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CYMRU

WELSH STATUTORY  
INSTRUMENTS

**2016 Rhif 57 (Cy. 27)**

**2016 No. 57 (W. 27)**

**CYNLLUNIO GWLAD A  
THREF, CYMRU**

**TOWN AND COUNTRY  
PLANNING, WALES**

**Rheoliadau Datblygiadau o  
Arwyddocâd Cenedlaethol  
(Ffioedd) (Cymru) 2016**

**The Developments of National  
Significance (Fees) (Wales)  
Regulations 2016**

**NODYN ESBONIADOL**

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

Mae'r Rheoliadau hyn yn darparu ar gyfer talu ffioedd mewn cysylltiad ag—

(1) gwasanaethau cyn ymgeisio a ddarperir gan Weinidogion Cymru ac awdurdodau cynllunio lleol o dan Reoliadau Datblygiadau o Arwyddocâd Cenedlaethol (Cymru) 2016 (rheoliadau 3 a 4);

(2) hysbysiadau o geisiadau arfaethedig o dan adran 62D o Ddeddf Cynllunio Gwlad a Thref 1990 (“Deddf 1990”) (rheoliad 5);

(3) ceisiadau o dan adran 62D o Ddeddf 1990, gan gynnwys ffioedd am adroddiadau ar yr effaith leol a wneir yn ofynnol mewn perthynas â cheisiadau o'r fath gan adran 62I o Ddeddf 1990 (rheoliadau 6 i 12).

Maent hefyd yn rhagnodi'r amgylchiadau—

(1) pan ad-delir rhan o'r ffioedd dechreuol a dalwyd i Weinidogion Cymru mewn cysylltiad â cheisiadau o dan adran 62D o Ddeddf 1990 (rheoliad 7); a

(2) pan fo ffioedd a dalwyd i Weinidogion Cymru am adroddiadau ar yr effaith leol yn cael eu hanfon at awdurdodau cynllunio lleol neu eu had-dalu i geiswyr (rheoliadau 8 a 9).

Mae'r Asesiad Effaith Rheoleiddiol sy'n gymwys i'r Rheoliadau hyn ar gael gan Lywodraeth Cymru ym Mharc Cathays, Caerdydd, CF10 3NQ ac ar wefan Llywodraeth Cymru yn [www.cymru.gov.uk](http://www.cymru.gov.uk).

**EXPLANATORY NOTE**

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

These Regulations provide for the payment of fees in respect of—

(1) pre-application services provided by the Welsh Ministers and local planning authorities under the Developments of National Significance (Wales) Regulations 2016 (regulations 3 and 4);

(2) notifications of proposed applications under section 62D of the Town and Country Planning Act 1990 (“the 1990 Act”) (regulation 5);

(3) applications under section 62D of the 1990 Act, including fees for local impact reports required in relation to such applications by section 62I of the 1990 Act (regulations 6 to 12).

They also prescribe the circumstances in which—

(1) part of initial fees paid to the Welsh Ministers in respect of applications under section 62D of the 1990 Act are refunded (regulation 7); and

(2) fees paid to the Welsh Ministers for local impact reports are remitted to local planning authorities or refunded to applicants (regulations 8 and 9).

The Regulatory Impact Assessment applicable to these Regulations is obtainable from the Welsh Government at: Cathays Park, Cardiff, CF10 3NQ and on the Welsh Government website at [www.wales.gov.uk](http://www.wales.gov.uk).

**2016 Rhif 57 (Cy. 27)**

**CYNLLUNIO GWLAD A  
THREF, CYMRU**

**Rheoliadau Datblygiadau o  
Arwyddocâd Cenedlaethol  
(Ffioedd) (Cymru) 2016**

*Gwnaed* 27 Ionawr 2016  
*Yn dod i rym* 1 Mawrth 2016

Mae Gweinidogion Cymru, drwy arfer y pwerau a roddir iddynt gan adrannau 303 a 333(2A) o Ddeddf Cynllunio Gwlad a Thref 1990(1), yn gwneud y Rheoliadau a ganlyn.

Yn unol ag adran 303(8) o'r Ddeddf honno, gosodwyd drafft o'r offeryn hwn gerbron Cynulliad Cenedlaethol Cymru a chymeradwywyd ef drwy benderfyniad Cynulliad Cenedlaethol Cymru.

**Enwi, cychwyn a chymhwyso**

**1.—(1)**Enw'r Rheoliadau hyn yw Rheoliadau Datblygiadau o Arwyddocâd Cenedlaethol (Ffioedd) (Cymru) 2016, a deuant i rym ar 1 Mawrth 2016.

