio (Cymru) 2015 (decc. 4) ("Deddf 2015"), a pharagraff 3 o Atodlen 4 a pharagraff 5 o Atodlen 7 i'r Ddeddf honno. Gwnaed diwygiadau eraill 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 Cynllunio Gwlad a Thref 1990 ("Deddf 1990"). Trosglwyddwyd swyddogaethau Cynulliad Cenedlaethol Cymru i Weiniogion Cymru yn rhinwedd adran 162 o Ddeddf Llywodraeth Cymru 2006 (p. 32) a pharagraffau 30 a 32 o Atodlen 11 i'r Ddeddf honno.

(1) 1990 c. 8; Section 59 was amended by section 27 of, and paragraph 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"). There are other amendments 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 Town and Country Planning Act 1990 ("the 1990 Act"). 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).

adrannau 62, 65, 69 a 71 o'r Ddeddf honno(1) sydd bellach yn arferadwy ganddynt hwy (fel y'u cymhwysir gydag addasiadau gan Orchymyn Datblygiadau o Arwyddocâd Cenedlaethol (Cymhwysio Deddfiadau) (Cymru) 2016)(2), drwy arfer y pwerau a roddwyd iddynt hwy gan adrannau 61Z, 62E, 62I, 62J, 62K, 62L, 62R, 71ZA, 71ZB a 333 o'r Ddeddf honno(3) a thrwy arfer y pwerau a roddwyd i Gynulliad Cenedlaethol Cymru gan adran 54 o Ddeddf Cynllunio a Phrynu Gorfodol 2004(4) ac sydd bellach yn arferadwy ganddynt hwy(5), yn gwneud y Gorchymyn a ganlyn:

RHAN 1

Rhagarweiniol

Enwi, cychwyn a chymhwyso

1.—(1) Enw'r Gorchymyn hwn yw Gorchymyn Datblygiadau o Arwyddocâd Cenedlaethol (Gweithdrefn) (Cymru) 2016 a daw i rym yn union wedi i'r Gorchymyn Cymhwysio Deddfiadau ddod i rym.

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- (1) Amnewidiwyd adran 62 gan adran 42(1) o Ddeddf Cynllunio a Phrynu Gorfodol 2004 (p. 5) ("Deddf 2004"), diwygiwyd hi gan adran 17 o Ddeddf 2015 a chymhwyswyd hi gydag addasiadau gan erthygl 3(1) o Orchymyn Datblygiadau o Arwyddocâd Cenedlaethol (Cymhwysio Deddfiadau) (Cymru) 2016 (O.S. 2016/54) (Cy. 24) ("y Gorchymyn Cymhwysio Deddfiadau"). Amnewidiwyd adran 65 gan adran 16(1) o Ddeddf Cynllunio a Digolledu 1991 (p. 34) ("Deddf 1991"), diwygiwyd hi gan adran 40 o Ddeddf Tenantiaethau Amaethyddol 1995 (p. 8), a pharagraff 35 o'r Atodlen i'r Ddeddf honno, a chymhwyswyd hi gydag addasiadau gan erthygl 3(1) o'r Gorchymyn Cymhwysio Deddfiadau. Amnewidiwyd adran 69 gan adran 118 o Ddeddf 2004 a pharagraffau 1 a 3 Atodlen 6 i'r Ddeddf honno, a diwygiwyd hi gan adran 190(4)(b) ac (c) o Ddeddf Cynllunio 2008 (p. 29) ("Deddf 2008") ac adran 237 o Ddeddf Lleoliaeth 2011 (p. 20), a Rhan 18 o Atodlen 25 i'r Ddeddf honno; (*gweler* adran 69(9) am y diffiniad o "prescribed"). Diwygiwyd adran 71 gan adran 16(2) o Ddeddf 1991 a pharagraff 15 of Atodlen 7 iddi (*gweler* adran 71(4) am y diffiniad o "prescribed") ac adran 58(1) o Ddeddf Cartrefi Symudol (Cymru) 2013 (dccc. 6) a pharagraff 6 o Atodlen 4 i'r Ddeddf honno, a chymhwyswyd hi gydag addasiadau gan erthygl 3(1) o'r Gorchymyn Cymhwysio Deddfiadau. Gwnaed diwygiadau eraill i'r adrannau hyn, nad ydynt yn berthnasol i'r offeryn hwn.
- (2) O.S. 2016/54 (Cy.24).
- (3) Mewnosodwyd adran 61Z gan adran 17(3) o Ddeddf 2015. Mewnosodwyd adran 62E gan adran 19 o Ddeddf 2015. Mewnosodwyd adrannau 62I, 62J a 62K gan adran 21 o Ddeddf 2015. Mewnosodwyd adran 62L gan adran 22 o Ddeddf 2015. Mewnosodwyd adran 62R gan adran 25 o Ddeddf 2015. Mewnosodwyd adran 71ZA gan adran 33 o Ddeddf 2015. Mewnosodwyd adran 71ZB gan adran 34 o Ddeddf 2015. Diwygiwyd adran 333 gan adran 78 o Ddeddf yr Amgylchedd 1995 (p. 25), a pharagraff 32(12) o Atodlen 10 i'r Ddeddf honno, adran 118(1) o Ddeddf 2004 a pharagraffau 1 a 4 o Atodlen 6 iddi, O.S. 2014/2773 (Cy. 280) ac adran 55 o Ddeddf 2015 a pharagraffau 3 a 6 o Atodlen 7 iddi.
- (4) 2004 p. 5.
- (5) 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 i'r Ddeddf honno.

69 and 71 of that Act(1) now exercisable by them (as applied with modifications by the Developments of National Significance (Application of Enactments) (Wales) Order 2016)(2), in exercise of the powers conferred on them by sections 61Z, 62E, 62I, 62J, 62K, 62L, 62R, 71ZA, 71ZB and 333 of that Act(3) and in exercise of the powers conferred on the National Assembly for Wales by section 54 of the Planning and Compulsory Purchase Act 2004(4) and now exercisable by them(5), make the following Order:

PART 1

Preliminary

Title, commencement and application

1.—(1) The title of this Order is the Developments of National Significance (Procedure) (Wales) Order 2016 and it comes into force immediately after the Application of Enactments Order comes into force.

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- (1) Section 62 was substituted by section 42(1) of the Planning and Compulsory Purchase Act 2004 (c. 5) ("the 2004 Act"), amended by section 17 of the 2015 Act and applied with modifications by article 3(1) of the Developments of National Significance (Application of Enactments) (Wales) Order 2016 (S.I. 2016/54) (W. 24) ("the Application of Enactments Order"). Section 65 was substituted by section 16(1) of the Planning and Compensation Act 1991 (c. 34) ("the 1991 Act"), amended by section 40 of, and paragraph 35 of the Schedule to, the Agricultural Tenancies Act 1995 (c. 8) and applied with modifications by article 3(1) of the Application of Enactments Order. Section 69 was substituted by section 118 of, and paragraphs 1 and 3 of Schedule 6 to, the 2004 Act and amended by section 190(4)(b) and (c) of the Planning Act 2008 (c. 29) ("the 2008 Act") and section 237 of, and Part 18 of Schedule 25 to, the Localism Act 2011 (c. 20); (*see* section 69(9) for the definition of "prescribed"). Section 71 was amended by section 16(2) of, and paragraph 15 of Schedule 7 to, the 1991 Act (*see* section 71(4) for the definition of "prescribed") and section 58(1) of, and paragraph 6 of Schedule 4 to, the Mobile Homes (Wales) Act 2013 (anaw. 6) and was applied with modifications by article 3(1) of the Application of Enactments Order. There are other amendments to these sections which are not relevant to this instrument.
- (2) S.I. 2016/54 (W. 24).
- (3) Section 61Z was inserted by section 17(3) of the 2015 Act. Section 62E was inserted by section 19 of the 2015 Act. Sections 62I, 62J and 62K were inserted by section 21 of the 2015 Act. Section 62L was inserted by section 22 of the 2015 Act. Section 62R was inserted by section 25 of the 2015 Act. Section 71ZA was inserted by section 33 of the 2015 Act. Section 71ZB was inserted by section 34 of the 2015 Act. Section 333 was amended by section 78 of, and paragraph 32(12) of Schedule 10 to, the Environment Act 1995 (c. 25), section 118(1) of, and paragraphs 1 and 4 of Schedule 6 to, the 2004 Act, S.I. 2014/2773 (W. 280) and section 55 of, and paragraphs 3 and 6 of Schedule 7 to, the 2015 Act.
- (4) 2004 c. 5.
- (5) 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).

(2) Mae'r Gorchymyn hwn yn gymwys—

(a) pan wneir cais i Weinidogion Cymru o dan adran 62D o Ddeddf 1990 (datblygiadau o arwyddocâd cenedlaethol: ceisiadau sydd i'w gwneud i Weinidogion Cymru)(1); neu

(b) pan fo cais o'r fath yn yr arfaeth.

(3) Pan fo'r tir yn ddarostyngedig i orchymyn datblygu arbennig, pa un a wnaed y gorchymyn hwnnw cyn neu ar ôl cychwyn y Gorchymyn hwn, ni fydd y Gorchymyn hwn yn gymwys i'r tir hwnnw ac eithrio i'r graddau, ac yn ddarostyngedig i'r cyfryw addasiadau, a bennir yn y gorchymyn datblygu arbennig(2).

Dehongli

2. Yn y Gorchymyn hwn—

mae "adeilad" ("*building*") yn cynnwys unrhyw adeiledd neu adeiladwaith, ac unrhyw ran o adeilad, fel y'i diffinnir yn yr erthygl hon, ond nid yw'n cynnwys unrhyw beiriannau na pheirianwaith nac unrhyw adeiledd sydd o natur peiriannau neu beirianwaith;

ystyr "awdurdod cynllunio lleol" ("*local planning authority*"), ac eithrio yn achos erthyglau 25 a 26, yw'r awdurdod cynllunio lleol y byddid, oni bai am adran 62D o Ddeddf 1990, yn gwneud y cais iddo;

ystyr "ceisydd" ("*applicant*") yw person sydd naill ai'n bwriadu gwneud cais neu wedi gwneud y cyfryw gais;

mae "codi" ("*erection*"), mewn perthynas ag adeiladau fel y'u diffinnir yn yr erthygl hon, yn cynnwys estyn, newid neu ailgodi;

mae i "cyfarwyddyd sgrinio" ("*screening direction*") yr ystyr a roddir yn rheoliad 2(1) o'r Rheoliadau AEA;

mae i "cyfathrebiad electronig" yr ystyr a roddir i "electronic communication" yn adran 15(1) o Ddeddf Cyfathrebu Electronig 2000 (dehongli cyffredinol)(3);

mae i "cyfeiriad" ("*address*") yr ystyr a roddir yn erthygl 3(1)(a);

mae i "cyfnod sylwadau" ("*representation period*") yr ystyr a roddir yn erthygl 4;

(2) This Order applies where—

(a) an application is made to the Welsh Ministers under section 62D of the 1990 Act (developments of national significance: applications to be made to the Welsh Ministers)(1); or

(b) such an application is proposed to be made.

(3) Where the land is the subject of a special development order, whether made before or after the commencement of this Order, this Order will apply to that land only to such extent and subject to such modifications as may be specified in the special development order(2).

Interpretation

2. In this Order—

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

"the 2004 Act" ("*Deddf 2004*") means the Planning and Compulsory Purchase Act 2004;

"the 2012 Order" ("*Gorchymyn 2012*") means the Town and Country Planning (Development Management Procedure) (Wales) Order 2012(3);

"the EIA Regulations" ("*y Rheoliadau AEA*") means the Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2016(4)

"the Application of Enactments Order" ("*y Gorchymyn Cymhwyso Deddfau*") means the Developments of National Significance (Application of Enactments) (Wales) Order 2016(5);

"address" ("*cyfeiriad*") has the meaning given in article 3(1)(a);

"applicant" ("*ceisydd*") means a person who either proposes to make an application or has made such an application;

"building" ("*adeilad*") includes any structure or erection, and any part of a building, as defined in this article, but does not include plant or machinery or any structure in the nature of plant or machinery;

"community consultee" ("*ymgyngorai cymunedol*") means—

(1) Mewnosodwyd adran 62D gan adran 19 o Ddeddf 2015.

(2) Ystyr "gorchymyn datblygu arbennig" ("*special development order*") yw gorchymyn o dan adran 59(3)(b) o Ddeddf 1990.

(3) 2000 p. 7; diwygiwyd adran 15(1) gan adran 406(1) o Ddeddf Cyfathrebu 2003 (p. 21) a pharagraff 158 o Atodlen 17 i'r Ddeddf honno.

(1) Section 62D was inserted by section 19 of the 2015 Act.

(2) "Special development order" ("*gorchymyn datblygu arbennig*") means an order under section 59(3)(b) of the 1990 Act.

(3) S.I. 2012/801 (W. 110).

(4) S.I. 2016/58 (W. 28).

(5) S.I. 2016/54 (W. 24).

mae i “datganiad amgylcheddol” (“*environmental statement*”) yr ystyr a roddir yn rheoliad 2(1) o’r Rheoliadau AEA;

mae i “datganiad dylunio a mynediad” (“*design and access statement*”) yr ystyr a roddir yn erthygl 14(1);

ystyr “Deddf 1990” (“*1990 Act*”) yw Deddf Cynllunio Gwlad a Thref 1990;

ystyr “Deddf 2004” (“*the 2004 Act*”) yw Deddf Cynllunio a Phrynu Gorfodol 2004;

ystyr “diwrnod gwaith” (“*working day*”) yw diwrnod nad yw’n ddydd Sadwrn, yn ddydd Sul, yn Wyl Banc nac yn ddydd gŵyl gyhoeddus arall yng Nghymru;

ystyr “drwy arddangos ar y safle” (“*by site display*”) yw drwy osod yr hysbysiad ynghlwm yn gadarn wrth wrthrych, a’i leoli a’i ddangos mewn modd sy’n caniatáu i aelodau'r cyhoedd weld yr hysbysiad a’i ddarllen yn rhwydd;

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

ystyr “y Gorchymyn Cymhwys Deddfiadau” (“*the Application of Enactments Order*”) yw Gorchymyn Datblygiadau o Arwyddocâd Cenedlaethol (Cymhwys Deddfiadau) (Cymru) 2016(2);

ystyr “gweithrediadau mwyngloddio” (“*mining operations*”) yw cloddio a gweithio mwynau mewn, ar, neu o dan y tir, pa un ai drwy weithio ar yr wyneb neu’n danddaearol;

mae i “hysbysiad o ddatblygiad arfaethedig” (“*notification of proposed development*”) yr ystyr a roddir yn erthygl 5(2);

ystyr “y Rheoliadau AEA” (“*the EIA Regulations*”) yw Rheoliadau Cynllunio Gwlad a Thref (Asesu Effeithiau Amgylcheddol) (Cymru) 2016(3)

ystyr “ward etholiadol” (“*electoral ward*”) yw unrhyw ardal yr etholir drosti gynghorydd i gyngor sir neu gyngor bwrdeistref sirol;

ystyr “ymgyngorai arbenigol” (“*specialist consultee*”), mewn amgylchiadau pan fo’r datblygiad(4) y mae’r cais neu’r cais arfaethedig yn ymwneud ag ef yn dod o fewn categori a nodir yn y Tabl yn Atodlen 5, yw’r awdurdod, y person

(a) each county or county borough councillor representing an electoral ward in which the land to which the proposed application relates is situated; and

(b) each community council in whose area the land to which the proposed application relates is situated;

“design and access statement” (“*datganiad dylunio a mynediad*”) has the meaning given in article 14(1);

“electronic communication” (“*cyfathrebiad electronig*”) has the meaning given in section 15(1) of the Electronic Communications Act 2000 (general interpretation)(1);

“electoral ward” (“*ward etholiadol*”) means any area for which a councillor is elected to a county council or a county borough council in Wales;

“environmental statement” (“*datganiad amgylcheddol*”) has the meaning given in regulation 2(1) of the EIA Regulations;

“erection” (“*codi*”), in relation to buildings as defined in this article, includes extension, alteration or re-erection;

“local planning authority” (“*awdurdod cynllunio lleol*”), except in the case of articles 25 and 26, means the local planning authority to which, but for section 62D of the 1990 Act, the application would be made;

“mining operations” (“*gweithrediadau mwyngloddio*”) means the winning and working of minerals in, on or under land, whether by surface or underground working;

“notification of proposed development” (“*hysbysiad o ddatblygiad arfaethedig*”) has the meaning given in article 5(2);

“representation period” (“*cyfnod sylwadau*”) has the meaning given in article 4;

“screening direction” (“*cyfarwyddyd sgrinio*”) has the same meaning given in regulation 2(1) of the EIA Regulations;

“by site display” (“*drwy arddangos ar y safle*”) means by the posting of the notice by firm affixture to some object, sited and displayed in such a way as to be easily visible and legible by members of the public;

“specialist consultee” (“*ymgyngorai arbenigol*”) means, in circumstances where the

(1) O.S. 2012/801 (Cy. 110).

(2) O.S. 2016/54 (Cy.24).

(3) O.S. 2016/58 (Cy.28).

(4) Ar gyfer y diffiniad o “development” (“*datblygiad*”) gweler adran 55 o Ddeddf 1990. Gweler hefyd reoliad 56 o Reoliadau Cynllunio Gwlad a Thref (Asesu Effeithiau Amgylcheddol) (Cymru) 2016 (O.S. 2016/58) (Cy.28).

(1) 2000 c. 7; section 15(1) was amended by section 406(1) of, and paragraph 158 of Schedule 17 to, the Communications Act 2003 (c. 21).

neu'r corff a grybwyllir mewn perthynas â'r categori hwnnw; ac

ystyr "ymgyngorai cymunedol" ("*community consultee*") yw—

- (a) pob cynghorydd cyngor sir neu gyngor bwrdeistref sirol sy'n cynrychioli ward etholiadol y lleolir ynddi dir y mae'r cais arfaethedig yn ymwneud ag ef; a
- (b) pob cyngor cymuned y lleolir yn ei ardal dir y mae'r cais arfaethedig yn ymwneud ag ef.

Cyfathrebiadau electronig

3.—(1) Yn y Gorchymyn hwn, ac mewn perthynas â defnyddio cyfathrebiadau electronig at unrhyw ddiben o'r Gorchymyn hwn y gellir ei gyflawni yn electronig—

- (a) mae'r ymadrodd "cyfeiriad" ("*address*") yn cynnwys unrhyw rif neu gyfeiriad a ddefnyddir at ddibenion cyfathrebiadau o'r fath;
- (b) mae cyfeiriadau at hysbysiadau, sylwadau neu ddogfennau eraill, neu at gopiau o ddogfennau o'r fath, yn cynnwys cyfeiriadau at y cyfryw ddogfennau neu gopiau ohonynt mewn ffurf electronig.

(2) Mae paragraffau (3) i (7) yn gymwys pan ddefnyddir cyfathrebiad electronig gan berson at y diben o gyflawni unrhyw ofyniad yn y Gorchymyn hwn i roi neu anfon unrhyw ddatganiad, hysbysiad neu ddogfen arall at unrhyw berson arall ("y derbynnydd").

(3) Ystyrir bod y gofyniad wedi ei gyflawni pan fo'r hysbysiad neu ddogfen arall a drawsyrrir ar ffurf cyfathrebiad electronig yn ddogfen—

- (a) y gall y derbynnydd gael mynediad iddi;
- (b) sy'n ddarllenadwy ym mhob modd perthnasol; ac
- (c) sy'n ddigon parhaol i gyfeirio ati yn ddiweddarach.

(4) Ym mharagraff (3), ystyr "darllenadwy ym mhob modd perthnasol" ("*legible in all material respects*") yw bod yr wybodaeth a gynhwysir yn yr hysbysiad neu ddogfen arall ar gael i'r derbynnydd i'r un graddau, o leiaf, ag y byddai pe bai'r wybodaeth wedi ei hanfon neu ei rhoi gan ddefnyddio dogfen brintiedig.

(5) Os yw derbynnydd yn cael y cyfathrebiad electronig y tu allan i oriau busnes y derbynnydd, ystyrir ei fod wedi cael y cyfathrebiad ar y diwrnod gwaith nesaf.

development⁽¹⁾ to which the application or proposed application relates falls within a category set out in the Table in Schedule 5, the authority, person or body mentioned in relation to that category; and

"working day" ("*diwrnod gwaith*") means a day which is not a Saturday, Sunday, Bank Holiday or other public holiday in Wales.

Electronic communications

3.—(1) In this Order, and in relation to the use of electronic communications for any purpose of this Order which is capable of being effected electronically—

- (a) the expression "address" ("*cyfeiriad*") includes any number or address used for the purposes of such communications;
- (b) references to notices, representations or other documents, or to copies of such documents, include references to such documents or copies of them in electronic form.

(2) Paragraphs (3) to (7) apply where an electronic communication is used by a person for the purpose of fulfilling any requirement in this Order to give or send any statement, notice or other document to any other person ("the recipient").

(3) The requirement is taken to be fulfilled where the notice or other document transmitted by means of the electronic communication is—

- (a) capable of being accessed by the recipient;
- (b) legible in all material respects; and
- (c) sufficiently permanent to be used for subsequent reference.

(4) In paragraph (3), "legible in all material respects" ("*darllenadwy ym mhob modd perthnasol*") means that the information contained in the notice or other document is available to the recipient to no lesser extent than it would be if sent or given by means of a document in printed form.

(5) Where the electronic communication is received by the recipient outside the recipient's business hours, it will be taken to have been received on the next working day.

(1) For the definition of "development" ("*datblygiad*") see section 55 of the 1990 Act. See also regulation 56 of the Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2016 (S.I. 2016/58) (W. 28).

(6) Mae gofyniad yn y Gorchymyn hwn, y dylai unrhyw ddogfen fod mewn ysgrifen, wedi ei gyflawni pan fo'r ddogfen honno'n bodloni'r criteria ym mharagraff (3), a rhaid dehongli "ysgrifenedig" ("*written*") ac ymadroddion cytras yn unol â hynny.