(2) Mae'r Rheoliadau hyn yn gymwys—

(a) pan wneir cais i Weinidogion Cymru o dan adran 62D o Ddeddf 1990 (datblygiadau o arwyddocâd cenedlaethol sydd i'w gwneud i Weinidogion Cymru)(2); neu

(b) pan gynigir bod cais o'r fath yn cael ei wneud.

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- (1) 1990 p. 8. Amnewidiwyd adran 303 gan adran 199 o Ddeddf Cynllunio 2008 (p. 29) a diwygiwyd hi gan adran 27 o Ddeddf Cynllunio (Cymru) 2015 (dccc. 4) a pharagraff 18 o Atodlen 4 i'r Ddeddf honno. Gweler adran 336(1) o Ddeddf 1990 ar gyfer ystyr "prescribed". Gwnaed diwygiadau eraill nad ydynt yn berthnasol i'r Rheoliadau hyn. Mewnosodwyd adran 333(2A) gan adran 118(1) o Ddeddf Cynllunio a Phrynu Gorfodol 2004 (p. 5) a pharagraffau 1 ac 14 o Atodlen 6 i'r Ddeddf honno.
- (2) Mewnosodwyd adran 62D gan adran 19 o Ddeddf Cynllunio (Cymru) 2015.

**2016 No. 57 (W. 27)**

**TOWN AND COUNTRY  
PLANNING, WALES**

**The Developments of National  
Significance (Fees) (Wales)  
Regulations 2016**

*Made* 27 January 2016  
*Coming into force* 1 March 2016

The Welsh Ministers, in exercise of the powers conferred on them by sections 303 and 333(2A) of the Town and Country Planning Act 1990(1), make the following Regulations.

In accordance with section 303(8) of that Act, a draft of this instrument was laid before and approved by resolution of the National Assembly for Wales.

**Title, commencement and application**

**1.—(1)**The title of these Regulations is the Developments of National Significance (Fees) (Wales) Regulations 2016 and they come into force on 1 March 2016.

(2) These Regulations apply 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)(2); or

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

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- (1) 1990 c. 8. Section 303 was substituted by section 199 of the Planning Act 2008 (c. 29) and was amended by section 27 of, and paragraph 18 of Schedule 4 to, the Planning (Wales) Act 2015 (anaw. 4). See section 336(1) of the 1990 Act for the meaning of "prescribed". Other amendments are not relevant to these Regulations. Section 333(2A) was inserted by section 118(1) of, and paragraphs 1 and 14 of Schedule 6 to, the Planning and Compulsory Purchase Act 2004 (c. 5).
- (2) Section 62D was inserted by section 19 of the Planning (Wales) Act 2015.

## Dehongli

### 2.—(1) Yn y Rheoliadau hyn—

ystyr “ceisydd” (“*applicant*”) yw person sydd naill ai’n bwriadu gwneud cais neu sydd wedi gwneud cais o’r fath;

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

ystyr “Gorchymyn 2016” (“*the 2016 Order*”) yw Gorchymyn Datblygiadau o Arwyddocâd Cenedlaethol (Gweithdrefn) (Cymru) 2016(1);

ystyr “person penodedig” (“*appointed person*”) yw’r person a benodir o dan Reoliadau 2016 i arfer y swyddogaethau a bennir yn y Rheoliadau hynny (yn ddarostyngedig bob amser i unrhyw gyfarwyddyd o dan baragraff 9 o Atodlen 4D i Ddeddf 1990)(2); ac

ystyr “Rheoliadau 2016” (“*the 2016 Regulations*”) yw Rheoliadau Datblygiadau o Arwyddocâd Cenedlaethol (Cymru) 2016(3).

### (2) Yn y Rheoliadau hyn mae unrhyw gyfeiriad—

(a) at gael taliad o ffi yn gyfeiriad at y derbynnydd yn cael taliad o swm llawn y ffi mewn arian a gliriwyd;

(b) at fethiant i dalu ffi yn gyfeiriad at y derbynnydd yn peidio â chael swm llawn y ffi mewn arian a gliriwyd, neu yn cael siec nas anrhydeddir yn ddiweddarach am swm llawn y ffi; ac

(c) at golofn neu res yn gyfeiriad at golofn neu res yn y tabl yn yr Atodlen.

## Ffi am wasanaethau awdurdodau cynllunio lleol cyn ymgeisio

3.—(1) Pan wneir archiad gwasanaethau cyn ymgeisio gan awdurdod cynllunio lleol o dan Reoliadau 2016, rhaid talu ffi i’r awdurdod.