(7) Ac eithrio pan ofynnir yn benodol am gopi caled, bodlonir unrhyw ofyniad yn y Gorchymyn hwn i anfon mwy nag un copi o ddatganiad neu ddogfen arall os anfonir un copi yn unig o'r datganiad neu ddogfen arall mewn ffurf electronig.

Cyfnod sylwadau

4.—(1) Yn ddarostyngedig i baragraff (2), y "cyfnod sylwadau" ("*representation period*") yw'r cyfnod o 5 wythnos sy'n dechrau gyda'r diwrnod pan fo Gweinidogion Cymru yn rhoi hysbysiad yn unol ag erthygl 15(2) eu bod yn derbyn cais.

(2) Caiff Gweinidogion Cymru, mewn unrhyw achos penodol, roi cyfarwyddyd sy'n estyn y cyfnod sylwadau.

RHAN 2

Cyn gwneud cais

Hysbysiad o ddatblygiad arfaethedig

5.—(1) Rhaid i geisydd hysbysu Gweinidogion Cymru a'r awdurdod cynllunio lleol ynghylch cais arfaethedig, yn unol â'r darpariaethau canlynol o'r erthygl hon.

(2) Rhaid i'r hysbysiad ("*hysbysiad o ddatblygiad arfaethedig*") ("*notification of proposed development*") gynnwys y canlynol—

- (a) y ffurflen a gyhoeddwyd at y diben hwn gan Weinidogion Cymru (neu ffurflen sydd, o ran sylwedd, yn cael yr un effaith), gan gynnwys y manylion a bennir neu y cyfeirir atynt yn y ffurflen;
- (b) plan sy'n galluogi adnabod y tir y mae'r cais yn ymwneud ag ef; ac
- (c) naill ai—
 - (i) datganiad yn cadarnhau y darperir datganiad amgylcheddol; neu
 - (ii) cyfarwyddyd sgrinio.

(3) Rhaid cyflwyno hysbysiad o'r fath ynghyd ag unrhyw ffi y mae'n ofynnol ei thalu mewn perthynas â rhoi hysbysiad o'r fath.

(6) A requirement in this Order that any document should be in writing is fulfilled where that document meets the criteria in paragraph (3), and "written" ("*ysgrifenedig*") and cognate expressions are to be construed accordingly.

(7) Except where a hard copy is expressly required, a requirement in this Order to send more than one copy of a statement or other document is complied with by sending one copy only of the statement or other document in question in electronic form.

Representation period

4.—(1) Subject to paragraph (2), the "representation period" ("*cyfnod sylwadau*") is the period of 5 weeks beginning with the day on which the Welsh Ministers give notice in accordance with article 15(2) that they accept an application.

(2) The Welsh Ministers may in any particular case give a direction which extends the representation period.

PART 2

Pre-application

Notification of proposed development

5.—(1) An applicant must notify the Welsh Ministers and local planning authority of a proposed application in accordance with the following provisions of this article.

(2) The notification ("*notification of proposed development*") ("*hysbysiad o ddatblygiad arfaethedig*") must consist of—

- (a) the form published for this purpose by the Welsh Ministers (or a form substantially to the like effect), including the particulars specified or referred to in the form;
- (b) a plan which identifies the land to which the application relates; and
- (c) either—
 - (i) a statement confirming that an environmental statement will be provided; or
 - (ii) a screening direction.

(3) Such notification must be accompanied by any fee required to be paid in relation to the giving of such notification.

Derbyn hysbysiad o ddatblygiad arfaethedig

6.—(1) Pan fo ceisydd yn rhoi hysbysiad i Weinidogion Cymru ynghylch cais arfaethedig yn unol ag erthygl 5, rhaid i Weinidogion Cymru hysbysu'r ceisydd a'r awdurdod cynllunio lleol eu bod wedi derbyn yr hysbysiad hwnnw, yn unol â darpariaethau canlynol yr erthygl hon.

(2) Rhaid iddynt hysbysu felly mewn ysgrifen o fewn 10 diwrnod gwaith, sy'n dechrau gyda'r diwrnod y mae Gweinidogion Cymru yn cael yr hysbysiad (neu pa bynnag gyfnod hwy y caiff Gweinidogion Cymru ei bennu mewn unrhyw achos penodol).

(3) Pan fo Gweinidogion Cymru wedi hysbysu felly yn unol â'r erthygl hon, a'r ceisydd heb wneud cais o fewn y cyfnod o 12 mis sy'n dechrau gyda'r dyddiad y rhoddwyd yr hysbysiad, ystyrir bod yr hysbysiad wedi darfod, ac mewn amgylchiadau o'r fath rhaid i'r ceisydd roi hysbysiad newydd o ddatblygiad arfaethedig yn unol ag erthygl 5, cyn y caniateir gwneud unrhyw gais.

(4) Pan fo Gweinidogion Cymru o'r farn eu bod wedi cael hysbysiad o ddatblygiad arfaethedig nad yw'n cydymffurfio ag erthygl 5, rhaid iddynt, o fewn cyfnod o 10 diwrnod gwaith, sy'n dechrau gyda'r diwrnod y cawsant yr hysbysiad (neu pa bynnag gyfnod hwy y caiff Gweinidogion Cymru ei bennu mewn unrhyw achos penodol), roi gwybod i'r canlynol mewn ysgrifen nad yw'r cyfryw hysbysiad wedi ei dderbyn—

- (a) y ceisydd;
- (b) yr awdurdod cynllunio lleol; ac
- (c) unrhyw bersonau eraill a ystyrir yn briodol gan Weinidogion Cymru.

Gofyniad i gynnal ymgynghoriad cyn gwneud cais

7. Mae datblygiad o arwyddocâd cenedlaethol⁽¹⁾ wedi ei bennu at ddibenion adran 61Z o Ddeddf 1990 (Cymru: gofyniad i gynnal ymgynghoriad cyn gwneud cais).

Cyhoeddusrwydd cyn gwneud cais am ganiatâd cynllunio

8.—(1) Rhaid i'r ceisydd roi cyhoeddusrwydd i'r cais arfaethedig drwy—

- (a) rhoi hysbysiad gofynnol—

(1) *Gweler* adran 62D(3) o Ddeddf 1990 a'r Rheoliadau Meini Prawf Penodedig a Chydsyniadau Eilaidd Rhagnodedig.

Acceptance of notification of proposed development

6.—(1) Where an applicant notifies the Welsh Ministers of a proposed application in accordance with article 5, the Welsh Ministers must give notice to the applicant and local planning authority of their acceptance of that notification in accordance with the following provisions of this article.

(2) Such notice must be given in writing within 10 working days, beginning with the day of receipt of the notification by the Welsh Ministers (or such longer period as the Welsh Ministers may in any particular case determine).

(3) Where the Welsh Ministers give notice in accordance with this article and the applicant does not make an application within 12 months, beginning with the date on which the notice is given, the notice is to be taken as having lapsed, and in such circumstances the applicant must give a fresh notification of proposed development in accordance with article 5 before any application may be made.

(4) Where the Welsh Ministers consider that they have received notification of proposed development which is not in accordance with article 5, they must within 10 working days, beginning with the day of receipt of the notification by the Welsh Ministers (or such longer period as the Welsh Ministers may in any particular case determine) inform the following in writing that such notification is not accepted—

- (a) the applicant;
- (b) the local planning authority; and
- (c) any other persons that the Welsh Ministers consider appropriate.

Requirement to carry out pre-application consultation

7. Development of national significance⁽¹⁾ is specified for the purposes of section 61Z of the 1990 Act (Wales: requirement to carry out pre-application consultation).

Publicity before applying for planning permission

8.—(1) The applicant must publicise the proposed application by—

- (a) giving requisite notice—

(1) *See* section 62D(3) of the 1990 Act and the Specified Criteria and Prescribed Secondary Consents Regulations.

- (i) drwy ei arddangos ar y safle, mewn o leiaf un man ar neu gerllaw'r tir y mae'r cais arfaethedig yn ymwneud ag ef, am gyfnod o ddim llai na 42 diwrnod;
 - (ii) drwy ysgrifennu at berchennog neu feddiannydd unrhyw dir sy'n cydffinio â'r tir y mae'r cais arfaethedig yn ymwneud ag ef: a
 - (iii) drwy gyhoeddi'r hysbysiad mewn papur newydd sy'n cylchredeg yn y gymdogaeth y lleolir ynddi'r tir y mae'r cais arfaethedig yn ymwneud ag ef; a
- (b) cyhoeddi'r wybodaeth ganlynol ar wefan a gynhelir gan y ceisydd, am gyfnod o ddim llai na 42 diwrnod sy'n dechrau gyda phob un o'r diwrnodau y rhoddir pob un o'r hysbysïadau y cyfeirir atynt yn is-baragraff (a) neu erthygl 9(2)—
- (i) y ffurflen gais ddrafft a gyhoeddwyd gan Weinidogion Cymru o dan erthygl 12(1)(a) (neu ffurflen sydd, o ran sylwedd, yn cael yr un effaith), gan gynnwys y manylion a bennir neu y cyfeirir atynt yn y ffurflen;
 - (ii) plan sy'n galluogi adnabod y tir y mae'r cais arfaethedig yn ymwneud ag ef;
 - (iii) unrhyw blaniau, lluniadau a gwybodaeth arall sy'n angenrheidiol er mwyn disgrifio'r datblygiad sy'n destun y cais arfaethedig;
 - (iv) copi o'r hysbysiad sy'n ofynnol gan erthygl 6 ac nad yw wedi darfod o dan baragraff (3) o'r erthygl honno;
 - (v) y datganiad dylunio a mynediad sy'n ofynnol gan erthygl 14;
 - (vi) yn ddarostyngedig i erthygl 12(3), y manylion neu'r dystiolaeth sy'n ofynnol gan Weinidogion Cymru o dan adran 62(3) o Ddeddf 1990 (ceisiadau am ganiatâd cynllunio)(1);
 - (vii) pan fo'n gymwys, datganiad y cyfeirir ato fel y datganiad amgylcheddol ar gyfer y datblygiad arfaethedig; ac
- (i) by site display in at least one place on or near the land to which the proposed application relates for not less than 42 days;
 - (ii) in writing to any owner or occupier of any land adjoining the land to which the proposed application relates: and
 - (iii) by publication of the notice in a newspaper circulating in the locality in which the land to which the proposed application relates is situated; and
- (b) publishing the following information on a website maintained by the applicant, for not less than 42 days beginning with each day on which each of the notices referred to in subparagraph (a) or article 9(2) are given—
- (i) the draft application form published by the Welsh Ministers under article 12(1)(a) (or a form substantially to the like effect), including the particulars specified in or referred to in the form;
 - (ii) a plan which identifies the land to which the proposed application relates;
 - (iii) any other plans, drawings and information necessary to describe the development which is the subject of the proposed application;
 - (iv) a copy of the notice required by article 6 which has not lapsed under paragraph (3) of that article;
 - (v) the design and access statement required by article 14;
 - (vi) subject to article 12(3), the particulars or evidence required by the Welsh Ministers under section 62(3) of the 1990 Act (applications for planning permission)(1);
 - (vii) where applicable, a statement referred to as the environmental statement for the proposed development; and

(1) Cymhwyswyd adran 62(3) gydag addasiadau gan erthygl 3(1) of o'r Gorchymyn Cymhwyso Deddfiadau.

(1) Section 62(3) was applied with modifications by article 3(1) of the Application of Enactments Order.

(viii) datganiad ysgrifenedig ynghylch unrhyw gydsyniad(1) sy'n gysylltiedig â'r cais arfaethedig (2) ac y tybia'r ceisydd fod penderfyniad ar y cydsyniad hwnnw i gael ei wneud, neu y dylid ei wneud, gan Weinidogion Cymru, ynghyd â'r ffurflen gais ddrafft a'r dogfennau sy'n gysylltiedig â phob cydsyniad o'r fath.

(2) Rhaid i'r ceisydd fod wedi cydymffurfio â pharagraff (1) cyn cyflwyno cais.

(3) Rhaid i unrhyw blaniau neu luniadau y mae paragraff (1)(b)(ii) neu (iii) yn gwneud yn ofynnol eu darparu fod wedi eu lluniadu ar raddfa a nodir gan y ceisydd, ac yn achos planiau rhaid dangos cyfeiriad y gogledd.

(4) Pan fo'r hysbysiad y cyfeirir ato ym mharagraff (1)(a)(i), heb unrhyw fwriad gan y ceisydd na bai arno, yn cael ei dynnu ymaith, ei guddio neu ei ddfwyno cyn bo'r cyfnod o 42 diwrnod wedi dod i ben, trinnir y ceisydd fel pe bai wedi cydymffurfio â gofynion y paragraff perthnasol os yw'r ceisydd wedi cymryd camau rhesymol i ddiogelu'r hysbysiad ac, os oes angen, ei amnewid.

(5) Yn yr erthygl hon, ystyr "hysbysiad gofynnol" ("*requisite notice*") yw hysbysiad yn y ffurf a nodir yn Atodlen 1 neu ffurf sydd, o ran sylwedd, yn cael yr un effaith.

Ymgynghori cyn gwneud cais am ganiatâd cynllunio

9.—(1) Mae'r personau neu ddisgrifiadau o bersonau canlynol wedi eu pennu at ddibenion adran 61Z(4) o Ddeddf 1990—

- (a) unrhyw ymgynghorai cymunedol;
- (b) unrhyw ymgynghorai arbenigol; ac
- (c) unrhyw berson perthnasol(3).

(2) Pan yw'n ofynnol bod ceisydd yn ymgynghori ag ymgynghorai cymunedol neu berson perthnasol, rhaid i'r ceisydd roi i'r ymgynghorai cymunedol neu berson perthnasol hysbysiad gofynnol ysgrifenedig o'r cais arfaethedig.

(viii) a written statement about any secondary consent(1) connected with the proposed application(2) in respect of which the applicant considers a decision on that consent is to be made or should be made by the Welsh Ministers, together with the draft application form and documents associated with such consents.

(2) The applicant must have complied with paragraph (1) before an application is submitted.

(3) Any plans or drawings required to be provided by paragraph (1)(b)(ii) or (iii) must be drawn to a scale identified by the applicant and, in the case of plans, must show the direction of north.

(4) Where the notice referred to in paragraph (1)(a)(i) is, without any fault or intention of the applicant, removed, obscured or defaced before the period of 42 days has elapsed, the applicant will be treated as having complied with the requirements of the relevant paragraph if they have taken reasonable steps to protect the notice and, if need be, replace it.

(5) In this article, "requisite notice" ("*hysbysiad gofynnol*") means notice in the appropriate form set out in Schedule 1 or in a form substantially to the like effect.

Consultation before applying for planning permission

9.—(1) The following persons or descriptions of persons are specified for the purposes of section 61Z(4) of the 1990 Act—

- (a) any community consultee;
- (b) any specialist consultee; and
- (c) any relevant person(3).

(2) Where an applicant is required to consult a community consultee or a relevant person, the applicant must give the community consultee or the relevant person requisite notice in writing of the proposed application.

(1) Ar gyfer y diffiniad o "secondary consent" ("*cydsyniad eilaidd*") gweler adran 62H o Ddeddf 1990. Mewnosodwyd adran 62H gan adran 20 o Ddeddf 2015. Rhagnodir cydsyniadau eilaidd at ddibenion adran 62H(1) gan y Rheoliadau Meini Prawf Penodedig a Chydsyniadau Eilaidd Rhagnodedig.

(2) Gweler adran 62F(6) o Ddeddf 1990. Mewnosodwyd adran 62F gan adran 20 o Ddeddf 2015.

(3) Gweler adran 62G(2) o Ddeddf 1990 ar gyfer ystyr "relevant person" ("*person perthnasol*"). Mewnosodwyd adran 62G gan adran 20 o Ddeddf 2015.

(1) For the definition of "secondary consent" ("*cydsyniad eilaidd*") see section 62H of the 1990 Act. Section 62H was inserted by section 20 of the 2015 Act. Secondary consents are prescribed for the purposes of section 62H(1) by the Specified Criteria and Prescribed Secondary Consents Regulations.

(2) See section 62F(6) of the 1990 Act. Section 62F was inserted by section 20 of the 2015 Act.

(3) See section 62G(2) of the 1990 Act for the meaning of "relevant person" ("*person perthnasol*"). Section 62G was inserted by section 20 of the 2015 Act.

(3) Pan yw'n ofynnol bod ceisydd yn ymgynghori ag ymgynghorai arbenigol, rhaid i'r ceisydd roi i'r ymgynghorai arbenigol hysbysiad gofynnol ysgrifenedig o'r cais arfaethedig ac amgáu pob un o'r dogfennau y cyfeirir atynt yn erthygl 8(1)(b) neu ddarparu dolen i wefan lle y gellir gweld y dogfennau hynny.

(4) Rhaid i'r ceisydd fod wedi cydymffurfio â pharagraffau (2) a (3) ac wedi rhoi cyfle i'r ymgynghorai arbenigol ymateb yn unol ag erthygl 10(1) cyn cyflwyno cais.

(5) Yn yr erthygl hon, ystyr "hysbysiad gofynnol" ("*requisite notice*") yw—

- (a) mewn perthynas ag ymgynghorai cymunedol neu berson perthnasol, hysbysiad yn y ffurf briodol a nodir yn Atodlen 1; a
- (b) mewn perthynas ag ymgynghorai arbenigol, hysbysiad yn y ffurf briodol a nodir yn Atodlen 2,

neu ffurf sydd, o ran sylwedd, yn cael yr un effaith.

Dyletswydd i ymateb i ymgynghoriad cyn-ymgeisio: ymgynghoreion arbenigol

10.—(1) Rhaid i ymgynghorai arbenigol, yr ymgynghorwyd ag ef yn unol â darpariaethau adran 61Z(4) o Ddeddf 1990, ddarparu ymateb o sylwedd o fewn cyfnod o 42 diwrnod sy'n dechrau gyda'r diwrnod y rhoddir yr hysbysiad y cyfeirir ato yn erthygl 9(3), neu pa bynnag gyfnod arall a gytunir mewn ysgrifen rhwng yr ymgynghorai arbenigol a'r ceisydd.

(2) At ddibenion yr erthygl hon, ymateb o sylwedd yw ymateb sydd yn—

- (a) datgan nad oes gan yr ymgynghorai arbenigol unrhyw sylw i'w wneud;
- (b) datgan nad oes gan yr ymgynghorai arbenigol wrthwynebiad i'r datblygiad arfaethedig ac yn cyfeirio'r ceisydd at y cyngor sefydlog cyfredol gan yr ymgynghorai arbenigol ar destun yr ymgynghoriad;
- (c) rhoi gwybod i'r ceisydd am unrhyw bryderon a ganfuwyd ynglŷn â'r datblygiad arfaethedig a sut y gellir mynd i'r afael â'r pryderon hynny; neu
- (d) rhoi gwybod i'r ceisydd fod gan yr ymgynghorai arbenigol bryderon ac y byddai'n gwrthwynebu cais am ganiatâd cynllunio a wneid ar yr un telerau neu delerau o'r un sylwedd, ac yn nodi'r rhesymau am y gwrthwynebiadau hynny.

(3) Where an applicant is required to consult a specialist consultee, the applicant must give the specialist consultee requisite notice in writing of the proposed application and enclose each of the documents referred to in article 8(1)(b) or provide a link to a website on which those documents can be found.

(4) The applicant must have complied with paragraphs (2) and (3) and have given the specialist consultee time to respond in accordance with article 10(1) before an application is submitted.

(5) In this article, "requisite notice" ("*hysbysiad gofynnol*") means—

- (a) in relation to a community consultee or a relevant person notice in the appropriate form set out in Schedule 1; and
- (b) in relation to a specialist consultee notice in the appropriate form set out in Schedule 2,

or in a form substantially to the like effect.

Duty to respond to pre-application consultation: specialist consultees

10.—(1) A specialist consultee, consulted in accordance with the provisions of section 61Z(4) of the 1990 Act, must provide a substantive response within 42 days beginning with the day on which the notice referred to in article 9(3) is given or such other period as may be agreed in writing between the specialist consultee and the applicant.

(2) For the purposes of this article, a substantive response is one which—

- (a) states that the specialist consultee has no comment to make;
- (b) states that the specialist consultee has no objection to the proposed development and refers the applicant to current standing advice by the specialist consultee on the subject of the consultation;
- (c) advises the applicant of any concerns identified in relation to the proposed development and how those concerns can be addressed; or
- (d) advises the applicant that the specialist consultee has concerns and that it would object to an application for planning permission made in the same or substantially the same terms and sets out the reasons for those objections.

Adroddiadau ar ymgynghoriad cyn-ymgeisio

11.—(1) Pan fo ceisydd yn cyflwyno cais i Weinidogion Cymru yn unol ag erthygl 12, rhaid anfon ynghyd â'r cais adroddiad ar yr ymgynghoriad cyn-ymgeisio, sy'n rhoi manylion o'r canlynol—

- (a) sut y cydymffurfiodd y ceisydd ag adran 61Z o Ddeddf 1990;
- (b) unrhyw ymateb i'r ymgynghoriad a gafwyd gan bersonau yr ymgynghorwyd â hwy o dan adran 61Z(3) neu (4) o Ddeddf 1990; ac
- (c) yr ystyriaeth a roddwyd i'r ymatebion hynny.

(2) Rhaid i'r adroddiad ar yr ymgynghoriad cyn-ymgeisio gynnwys—

- (a) copi o'r hysbysiad y cyfeirir ato yn erthygl 8(1)(a)(i);
- (b) datganiad i'r perwyl bod yr hysbysiad y cyfeirir ato yn erthygl 8(1)(a)(i) wedi ei arddangos yn unol â gofynion yr erthygl honno;
- (c) rhestr o gyfeiriadau'r personau y rhoddwyd hysbysiad o'r cais arfaethedig iddynt yn unol ag erthygl 8(1)(a)(ii) a chopi o'r hysbysiad a roddwyd i'r cyfryw bersonau;
- (d) copi o'r cyhoeddiad y cyfeirir ato yn erthygl 8(1)(a)(iii);
- (e) datganiad i'r perwyl bod y ceisydd wedi cydymffurfio â'r gofynion cyhoeddi yn erthygl 8(1)(b);
- (f) copïau o'r holl hysbysiadau a roddwyd i ymgynghoreion cymunedol, personau perthnasol ac ymgynghoreion arbenigol yn unol ag erthyglau 9(2) a 9(3);
- (g) crynodeb o'r holl faterion a godwyd gan unrhyw berson a hysbyswyd ynghylch y cais arfaethedig yn unol ag adran 61Z(3) o Ddeddf 1990 ac erthyglau 8 a 9(2), gan gynnwys chadarnhad a aethpwyd i'r afael â'r materion a godwyd ai peidio, ac os felly, sut; ac
- (h) copïau o'r holl ymatebion a gafwyd gan ymgynghoreion arbenigol, ynghyd ag eglurhad o'r ystyriaeth a roddwyd i bob ymateb.

Pre-application consultation reports

11.—(1) Where an applicant submits an application to the Welsh Ministers in accordance with article 12, that application must be accompanied by a pre-application consultation report which gives particulars of—

- (a) how the applicant complied with section 61Z of the 1990 Act;
- (b) any response to the consultation received from persons consulted under section 61Z(3) or (4) of the 1990 Act; and
- (c) the account taken of those responses.

(2) The pre-application consultation report must include—

- (a) a copy of the notice referred to in article 8(1)(a)(i);
- (b) a declaration that the notice referred to in article 8(1)(a)(i) was displayed in accordance with the requirements of that article;
- (c) a list of the addresses of the persons who were given notice of the proposed application in accordance with article 8(1)(a)(ii) and a copy of the notice given to such persons;
- (d) a copy of the publication referred to in article 8(1)(a)(iii);
- (e) a declaration that the applicant has complied with the publication requirements in article 8(1)(b);
- (f) copies of all notices given to community consultees, relevant persons and specialist consultees in accordance with articles 9(2) and 9(3);
- (g) a summary of all issues raised by any person notified of the proposed application in accordance with section 61Z(3) of the 1990 Act and articles 8 and 9(2), including confirmation of whether the issues raised have been addressed and, if so, how; and
- (h) copies of all responses received from specialist consultees with an explanation of the account taken of each response.

RHAN 3

Ceisiadau

Ceisiadau: gofynion cyffredinol

12.—(1) Rhaid i gais gynnwys y canlynol—

- (a) y ffurflen gais a gyhoeddir gan Weinidogion Cymru (neu ffurflen sydd, o ran sylwedd, yn cael yr un effaith), gan gynnwys y manylion a bennir neu y cyfeirir atynt yn y ffurflen;
- (b) ac eithrio yn achos cais a wneir yn unol ag adran 73 o Ddeddf 1990 (penderfynu ceisiadau i ddatblygu tir heb gydymffurfio ag amodau a osodwyd yn flaenorol)(1)—
 - (i) plan sy'n galluogi adnabod y tir y mae'r cais yn ymwneud ag ef;
 - (ii) unrhyw blaniau, lluniadau a gwybodaeth arall sy'n angenrheidiol er mwyn disgrifio'r datblygiad sy'n destun y cais arfaethedig;
 - (iii) copi o'r hysbysiad sy'n ofynnol gan erthygl 6 ac nad yw wedi darfod o dan baragraff (3) o'r erthygl honno;
 - (iv) y datganiad dylunio a mynediad sy'n ofynnol gan erthygl 14;
 - (v) y dystysgrif sy'n ofynnol gan erthygl 17;
 - (vi) yr adroddiad ar yr ymgynghoriad cyn-ymgeisio sy'n ofynnol gan erthygl 11;
 - (vii) y manylion neu'r dystiolaeth sy'n ofynnol gan Weinidogion Cymru o dan adran 62(3) o Ddeddf 1990;
 - (viii) pan fo'n gymwys, datganiad amgylcheddol;
 - (ix) datganiad ysgrifenedig ynghylch unrhyw gydsyniadau eilaidd sy'n gysylltiedig â'r cais arfaethedig ac y tybia'r ceisydd fod penderfyniad ar y cydsyniad hwnnw i gael ei wneud, neu y dylid ei wneud, gan Weinidogion Cymru; a

(1) Diwygiwyd adran 73 gan adrannau 42(2), 51(3) a 120 o Ddeddf 2004 ac Atodlen 9 i'r Ddeddf honno ac adran 35(7) o Ddeddf 2015, a chymhwyswyd hi gydag addasiadau gan erthygl 3(1) o'r Gorchymyn Cymhwyso Deddfiadau. Y ceisiadau a wneir yn unol ag adran 73 sydd i'w trin fel datblygiad o arwyddocâd cenedlaethol yn unol ag adran 62D(6) o Ddeddf 1990 yw'r rhai sydd o ddisgrifiad a bennir yn rheoliad 51 o Reoliadau Datblygiadau o Arwyddocâd Cenedlaethol (Cymru) 2016 (O.S. 2016/56) (Cy. 26).

PART 3

Applications

Applications: general requirements

12.—(1) An application must consist of—

- (a) the application form published by the Welsh Ministers (or a form substantially to the like effect), including the particulars specified or referred to in the form;
- (b) except in the case of an application made pursuant to section 73 of the 1990 Act (determination of applications to develop land without compliance with conditions previously attached)(1)—
 - (i) a plan which identifies the land to which the application relates;
 - (ii) any other plans, drawings and information necessary to describe the development which is the subject of the application;
 - (iii) a copy of the notice required by article 6 which has not lapsed under paragraph (3) of that article;
 - (iv) a design and access statement in accordance with article 14;
 - (v) the certificate required by article 17;
 - (vi) the pre-application consultation report required by article 11;
 - (vii) the particulars or evidence required by the Welsh Ministers under section 62(3) of the 1990 Act;
 - (viii) where applicable, an environmental statement;
 - (ix) a written statement about secondary consents connected with the proposed application in respect of which the applicant considers a decision is to be made or should be made by the Welsh Ministers; and

(1) Section 73 was amended by sections 42(2), 51(3), 120 of, and Schedule 9 to, the 2004 Act and section 35(7) of the 2015 Act and was applied with modifications by article 3(1) of the Application of Enactments Order. Applications made pursuant to section 73 which are to be treated as nationally significant development in accordance with section 62D(6) of the 1990 Act, are those of a description specified in regulation 51 of the Developments of National Significance (Wales) Regulations 2016 (S.I. 2016/56) (W. 26).

(x) datganiad ysgrifenedig ynghylch statws trafodaethau rhwng y ceisydd a'r awdurdod cynllunio lleol mewn cysylltiad â rhwymedigaethau o dan adran 106 o Ddeddf 1990 (rhwymedigaethau cynllunio)(1).

(2) Rhaid i unrhyw blaniau neu luniadau y mae paragraff (1)(b)(i) neu (1)(b)(ii) yn gwneud yn ofynnol eu darparu fod wedi eu lluniadu ar raddfa a nodir gan y ceisydd, ac yn achos planiau rhaid dangos cyfeiriad y gogledd.

(3) Nid yw paragraff (1)(b)(vii) yn gymwys ac eithrio pan fo—

- (a) Gweinidogion Cymru, cyn bo'r cais wedi ei wneud, wedi cyhoeddi rhestr o ofynion ar eu gwefan; a
- (b) y manylion neu'r dystiolaeth y mae'n ofynnol gan Weinidogion Cymru eu cynnwys yn y cais yn dod o fewn y rhestr honno.

(4) Rhaid i gais am ddatblygiad sy'n cynnwys gweithrediadau mwyngloddio neu ddefnyddio tir ar gyfer dyddodion gweithfeydd mwynau(2) gynnwys—

- (a) y ffurflen gais a gyhoeddir gan Weinidogion Cymru (neu ffurflen sydd, o ran sylwedd, yn cael yr un effaith), gan gynnwys y manylion a bennir neu y cyfeirir atynt yn y ffurflen; a
- (b) ac eithrio yn achos cais a wneir yn unol ag adran 73 o ddeddf 1990, y dogfennau y cyfeirir atynt ym mharagraff (1)(b).

(5) Pan wneir cais gan ddefnyddio cyfathrebiadau electronig rhaid i'r ceisydd, ar yr un diwrnod ag y gwneir y cais, adneuo un copi caled o'r cais gydag—

- (a) Gweinidogion Cymru; a
- (b) yr awdurdod cynllunio lleol.

(6) Rhaid i'r ceisydd, cyn gynted ag y bo'n rhesymol ymarferol, gadarnhau mewn ysgrifen wrth Weinidogion Cymru ei fod wedi cydymffurfio â'r gofyniad ym mharagraff (5)(b).

(7) Pan fo Gweinidogion Cymru yn cael cais, rhaid iddynt, cyn gynted ag y bo'n ymarferol, roi gwybod i'r awdurdod cynllunio lleol eu bod wedi cael y cais.

(x) a written statement about the status of discussions between the applicant and the local planning authority in respect of obligations under section 106 of the 1990 Act (planning obligations)(1).

(2) Any plans or drawings required to be provided by paragraph (1)(b)(i) or (1)(b)(ii) must be drawn to a scale identified by the applicant and, in the case of plans, must show the direction of north.

(3) Paragraph (1)(b)(vii) only applies if—

- (a) before the application is made the Welsh Ministers publish a list of requirements on their website; and
- (b) the particulars or evidence that the Welsh Ministers require to be included in the application fall within that list.

(4) An application for development which includes mining operations or the use of land for mineral-working deposits(2) must consist of—

- (a) the application form published by the Welsh Ministers (or a form substantially to the like effect), including the particulars specified or referred to in the form; and
- (b) except in the case of an application made pursuant to section 73 of the 1990 Act, the documents referred to in paragraph (1)(b).

(5) Where an application is made by electronic communications, the applicant must on the same day as making the application deposit one hard copy of the application with—

- (a) the Welsh Ministers; and
- (b) the local planning authority.

(6) The applicant must, as soon as reasonably practicable, confirm their compliance with the requirement in paragraph (5)(b) to the Welsh Ministers in writing.

(7) Where the Welsh Ministers receive an application, they must as soon as practicable notify the local planning authority of its receipt.

(1) Amnewidiwyd adran 106 gan adran 12(1) o Ddeddf 1991 a diwygiwyd hi gan adran 174(2) o Ddeddf 2008 ac adran 7 o Ddeddf Twf a Seilwaith 2013 (p. 27), a pharagraff 3 o Atodlen 2 i'r Ddeddf honno.

(2) Ar gyfer y diffiniad o "mineral-working deposit" gweler adran 336 o Ddeddf 1990.

(1) Section 106 was substituted by section 12(1) of the 1991 Act and amended by section 174(2) of the 2008 Act and section 7 of, paragraph 3 of Schedule 2 to, the Growth and Infrastructure Act 2013 (c. 27).

(2) For the definition of "mineral-working deposit" see section 336 of the 1990 Act.

(8) Rhaid cyflwyno cais ynghyd ag unrhyw ffi sy'n daladwy mewn cysylltiad ag—

- (a) gweinyddiad dechreuol y cais
- (b) unrhyw adroddiad ar yr effaith leol sy'n ofynnol o dan adran 62I(2) o Ddeddf 1990.

Ceisiadau mewn cysylltiad â thir y Goron

13. Rhaid i gais mewn cysylltiad â thir y Goron gael ei gyflwyno ynghyd ag—

- (a) datganiad bod y cais wedi ei wneud mewn cysylltiad â thir y Goron; a
- (b) pan wneir y cais gan berson a awdurdodwyd mewn ysgriflen gan yr awdurdod priodol, copi o'r awdurdodiad hwnnw.

Datganiadau dylunio a mynediad

14.—(1) Rhaid i gais gynnwys datganiad (“datganiad dylunio a mynediad”) (“*design and access statement*”) sy'n cydymffurfio â pharagraff (2).

(2) Rhaid i ddatganiad dylunio a mynediad—

- (a) esbonio'r egwyddorion a chysyniadau dylunio a gymhwyswyd mewn perthynas â'r datblygiad;
- (b) dangos y camau a gymerwyd wrth arfarnu cyd-destun y datblygiad a'r modd y mae dyluniad y datblygiad yn cymryd y cyd-destun hwnnw i ystyriaeth;
- (c) esbonio'r polisi neu'r dull a fabwysiadwyd o ran mynediad, a'r modd y cymerwyd i ystyriaeth y polisiâu ynglŷn â mynediad sydd yn y cynllun datblygu(1); a
- (d) esbonio sut yr aethpwyd i'r afael ag unrhyw faterion penodol a allai effeithio ar fynediad i'r datblygiad.

Derbyn ceisiadau

15.—(1) Rhaid ystyried bod Gweinidogion Cymru wedi cael “cais dilys” pan fyddant wedi cael pob un o'r canlynol—

- (a) cais sydd yn unol ag erthygl 12(1);
- (b) unrhyw ffi y mae'n ofynnol ei thalu am wasanaethau cyn-ymgeisio a ddarparwyd o dan Reoliadau Datblygiadau o Arwyddocâd Cenedlaethol (Cymru) 2016(2);

(8) An application must be accompanied by any fee payable in respect of—

- (a) the initial administration of the application; and
- (b) any local impact report required under section 62I(2) of the 1990 Act.

Applications in respect of Crown land

13. An application in respect of Crown land must be accompanied by—

- (a) a statement that the application is made in respect of Crown land; and
- (b) where the application is made by a person authorised in writing by the appropriate authority, a copy of that authorisation.

Design and access statements

14.—(1) An application must include a statement (“a design and access statement”) (“*datganiad dylunio a mynediad*”) which complies with paragraph (2).

(2) A design and access statement must—

- (a) explain the design principles and concepts that have been applied to the development;
- (b) demonstrate the steps taken to appraise the context of the development and how the design of the development takes that context into account;
- (c) explain the policy or approach adopted as to access, and how policies relating to access in the development plan(1) have been taken into account; and
- (d) explain how any specific issues which might affect access to the development have been addressed.

Acceptance of applications

15.—(1) The Welsh Ministers are to be taken as having received a “valid application” when they are in receipt of each of the following—

- (a) an application which is in accordance with article 12(1);
- (b) any fee required to be paid in respect of pre-application services provided under the Developments of National Significance (Wales) Regulations 2016(2);

(1) *Gweler* adrannau 38 a 62 o Ddeddf 2004.

(2) O.S. 2016/56 (Cy.26).

(1) *See* sections 38 and 62 of the 2004 Act.

(2) S.I. 2016/56 (W. 26).

(c) y ffi y cyfeirir ati yn erthygl 5(3); a

(d) y ffioedd y cyfeirir atynt yn erthygl 12(8).

(2) Pan fo Gweinidogion Cymru yn cael cais dilys rhaid iddynt roi hysbysiad eu bod wedi derbyn y cais (“hysbysiad derbyn”) (“*notice of acceptance*”) i’r ceisydd ac i’r awdurdod cynllunio lleol yn unol â pharagraff (4).

(3) Rhoi hysbysiad o’r fath yn unol â pharagraff (2) sydd yn cyflawni derbyn y cais at ddibenion adran 62L(3) o Ddeddf 1990 (amserlen ar gyfer penderfynu ceisiadau) (a’r dyddiad y rhoddir yr hysbysiad yw dyddiad derbyn y cais).

(4) O ran hysbysiad derbyn —

(a) rhaid ei roi mewn ysgrifen o fewn y cyfnod perthnasol;

(b) rhaid iddo gadarnhau bod y cais wedi ei dderbyn; ac

(c) caiff gynnwys pa bynnag wybodaeth arall ynglŷn â’r cais a ystyrir yn briodol gan Weinidogion Cymru.

(5) Pan fo Gweinidogion Cymru o’r farn nad yw cais a gawsant yn ddilys rhaid iddynt, o fewn y cyfnod perthnasol, hysbysu’r canlynol nad yw’r cais wedi ei dderbyn—

(a) y ceisydd;

(b) yr awdurdod cynllunio lleol; ac

(c) unrhyw bersonau eraill a ystyrir yn briodol gan Weinidogion Cymru.

(6) Rhaid i hysbysiad a roddir o dan baragraff (5) gynnwys y rhesymau pam y mae Gweinidogion Cymru o’r farn nad yw’r cais a gawsant yn **gais dilys**.

(7) Yn yr erthygl hon, ystyr “y cyfnod perthnasol” (“*the relevant period*”) yw—

(a) mewn achos pan gyflwynir datganiad amgylcheddol ynghyd â’r cais, cyfnod o 42 diwrnod, sy’n dechrau gyda’r diwrnod y mae Gweinidogion Cymru yn cael y cais, neu pa bynnag gyfnod hwy a bennir gan Weinidogion Cymru; neu

(b) mewn achos pan na chyflwynir datganiad amgylcheddol ynghyd â’r cais, cyfnod o 28 diwrnod, sy’n dechrau gyda’r diwrnod y mae Gweinidogion Cymru yn cael y cais, neu pa bynnag gyfnod hwy a bennir gan Weinidogion Cymru.

(c) the fee referred to in article 5(3); and

(d) the fees referred to in article 12(8).

(2) Where the Welsh Ministers receive a valid application, they must give notice of their acceptance of the application (“notice of acceptance”) (“*hysbysiad derbyn*”) to the applicant and the local planning authority in accordance with paragraph (4).

(3) It is the giving of such notice in accordance with paragraph (2) that constitutes acceptance of the application for the purposes of section 62L(3) of the 1990 Act (timetable for determining applications) (and the date the notice is given constitutes the date of acceptance).

(4) Notice of acceptance —

(a) must be given in writing within the relevant period;

(b) must confirm that the application is accepted; and

(c) may include such other information related to the application as the Welsh Ministers consider appropriate.

(5) Where the Welsh Ministers consider that an application they have received is not a valid application, they must within the relevant period notify the following that the application is not accepted—

(a) the applicant;

(b) the local planning authority; and

(c) any other persons that the Welsh Ministers consider appropriate.

(6) Notification given under paragraph (5) must include the reasons why the Welsh Ministers consider that the application received is not a valid application.

(7) In this article, “the relevant period” (“*y cyfnod perthnasol*”) is—

(a) in a case where the application is accompanied by an environmental statement, 42 days, beginning with the day on which the Welsh Ministers are in receipt of an application, or such longer period as the Welsh Ministers may determine; or

(b) in a case where the application is not accompanied by an environmental statement, 28 days, beginning with the day on which the Welsh Ministers are in receipt of an application, or such longer period as the Welsh Ministers may determine.

Hysbysiadau o geisiadau am ganiatâd cynllunio

16.—(1) Yn ddarostyngedig i baragraff (2), rhaid i geisydd roi hysbysiad gofynnol o’r cais i unrhyw berson (ac eithrio’r ceisydd) sydd, ar y dyddiad

Notices of applications for planning permission

16.—(1) Subject to paragraph (2), an applicant must give requisite notice of the application to any person (other than the applicant) who on the prescribed date is

rhagnodedig, yn berchennog, neu yn denant, unrhyw ran o'r tir y mae'r cais yn ymwneud ag ef—

- (a) drwy gyflwyno'r hysbysiad i bob person o'r fath y mae ei enw a'i gyfeiriad yn hysbys i'r ceisydd; a
- (b) pan fo'r ceisydd wddi cymryd camau rhesymol i ddarganfod enwau a chyfeiriadau pob person o'r fath, ond wedi methu â gwneud hynny, drwy gyhoeddi'r hysbysiad ar ôl y dyddiad rhagnodedig mewn papur newydd sy'n cylchredeg yn y gymdogaeth y lleolir ynddi'r tir y mae'r cais yn ymwneud ag ef.

(2) Yn achos cais sy'n cynnwys cloddio a gweithio mwynau drwy weithrediadau tandraearol, yn hytrach na rhoi hysbysiad yn y modd y darperir ar ei gyfer ym mharagraff (1), rhaid i'r ceisydd roi hysbysiad gofynnol o'r cais i unrhyw berson (ac eithrio'r ceisydd) sydd, ar y dyddiad rhagnodedig, yn berchennog, neu yn denant, unrhyw ran o'r tir y mae'r cais yn ymwneud ag ef—

- (a) drwy gyflwyno'r hysbysiad i bob person y gŵyr y ceisydd ei fod yn berson o'r fath ac y mae ei enw a'i gyfeiriad yn hysbys i'r ceisydd;
- (b) drwy gyhoeddi'r hysbysiad ar ôl y dyddiad rhagnodedig mewn papur newydd sy'n cylchredeg yn y gymdogaeth y lleolir ynddi'r tir y mae'r cais yn ymwneud ag ef; ac
- (c) drwy ei arddangos ar y safle, mewn o leiaf un man ym mhob cymuned y lleolir ynddi unrhyw ran o'r tir y mae'r cais yn ymwneud ag ef, gan adael yr hysbysiad yn ei le am gyfnod o ddim llai na 7 diwrnod yn y cyfnod o 21 diwrnod yn union cyn gwneud y cais i Weinidogion Cymru.

(3) Rhaid i'r hysbysiad sy'n ofynnol gan baragraff (2)(c) (yn ychwanegol at unrhyw faterion eraill y mae'n ofynnol eu cynnwys ynddo) ddatgan cyfeiriad y wefan lle y cyhoeddir copi o'r cais ac o'r holl blaniau a dogfennau eraill a gyflwynwyd ynghyd â'r cais.

(4) Pan fo'r hysbysiad, heb unrhyw fwriad gan y ceisydd na bai arno, gael ei dynnu ymaith, ei guddio neu ei ddifwyno cyn bo'r cyfnod o 7 diwrnod y cyfeirir ato ym mharagraff (2)(c) wedi dod i ben, trinnir y ceisydd fel pe bai wedi cydymffurfio â gofynion y paragraff perthnasol os yw'r ceisydd wedi cymryd camau rhesymol i ddiogelu'r hysbysiad ac, os oes angen, ei amnewid.

an owner of any of the land to which the application relates, or a tenant—

- (a) by serving the notice on every such person whose name and address is known to the applicant; and
- (b) where the applicant has taken reasonable steps to ascertain the names and addresses of every such person, but has been unable to do so, by publication of the notice after the prescribed date in a newspaper circulating in the locality in which the land to which the application relates is situated.