(2) Y ffi sy’n daladwy o dan y rheoliad hwn yw’r swm a nodir yn y rhes berthnasol o golofn 3.

(3) Rhaid cyflwyno’r ffi ynghyd â’r archiad.

(4) Os yw’r ceisydd yn methu â thalu’r ffi o dan y rheoliad hwn, ni fydd rhaid i’r awdurdod lleol gymryd unrhyw gamau mewn perthynas â’r archiad hyd nes bo’r awdurdod yn cael y taliad.

(5) Rhaid i unrhyw ffi a dalwyd yn unol â’r rheoliad hwn gael ei ad-dalu os gwrthodir yr archiad fel un annilys.

(1) O.S. 2016/55 (Cy.25).

(2) Mewnosodwyd Atodlen 4D gan adran 26 o Ddeddf Cynllunio Cymru 2015 a pharagraff 1 o Atodlen 3 i’r Ddeddf honno.

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

## Interpretation

### 2.—(1) In these Regulations—

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

“the 2016 Order” (“*Gorchymyn 2016*”) means the Developments of National Significance (Procedure) (Wales) Order 2016(1);

“the 2016 Regulations” (“*Rheoliadau 2016*”) means the Developments of National Significance (Wales) Regulations 2016(2);

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

“appointed person” (“*person penodedig*”) means the person appointed under the 2016 Regulations to exercise the functions specified in those Regulations (subject at all times to any direction under paragraph 9 of Schedule 4D to the 1990 Act)(3).

### (2) In these Regulations any reference to —

(a) the receipt of a payment by way of a fee is a reference to the recipient having received the full amount of the fee in cleared funds;

(b) a failure to pay a fee is a reference to the recipient not having received the full amount of the fee in cleared funds or having received a cheque in the full amount of the fee which is subsequently dishonoured; and

(c) a column or a row is a reference to a column or a row of the table in the Schedule.

## Fee for local planning authorities’ pre-application services

3.—(1) Where a request for pre-application services is made to a local planning authority under the 2016 Regulations, a fee must be paid to the authority.

(2) The fee payable under this regulation is the amount set out in the relevant row of column 3.

(3) The fee must accompany the request.

(4) If the applicant fails to pay the fee under this regulation, the local planning authority need take no steps in relation to the request until payment is received by the authority.

(5) Any fee paid pursuant to this regulation must be refunded if the request is rejected as invalid.

(1) S.I. 2016/55 (W.25).

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

(3) Schedule 4D was inserted by section 26 of, and paragraph 1 of Schedule 3 to, the Planning (Wales) Act 2015.

(6) Yn y rheoliad hwn, ystyr “yr awdurdod cynllunio lleol” (“*the local planning authority*”) yw’r awdurdod lleol y byddid, oni bai am adran 62D o Ddeddf 1990, wedi gwneud y cais arfaethedig iddo.

### **Ffi am wasanaethau Gweinidogion Cymru cyn ymgeisio**

4.—(1) Pan fo Gweinidogion Cymru yn darparu gwasanaethau cyn ymgeisio yn unol â Rheoliadau 2016 (“*gwasanaethau cyn ymgeisio*”) (“*pre-application services*”), rhaid talu ffi i Weinidogion Cymru.

(2) Cyfrifir y ffi sy’n daladwy drwy luosi cyfanswm yr amser (mewn oriau a rhannau o awr) a dreulir gan swyddog cynllunio yn darparu gwasanaethau cyn ymgeisio gyda’r gyfradd fesul awr am swyddog cynllunio.

(3) Y gyfradd fesul awr am swyddog cynllunio yw’r swm a nodir yn y rhes berthnasol o golofn 3.

(4) Caiff Gweinidogion Cymru anfonebu’r ceisydd fesul ysbaid resymol mewn cysylltiad â nifer yr oriau a dreulir yn darparu gwasanaethau cyn ymgeisio a swm y ffi am y gwasanaethau hynny.

(5) Rhaid i unrhyw ffi sy’n ddyladwy mewn cysylltiad â gwasanaethau cyn cymhwyso gyrraedd Gweinidogion Cymru o fewn y cyfnod o 21 diwrnod sy’n dechrau gyda’r diwrnod yr anfonir yr anfoneb berthnasol oddi wrth Weinidogion Cymru.

(6) Os yw’r ceisydd yn methu â thalu unrhyw ffi am wasanaethau cyn cymhwyso o fewn y cyfnod a bennir ym mharagraff (5), ni fydd rhaid i Weinidogion Cymru gymryd unrhyw gamau pellach mewn perthynas â’r ddarpariaeth o wasanaethau cyn ymgeisio hyd nes byddant wedi cael y taliad.

(7) Yn y rheoliad hwn, ystyr “swyddog cynllunio” (“*planning officer*”) yw swyddog sy’n gweithio i gyd-asiantaeth weithredol yr Adran Cymunedau a Llywodraeth Leol a Llywodraeth Cymru, a elwir yr Arolygiaeth Gynllunio.

### **Ffi am hysbysu ynghylch cais arfaethedig**

5.—(1) Pan fo’r ceisydd yn rhoi hysbysiad ynghylch cais arfaethedig yn unol ag adran 62E(1) o Ddeddf 1990 (hysbysiad o gais arfaethedig o dan adran 62D)(1), rhaid talu ffi i Weinidogion Cymru (“ffi hysbysu”) (“*notification fee*”).

(2) Y ffi hysbysu yw’r swm a nodir yn y rhes berthnasol o golofn 3.

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(1) Mewnosodwyd adran 62E gan adran 19 o Ddeddf Cynllunio (Cymru) 2015.

(6) In this regulation “the local planning authority” (“*yr awdurdod cynllunio lleol*”) means the local planning authority to which, but for section 62D of the 1990 Act, the proposed application would have been made.

### **Fee for Welsh Ministers’ pre-application services**

4.—(1) Where the Welsh Ministers provide pre-application services in accordance with the 2016 Regulations (“*pre-application services*”) (“*gwasanaethau cyn ymgeisio*”), a fee must be paid to the Welsh Ministers.

(2) The fee payable is calculated by multiplying the total time (in hours and part of an hour) spent by a planning officer providing pre-application services by the hourly rate for a planning officer.

(3) The hourly rate for a planning officer is the amount set out in the relevant row of column 3.

(4) The Welsh Ministers may invoice the applicant at reasonable intervals in respect of the number of hours spent in providing pre-application services and the amount of the fee for those services.

(5) Any fee due in respect of pre-application services must be received by the Welsh Ministers within the period of 21 days beginning with the date the relevant invoice from the Welsh Ministers is sent.

(6) If the applicant fails to pay any fee for pre-application services within the period specified in paragraph (5), the Welsh Ministers need take no further steps in relation to the provision of pre-application services until payment has been received.

(7) In this regulation “planning officer” (“*swyddog cynllunio*”) means an officer working for the joint executive agency of the Department for Communities and Local Government and the Welsh Government known as the Planning Inspectorate.

### **Fee for notification of a proposed application**

5.—(1) Where the applicant gives notification of a proposed application in accordance with section 62E(1) of the 1990 Act (notification of proposed application under section 62D)(1), a fee must be paid to the Welsh Ministers (a “notification fee”) (“*ffi hysbysu*”).

(2) The notification fee is the amount set out in the relevant row of column 3.

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(1) Section 62E was inserted by section 19 of the Planning (Wales) Act 2015.

(3) Rhaid cyflwyno'r ffi hysbysu ynghyd â'r hysbysiad.

#### **Ffi am wneud cais**

6.—(1) Rhaid i ffi gael ei thalu i Weinidogion Cymru gan y ceisydd am wneud cais.

(2) Y ffi yw swm cyfanredol y canlynol—

- (a) y ffi ddechreuol yn unol â rheoliad 7;
- (b) y ffi am bob adroddiad ar yr effaith leol yn unol â rheoliad 8;
- (c) y ffi am archwilio cais, a gyfrifir yn unol â rheoliad 10(2);
- (d) y ffi am unrhyw hysbysiad o fwriad i amrywio cais yn unol â rheoliad 11(2); ac
- (e) y ffi am benderfynu cais gan Weinidogion Cymru, a gyfrifir yn unol â rheoliad 12(2).

#### **Ffi ddechreuol am wneud cais**

7.—(1) Pan wneir cais i Weinidogion Cymru, rhaid talu ffi ddechreuol i Weinidogion Cymru (“ffi ddechreuol”) (“*initial fee*”).

(2) Y ffi ddechreuol yw'r swm a nodir yn y rhes berthnasol o golofn 3.

(3) Rhaid cyflwyno'r ffi ddechreuol ynghyd â'r cais.