(2) In the case of an application consisting of the winning and working of minerals by underground operations, instead of giving notice in the manner provided for by paragraph (1), the applicant must give requisite notice of the application to any person (other than the applicant) who on the prescribed date is an owner of any of the land to which the application relates, or a tenant—

- (a) by serving the notice on every such person whom the applicant knows to be such a person and whose name and address is known to the applicant;
- (b) by publication of the notice after the prescribed date in a newspaper circulating in the locality in which the land to which the application relates is situated; and
- (c) by site display in at least one place in every community within which there is situated any part of the land to which the application relates, leaving the notice in position for not less than 7 days in the period of 21 days immediately preceding the making of the application to the Welsh Ministers.

(3) The notice required by paragraph (2)(c) must (in addition to any other matters required to be contained in it) state the address of the website where a copy of the application, and of all plans and other documents submitted with it, will be published.

(4) Where the notice is, without any fault or intention of the applicant, removed, obscured or defaced before the period of 7 days referred to in paragraph (2)(c) has elapsed, the applicant will be treated as having complied with the requirements of that paragraph if the applicant has taken reasonable steps to protect the notice and, if need be, replace it.

(5) Y dyddiad a ragnodir at ddibenion adran 65(2) o Ddeddf 1990 (hysbysiad etc o geisiadau am ganiatâd cynllunio), a'r "dyddiad rhagnodedig" ("prescribed date") at ddibenion yr erthygl hon, yw'r dyddiad 21 diwrnod cyn dyddiad y cais.

(6) Y ceisiadau a ragnodwyd at ddibenion paragraff (c) o'r diffiniad o "owner" ("perchennog") yn adran 65(8) o Ddeddf 1990 yw ceisiadau mwynau, a'r mwynau a ragnodir ar gyfer y paragraff hwnnw yw unrhyw fwynau ac eithrio olew, nwy, glo, aur neu arian.

(7) Yn yr erthygl hon—

ystyr "cais mwynau" ("*minerals application*") yw cais ar gyfer datblygiad sy'n cynnwys cloddio a gweithio mwynau;

ystyr "hysbysiad gofynnol" ("*requisite notice*") yw hysbysiad yn y ffurf a nodir yn Atodlen 3 (neu ffurf sydd, o ran sylwedd, yn cael yr un effaith), ond ni fydd yn cynnwys hysbysiad a gyflwynir gan ddefnyddio cyfathrebiadau electronig; ac

ystyr "tenant" ("*tenant*") yw tenant amaethyddol, yn yr ystyr a roddir i "agricultural tenant" gan adran 65(8) o Ddeddf 1990, tir y mae unrhyw ran ohono yn gynwysedig yn y tir y mae'r cais yn ymwneud ag ef.

Tystysgrifau mewn perthynas â hysbysiadau o geisiadau

17.—(1) Pan wneir cais, rhaid i'r ceisydd ardystio, mewn ffurf a gyhoeddir gan Weinidogion Cymru (neu mewn ffurf sydd, o ran sylwedd, yn cael yr un effaith), fod gofynion erthygl 16 wedi eu bodloni.

(2) Os oes gan geisydd reswm i ddibynnu ar baragraff (5) o erthygl 16, rhaid i'r dystysgrif ddatgan yr amgylchiadau perthnasol.

Cyhoeddusrwydd i geisiadau am ganiatâd cynllunio: Gweinidogion Cymru

18.—(1) Rhaid i gais gael ei hysbysebu gan Weinidogion Cymru yn y modd a ragnodir gan yr erthygl hon.

(2) Rhaid i gais gael ei hysbysebu drwy roi hysbysiad gofynnol—

- (a) drwy gyhoeddi'r hysbysiad, o fewn y cyfnod perthnasol, mewn papur newydd sy'n cylchredeg yn y gymdogaeth y lleolir ynddi'r tir y mae'r cais yn ymwneud ag ef;
- (b) drwy gyflwyno'r hysbysiad, o fewn y cyfnod perthnasol, i unrhyw berchennog neu feddiannydd cyffiniol.

(5) The date prescribed for the purposes of section 65(2) of the 1990 Act (notice etc of applications for planning permission), and the "prescribed date" ("*dyddiad rhagnodedig*") for the purposes of this article, is the day 21 days before the date of the application.

(6) The applications prescribed for the purposes of paragraph (c) of the definition of "owner" ("*perchennog*") in section 65(8) of the 1990 Act are minerals applications, and the minerals prescribed for the purposes of that paragraph are any minerals other than oil, gas, coal, gold or silver.

(7) In this article—

"minerals application" ("*cais mwynau*") means an application for development consisting of the winning and working of minerals;

"requisite notice" ("*hysbysiad gofynnol*") means notice in the appropriate form set out in Schedule 3 (or in a form substantially to the like effect), but will not include notice served using electronic communications; and

"tenant" ("*tenant*") means an agricultural tenant as defined in section 65(8) of the 1990 Act, of land any part of which is comprised in the land to which an application relates.

Certificates in relation to notices of applications

17.—(1) Where an application is made, the applicant must certify, in a form published by the Welsh Ministers (or in a form substantially to the like effect), that the requirements of article 16 have been satisfied.

(2) If an applicant has cause to rely on paragraph (5) of article 16, the certificate must state the relevant circumstances.

Publicity for applications for planning permission: Welsh Ministers

18.—(1) An application must be publicised by the Welsh Ministers in the manner prescribed by this article.

(2) An application must be publicised by giving requisite notice—

- (a) by publication, within the relevant period, of the notice in a newspaper circulating in the locality in which the land to which the application relates is situated;
- (b) by serving the notice, within the relevant period, on any adjoining owner or occupier.

(3) Rhaid cyhoeddi'r wybodaeth ganlynol ar wefan a gynhelir gan Weinidogion Cymru—

- (a) cyfeiriad a lleoliad y datblygiad arfaethedig;
- (b) disgrifiad o'r datblygiad arfaethedig;
- (c) y dyddiad olaf ar gyfer cael unrhyw sylwadau ynglŷn â'r cais;
- (d) ym mhle a pha bryd y caniateir archwilio'r cais; ac
- (e) sut y gellir gwneud sylwadau ynglŷn â'r cais

(4) Yn yr erthygl hon—

ystyr “y cyfnod perthnasol” (“*the relevant period*”) yw cyfnod o 5 diwrnod gwaith sy'n dechrau gyda'r diwrnod y mae Gweinidogion Cymru yn derbyn y cais yn unol ag erthygl 15(3); ac

ystyr “hysbysiad gofynnol” (“*requisite notice*”) yw hysbysiad yn y ffurf briodol a nodir yn Atodlen 4 (neu ffurf sydd, o ran sylwedd, yn cael yr un effaith); ac

ystyr “perchennog neu feddiannydd cyffiniol” (“*adjoining owner or occupier*”) yw perchennog neu feddiannydd unrhyw dir sy'n cydffinio â'r tir y mae'r cais yn ymwneud ag ef.

Cyhoeddusrwydd i geisiadau am ganiatâd cynllunio: awdurdod cynllunio lleol

19.—(1) Rhaid i gais gael ei hysbysebu gan yr awdurdod cynllunio lleol yn y modd a ragnodir gan yr erthygl hon.

(2) Rhaid i'r awdurdod cynllunio lleol roi hysbysiad drwy arddangos ar y safle, mewn ffurf a gyflenwir i'r awdurdod gan Weinidogion Cymru, mewn o leiaf un man o fewn ardal yr awdurdod sydd ar neu gerllaw'r tir y mae'r cais arfaethedig yn ymwneud ag ef, am gyfnod o ddim llai na 21 diwrnod.

(3) Pan fo'r awdurdod cynllunio lleol wedi bodloni'r gofyniad ym mharagraff (2), rhaid iddo roi gwybod i Weinidogion Cymru ei fod wedi gwneud hynny, o fewn cyfnod o 5 diwrnod sy'n dechrau gyda'r diwrnod y rhoddwyd yr hysbysiad.

(4) Os yw'r awdurdod cynllunio lleol yn methu â chydymffurfio â'r gofyniad ym mharagraff (2), caiff Gweinidogion Cymru, yn lle'r awdurdod, gymryd y camau y mae'n ofynnol i'r awdurdod eu cymryd o dan y paragraff hwnnw.

(3) The following information must be published on a website maintained by the Welsh Ministers—

- (a) the address and location of the proposed development;
- (b) a description of the proposed development;
- (c) the date by which any representations about the application must be received;
- (d) where and when the application may be inspected; and
- (e) how representations may be made about the application.

(4) In this article—

“adjoining owner or occupier” (“*perchennog neu feddiannydd cyffiniol*”) means an owner or occupier of any land adjoining the land to which the application relates;

“the relevant period” (“*y cyfnod perthnasol*”) means 5 working days, beginning with the day on which the Welsh Ministers accept the application in accordance with article 15(3); and

“requisite notice” (“*hysbysiad gofynnol*”) means notice in the appropriate form set out in Schedule 4 (or in a form substantially to the like effect).

Publicity for applications for planning permission: local planning authority

19.—(1) An application must be publicised by the local planning authority in the manner prescribed by this article.

(2) The local planning authority must give notice by site display, in a form supplied to them by the Welsh Ministers, in at least one place in its area which is on or near the land to which the application relates for not less than 21 days.

(3) Where the local planning authority has satisfied the requirement in paragraph (2), they must inform the Welsh Ministers in writing that they have done so within 5 working days, beginning with the day on which the notice is given.

(4) Where the local planning authority fails to comply with the requirement in paragraph (2), the Welsh Ministers may take the steps required of the authority by that paragraph in place of the authority.

(5) Pan fo'r hysbysiad, heb unrhyw fwriad gan, nac unrhyw fai ar yr awdurdod cynllunio lleol (neu Weinidogion Cymru, yn ôl fel digwydd yn unol â pharagraff (4)), gael ei dynnu ymaith, ei guddio neu ei ddifwyno cyn bo'r cyfnod o 21 diwrnod y cyfeirir ato ym mharagraff (2) wedi dod i ben, trinnir yr awdurdod neu Weinidogion Cymru fel pe baent wedi cydymffurfio â gofynion y paragraff hwnnw os byddant wedi cymryd camau rhesymol i ddiogelu'r hysbysiad, neu os oes angen, ei amnewid.

Cofrestr ceisiadau

20.—(1) Rhaid i'r awdurdod cynllunio lleol, o fewn y cyfnod perthnasol osod copi o'r canlynol ar y gofrestr y mae'n ofynnol ei chadw o dan erthygl 29 o Orchymyn 2012—

- (a) unrhyw gais a wneir i Weinidogion Cymru;
- (b) unrhyw wybodaeth ynghylch cais, a roddir gan Weinidogion Cymru o dan erthygl 12(7);
- (c) unrhyw hysbysiad derbyn, a roddir gan Weinidogion Cymru mewn perthynas â chais, o dan erthygl 15(2);
- (d) unrhyw hysbysiad nad yw cais wedi ei dderbyn felly, a roddir o dan erthygl 15(5);
- (e) unrhyw hysbysiad ysgrifenedig o benderfyniad a roddwyd mewn perthynas â chais, o dan erthygl 29; ac
- (f) unrhyw hysbysiad diwygiedig o benderfyniad i roi caniatâd cynllunio, a roddir o dan erthygl 30.

(2) Yn yr erthygl hon, ystyr “y cyfnod perthnasol” (“*the relevant period*”) yw cyfnod o 5 diwrnod gwaith sy'n dechrau gydag—

- (a) mewn achos pan wneir neu pan roddir cais, gwybodaeth neu hysbysiad o fath y cyfeirir ato ym mharagraff (1)(a) i (e), y diwrnod y mae'r awdurdod cynllunio lleol yn cael y cyfryw gais, gwybodaeth neu hysbysiad; neu
- (b) mewn achos pan roddir hysbysiad y cyfeirir ato ym mharagraff (1)(f), y diwrnod y mae'r awdurdod cynllunio lleol yn rhoi'r cyfryw hysbysiad.

(5) Where the notice is, without any fault or intention of the local planning authority (or the Welsh Ministers, as the case may be in accordance with paragraph (4)), removed, obscured or defaced before the period of 21 days referred to in paragraph (2) has elapsed, they will be treated as having complied with the requirements of that paragraph if they have taken reasonable steps to protect the notice and, if need be, replace it.

Register of applications

20.—(1) The local planning authority must within the relevant period place on the register required to be kept under article 29 of the 2012 Order a copy of—

- (a) any application made to the Welsh Ministers;
- (b) any notification of receipt of an application given by the Welsh Ministers under article 12(7);
- (c) any notice of acceptance given by the Welsh Ministers in relation to an application under article 15(2);
- (d) any notification that an application is not accepted so given under article 15(5);
- (e) any written notice of a decision given in relation to an application under article 29; and
- (f) any revised notice of a decision to grant planning permission given under article 30.

(2) In this article, “the relevant period” (“*y cyfnod perthnasol*”) is 5 working days, beginning with—

- (a) in a case where an application, notification or notice of the kind referred to in paragraph (1)(a) to (e) is made or given, the day on which the local planning authority receives the application, notification or notice; or
- (b) in a case where a notice referred to in paragraph (1)(f) is given, the day on which the local planning authority gives such notice.

Sylwadau a geir gan yr awdurdod cynllunio lleol mewn cysylltiad â cheisiadau

21. Pan fo awdurdod cynllunio lleol yn cael sylwadau mewn perthynas â chais, rhaid iddo, cyn gynted ag y bo'n ymarferol, anfon y sylwadau ymlaen at Weinidogion Cymru, i'r cyfeiriad at y diben hwnnw, yr hysbysir yr awdurdod ohono gan Weinidogion Cymru.

RHAN 4

Ymgynghoriadau cyn rhoi caniatâd

Dyletswydd i ymgynghori cyn rhoi caniatâd

22.—(1) Rhaid i Weinidogion Cymru, o fewn y cyfnod sylwadau, ymgynghori ag unrhyw ymgynghorai arbenigol, ac eithrio pan fo ymgynghorai arbenigol wedi rhoi gwybod i Weinidogion Cymru nad yw'n dymuno iddynt ymgynghori ag ef.

(2) Nid yw'r eithriad ym mharagraff (1) yn gymwys pan fo'r datblygiad, ym marn Gweinidogion Cymru, yn dod o fewn paragraff (t) o'r Tabl yn Atodlen 5.

(3) Caiff Gweinidogion Cymru, mewn unrhyw achos neu ddsbarth o achosion, ymgynghori hefyd ag unrhyw awdurdod, corff neu berson yn ychwanegol i'r rhai a bennir yn Atodlen 5.

(4) Os gwneir yn ofynnol, gan neu o dan yr erthygl hon, fod Gweinidogion Cymru yn ymgynghori ag unrhyw ymgynghorai arbenigol cyn rhoi caniatâd cynllunio—

- (a) rhaid iddynt roi hysbysiad o'r cais i'r ymgynghorai arbenigol hwnnw; a
- (b) rhaid iddynt beidio â phenderfynu'r cais tan o leiaf 21 diwrnod ar ôl y dyddiad y rhoddir yr hysbysiad o dan is-baragraff (a).

(5) Rhaid i Weinidogion Cymru, wrth benderfynu'r cais, gymryd i ystyriaeth unrhyw sylwadau a gânt gan ymgynghorai arbenigol.

Dyletswydd i ymateb i ymgynghoriad

23.—(1) Mae'r gofyniad i ymgynghori yn erthygl 22(1) a (2) wedi ei ragnodi at ddibenion adran 54(2)(b) o Ddeddf 2004 (dyletswydd i ymateb i ymgynghoriad).

(2) At ddibenion adran 54(4)(a) o Ddeddf 2004 y cyfnod a ragnodir yw—

- (a) 21 diwrnod, sy'n dechrau gyda'r cynharaf o'r canlynol—

Representations received by the local planning authority in respect of applications

21. Where representations in relation to an application are received by the local planning authority they must, as soon as is practicable, forward the representations to the Welsh Ministers at the address notified to the authority by the Welsh Ministers for that purpose.

PART 4

Consultations before the grant of permission

Duty to consult before the grant of permission

22.—(1) The Welsh Ministers must, within the representation period, consult any specialist consultee, except where a specialist consultee has advised the Welsh Ministers that it does not wish to be consulted.

(2) The exception in paragraph (1) does not apply where, in the opinion of the Welsh Ministers, development falls within paragraph (t) of the Table in Schedule 5.

(3) The Welsh Ministers may in any case or class of case also consult any authority, body or person in addition to those specified in Schedule 5.

(4) Where, by or under this article, the Welsh Ministers are required to consult any specialist consultee before granting planning permission—

- (a) they must give notice of the application to the specialist consultee; and
- (b) they must not determine the application until at least 21 days after the date on which the notice is given under sub-paragraph (a).

(5) The Welsh Ministers must in determining the application take into account any representations received from a specialist consultee.

Duty to respond to consultation

23.—(1) The requirement to consult in article 22(1) and (2) is prescribed for the purposes of section 54(2)(b) of the 2004 Act (duty to respond to consultation).

(2) For the purposes of section 54(4)(a) of the 2004 Act the period prescribed is—

- (a) 21 days, beginning with the earlier of—

- (i) y diwrnod y rhoddir yr hysbysiad y cyfeirir ato yn erthygl 22(4)(a); neu
- (ii) dyddiad cyflwyno copi o'r cais i'r ymgynghorai arbenigol ; neu
- (b) pa bynnag gyfnod arall a gytunir mewn ysgriflen rhwng yr ymgynghorai arbenigol a Gweinidogion Cymru.

(3) At ddibenion yr erthygl hon, ac yn unol ag adran 54(5)(c) o Ddeddf 2004, ystyr “ymateb o sylwedd” (“*substantive response*”) yw ymateb sydd—

- (a) pan na chynhaliwyd ymgynghoriad at ddibenion adran 61Z o Ddeddf 1990, neu pan fo'r ymgynghorai arbenigol wedi methu â rhoi ymateb yn unol ag erthygl 10—
 - (i) yn datgan nad oes gan yr ymgynghorai arbenigol unrhyw sylw i'w wneud;
 - (ii) yn datgan nad oes gan yr ymgynghorai arbenigol wrthwynebiad i'r datblygiad arfaethedig ac yn cyfeirio Gweinidogion Cymru at y cyngor sefydlog cyfredol gan yr ymgynghorai arbenigol ar destun yr ymgynghoriad;
 - (iii) yn rhoi gwybod i Weinidogion Cymru am unrhyw bryderon a ganfuwyd mewn perthynas â'r datblygiad arfaethedig a sut y gall y ceisydd fynd i'r afael â'r pryderon hynny;
 - (iv) yn rhoi gwybod bod yr ymgynghorai arbenigol yn gwrthwynebu'r datblygiad arfaethedig ac yn nodi'r rhesymau am y gwrthwynebiad; neu
- (b) pan fo ymgynghoriad wedi ei gynnal at ddibenion adran 61Z o Ddeddf 1990, a'r ymgynghorai arbenigol wedi rhoi ymateb yn unol ag erthygl 10—
 - (i) yn datgan nad oes gan yr ymgynghorai arbenigol sylw pellach i'w wneud mewn cysylltiad â'r datblygiad arfaethedig ac yn cadarnhau bod unrhyw sylwadau a wnaed o dan erthygl 10 yn parhau'n berthnasol;
 - (ii) yn rhoi gwybod i Weinidogion Cymru am unrhyw bryderon newydd a ganfuwyd mewn perthynas â'r datblygiad arfaethedig, pam nad oedd y pryderon hynny wedi eu nodi yn yr ymateb yn unol ag erthygl 10 ac—
 - (aa) sut y gall y ceisydd fynd i'r afael â'r pryderon; neu

- (i) the day on which notice referred to in article 22(4)(a) is given; or
- (ii) the date of service of a copy of the application on the specialist consultee; or
- (b) such other period as may be agreed in writing between the specialist consultee and the Welsh Ministers.

(3) For the purposes of this article and pursuant to section 54(5)(c) of the 2004 Act, a substantive response is one which—

- (a) where no consultation for the purposes of section 61Z of the 1990 Act has taken place, or the specialist consultee has failed to give a response in accordance with article 10—
 - (i) states that the specialist consultee has no comment to make;
 - (ii) states that the specialist consultee has no objection to the proposed development and refers the Welsh Ministers to current standing advice by the specialist consultee on the subject of the consultation;
 - (iii) advises the Welsh Ministers of any concerns identified in relation to the proposed development and how those concerns can be addressed by the applicant;
 - (iv) advises that the specialist consultee objects to the proposed development and sets out the reasons for the objection; or
- (b) where consultation for the purposes of section 61Z of the 1990 Act has taken place and the specialist consultee has given a response in accordance with article 10—
 - (i) states that the specialist consultee has no further comment to make in respect of the proposed development and confirms that any comments made under article 10 remain relevant;
 - (ii) advises the Welsh Ministers of any new concerns identified in relation to the proposed development, why the concerns were not identified in the response given in accordance with article 10 and—
 - (aa) how concerns can be addressed by the applicant; or

- (bb) bod yr ymgynghorai arbenigol yn gwrthwynebu'r datblygiad arfaethedig, ac yn nodi'r rhesymau am y gwrthwynebiad.

Dyletswydd i ymateb i ymgynghoriad: adroddiadau blynyddol

24.—(1) Rhaid i bob ymgynghorai arbenigol sydd, yn rhinwedd adran 54 o Ddeddf 2004 ac erthygl 23, o dan ddyletswydd i ymateb i ymgynghoriad, gyflwyno adroddiad i Weinidogion Cymru ar gydymffurfiaeth yr ymgynghorai arbenigol hwnnw ag adran 54(4) o Ddeddf 2004, ddim hwyrach nag 1 Gorffennaf ym mhob blwyddyn gan ddechrau gydag 1 Gorffennaf 2017.

(2) Rhaid i bob ymgynghorai arbenigol sydd, yn rhinwedd erthygl 10, o dan ddyletswydd i ymateb i ymgynghoriad cyn-ymgeisio, gynnwys yn yr adroddiad a roddir i Weinidogion Cymru yn unol â pharagraff (1), adroddiad ar gydymffurfiaeth yr ymgynghorai arbenigol â'r erthygl honno.

(3) Rhaid i'r adroddiad ymwneud â'r cyfnod o 12 mis a oedd yn cychwyn gydag 1 Ebrill yn y flwyddyn flaenorol ("blwyddyn yr adroddiad").

(4) Rhaid i'r adroddiad, mewn cysylltiad ag unrhyw flwyddyn adroddiad, gynnwys datganiad o'r canlynol—

- (a) nifer y troeon yr ymgynghorwyd â'r ymgynghorai arbenigol;
- (b) nifer y troeon y darparwyd ymateb o sylwedd;
- (c) pa bryd y rhoddwyd yr ymatebion o sylwedd; a
- (d) nifer y troeon y rhoddodd yr ymgynghorai arbenigol—
 - (i) ymateb o sylwedd y tu allan i'r cyfnod a ragnodwyd at ddibenion 54(4) o Ddeddf 2004 neu, yn fel y digwydd, y cyfnod a bennir neu y cyfeirir ato yn erthygl 10(1); a
 - (ii) crynodeb o'r rhesymau am hynny.

(5) Yn yr erthygl hon ystyr "ymateb o sylwedd" ("*substantive response*") yw naill ai ymateb o sylwedd i'r ceisydd neu ymateb o sylwedd i Weinidogion Cymru neu i'r ddau yn unol ag erthyglau 10 a 23.

- (bb) that the specialist consultee objects to the proposed development and sets out the reasons for the objection.

Duty to respond to consultation: annual reports

24.—(1) Each specialist consultee which is, by virtue of section 54 of the 2004 Act and article 23, under a duty to respond to consultation must give to the Welsh Ministers, not later than 1 July in each year, beginning with the 1 July 2017, a report as to that specialist consultee's compliance with section 54(4) of the 2004 Act.

(2) Each specialist consultee which is, by virtue of article 10 under a duty to respond to pre-application consultation must, in the report given to the Welsh Ministers in accordance with paragraph (1), include a report as to the specialist consultee's compliance with that article.

(3) The report must relate to the period of 12 months commencing on 1 April in the preceding year ("the report year").

(4) The report must contain, in respect of any report year, a statement as to—

- (a) the number of occasions on which the specialist consultee was consulted;
- (b) the number of occasions on which a substantive response was provided;
- (c) when the substantive response was provided; and
- (d) the number of occasions on which the specialist consultee gave—
 - (i) a substantive response outside the period prescribed for the purposes of section 54(4) of the 2004 Act or, as the case may be, the period specified in or referred to in article 10(1); and
 - (ii) a summary of the reasons why.

(5) In this article "substantive response" ("*ymateb o sylwedd*") means either a substantive response to the applicant or a substantive response to the Welsh Ministers or both in accordance with articles 10 and 23.

RHAN 5

Adroddiadau

PART 5

Reports

Adroddiadau ar yr effaith leol

25.—(1) Rhaid i adroddiad ar yr effaith leol, sy'n ofynnol gan adran 62I(2) a (4) o Ddeddf 1990 (gofyniad i gyflwyno adroddiad ar yr effaith leol) mewn perthynas â chais, gydymffurfio â'r erthygl hon.

(2) Rhaid i adroddiad o'r fath—

- (a) cynnwys disgrifiad o—
 - (i) hanes cynllunio perthnasol y tir y mae'r cais yn ymwneud ag ef;
 - (ii) unrhyw ddynodiadau lleol sy'n berthnasol i'r tir y mae'r cais yn ymwneud ag ef;
 - (iii) yr effaith debygol pe bai unrhyw gais mewn perthynas â chydysniad eilaidd (pa un a'i gwnaed i Weinidogion Cymru, neu y'i hatgyfeiriwyd iddynt o dan adran 62F o Ddeddf 1990) yn cael ei ganiatáu;
- (b) pennu unrhyw—
 - (i) polisiau cynllunio sy'n gymwysadwy yn lleol, canllawiau a dogfennau eraill sy'n berthnasol i'r cais; a
 - (ii) amodau neu rwymedigaethau drafft, y tybia'r awdurdod cynllunio lleol⁽¹⁾ y dylai'r cais, pe caniateid, fod yn ddarostyngedig iddynt, ac a fyddai'n lliniaru effeithiau tebygol y datblygiad arfaethedig ar ardal (neu ar ran o ardal) yr awdurdod; ac
- (c) cynnwys—
 - (i) copi o'r hysbysiad y mae'n ofynnol ei arddangos o dan erthygl 19(2);
 - (ii) ffotograff o'r hysbysiad yn cael ei arddangos felly; a
 - (iii) disgrifiad o leoliad yr hysbysiad drwy gyfeirio at fap.

(3) Y cam a gymerir gan Weinidogion Cymru at ddibenion adran 62I o Ddeddf 1990 yw rhoi hysbysiad derbyn yn unol ag erthygl 15(3).

Local impact reports

25.—(1) A local impact report required in relation to an application by section 62I(2) and (4) of the 1990 Act (requirement to submit local impact report) must comply with this article.

(2) Such report must—

- (a) include a description of—
 - (i) the relevant planning history of the land to which the application relates;
 - (ii) any local designations relevant to the land to which the application relates;
 - (iii) the likely impact of any application in relation to a secondary consent (whether made to, or referred to, the Welsh Ministers under section 62F of the 1990 Act) being granted;
- (b) specify any—
 - (i) locally applicable planning policies, guidance and other documents relevant to the application; and
 - (ii) draft conditions or obligations to which the relevant local planning authority⁽¹⁾ considers the application should be subject, if it were granted, which would mitigate any likely impacts of the proposed development on the area (or part of the area) of the authority; and
- (c) include—
 - (i) a copy of the notice required to be displayed under article 19(2);
 - (ii) a photograph of the notice on display; and
 - (iii) a description of the location of the notice by reference to a map.

(3) The step taken by the Welsh Ministers for the purposes of section 62I of the 1990 Act is giving notice of acceptance in accordance with article 15(3).

(1) *Gweler* adran 62I(5) o Ddeddf 1990 ar gyfer ystyr "relevant local planning authority" ("awdurdod cynllunio lleol perthnasol") at ddibenion 62I(2).

(1) *See* section 62I(5) of the 1990 Act for the meaning of "relevant local planning authority" ("awdurdod cynllunio lleol perthnasol") for the purposes of section 62I(2).

Adroddiadau gwirfoddol ar yr effaith leol

26.—(1) Rhaid i unrhyw gyngor cymuned neu awdurdod cynllunio lleol sy'n cyflwyno “adroddiad gwirfoddol ar yr effaith leol” yn yr ystyr a roddir i “voluntary local impact report” o dan adran 62J(2) o Ddeddf 1990 (dyletswydd i roi sylw i adroddiad ar yr effaith leol) wneud hynny o fewn y cyfnod sylwadau.

(2) Rhaid i adroddiad o'r fath—

- (a) cynnwys disgrifiad o'r effaith debygol pe bai unrhyw gais mewn perthynas â chydysyniad eilaidd (pa un a'i gwnaed i Weinidogion Cymru, neu y'i hatgyfeiriwyd iddynt o dan adran 62F o Ddeddf 1990) yn cael ei ganiatáu; a
- (b) pennu unrhyw—
 - (i) polisiau cynllunio sy'n gymwysadwy yn lleol, canllawiau a dogfennau eraill sy'n berthnasol i'r cais; a
 - (ii) amodau neu rwymedigaethau drafft, y tybia'r awdurdod cynllunio lleol y dylai'r cais, pe caniateid, fod yn ddarostyngedig iddynt, ac a fyddai'n lliniaru effeithiau tebygol y datblygiad arfaethedig ar ardal (neu ar ran o ardal) y cyngor neu'r awdurdod.

RHAN 6

Amrywio ceisiadau

Gweithdrefn mewn cysylltiad ag amrywio ceisiadau

27.—(1) Yn ddarostyngedig i ddarpariaethau canlynol yr erthygl hon a chyda chaniatâd Gweinidogion Cymru, caniateir amrywio cais ar ôl ei wneud.

(2) Ar un achlysur, yn unig, y caniateir i geisydd gynnig bod cais penodol i Weinidogion Cymru yn cael ei amrywio.

(3) Rhaid i geisydd sy'n bwriadu bod cais yn cael ei amrywio hysbysu Gweinidogion Cymru mewn ysgrifen o fewn y 10 diwrnod gwaith yn union ar ôl diwedd y cyfnod sylwadau.

(4) Rhaid i'r cyfryw hysbysiad (“hysbysiad o fwriad i amrywio”) (“*notification of intention to vary*”)—

- (a) cael ei roi ar ffurflen a gyhoeddwyd gan Weinidogion Cymru (neu ffurflen sydd, o ran sylwedd, yn cael yr un effaith);

Voluntary local impact reports

26.—(1) Any community council, or local planning authority, submitting a voluntary local impact report under section 62J(2) of the 1990 Act (duty to have regard to local impact report) must do so within the representation period.

(2) Such report must—

- (a) include a description of the likely impact of any application in relation to a secondary consent (whether made to, or referred to, the Welsh Ministers under section 62F of the 1990 Act) being granted; and
- (b) specify any—
 - (i) locally applicable planning policies, guidance and other documents relevant to the application; and
 - (ii) draft conditions or obligations to which the authority or council consider the application, if granted, should be subject for the purpose of mitigating any likely impacts of the proposed development on the area (or part of the area) of the council or authority.

PART 6

Variation of applications

Procedure in respect of variation of applications

27.—(1) Subject to the following provisions of this article, an application may, with the agreement of the Welsh Ministers, be varied after it is made.

(2) An applicant may only propose the variation of a particular application to the Welsh Ministers on one occasion.

(3) An applicant proposing variation of an application must notify the Welsh Ministers in writing within the 10 working days which follow the expiry of the representation period.

(4) Such notification (“notification of intention to vary”) (“*hysbysiad o fwriad i amrywio*”) must—

- (a) be given on a form published by the Welsh Ministers (or a form substantially to the like effect);

- (b) darparu disgrifiad o'r amrywiad y mae'r ceisydd yn dymuno i Weinidogion Cymru ei dderbyn ar gyfer ei ystyried ganddynt; ac
- (c) cael ei gyflwyno ynghyd ag unrhyw ffi y mae'n ofynnol ei thalu mewn perthynas â rhoi hysbysiad o'r fath.

(5) Rhaid i Weinidogion Cymru, o fewn 5 diwrnod gwaith ar ôl cael hysbysiad o fwriad i amrywio a roddwyd yn unol â pharagraff (4), roi hysbysiad i'r ceisydd sy'n dynodi a fydd Gweinidogion Cymru yn derbyn yr amrywiad arfaethedig at y diben o ystyried a ydynt yn cytuno ai peidio i'r amrywiad.

(6) Pan fo Gweinidogion Cymru yn rhoi hysbysiad o dan baragraff (5) sy'n cadarnhau na fyddant yn derbyn yr amrywiad arfaethedig at y diben o ystyried a ydynt yn cytuno ai peidio i'r amrywiad, yna, y cais fel y'i gwnaed yn wreiddiol o dan erthygl 12 a fydd yn cael ei benderfynu gan Weinidogion Cymru

(7) Pan fo Gweinidogion Cymru yn rhoi hysbysiad o dan baragraff (5) sy'n cadarnhau y byddant yn derbyn yr amrywiad arfaethedig at y diben o ystyried a ydynt yn cytuno ai peidio i'r amrywiad, rhaid i'r ceisydd gyflwyno'r amrywiad arfaethedig yn ffurfiol i Weinidogion Cymru o fewn cyfnod o 28 diwrnod sy'n dechrau gyda'r diwrnod y rhoddir yr hysbysiad.

(8) Pan fo Gweinidogion Cymru o'r farn bod yr amrywiad arfaethedig yn peri newid sylweddol yn natur y datblygiad y ceisir caniatâd cynllunio ar ei gyfer, rhaid iddynt beidio â chytuno i'r amrywiad.

(9) Caiff Gweinidogion Cymru ymgynghori ynghylch unrhyw amrywiad a gynigir gan geisydd, gydag unrhyw bersonau ac ym mha bynnag fodd yr ystyriant yn briodol.

(10) Caiff Gweinidogion Cymru, pan fo cais wedi ei amrywio o dan yr erthygl hon, roi pa bynnag hysbysiad o'r amrywiad a ystyriant yn briodol.

- (b) provide a description of the variation that the applicant wishes the Welsh Ministers to accept for their consideration; and
- (c) be accompanied by any fee required to be paid in relation to the giving of such notification.

(5) The Welsh Ministers must, within 5 working days of receipt of notification of intention to vary given in accordance with paragraph (4), give notice to the applicant indicating whether the Welsh Ministers will accept the proposed variation for the purpose of considering whether or not they agree to the variation.

(6) Where the Welsh Ministers give notice under paragraph (5) which confirms that they will not accept the proposed variation for the purposes of considering whether or not they agree to the variation, it is the application as originally made under article 12 that falls to be determined by the Welsh Ministers.

(7) Where the Welsh Ministers give notice under paragraph (5) which confirms that they will accept the proposed variation for the purposes of considering whether or not they agree to the proposed variation, the applicant must formally submit the proposed variation to the Welsh Ministers within 28 days, beginning with the day on which the notice is given.

(8) Where the Welsh Ministers consider the proposed variation to be such that there is a substantial change in the nature of the development for which planning permission is sought, they must not agree to the variation.

(9) The Welsh Ministers may consult on any variation proposed by an applicant with such persons, and in such manner, as they consider appropriate.

(10) The Welsh Ministers may, when an application is varied under this article, give such notice of the variation as they consider appropriate.

RHAN 7

Penderfynu a hysbysu ynghylch cychwyn datblygiad

Sylwadau sydd i'w cymryd i ystyriaeth

28.—(1) Rhaid i Weinidogion Cymru, wrth benderfynu cais, gymryd i ystyriaeth unrhyw sylw a wneir wrth ymateb i—

- (a) hysbysiad a roddir drwy arddangos ar y safle o dan erthygl 16 neu 19;
- (b) hysbysiad a gyflwynir i—
 - (i) perchennog y tir neu denant o dan erthygl 16; neu

PART 7

Determination and notification of initiation of development

Representations to be taken into account

28.—(1) The Welsh Ministers must, in determining an application, take into account any representation made in response to—

- (a) notice given by site display under article 16 or 19;
- (b) notice served on—
 - (i) an owner of the land or tenant under article 16; or

(ii) perchennog neu feddiannydd cyffiniol o dan erthygl 18;

(c) hysbysiad neu wybodaeth a gyhoeddir mewn papur newydd o dan erthygl 16 neu 18 neu ar wefan o dan erthygl 18.

(2) Nid yw'r gofyniad ym mharagraff (1) yn gymwys ac eithrio pan ceir y sylwadau dan sylw yn ystod y cyfnod sylwadau.

(3) Caiff Gweinidogion Cymru ddiystyru unrhyw sylw a wneir wedi i'r cyfnod sylwadau ddod i ben.

(4) Y sylwadau a'r cyfnodau y cyfeirir atynt yn yr erthygl hon yw'r sylwadau a'r cyfnodau a ragnodir at ddibenion adran 71(2)(a) o Ddeddf 1990 (ymgyngoriadau mewn cysylltiad â phenderfyniadau o dan adran 70).

Hysbysiad ysgrifenedig o benderfyniad mewn perthynas â chais

29.—(1) Yn ddarostyngedig i baragraff (2), pan fo Gweinidogion Cymru yn derbyn cais yn unol ag erthygl 15, rhaid iddynt roi hysbysiad o'u penderfyniad i'r ceisydd ac i'r awdurdod cynllunio lleol.

(2) Nid yw paragraff (1) yn gymwys mewn achos pan fo'r cais wedi ei dynnu yn ôl neu pan dybir ei fod wedi ei dynnu'n ôl(1).

(3) Pan fo Gweinidogion Cymru yn rhoi hysbysiad o benderfyniad ar gais, a naill ai caniatâd cynllunio yn cael ei roi yn ddarostyngedig i amodau neu'r cais yn cael ei wrthod, rhaid i'r hysbysiad ddatgan yn eglur ac yn fanwl y rhesymau llawn am y gwrthodiad neu am unrhyw amod a osodir, gan bennu'r holl bolisiâu a chynigion yn y cynllun datblygu sy'n berthnasol i'r penderfyniad.

(4) Pan fo—

(a) y ceisydd wedi cyflwyno datganiad amgylcheddol; a

(b) Gweinidogion Cymru (ar ôl cymryd gwybodaeth amgylcheddol i ystyriaeth) wedi penderfynu rhoi caniatâd (pa un ai'n amodol neu'n ddarostyngedig i amodau),

rhaid i'r hysbysiad a roddir i'r ceisydd yn unol â'r erthygl hon gynnwys datganiad bod yr wybodaeth amgylcheddol wedi ei chymryd i ystyriaeth gan Weinidogion Cymru.

(ii) an adjoining owner or occupier under article 18;

(c) notice or information published in a newspaper under article 16 or 18 or on a website under article 18.

(2) The requirement in paragraph (1) applies only where the representations in question are received during the representation period.

(3) The Welsh Ministers may disregard any representation made after the expiry of the representation period.

(4) The representations and periods referred to in this article are representations and periods prescribed for the purposes of section 71(2)(a) of the 1990 Act (consultations in connection with determinations under section 70).

Written notice of decision relating to an application

29.—(1) Subject to paragraph (2), where the Welsh Ministers accept an application in accordance with article 15, they must give the applicant and local planning authority notice of their decision.

(2) Paragraph (1) does not apply in a case where an application is withdrawn or deemed to be withdrawn(1).

(3) When the Welsh Ministers give notice of a decision on an application and planning permission is either granted subject to conditions or the application is refused, the notice must state clearly and precisely the full reasons for the refusal or for any condition imposed specifying all policies and proposals in the development plan which are relevant to the decision.

(4) Where—

(a) the applicant has submitted an environmental statement; and

(b) the Welsh Ministers have decided (having taken environmental information into consideration) to grant permission (whether unconditionally or subject to conditions),

the notice given to the applicant in accordance with this article must include a statement that environmental information has been taken into consideration by the Welsh Ministers.

(1) *Gweler* rheoliadau 10(9) a 12(8) o Reoliadau Datblygiadau o Arwyddocâd Cenedlaethol (Ffioedd) (Cymru) 2016 (O.S. 2016/58) (Cy.28) ynglŷn â thybio bod ceisiadau wedi eu tynnu'n ôl.

(1) *See* regulations 10(9) and 12(8) of the Developments of National Significance (Fees) (Wales) Regulations 2016 (S.I. 2016/57) (W.27) in respect of the deemed withdrawal of applications.

(5) Yn yr erthygl hon, mae i “gwybodaeth amgylcheddol” (“*environmental information*”) yr ystyr a roddir yn rheoliad 2(1) o’r Rheoliadau AEA.

Hysbysiad diwygiedig o benderfyniad i roi caniatâd cynllunio

30.—(1) Y person penodedig at ddibenion adran 71ZA(5) o Ddeddf 1990 (hysbysiadau penderfynu) yw’r ceisydd.

(2) At ddibenion adran 71ZA(6) y manylion sydd i’w cynnwys yn y fersiwn ddiwygiedig o benderfyniad i roi caniatâd cynllunio yw—

- (a) y rhif cyfeirnod;
- (b) y dyddiad ac effaith y penderfyniad;
- (c) enw’r corff a wnaeth y penderfyniad; a
- (d) rhif y diwygiad.

Hysbysiad o gychwyn datblygiad ac arddangos hysbysiad

31.—(1) Mae caniatâd cynllunio ar gyfer datblygiad o arwyddocâd cenedlaethol wedi ei bennu at ddibenion adran 71ZB(6) o Ddeddf 1990.

(2) Rhaid i’r hysbysiad sydd i’w roi i awdurdod cynllunio lleol cyn cychwyn unrhyw ddatblygiad y mae caniatâd cynllunio perthnasol yn ymwneud ag ef, yn unol ag Adran 71ZB(1) o Ddeddf 1990, fod yn y ffurf a nodir yn Atodlen 6 (neu ffurf sydd, o ran sylwedd, yn cael yr un effaith).

(3) Rhaid i’r hysbysiad, sydd, yn unol ag adran 71ZB(2) o Ddeddf 1990, i gael ei arddangos drwy gydol yr amser y cyflawnir datblygiad y mae caniatâd cynllunio perthnasol yn ymwneud ag ef, fod—

- (a) yn y ffurf a nodir yn Atodlen 7 (neu ffurf sydd, o ran sylwedd, yn cael yr un effaith) ;
- (b) wedi ei osod yn gadarn yn ei le a’i arddangos mewn man amlwg yn neu gerllaw’r lle y cyflawnir y datblygiad;
- (c) yn ddarllenadwy ac yn weladwy yn rhwydd i aelodau’r cyhoedd, heb iddynt orfod mynd i mewn i’r safle; a
- (d) wedi ei argraffu ar ddeunydd durol.

(4) Pan fo’r hysbysiad, heb unrhyw fwriad na bai ar y person sy’n cyflawni’r datblygiad, gael ei dynnu ymaith, ei guddio neu ei ddifwyno, trinnir y person fel pe bai wedi cydymffurfio â gofynion is-baragraffau (b) ac (c) o baragraff (3) os byddant wedi cymryd camau rhesymol i ddiogelu’r hysbysiad, ac, os oes angen, ei amnewid.

(5) In this article, “environmental information” (“*gwybodaeth amgylcheddol*”) has the meaning given in regulation 2(1) of the EIA Regulations.

Revised notice of decision to grant planning permission

30.—(1) The person specified for the purposes of section 71ZA(5) of the 1990 Act (decision notices) is the applicant.

(2) For the purposes of section 71ZA(6) the details to be included in the revised version of the notice of a decision to grant planning permission are—

- (a) the reference number;
- (b) the date and effect of the decision;
- (c) the name of the body that made the decision; and
- (d) the revision number.

Notification of initiation of development and display of notice

31.—(1) A planning permission for development of national significance is specified for the purposes of section 71ZB(6) of the 1990 Act.

(2) The notice to be given to a local planning authority before beginning any development to which a relevant planning permission relates, in accordance with section 71ZB(1) of the 1990 Act, must be in the form set out in Schedule 6 (or in a form substantially to the like effect).

(3) The notice to be displayed at all times when development to which a relevant planning permission relates is being carried out in accordance with section 71ZB(2) of the 1990 Act must—

- (a) be in the form set out in Schedule 7 (or in a form substantially to the like effect);
- (b) be firmly affixed and displayed in a prominent place at or near the place where the development is being carried out;
- (c) be legible and easily visible to the public without having to enter the site; and
- (d) be printed on durable material.

(4) Where the notice to be displayed is, without any fault or intention of the person carrying out development, removed, obscured or defaced, the person will be treated as having complied with the requirements of sub-paragraphs (b) and (c) of paragraph (3) if they have taken reasonable steps to protect the notice and, if need be, replace it.

RHAN 8

Diwygio Gorchymyn 2012

Diwygio Gorchymyn 2012

32.—(1) Mae Gorchymyn 2012 wedi ei ddiwygio fel a ganlyn.

(2) Ar ôl erthygl 1(3) mewnosoder—

(3) “(4) Ac eithrio erthyglau 29 a 30, nid oes dim yn y Gorchymyn hwn yn gymwys—

(a) pan wneir cais i Weinidogion Cymru o dan adran 62D o Ddeddf 1990 (datblygiadau o arwyddocâd cenedlaethol: ceisiadau sydd i’w gwneud i Weinidogion Cymru); neu

(b) pan fwriedir gwneud cais o’r fath.”

PART 8

Amendment to 2012 Order

Amendment to the 2012 Order

32.—(1) The 2012 Order is amended as follows.

(2) After article 1(3) insert—

(3) “(4) Nothing in this Order, except for articles 29 and 30, applies where—

(a) an application is made to the Welsh Ministers under section 62D of the 1990 Act (developments of national significance: applications to be made to the Welsh Ministers); or

(b) such an application is proposed to be made.”

Carl Sargeant

Y Gweinidog Adnoddau Naturiol, un o Weinidogion
Cymru
27 Ionawr 2016

Minister for Natural Resources, one of the Welsh
Ministers
27 January 2016

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ATODLEN 1

Erthyglau 8 a 9(5)

Cyhoeddusrwydd ac ymgynghori cyn gwneud cais am ganiatâd cynllunio

Gorchymyn Datblygiadau o Arwyddocâd Cenedlaethol (Gweithdrefn) (Cymru) 2016

CYHOEDDUSRWYDD AC YMGYNGHORI CYN GWNEUD CAIS AM GANIATÂD CYNLLUNIO HYSBYSIAD O DAN ERTHYGLAU 8 A 9(2)

(i'w gyflwyno i berchnogion a/neu feddianwyr tir cyffiniol, ymgynghoreion cymunedol a phersonau perthnasol; i'w arddangos drwy hysbysiad safle ar neu gerllaw lleoliad y datblygiad arfaethedig; ac i'w gyhoeddi mewn papur newydd yn y gymdogaeth.)

Diben yr hysbysiad hwn : mae'r hysbysiad hwn yn rhoi cyfle i wneud sylwadau yn uniongyrchol i'r datblygwr ynglŷn â Datblygiad o Arwyddocâd Cenedlaethol (DAC) cyn bo cais am ganiatâd cynllunio wedi ei gyflwyno i Weinidogion Cymru. Bydd ceisiadau cynllunio ar gyfer DAC yn cael eu hysbysebu gan Weinidogion Cymru a'r awdurdod cynllunio lleol perthnasol; ni fydd unrhyw sylwadau a ddarperir gennych wrth ymateb i'r hysbysiad hwn yn lleihau dim ar eich gallu i gyflwyno sylwadau i Weinidogion Cymru ar unrhyw gais cynllunio DAC cysylltiedig. Dylech nodi y gellir gosod unrhyw sylwadau a gyflwynir gennych yn y ffeil gyhoeddus.

Datblygiad Arfaethedig yn (a)

Rwyf yn hysbysu bod (b)

yn bwriadu gwneud cais i Weinidogion Cymru am ganiatâd cynllunio mewn cysylltiad â Datblygiad o Arwyddocâd Cenedlaethol sydd (c):

ac yn tybio bod y cydsyniadau eilaidd canlynol yn gysylltiedig â'r cais arfaethedig, a bod penderfyniad mewn cysylltiad â'r cydsyniadau hynny i gael ei wneud, neu y dylid ei wneud, gan Weinidogion Cymru (d).....

Gellwch archwilio copïau o'r canlynol:

- y cais arfaethedig;
- y planiau; a
- dogfennau ategol eraill

ar-lein yn (e)

Dylai unrhyw un sy'n dymuno gwneud sylwadau ynglŷn â'r datblygiad arfaethedig hwn ysgrifennu at y ceisydd/yr asiant yn

(f)..... neu

(g).....

erbyn (h)

Llofnod:

Dyddiad:

Mewnosoder:

- a) cyfeiriad neu leoliad y datblygiad arfaethedig
- b) enw'r ceisydd
- c) disgrifiad o'r datblygiad arfaethedig
- d) manylion o'r cydsyniadau eilaidd y tybia'r ceisydd y dylai Gweinidogion Cymru wneud penderfyniad arnynt (ar gyfer y diffiniad o gydsyniad eilaidd, gweler adran 62H o Ddeddf Cynllunio Gwlad a Thref 1990; rhagnodir cydsyniadau eilaidd at ddibenion adran 62H gan Reoliadau Datblygiadau o Arwyddocâd Cenedlaethol (Meini Prawf Penodedig a Chydsyniadau Eilaidd Rhagnodedig) (Cymru) 2016)
- e) cyfeiriad y wefan
- f) cyfeiriad e-bost y ceisydd /asiant
- g) cyfeiriad y ceisydd
- h) dyddiad sy'n darparu cyfnod o 42 diwrnod, sy'n dechrau gyda'r dyddiad cyflwyno a chyhoeddi

ATODLEN 2

Erthygl 9(5)

Ymgynghori cyn gwneud cais am ganiatâd cynllunio

Gorchymyn Datblygiadau o Arwyddocâd Cenedlaethol (Gweithdrefn) (Cymru) 2016

YMGYNGHORI CYN GWNEUD CAIS AM GANIATÂD CYNLLUNIO - HYSBYSIAD O DAN ERTHYGL 9(3)

(i'w gyflwyno i ymgynghoreion arbenigol, fel y'u diffinnir gan erthygl 2 o Orchymyn Datblygiadau o Arwyddocâd Cenedlaethol (Gweithdrefn) (Cymru) 2016)

Diben yr hysbysiad hwn : mae'r hysbysiad hwn yn archiad ffurfiol am ymateb i ymgynghoriad cyn-ymgeisio o dan erthygl 9(3) o Orchymyn Datblygiadau o Arwyddocâd Cenedlaethol (Gweithdrefn) (Cymru) 2016.

Datblygiad Arfaethedig yn (a)

Rwyf yn hysbysu bod (b)

yn bwriadu gwneud cais i Weinidogion Cymru am ganiatâd cynllunio mewn perthynas â Datblygiad o Arwyddocâd Cenedlaethol sydd (c):

ac yn tybio bod y cydsyniadau eilaidd canlynol yn gysylltiedig â'r cais arfaethedig, a bod penderfyniad mewn perthynas â'r cydsyniadau hynny i gael ei wneud, neu y dylid ei wneud, gan Weinidogion Cymru (d).....

Mae copi o'r cais arfaethedig; planiau; a dogfennau ategol eraill wedi eu hatodi yma /ar gael i'w harchwilio ar lein yn (e) (dileer fel sy'n briodol)

Yn unol â gofynion erthygl 10 o Orchymyn Datblygiadau o Arwyddocâd Cenedlaethol (Gweithdrefn) (Cymru) 2016, rhaid anfon ymateb i'r ymgynghoriad at (f)erbyn (g).....

Llofnod:

Dyddiad:

Mewnosoder:

- a) cyfeiriad neu leoliad y datblygiad arfaethedig
- b) enw'r ceisydd
- c) disgrifiad o'r datblygiad arfaethedig
- d) manylion o'r cydsyniadau eilaidd y tybia'r ceisydd y dylai Gweinidogion Cymru wneud penderfyniad arnynt (ar gyfer y diffiniad o gydsyniad eilaidd, gweler adran 62H o Ddeddf Cynllunio Gwlad a Thref 1990; rhagnodir cydsyniadau eilaidd at ddibenion adran 62H gan Reoliadau Datblygiadau o Arwyddocâd Cenedlaethol (Meini Prawf Penodedig a Chydsyniadau Eilaidd Rhagnodedig) (Cymru) 2016)
- e) cyfeiriad y wefan
- f) cyfeiriad e-bost y ceisydd /asiant
- g) dyddiad sy'n darparu cyfnod o 42 diwrnod, sy'n dechrau gyda'r dyddiad cyflwyno

Hysbysiadau o dan erthygl 16

Gorchymyn Datblygiadau o Arwyddocâd Cenedlaethol (Gweithdrefn) (Cymru) 2016

HYSBYSIAD O DAN ERTHYGL 16(1) O GAIS AM GANIATÂD CYNLLUNIO AR GYFER
DATBLYGIAD O ARWYDDOCÂD CENEDLAETHOL

(i'w gyflwyno i berchennog* neu denant** neu i'w gyhoeddi mewn papur newydd (ac ar wefan a gynhelir gan Weinidogion Cymru))

Datblygiad arfaethedig yn (a)

Rwyf yn hysbysu bod (b)

yn gwneud cais i Weinidogion Cymru am ganiatâd cynllunio mewn cysylltiad â Datblygiad o Arwyddocâd Cenedlaethol sydd (c):

Caiff aelodau o'r cyhoedd archwilio copïau o'r canlynol:

- y cais;
- y planiau; a
- dogfennau eraill a gyflwynwyd gydag ef

ar-lein yn (d)

Dylai unrhyw un sy'n dymuno gwneud sylwadau ynglŷn â'r cais hwn ysgrifennu at Weinidogion Cymru yn

(e) neu (f)

erbyn (g)

* ystyr "perchennog" yw person sydd â buddiant rhydd-ddaliad, neu fuddiant lesddaliad sydd â thymor gweddilliol o ddim llai na saith mlynedd, neu, mewn achos datblygiad ar gyfer cloddio neu weithio mwynau person sydd â buddiant mewn mwyn sydd yn y tir (ac eithrio olew, nwy, glo, aur neu arian).

** ystyr "tenant yw tenant amaethyddol, yn yr ystyr a roddir i "agricultural tenant" gan adran 65(8) o Ddeddf 1990, tir sydd ag unrhyw ran ohono yn gynwysedig yn y tir y mae'r cais yn ymwneud ag ef.

Llofnod:

+ Ar ran:

Dyddiad:

Datganiad o hawliau perchnogion

Nid yw rhoi caniatâd cynllunio yn effeithio ar hawliau perchnogion i ddal gafael ar eu heiddo neu gael gwared ohono, onid oes darpariaeth i'r gwrthwyneb mewn cytundeb neu mewn les.

Datganiad o hawliau tenantiaid amaethyddol

Gallai rhoi caniatâd cynllunio ar gyfer datblygiad anamaethyddol effeithio ar sicrwydd deiliadaeth tenantiaeth amaethyddol.

+ dileer pan fo'n amhriodol

Mewnosoder:

- a) cyfeiriad neu leoliad y datblygiad arfaethedig
- b) enw'r ceisydd
- c) disgrifiad o'r datblygiad arfaethedig
- d) cyfeiriad y wefan a gynhelir gan Weinidogion Cymru (url)
- e) cyfeiriad e-bost Gweinidogion Cymru
- f) cyfeiriad post Gweinidogion Cymru
- g) dyddiad sy'n darparu cyfnod hysbysu o 21 diwrnod, sy'n dechrau gyda dyddiad cyflwyno'r hysbysiad, neu 14 diwrnod sy'n dechrau gyda diwrnod ei gyhoeddi (yn ôl fel y digwydd)

Gorchymyn Datblygiadau o Arwyddocâd Cenedlaethol (Gweithdrefn) (Cymru) 2016

HYSBYSIAD O DAN ERTHYGL 16(2) O GAIS AM GANIATÂD CYNLLUNIO AR GYFER
DATBLYGIAD O ARWYDDOCÂD CENEDLAETHOL AR GYFER CLODDIO A GWEITHIO
MWYNAU DRWY WEITHREDIADAU TANDDAEAROL

(i'w arddangos yn achos cais am ganiatâd cynllunio mewn cysylltiad â Datblygiad o Arwyddocâd Cenedlaethol ar gyfer cloddio a gweithio mwynau drwy weithrediadau tanddaearol (yn ychwanegol at gyflwyno neu gyhoeddi unrhyw hysbysiad gofynnol arall yn yr Atodlen hon)).

Datblygiad arfaethedig yn (a)

Rwyf yn hysbysu bod (b)

yn gwneud cais i Weinidogion Cymru am ganiatâd cynllunio mewn perthynas â Datblygiad o Arwyddocâd Cenedlaethol sydd (c):

Caiff aelodau o'r cyhoedd archwilio copïau o'r canlynol:

- y cais;
- y planiau; a
- dogfennau eraill a gyflwynwyd gydag ef

ar-lein yn (d)

Dylai unrhyw un sy'n dymuno gwneud sylwadau ynglŷn â'r cais hwn ysgrifennu at Weinidogion Cymru yn

(e) neu (f)

erbyn (g)

Llofnod:

+ Ar ran:

Dyddiad:

+ dileer pan fo'n amhriodol

Mewnosoder:

- a) cyfeiriad neu leoliad y datblygiad arfaethedig
- b) enw'r ceisydd
- c) disgrifiad o'r datblygiad arfaethedig
- d) cyfeiriad y wefan a gynhelir gan Weinidogion Cymru (url)
- e) cyfeiriad e-bost Gweinidogion Cymru
- f) cyfeiriad post Gweinidogion Cymru
- g) dyddiad sy'n darparu cyfnod o 21 diwrnod, sy'n dechrau gyda dyddiad arddangos yr hysbysiad

Cyhoeddusrwydd i geisiadau

Gorchymyn Datblygiadau o Arwyddocâd Cenedlaethol (Gweithdrefn) (Cymru) 2016

HYSBYSIAD O DAN ERTHYGL 18 O GAIS AM GANIATÂD CYNLLUNIO MEWN CYSYLLTIAD
Â DATBLYGIAD O ARWYDDOCÂD CENEDLAETHOL(i'w gyflwyno i berchnogion a/neu feddianwyr tir cyffiniol; ei gyhoeddi ar wefan a gynhelir gan
Weinidogion Cymru; a'i gyhoeddi mewn papur newydd)

Datblygiad arfaethedig yn (a)

Rwyf yn hysbysu bod (b)yn gwneud cais i Weinidogion Cymru am ganiatâd cynllunio mewn cysylltiad â Datblygiad o Arwyddocâd
Cenedlaethol sydd (c):

Caiff aelodau o'r cyhoedd archwilio copïau o'r canlynol:

- y cais;
- y planiau; a
- dogfennau eraill a gyflwynwyd gydag ef

yn (d)

yn ystod unrhyw oriau rhesymol tan (e)

ac ar-lein yn (f)

+Mae'r cais wedi ei gyflwyno ynghyd â Datganiad Amgylcheddol

Gall aelodau o'r cyhoedd gael copïau o'r Datganiad Amgylcheddol gan (g)

..... am dâl, cyhyd ag y bydd y stoc yn parhau.

Dylai unrhyw un sy'n dymuno gwneud sylwadau ynglŷn â'r cais hwn ysgrifennu at Weinidogion Cymru yn

(h); neu

(i)

erbyn (j)

Llofnod:

Ar ran

Dyddiad:

+ dileer pan fo'n amhriodol

Mewnosoder:

- a) cyfeiriad neu leoliad y datblygiad arfaethedig
- b) enw'r ceisydd
- c) disgrifiad o'r datblygiad arfaethedig
- d) cyfeiriad yr awdurdod cynllunio lleol
- e) dyddiad sy'n darparu cyfnod o 21 diwrnod, sy'n dechrau gyda'r dyddiad cyflwyno a chyhoeddi
- f) cyfeiriad y wefan a gynhelir gan Weinidogion Cymru (url)
- g) cyfeiriad e-bost y ceisydd
- h) cyfeiriad e-bost Gweinidogion Cymru
- i) cyfeiriad post Gweinidogion Cymru
- j) dyddiad sy'n darparu cyfnod o 21 diwrnod, sy'n dechrau gyda'r dyddiad cyflwyno a chyhoeddi

Dyletswydd i ymgynghori cyn rhoi caniatâd

Tabl

<i>Paragraff</i>	<i>Disgrifiad o'r Datblygiad</i>	<i>Ymgynghorai Arbenigol</i>
(a)	<p>Datblygiad o fewn ardal yr hysbyswyd Gweinidogion Cymru yn ei chylch gan yr Awdurdod Gweithredol Iechyd a Diogelwch at ddibenion y ddarpariaeth hon oherwydd bod sylweddau gwenwynig, tra adweithiol, ffrwydrol neu fflamadwy yn bresennol yn y cyffiniau (ac eithrio ar safle niwclear perthnasol), a'r datblygiad yn cynnwys darparu—</p> <p>(i) mwy na 500 metr sgwâr o arwynebedd llawr swyddfa; neu</p> <p>(ii) mwy na 750 metr sgwâr o arwynebedd llawr sydd i'w ddefnyddio ar gyfer proses ddiwydiannol,</p> <p>neu rywfodd arall yn debygol o achosi cynnydd materol perthnasol yn nifer y personau sy'n gweithio o fewn yr ardal yr hysbyswyd yn ei chylch, neu sy'n ymweld â'r ardal honno.</p>	Yr Awdurdod Gweithredol Iechyd a Diogelwch
(b)	<p>Datblygiad o fewn ardal yr hysbyswyd Gweinidogion Cymru yn ei chylch gan y Swyddfa Rheoleiddio Niwclear at ddibenion y ddarpariaeth hon oherwydd bod sylweddau gwenwynig, tra adweithiol, ffrwydrol neu fflamadwy yn bresennol yn y cyffiniau ar safle niwclear perthnasol, a'r datblygiad yn cynnwys darparu—</p> <p>(i) mwy na 500 metr sgwâr o arwynebedd llawr swyddfa; neu</p> <p>(ii) mwy na 750 metr sgwâr o arwynebedd llawr sydd i'w ddefnyddio ar gyfer proses ddiwydiannol,</p> <p>neu rywfodd arall yn debygol o achosi cynnydd materol perthnasol yn nifer y personau sy'n gweithio o fewn yr ardal yr hysbyswyd yn ei chylch, neu sy'n ymweld â'r ardal honno.</p>	Y Swyddfa Rheoleiddio Niwclear
(c)	<p>Datblygiad sy'n debygol o achosi cynnydd materol perthnasol ym maint y traffig, neu newid materol berthnasol yng nghymeriad y traffig—</p> <p>(i) sy'n ymuno neu'n ymadael â chefnffordd; neu</p> <p>(ii) yn defnyddio croesfan dros reilffordd</p>	<p>Gweinidogion Cymru</p> <p>Gweithredwr y rheilffordd neu'r rhwydwaith sy'n cynnwys y rheilffordd dan sylw, a Gweinidogion Cymru</p>
(d)	<p>Datblygiad sy'n debygol o achosi cynnydd materol perthnasol ym maint y traffig, neu newid materol berthnasol yng nghymeriad y traffig sy'n ymuno</p>	Yr awdurdod priffyrdd lleol perthnasol

	neu'n ymadael â ffordd ddsbarthiadol neu briffordd arfaethedig	
(e)	Datblygiad sy'n debygol o amharu ar wella neu adeiladu ffordd ddsbarthiadol neu briffordd arfaethedig	Yr awdurdod priffyrdd lleol perthnasol
(f)	Datblygiad sy'n cynnwys darparu adeilad neu biblinell mewn ardal o weithfeydd glo, yr hysbyswyd Gweinidogion Cymru yn ei chylch gan yr Awdurdod Glo	Yr Awdurdod Glo
(g)	Datblygiad sy'n cynnwys neu sy'n ymwneud â gweithrediadau mwyngloddio	Corff Adnoddau Naturiol Cymru
(h)	Datblygiad sy'n debygol o effeithio ar safle heneb gofrestredig	Gweinidogion Cymru
(i)	Datblygiad sy'n ymwneud â chyflawni gwaith neu weithrediadau ar wely neu ar lannau afon neu ffrwd	Corff Adnoddau Naturiol Cymru
(j)	Datblygiad at y diben o buro neu storio olewau mwynol a'u deilliadau	Corff Adnoddau Naturiol Cymru
(k)	Datblygiad sy'n ymwneud â defnyddio tir ar gyfer dyddodi sbwriel neu wastraff	Corff Adnoddau Naturiol Cymru
(l)	Datblygiad mewn perthynas â chadw, trin neu waredu carthion, gwastraff masnachol, slyri neu slwtsh (ac eithrio gosod carthffosydd, adeiladu tai pwpmpio mewn llinell o garthffosydd, adeiladu tanciau carthion neu garthbyllau sy'n gwasanaethu tai annedd sengl neu garafannau sengl neu adeiladau sengl lle na fydd mwy na deg o bobl fel arfer yn preswyllo, gweithio neu ymgynnull, a gwaith sy'n ategol i hynny)	Corff Adnoddau Naturiol Cymru
(m)	Datblygiad sy'n effeithio ar ddefnyddio tir fel mynwent	Corff Adnoddau Naturiol Cymru
(n)	Datblygiad sydd— (i) mewn neu'n debygol o effeithio ar safle o ddiddordeb gwyddonol arbennig; neu (ii) mewn ardal yr hysbyswyd Gweinidogion Cymru yn ei chylch gan Gorff Adnoddau Naturiol Cymru ac sydd o fewn dau gilometr i safle o ddiddordeb gwyddonol arbennig y rhoddwyd hysbysiad ohoni, neu sy'n cael effaith fel pe bai hysbysiad ohoni wedi ei roi i Weinidogion Cymru gan Gorff Adnoddau Naturiol Cymru, yn unol ag adran 28 o Ddeddf Bywyd Gwyllt a Chefn Gwlad 1981 (safleoedd o ddiddordeb gwyddonol arbennig)(1)	Corff Adnoddau Naturiol Cymru
(o)	Datblygiad sy'n ymwneud ag unrhyw dir sydd â theatr arno.	Yr Ymddiriedolaeth Theatrau

(1) 1981 (p. 69); gweler adran 27AA o'r Ddeddf honno. Amnewidiwyd adran 28 gan adran 75(1) o Ddeddf Cefn Gwlad a Hawliau Tramwy 2000 (p. 37) a pharagraff 1 o Atodlen 9 i'r Ddeddf honno, a diwygiwyd hi gan adran 148 o Ddeddf y Môr a Mynediad i'r Arfordir 2009 (p. 23) a pharagraffau 2(2), (3) a (7) o Atodlen 13 i'r Ddeddf honno. Gwnaed diwygiadau eraill nad ydynt yn berthnasol i'r offeryn hwn.

(p)	<p>Datblygiad nad yw at ddibenion amaethyddol, nad yw'n unol â darpariaethau cynllun datblygu, ac sy'n golygu—</p> <p>(i) colli dim llai nag 20 hectar o dir amaethyddol graddau 1, 2 neu 3a a ddefnyddir ar y pryd (neu a ddefnyddiwyd diwethaf) at ddibenion amaethyddol; neu</p> <p>(ii) colli llai nag 20 hectar o dir amaethyddol graddau 1, 2 neu 3a a ddefnyddir ar y pryd (neu a ddefnyddiwyd diwethaf) at ddibenion amaethyddol, mewn amgylchiadau pan fo'r datblygiad yn debygol o arwain at golled bellach o dir amaethyddol a fyddai'n peri bod y golled gronnus o dir amaethyddol yn 20 hectar neu'n fwy.</p>	Gweinidogion Cymru
(q)	<p>Datblygiad sydd o fewn 250 metr i dir—</p> <p>(i) a ddefnyddir, neu sydd wedi ei ddefnyddio ar unrhyw adeg yn ystod y cyfnod o 30 mlynedd cyn y cais perthnasol, ar gyfer dyddodi sbwriel neu wastraff; a</p> <p>(ii) yr hysbyswyd Gweinidogion Cymru yn ei gylch gan Gorff Adnoddau Naturiol Cymru at ddibenion y ddarpariaeth hon</p>	Corff Adnoddau Naturiol Cymru
(r)	<p>Datblygiad—</p> <p>(i) sy'n debygol o amharu ar ddefnyddio tir, neu arwain at golli'r defnydd o dir, a ddefnyddir fel maes chwarae; neu</p> <p>(ii) sydd ar dir—</p> <p>(aa) a ddefnyddiwyd fel maes chwarae ar unrhyw adeg yn ystod y 5 mlynedd cyn gwneud y cais perthnasol ac sy'n parhau heb ei ddatblygu; neu</p> <p>(bb) a ddyrannwyd ar gyfer ei ddefnyddio fel maes chwarae mewn cynllun datblygu neu mewn cynigion ar gyfer cynllun o'r fath neu ar gyfer ei addasu neu ei amnewid; neu</p> <p>(iii) sy'n golygu gosod arwyneb artiffisial, arwyneb o wneuthuriad dynol neu arwyneb cyfansawdd ar lain chwarae ar faes chwarae yn lle arwyneb o laswellt</p>	Cyngor Chwaraeon Cymru(1)
(s)	<p>Datblygiad sy'n debygol o effeithio ar—</p> <p>(i) unrhyw ddyfrffordd fewndirol (boed naturiol neu artiffisial) neu gronfa ddŵr sy'n eiddo i'r Canal & River Trust neu a reolir ganddi; neu</p> <p>(ii) unrhyw sianel gyflenwi, cwrs dŵr, dihangfa dŵr neu gwlfert ar gyfer camlas, sydd o fewn ardal yr hysbyswyd Gweinidogion Cymru yn ei chylch at ddibenion y ddarpariaeth hon gan yr Canal & River Trust</p>	The Canal & River Trust
(t)	<p>Datblygiad—</p> <p>(i) sy'n ymwneud â lleoli sefydliadau newydd;</p> <p>(ii) sy'n cynnwys addasiadau i sefydliadau presennol sydd o fewn cwmpas Erthygl 11 o Gyfarwyddeb 2012/18/EU(2); neu</p>	<p>(a) Yr awdurdod cymwys rheoli peryglon damweiniau mawr; a</p> <p>(b) mewn perthynas â datblygiad sy'n dod o fewn</p>

(1) Adwaenir Cyngor Chwaraeon Cymru fel Chwaraeon Cymru.

(2) O.J. L 197, 24.7.2012, t. 1.

(iii) sydd yn newydd, gan gynnwys llwybrau trafniadaeth, lleoliadau a ddefnyddir gan y cyhoedd ac ardaloedd preswyl yng nghyffiniau sefydliadau presennol, lle y gallai lleoli neu ddatblygu achosi neu gynyddu'r risg o ddamwain fawr, neu ychwanegu at ganlyniadau damwain fawr.

paragraff (iii), unrhyw berson sy'n berson â rheolaeth o'r tir y lleolir arno unrhyw sefydliad presennol dan sylw, naill ai—
 (i) yn ôl y gofrestr a gedwir gan yr awdurdod sylweddau peryglus o dan reoliad 22 o Reoliadau Cynllunio (Sylweddau Peryglus) (Cymru) 2015(1); neu
 (ii) pan fo'r awdurdod cymwys rheoli peryglon damweiniau mawr wedi hysbysu'r awdurdod cynllunio lleol yn unol â rheoliad 34(3)o'r Rheoliadau hynny

Dehongli'r Tabl

Yn y Tabl uchod—

(a) ym mharagraffau (a) a (b)—

ystyr “arwynebedd llawr” (“*floor space*”) yw cyfanswm yr arwynebedd llawr mewn adeilad neu adeiladau;

ystyr “proses ddiwydiannol” (“*industrial process*”) yw proses sydd ar gyfer neu sy'n ategu unrhyw un o'r dibenion canlynol—

- (i) gwneud unrhyw wrthrych neu ran o unrhyw wrthrych (gan gynnwys llong neu gwch, neu ffilm, fideo neu recordiad sain);
- (ii) newid, atgyweirio, cynnal, addurno, gorffen, glanhau, golchi, pacio, canio, addasu ar gyfer gwerthu, datgymalu neu ddymchwel unrhyw wrthrych; neu
- (iii) cael, naddu neu drin mwynau yng nghwrs unrhyw fasnach neu fusnes ac eithrio amaethyddiaeth, a chan eithrio proses a gyflawnir ar dir a ddefnyddir fel mwynglawdd, neu sy'n cydffinio ac yn cael ei feddiannu ar y cyd â mwynglawdd (ac yn yr is-baragraff hwn, ystyr “mwynglawdd” (“*mine*”) yw unrhyw safle y cyflawnir gweithrediadau mwyngloddio ynddo);

ystyr “safle niwclear perthnasol” (“*relevant nuclear site*”) yw safle sydd yn—

- (i) safle niwclear Prydain Fawr (o fewn yr ystyr a roddir i “GB nuclear site” gan adran 68 o Ddeddf Ynni 2013)(2);
 - (ii) safle amddiffyn awdurdodedig (yn yr ystyr a roddir i “authorised defence site” gan reoliad 2(1) o Reoliadau Iechyd a Diogelwch (Awdurdod Gorfodi)1998(3)); neu
 - (iii) safle niwclear newydd-adeiledig (yn yr ystyr a roddir i “new nuclear build site” gan reoliad 2A(1) o'r Rheoliadau hynny)(4).
- (b) ym mharagraff (c), mae i “rhwydwaith” a “gweithredwr”, yn eu trefn, yr ystyron a roddir i “network” ac i “operator” yn adran 83(1) o Ddeddf Rheilffyrdd 1993 (darparu gwasanaethau rheilffordd)(5);

(1) O.S. 2015/1597 (Cy.196).

(2) 2013 p. 32.

(3) O.S. 1998/494; Mewnosodwyd y diffiniad o “authorised defence site” gan erthygl 6(2) o Orchymyn Deddf Ynni 2013 (Swyddfa Rheoleiddio Niwclear) (Diwygiadau Canlyniadol, Darpariaethau Trosiannol ac Arbedion) 2014 (O.S. 2014/469) a pharagraffau 70 a 72(a) o Atodlen 3 i'r Gorchymyn hwnnw.

(4) Mewnosodwyd rheoliad 2A gan erthygl 6(2) o'r Gorchymyn hwnnw a pharagraffau 70 a 73 o Atodlen 3 iddo.

(5) 1993 p. 43; Gwnaed diwygiadau i adran 83 nad ydynt yn berthnasol i'r offeryn hwn.

- (c) ym mharagraffau (d) ac (e), ystyr “ffordd ddosbarthiadol” (“*classified road*”) yw priffordd neu briffordd arfaethedig sydd—
 - (i) yn ffordd ddosbarthiadol neu’n brif ffordd yn yr ystyr, yn eu trefn, o “classified road” neu “principal road” at ddibenion adran 12(1) o Ddeddf Priffyrdd 1980 (darpariaeth gyffredinol o ran prif ffyrdd a ffyrdd dosbarthiadol)(1); neu
 - (ii) yn ddosbarthiadol at ddibenion unrhyw ddeddfiad gan Weinidogion Cymru yn rhinwedd adran 12(3) o’r Ddeddf honno;
- (d) ym mharagraff (h), mae i “heneb gofrestrdig” yr ystyr a roddir i “scheduled monument” gan adran 1(11) Ddeddf Henebion a Mannau Archeolegol 1979 (rhestr o henebion)(2);
- (e) ym mharagraff (l)—

nid yw “tŷ annedd” (“*dwellinghouse*”) yn cynnwys adeilad ag ynddo un neu ragor o fflatiau, nac ychwaith fflat sy’n gynwysedig mewn adeilad o’r fath (ac yn y paragraff hwn, ystyr “fflat” (“*flat*”) yw set o fangreodd arwahanol ac annibynnol a adeiladwyd neu a addaswyd at y diben o breswyllo ac yn ffurfio rhan o adeilad, ac wedi ei rhannu yn llorweddol oddi wrth ran arall o’r adeilad;

ystyr “slyri” (“*slurry*”) yw carthion a throeth anifeiliaid (pa un a ychwanegwyd dŵr ai peidio ar gyfer ei drin); ac

mae i “carafán” yr ystyr a roddir i “caravan” gan adran 29(1) o Ddeddf Safleoedd Carafannau a Rheoli Datblygu 1960 (safleoedd carafannau)(3);

- (f) ym mharagraff (n), ystyr “safle o ddiddordeb gwyddonol arbennig” (“*site of special scientific interest*”) yw tir y mae adran 28(1) o Ddeddf Bywyd Gwyllt a Chefn Gwlad 1981 (safleoedd o ddiddordeb gwyddonol arbennig) yn gymwys iddo;
- (g) ym mharagraff (o), mae i theatr” yr ystyr a roddir i “theatre” yn adran 5 o Ddeddf Ymddiriedolaeth Theatrau 1976 (dehongli)(4);
- (h) ym mharagraff (r)—
 - (i) ystyr “maes chwarae” (“*playing field*”) yw’r cyfan o safle sy’n cynnwys o leiaf un llain chwarae;
 - (ii) ystyr “llain chwarae” (“*playing pitch*”) yw arwynebedd wedi ei amlinellu yn benodol sydd, ynghyd ag unrhyw arwynebedd ymylol, yn 0.2 hectar neu’n fwy, ac a ddefnyddir ar gyfer pêl-droed y gymdeithas, pêl-droed Americanaidd, rygbi, criced, hoci, lacρός, rownderi, pêl fas, pêl feddal, pêl-droed Awstralaidd, pêl-droed Gwyddelig, bando, hyrli, polo neu polo beic;
- (i) ym mharagraff (t)—
 - (i) mae i’r ymadroddion sy’n ymddangos yn y paragraff hwnnw ac y mae eu cyfystyron Saesneg yn ymddangos yng Nghyfarwyddeb 2012/18/EU yr un ystyron ag y sydd i’r cyfystyron Saesneg hynny yn y Gyfarwyddeb honno; a
 - (ii) ystyr “awdurdod cymwys rheoli peryglon damweiniau mawr” (“*control of major accident hazards competent authority*”) yw—
 - (aa) mewn perthynas â safle niwclear perthnasol, y Swyddfa Rheoleiddio Niwclear a Chorff Adnoddau Naturiol Cymru, yn gweithredu ar y cyd;
 - (bb) fel arall, yr Awdurdod Gweithredol Iechyd a Diogelwch a Chorff Adnoddau Naturiol Cymru, yn gweithredu ar y cyd.

(1) 1980 p. 66.

(2) 1979 p. 46.

(3) 1960 p. 62; Gwnaed diwygiadau i adran 29 nad ydynt yn berthnasol i’r offeryn hwn.

(4) 1976 p. 27.

ATODLEN 6

Erthygl 31(2)

Hysbysiad o gychwyn datblygiad ac arddangos hysbysiad

Gorchymyn Datblygiadau o Arwyddocâd Cenedlaethol (Gweithdrefn) (Cymru) 2016

HYSBYSIAD O DAN ERTHYGL 31(2) SYDD I'W ROI I AWDURDOD CYNLLUNIO LLEOL I ROI GWYBOD IDDO PA BRYD Y BYDD DATBLYGIAD YN CYCHWYN

Datblygiad arfaethedig yn (a)

Rwyf i, (b)o.....

drwy hyn yn hysbysu awdurdod cynllunio lleol (c)

y bydd y datblygiad arfaethedig y rhoddwyd caniatâd cynllunio ar ei gyfer o dan (d)

ar (e)

yn cychwyn ar (f)

Disgrifiad o'r datblygiad arfaethedig: (g)

.....
.....
.....
.....

Rwyf yn cadarnhau **mai myfi**+ yw perchennog y tir y mae'r datblygiad arfaethedig yn ymwneud ag ef*

Rwyf yn cadarnhau **nad myfi**+ yw perchennog y tir y mae'r datblygiad arfaethedig yn ymwneud ag ef ac mai enw llawn a chyfeiriad y perchennog yw:*

(h)

(i)

Enw rheolwr y safle: (j).....

Manylion cyswllt rheolwr y safle: (k).....

.....
.....
.....

Rwyf yn cadarnhau bod yr amodau cyn cychwyn canlynol wedi eu bodloni (l):

Cyfeirnod caniatâd.....Rhif yr amod:.....Dyddiad y'i cytunwyd.....

Cyfeirnod caniatâd.....Rhif yr amod:.....Dyddiad y'i cytunwyd.....

Cyfeirnod caniatâd.....Rhif yr amod:.....Dyddiad y'i cytunwyd.....

Cyfeirnod caniatâd.....Rhif yr amod:.....Dyddiad y'i cytunwyd.....

Cyfeirnod caniatâd.....Rhif yr amod:.....Dyddiad y'i cytunwyd.....

Cyfeirnod caniatâd.....Rhif yr amod:.....Dyddiad y'i cytunwyd.....

Cyfeirnod caniatâd.....Rhif yr amod:.....Dyddiad y'i cytunwyd.....

Cyfeirnod caniatâd.....Rhif yr amod:.....Dyddiad y'i cytunwyd.....

Os oes angen, parhewch ar ddalen ar wahân

Rwyf yn atodi plan sy'n dangos:

- Llinell goch o amgylch ffin y tir sy'n cael budd o'r caniatâd
- Y man lle'r arddangosir yr hysbysiad sy'n ofynnol gan adran 71ZB(2) o ddeddf Cynllunio Gwlad a Thref 1990.

Cyn cychwyn unrhyw ddatblygiad mewn perthynas â chaniatâd cynllunio a roddwyd ar gyfer datblygiad o arwyddocâd cenedlaethol, rhaid i berson roi hysbysiad i'r awdurdod cynllunio lleol ar y ffurflen hon

Rhaid i berson sy'n cyflawni'r gwaith datblygu mewn perthynas â chaniatâd cynllunio a roddwyd ar gyfer datblygiad o arwyddocâd cenedlaethol lenwi'r ffurflen sydd yn Atodlen 7 i Orchymyn Datblygiadau o Arwyddocâd Cenedlaethol (Gweithdrefn) (Cymru) 2016, ac arddangos y ffurflen honno ar neu gerllaw'r man y cyflawnir y datblygiad drwy gydol yr amser tra cyflawnir y datblygiad. Rhaid arddangos y ffurflen honno yn unol ag erthygl 31(3) o Orchymyn Datblygiadau o Arwyddocâd Cenedlaethol (Gweithdrefn) (Cymru) 2016

Llofnod

Dyddiad

+ sef y ceisydd a enwir yn (b)

* dileer fel sy'n briodol

Mewnosoder:

- a) cyfeiriad neu leoliad y datblygiad arfaethedig
- b) enw a chyfeiriad y ceisydd
- c) enw'r awdurdod cynllunio lleol
- d) rhif cyfeirnod y cais cynllunio
- e) dyddiad dyroddi'r hysbysiad penderfynu
- f) dyddiad cychwyn y datblygiad
- g) disgrifiad o'r datblygiad fel y'i cynhwysir yn yr hysbysiad penderfynu
- h) enw llawn y perchennog (os yw'n gymwys)
- i) cyfeiriad llawn y perchennog (os yw'n gymwys)
- j) enw'r person a benodwyd neu sydd i'w benodi i oruchwylio cyflawni'r datblygiad ar y safle
- k) manylion cyswllt ar gyfer y person (j) gan gynnwys, pan fo'n briodol, cyfeiriadau post ac e-bost busnes

a rhif teleffon

1) yr amodau cyn cychwyn yw'r rhai y mae'n ofynnol cael eu manylion wedi eu cymeradwyo gan yr awdurdod cynllunio lleol cyn y caniateir i'r datblygiad gychwyn

Hysbysiad i'w arddangos drwy gydol yr amser tra cyflawnir y datblygiad

Gorchymyn Datblygiadau o Arwyddocâd Cenedlaethol (Gweithdrefn) (Cymru) 2016

HYSBYSIAD O DAN ERTHYGL 31(3) SYDD I'W ARDDANGOS DRWY GYDOL YR AMSER TRA
CYFLAWNIR Y DATBLYGIAD

RHAN 1

Datblygiad yn (a).....

Hysbysir drwy hyn fod caniatâd cynllunio (b).....

wedi ei roi yn ddarostyngedig i amodau (c) i (d).....

ar (e).....

gan (f).....ac mae'r datblygu bellach wedi cychwyn.

Mae'r datblygiad yn cynnwys (g)..... a dangosir ef fel yr ardal sydd wedi ei hamlinellu/lliwio ar y plan a atodir. Mae'r plan wedi ei luniadu yn unol â'r raddfa a nodir arno, ac mae'n ffurfio, ac yn cael ei arddangos fel, RHAN 2 o'r hysbysiad hwn.

Gellir cael gwybodaeth bellach am y caniatâd cynllunio, gan gynnwys yr amodau, os oes rhai, y rhoddwyd y caniatâd yn ddarostyngedig iddynt, yn ystod unrhyw oriau rhesymol yn (h).....

Rhaid i berson sy'n cyflawni datblygu mewn perthynas â chaniatâd cynllunio a roddwyd ar gyfer datblygiad o arwyddocâd cenedlaethol arddangos y ffurflen hon yn y man y cyflawnir y datblygu neu gerllaw iddo, drwy gydol yr amser tra cyflawnir y datblygu. Rhaid arddangos y ffurflen yn unol ag erthygl 31(3) o Orchymyn Datblygiadau o Arwyddocâd Cenedlaethol (Gweithdrefn) (Cymru) 2016.

Cyn cychwyn datblygiad mewn perthynas â chaniatâd cynllunio a roddwyd ar gyfer datblygiad o arwyddocâd cenedlaethol, rhaid i berson roi hysbysiad i'r awdurdod cynllunio lleol ar y ffurflen yn Atodlen 6 i Orchymyn Datblygiadau o Arwyddocâd Cenedlaethol (Gweithdrefn) (Cymru) 2016.

Nodiadau

- a) Mewnosoder cyfeiriad neu ddisgrifiad o leoliad y datblygiad.
- b) Mewnosoder rhif cyfeirnod y cais cynllunio perthnasol.
- c) Dileer "yn ddarostyngedig i amodau" os nad yw'r caniatâd cynllunio yn ddarostyngedig i unrhyw amodau.
- d) Mewnosoder enw a chyfeiriad y datblygwr.
- e) Mewnosoder y dyddiad y rhoddwyd caniatâd cynllunio.
- f) Mewnosoder yr awdurdod cynllunio neu Weinidogion Cymru.
- g) Mewnosoder disgrifiad o'r datblygiad.
- h) Mewnosoder cyfeiriad yr awdurdod cynllunio lleol.

SCHEDULE 1

Articles 8 and 9(5)

Publicity and consultation before applying for planning permission

The Developments of National Significance (Procedure) (Wales) Order 2016

PUBLICITY AND CONSULTATION BEFORE APPLYING FOR PLANNING PERMISSION
NOTICE UNDER ARTICLES 8 AND 9(2)

(to be served on owners and/or occupiers of adjoining land, community consultees and relevant persons; displayed by site notice on or near the location of the proposed development; and published in a newspaper in the locality.)

Purpose of this notice : this notice provides the opportunity to comment directly to the developer on a proposed Development of National Significance (DNS) prior to the submission of a planning application to the Welsh Ministers. Planning applications for DNS will be publicised by the Welsh Ministers and the relevant local planning authority; any comments provided in response to this notice will not prejudice your ability to make representations to the Welsh Ministers on any related DNS planning application. You should note that any comments submitted may be placed on the public file.

Proposed development at (a)

I give notice that (b)

is intending to apply to the Welsh Ministers for planning permission in respect of Development of National Significance which is (c):

and considers that the following secondary consents are connected to the proposed application and that a decision in respect of those consents is to be made or should be made by the Welsh Ministers

(d).....

You may inspect copies of:

- the proposed application;
- the plans; and
- other supporting documents

online at (e)

Anyone who wishes to make representations about this proposed development must write to the applicant/agent at

(f)..... or

(g).....

by (h)

Signed:

Date:

Insert:

- a) address or location of the proposed development
- b) applicant's name
- c) description of the proposed development
- d) details of secondary consents in respect of which the applicant considers a decision should be made by the Welsh Ministers (for the definition of secondary consent see section 62H of the Town and Country Planning Act 1990, secondary consents are prescribed for the purposes of section 62H by the Developments of National Significance (Specified Criteria and Prescribed Secondary Consents) (Wales) Regulations 2016)
- e) address of website
- f) email address of the applicant/agent
- g) address of the applicant
- h) date giving a period of 42 days, beginning with the date of service and publication

SCHEDULE 2

Article 9(5)

Consultation before applying for planning permission

The Developments of National Significance (Procedure) (Wales) Order 2016

CONSULTATION BEFORE APPLYING FOR PLANNING PERMISSION - NOTICE UNDER ARTICLE 9(3)

(to be served on specialist consultees, as defined by article 2 of the Developments of National Significance (Procedure) (Wales) Order 2016)

Purpose of this notice : this notice comprises a formal request for a pre-application consultation response under article 9(3) of the Developments of National Significance (Procedure) (Wales) Order 2016.

Proposed development at (a)

I give notice that (b)

is intending to apply to the Welsh Ministers for planning permission in respect of Development of National Significance which is (c):

and considers that the following secondary consents are connected with the proposed application and that a decision in respect of those consents is to be made or should be made by the Welsh Ministers (d).....

A copy of the proposed application; plans; and other supporting documents are attached/can be viewed online (delete as appropriate) at (e)

In accordance with the requirements of article 10 of the Developments of National Significance (Procedure) (Wales) Order 2016, a consultation response must be sent to (f)by (g).....

Signed:

Date:

Insert:

- a) address or location of the proposed development
- b) applicant's name
- c) description of the proposed development
- d) details of secondary consents in respect of which the applicant considers a decision should be made by the Welsh Ministers (for the definition of secondary consent see section 62H of the Town and Country Planning Act 1990, secondary consents are prescribed for the purposes of section 62H by the Developments of National Significance (Specified Criteria and Prescribed Secondary Consents) (Wales) Regulations 2016)
- e) address of website
- f) e-mail address of the applicant/agent
- g) date giving a period of 42 days, beginning with the date of service

SCHEDULE 3

Article 16

Notices under Article 16

The Developments of National Significance (Procedure) (Wales) Order 2016

NOTICE UNDER ARTICLE 16(1) OF APPLICATION FOR PLANNING PERMISSION FOR DEVELOPMENT OF NATIONAL SIGNIFICANCE

(to be served on an owner* or a tenant** or to be published in a newspaper (and on a website maintained by the Welsh Ministers))

Proposed development at (a)

I give notice that (b)

is applying to the Welsh Ministers for planning permission in respect of Development of National Significance, which is (c):

Members of the public may inspect copies of:

- the application;
- the plans; and
- other documents submitted with it

online at (d)

Anyone who wishes to make representations about this application should write to the Welsh Ministers at

(e) or (f)

by (g)

* “owner” means a person having a freehold interest or a leasehold interest the unexpired term of which is not less than seven years, or, in the case of development consisting of the winning or working of minerals, a person entitled to an interest in a mineral in the land (other than oil, gas, coal, gold or silver).

** “tenant” means an agricultural tenant, as defined in section 65(8) of the Town and Country Planning Act 1990, of any land any part of which is comprised in the land to which the application relates.

Signed:

+ On behalf of:

Date:

Statement of owners’ rights

The grant of planning permission does not affect owners’ rights to retain or dispose of their property, unless there is some provision to the contrary in an agreement or in a lease.

Statement of agricultural tenants’ rights

The grant of planning permission for non-agricultural development may affect agricultural tenants' security of tenure.

+ delete where inappropriate

Insert:

- a) address or location of the proposed development
- b) applicant's name
- c) description of the proposed development
- d) address of website maintained by the Welsh Ministers (url)
- e) email address of the Welsh Ministers
- f) address of the Welsh Ministers
- g) date giving a notice period of 21 days, beginning with the date of service, or 14 days beginning with the date of publication, of the notice (as the case may be)

The Developments of National Significance (Procedure) (Wales) Order 2016

NOTICE UNDER ARTICLE 16(2) OF APPLICATION FOR PLANNING PERMISSION FOR DEVELOPMENT OF NATIONAL SIGNIFICANCE CONSISTING OF THE WINNING AND WORKING OF MINERALS BY UNDERGROUND OPERATIONS

(to be posted in the case of an application for planning permission in respect of Development of National Significance consisting of the winning and working of minerals by underground operations (in addition to the service or publication of any other requisite notice in this Schedule)).

Proposed development at (a)

I give notice that (b)

is applying to the Welsh Ministers for planning permission in respect of Development of National Significance which is (c):

Members of the public may inspect copies of:

- the application;
- the plans; and
- other documents submitted with it

online at (d)

Anyone who wishes to make representations about this application should write to the Welsh Ministers at (e)or (f)

by (g)

Signed:

+ On behalf of:

Date:

+ delete where inappropriate

Insert:

- a) address or location of the proposed development
- b) applicant's name
- c) description of the proposed development
- d) address of website maintained by the Welsh Ministers (url)
- e) email address of the Welsh Ministers
- f) address of the Welsh Ministers
- g) date giving a period of 21 days, beginning with the date when the notice is posted

SCHEDULE 4

Article 18

Publicity for applications

The Developments of National Significance (Procedure) (Wales) Order 2016

NOTICE UNDER ARTICLE 18 OF APPLICATION FOR PLANNING PERMISSION IN RESPECT OF DEVELOPMENT OF NATIONAL SIGNIFICANCE

(to be served on owners and/or occupiers of adjoining land; published on a website maintained by the Welsh Ministers; and published in a newspaper)

Proposed development at (a)

I give notice that (b)

is applying to the Welsh Ministers for planning permission in respect of Development of National Significance which is (c):

Members of the public may inspect copies of:

- the application;
- the plans; and
- other documents submitted with it

at (d)

during all reasonable hours until (e)

and, online at (f)

+The application is accompanied by an Environmental Statement

Members of the public may obtain copies of the Environmental Statement from (g)

..... for a charge, so long as stocks last.

Anyone who wishes to make representations about this application must write to the Welsh Ministers at (h); or

(i)

by (j)

Signed:

On behalf of

Date:

+ delete where inappropriate

Insert:

- a) address or location of the proposed development
- b) applicant's name
- c) description of the proposed development
- d) address of the local planning authority
- e) date giving a period of 21 days, beginning with the date of service and publication
- f) address of website maintained by the Welsh Ministers (url)
- g) address of the applicant
- h) email address of the Welsh Ministers
- i) address of the Welsh Ministers
- j) date giving a period of 21 days, beginning with the date of service and publication

SCHEDULE 5

Article 22

Duty to consult before the grant of permission

Table

<i>Paragraph</i>	<i>Description of Development</i>	<i>Specialist Consultee</i>
(a)	Development within an area which has been notified to the Welsh Ministers by the Health and Safety Executive for the purpose of this provision because of the presence within the vicinity of toxic, highly reactive, explosive or inflammable substances (otherwise than on a relevant nuclear site) and which involves the provision of— (i) more than 500 square metres of office floor space; or (ii) more than 750 square metres of floor space to be used for an industrial process, or which is otherwise likely to result in a material increase in the number of persons working within or visiting the notified area	The Health and Safety Executive
(b)	Development within an area which has been notified to the Welsh Ministers by the Office for Nuclear Regulation for the purpose of this provision because of the presence within the vicinity of toxic, highly reactive, explosive or inflammable substances on a relevant nuclear site and which involves the provision of— (i) more than 500 square metres of office floor space; or (ii) more than 750 square metres of floor space to be used for an industrial process, or which is otherwise likely to result in a material increase in the number of persons working within or visiting the notified area	The Office for Nuclear Regulation
(c)	Development likely to result in a material increase in the volume or a material change in the character of traffic— (i) entering or leaving a trunk road; or (ii) using a level crossing over a railway	The Welsh Ministers The operator of the network which includes or consists of the railway in question, and the Welsh Ministers
(d)	Development likely to result in a material increase in the volume or a material change in the character of traffic entering or leaving a classified road or proposed highway	The local highway authority concerned
(e)	Development likely to prejudice the improvement or construction of a classified road or proposed highway	The local highway authority concerned
(f)	Development which involves the provision of a	The Coal Authority

	building or pipe-line in an area of coal working notified by the Coal Authority to the Welsh Ministers	
(g)	Development involving or including mining operations	The Natural Resources Body for Wales
(h)	Development likely to affect the site of a scheduled monument	The Welsh Ministers
(i)	Development involving the carrying out of works or operations in the bed of or on the banks of a river or stream	The Natural Resources Body for Wales
(j)	Development for the purpose of refining or storing mineral oils and their derivatives	The Natural Resources Body for Wales
(k)	Development involving the use of land for the deposit of refuse or waste	The Natural Resources Body for Wales
(l)	Development relating to the retention, treatment or disposal of sewage, trade-waste, slurry or sludge (other than the laying of sewers, the construction of pumphouses in a line of sewers, the construction of septic tanks and cesspools serving single dwellinghouses or single caravans or single buildings in which not more than ten people will normally reside, work or congregate, and works ancillary thereto)	The Natural Resources Body for Wales
(m)	Development affecting the use of land as a cemetery	The Natural Resources Body for Wales
(n)	Development— (i) in or likely to affect a site of special scientific interest; or (ii) within an area which has been notified to the Welsh Ministers by the Natural Resources Body for Wales and which is within two kilometres, of a site of special scientific interest, of which notification has been given, or has effect as if given, to the Welsh Ministers by the Natural Resources Body for Wales, in accordance with section 28 of the Wildlife and Countryside Act 1981 (sites of special scientific interest)(1)	The Natural Resources Body for Wales
(o)	Development involving any land on which there is a theatre	The Theatres Trust
(p)	Development which is not for agricultural purposes, is not in accordance with the provisions of a development plan and involves— (i) the loss of not less than 20 hectares of grades 1, 2 or 3a agricultural land which is for the time being used (or was last used) for agricultural purposes; or (ii) the loss of less than 20 hectares of grades 1, 2 or 3a agricultural land which is for the time being used (or was last used) for agricultural purposes, in	The Welsh Ministers

(1) 1981 (c. 69); see section 27AA of that Act. Section 28 was substituted by section 75(1) of, and paragraph 1 of Schedule 9 to, the Countryside and Rights of Way Act 2000 (c. 37) and was amended by section 148 of, and paragraphs 2(2), (3) and (7) of Schedule 13 to, the Marine and Coastal Access Act 2009 (c. 23). There are other amendments which are not relevant to this instrument.

	circumstances in which the development is likely to lead to a further loss of agricultural land amounting cumulatively to 20 hectares or more	
(q)	Development within 250 metres of land which— (i) is or has, at any time in the 30 years before the relevant application, been used for the deposit of refuse or waste; and (ii) has been notified to the Welsh Ministers by the Natural Resources Body for Wales for the purposes of this provision	The Natural Resources Body for Wales
(r)	Development which— (i) is likely to prejudice the use, or lead to the loss of use, of land being used as a playing field; or (ii) is on land which has been: (aa) used as a playing field at any time in the 5 years before the making of the relevant application and which remains undeveloped; or (bb) allocated for use as a playing field in a development plan or in proposals for such a plan or its alteration or replacement; or (iii) involves the replacement of the grass surface of a playing pitch on a playing field with an artificial, man-made or composite surface	The Sports Council for Wales ⁽¹⁾
(s)	Development likely to affect— (i) any inland waterway (whether natural or artificial) or reservoir owned or managed by the Canal & River Trust; or (ii) any canal feeder channel, watercourse, let off or culvert, which is within an area which has been notified for the purposes of this provision to the Welsh Ministers by the Canal & River Trust	The Canal & River Trust
(t)	Development— (i) involving the siting of new establishments; (ii) consisting of modifications to existing establishments covered by Article 11 of Directive 2012/18/EU ⁽²⁾ ; or (iii) which is new, including transport routes, locations of public use and residential areas in the vicinity of existing establishments, where the siting or development may be the source of or increase the risk or consequences of a major accident	(a) The control of major accident hazards competent authority; and (b) in relation to development falling within paragraph (iii), any person who is the person in control of the land on which any existing establishment in question is located either— (i) according to the register held by the hazardous substances authority under regulation 22 of the Planning (Hazardous Substances) (Wales) Regulations 2015 ⁽³⁾ ; or (ii) where the control of major accident hazards competent authority has notified the local

(1) The Sports Council for Wales is known as Sport Wales.

(2) O.J. L 197, 24.7.2012, p 1.

(3) S.I. 2015/1597 (W. 196).

	planning authority pursuant to regulation 34(3) of those Regulations.
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Interpretation of Table

In the above Table—

(a) in paragraphs (a) and (b)—

“floor space” (*“arwynebedd llawr”*) means the total floor space in a building or buildings;

“industrial process” (*“proses ddiwydiannol”*) means a process for or incidental to any of the following purposes—

- (i) the making of any article or part of any article (including a ship or vessel, or a film, video or sound recording);
- (ii) the altering, repairing, maintaining, ornamenting, finishing, cleaning, washing, packing, canning, adapting for sale, breaking up or demolition of any article; or
- (iii) the getting, dressing or treatment of minerals in the course of any trade or business other than agriculture, and other than a process carried out on land used as a mine or adjacent to and occupied together with a mine (and in this sub-paragraph, “mine” (*“mwynglawdd”*) means any site on which mining operations are carried out);

“relevant nuclear site” (*“safle niwclear perthnasol”*) means a site which is—

- (i) a GB nuclear site (within the meaning given in section 68 of the Energy Act 2013)(**1**);
 - (ii) an authorised defence site (within the meaning given by regulation 2(1) of the Health and Safety (Enforcing Authority) Regulations 1998(**2**)); or
 - (iii) a new nuclear build site (within the meaning given by regulation 2A(1) those Regulations)(**3**).
- (b) in paragraph (c), “network” (*“rhwydwaith”*) and “operator” (*“gweithredwr”*) have the same meaning as in section 83(1) of the Railways Act 1993 (the provision of railway services)(**4**);
- (c) in paragraphs (d) and (e), “classified road” (*“ffordd ddosbarthiadol”*) means a highway or proposed highway which—
- (i) is a classified road or a principal road by virtue of section 12(1) of the Highways Act 1980 (general provision as to principal and classified roads)(**5**); or
 - (ii) is classified for the purposes of any enactment by the Welsh Ministers by virtue of section 12(3) of that Act;
- (d) in paragraph (h), “scheduled monument” (*“heneb gofrestredig”*) has the same meaning as in section 1(11) of the Ancient Monuments and Archaeological Areas Act 1979 (schedule of monuments)(**6**);

(e) in paragraph (l)—

“dwellinghouse” (*“ty annedd”*) does not include a building containing one or more flats, or a flat contained within such a building (and in this paragraph, “flat” (*“fflat”*) means a separate and self-contained set of premises constructed or adapted for the purpose of dwelling and forming part of a building from some other part of which is divided horizontally);

(1) 2013 c. 32.

(2) S.I. 1998/494. The definition of “authorised defence site” was inserted by article 6(2) of, and paragraphs 70 and 72(a) of Schedule 3 to, the Energy Act 2013 (Office for Nuclear Regulation) (Consequential Amendments, Transitional Provisions and Savings) Order 2014 (S.I. 2014/469).

(3) Regulation 2A was inserted by article 6(2) of and paragraphs 70 and 73 of, Schedule 3 to that Order.

(4) 1993 c. 43. There are amendments to section 83 which are not relevant to this instrument.

(5) 1980 c. 66.

(6) 1979 c. 46.

“slurry” (“*slyri*”) means animal faeces and urine (whether or not water has been added for handling); and

“caravan” (“*carafán*”) has the same meaning as in section 29(1) of the Caravan Sites and Control of Development Act 1960 (caravan sites)(1);

(f) in paragraph (n), “site of special scientific interest” (“*safle o ddiddordeb gwyddonol arbennig*”) means land to which section 28(1) of the Wildlife and Countryside Act 1981 (sites of special scientific interest) applies;

(g) in paragraph (o), “theatre” (“*theatr*”) has the same meaning as in section 5 of the Theatres Trust Act 1976 (interpretation)(2);

(h) in paragraph (r)—

(i) “playing field” (“*maes chwarae*”) means the whole of a site which encompasses at least one playing pitch;

(ii) “playing pitch” (“*llain chwarae*”) means a delineated area which, together with any run-off area, is of 0.2 hectares or more, and which is used for association football, American football, rugby, cricket, hockey, lacrosse, rounders, baseball, softball, Australian football, Gaelic football, shinty, hurling, polo or cycle polo;

(i) in paragraph (t)—

(i) expressions appearing both in that paragraph and in Directive 2012/18/EU have the same meaning as in that Directive; and

(ii) “control of major accident hazards competent authority” (“*awdurdod COMAH cymwys*”) means—

(aa) in relation to a relevant nuclear site, the Office of Nuclear Regulation and the Natural Resources Body for Wales, acting jointly;

(bb) otherwise, the Health and Safety Executive and the Natural Resources Body for Wales acting jointly.

(1) 1960 c. 62. There are amendments to section 29 which are not relevant to this instrument.

(2) 1976 c. 27.

SCHEDULE 6

Article 31(2)

Notification of initiation of development and display of notice

The Developments of National Significance (Procedure) (Wales) Order 2016

NOTICE UNDER ARTICLE 31(2) TO BE GIVEN TO A LOCAL PLANNING AUTHORITY TO INFORM THEM WHEN DEVELOPMENT WILL BEGIN

Proposed development at (a)

I (b)of.....

give notice to the (c) Local Planning Authority

that the proposed development granted permission under (d)

on (e)

will begin on (f)

Description of the proposed development: (g)

.....
.....
.....
.....

I confirm I am+ the owner of the land to which the proposed development relates*

I confirm I am not+ the owner of the land to which the proposed development relates and the owner's full name and address are:*

(h)

(i)

Site manager name: (j).....

Site manager contact information: (k).....

.....
.....
.....

I confirm that the following pre-commencement conditions have been complied with (l):

Permission reference.....Condition number:.....Date agreed.....

Permission reference.....Condition number:.....Date agreed.....

Permission reference.....Condition number:.....Date agreed.....

Permission reference.....Condition number:.....Date agreed.....

Permission reference.....Condition number:.....Date agreed.....

Permission reference.....Condition number:.....Date agreed.....

Permission reference.....Condition number:.....Date agreed.....

Permission reference.....Condition number:.....Date agreed.....

If required, please continue on a separate sheet

I attach a plan which indicates:

- A red line around the site boundary of the land that benefits from the permission
- The location where the notice, required by section 71ZB(2) of the Town and Country Planning Act 1990, will be displayed.

Before beginning any development related to a grant of planning permission for development of national significance a person must give notice to the local planning authority on this form.

A person carrying out development related to a grant of planning permission for development of national significance must complete the form in Schedule 7 to the Developments of National Significance (Procedure) (Wales) Order 2016 and display that form at or near the place where development is being carried out, at all times when development is being carried out. That form must be displayed in accordance with article 31(3) of the Developments of National Significance (Procedure) (Wales) Order 2016.

Signed

Date.....

+ relates to the applicant identified at (b)

* delete where appropriate

Insert:

- a) address or location of the proposed development
- b) applicant's name and address
- c) name of the local planning authority
- d) planning application reference number
- e) date the decision notice was issued
- f) date the development is to begin
- g) description of development as included on the decision notice
- h) owner's full name (if applicable)
- i) owner's full address (if applicable)
- j) name of the person who has or will be appointed to oversee the carrying out of the development on site
- k) contact details for person (j) including, where appropriate, business postal and email addresses and telephone number
- l) pre-commencement conditions are those that require the approval of details by the local planning authority before the development can commence

SCHEDULE 7

Article 31(3)

Notice to be displayed at all times when development is being carried out

The Developments of National Significance (Procedure) (Wales) Order 2016

NOTICE UNDER ARTICLE 31(3) TO BE DISPLAYED AT ALL TIMES WHEN DEVELOPMENT IS
BEING CARRIED OUT

PART 1

Development at (a).....

Notice is hereby given that planning permission (b).....

was granted subject to conditions (c) to (d).....

on (e).....

by (f).....and development has now commenced.

The development comprises (g).....
and is marked by the edged/coloured area of the attached plan which is drawn to an identified scale and
which forms, and is displayed as, PART 2 of this notice.

Further information regarding the planning permission including the conditions, if any, on which it has
been granted can be obtained at all reasonable hours at (h).....

A person carrying out development related to a grant of planning permission for development of national
significance must display this form at or near the place where development is being carried out, at all times
when development is being carried out. The form must be displayed in accordance with article 31(3) of the
Developments of National Significance (Procedure) (Wales) Order 2016.

Before beginning development related to a grant of planning permission for development of national
significance a person must give notice to the local planning authority on the form in Schedule 6 to the
Developments of National Significance (Procedure) (Wales) Order 2016.

Notes

- a) Insert address or describe the location of development.
- b) Insert the relevant planning application reference number.
- c) Delete “subject to conditions” if the planning permission is not subject to any conditions.
- d) Insert name and address of developer.
- e) Insert date on which planning permission granted.
- f) Insert planning authority or Welsh Ministers.
- g) Insert description of development.
- h) Insert address of local planning authority.

OFFERYNNAU STATUDOL
CYMRU

WELSH STATUTORY
INSTRUMENTS

2016 Rhif 55 (Cy. 25)

2016 No. 55 (W. 25)

**CYNLLUNIO GWLAD A
THREF, CYMRU**

**TOWN AND COUNTRY
PLANNING, WALES**

Gorchymyn Datblygiadau o
Arwyddocâd Cenedlaethol
(Gweithdrefn) (Cymru) 2016

The Developments of National
Significance (Procedure) (Wales)
Order 2016