(4) Rhaid i Weinidogion Cymru ad-dalu 75% o'r ffi ddechreuol i'r ceisydd os—

- (a) tynnir y cais yn ôl cyn bo Gweinidogion Cymru wedi rhoi hysbysiad derbyn i'r ceisydd; neu
- (b) hysbysir y ceisydd o dan erthygl 15(5) o Orchymyn 2016 nad yw'r cais wedi ei dderbyn.

(5) Rhaid i Weinidogion Cymru ad-dalu 25% o'r ffi ddechreuol i'r ceisydd os oes hysbysiad derbyn wedi ei roi ond tynnir y cais yn ôl cyn diwedd y cyfnod sylwadau.

(6) Ym mharagraffau (4) a (5), mae'r cyfeiriadau at y ffi ddechreuol yn gyfeiriadau at y ffi ddechreuol a dalwyd gan y ceisydd i Weinidogion Cymru.

(7) Yn y rheoliad hwn—

- (a) ystyr “hysbysiad derbyn” (“*notice of acceptance*”) yw hysbysiad o dan erthygl 15(2) o Orchymyn 2016 bod y cais wedi ei dderbyn; ac

(3) The notification fee must accompany the notification.

#### **Fee for making an application**

6.—(1) A fee must be paid to the Welsh Ministers by the applicant for making an application.

(2) The fee is the aggregate of—

- (a) the initial fee in accordance with regulation 7;
- (b) the fee for each local impact report in accordance with regulation 8;
- (c) the fee for examination of an application calculated in accordance with regulation 10(2);
- (d) the fee for any notification of intention to vary an application in accordance with regulation 11(2); and
- (e) the fee for the Welsh Ministers determining an application calculated in accordance with regulation 12(2).

#### **Initial fee for an application**

7.—(1) Where an application is made to the Welsh Ministers, an initial fee must be paid to the Welsh Ministers (an “initial fee”) (“*ffi ddechreuol*”).

(2) The initial fee is the amount set out in the relevant row of column 3.

(3) The initial fee must accompany the application.

(4) The Welsh Ministers must refund 75% of the initial fee to the applicant where—

- (a) the application is withdrawn before the Welsh Ministers give notice of acceptance to the applicant; or
- (b) the applicant is notified under article 15(5) of the 2016 Order that the application is not accepted.

(5) The Welsh Ministers must refund 25% of the initial fee to the applicant where notice of acceptance has been given but the application is withdrawn before the end of the representation period.

(6) In paragraphs (4) and (5), references to the initial fee are to the initial fee paid by the applicant to the Welsh Ministers.

(7) In this regulation—

- (a) “notice of acceptance” (“*hysbysiad derbyn*”) means notice under article 15(2) of the 2016 Order that the application is accepted; and

- (b) ystyr “y cyfnod sylwadau” (“*the representation period*”) yw’r cyfnod y darperir ar ei gyfer yn erthygl 4 o Orchymyn 2016(1).

### Ffi am adroddiad ar yr effaith leol

8.—(1) Rhaid talu ffi i Weinidogion Cymru mewn cysylltiad â phob adroddiad ar yr effaith leol(2) y gwneir yn ofynnol bod awdurdod cynllunio lleol perthnasol yn ei gyflwyno(3) (“ffi am adroddiad”) (“*report fee*”).

(2) Y ffi am adroddiad yw’r swm a nodir yn y rhes berthnasol o golofn 3.

(3) Rhaid cyflwyno’r ffi am adroddiad ynghyd â’r cais.

(4) Rhaid i Weinidogion Cymru—

- (a) anfon y cyfryw ffi ymlaen yn unol â rheoliad 9(2); neu
- (b) anfon ac ad-dalu’r cyfryw ffi yn unol â rheoliad 9(3); neu
- (c) ad-dalu’r cyfryw ffi yn unol â rheoliad 9(1) neu 9(4).

### Peidio â chodi ffi am adroddiad a’i had-dalu

9.—(1) Rhaid i Weinidogion Cymru ad-dalu’r ffi am adroddiad i’r ceisydd pan—

- (a) tynnir y cais yn ôl cyn bo awdurdod cynllunio lleol perthnasol wedi cyflwyno adroddiad ar yr effaith leol i Weinidogion Cymru; neu
- (b) hysbysir y ceisydd gan Weinidogion Cymru o dan erthygl 15(5) o Orchymyn 2016 nad yw’r cais wedi ei dderbyn.

(2) Pan fo awdurdod cynllunio lleol perthnasol yn cyflwyno adroddiad ar yr effaith leol i Weinidogion Cymru erbyn y terfyn amser a bennwyd gan Weinidogion Cymru yn unol ag adran 62I(3) o Ddeddf 1990 (“y terfyn amser”) (“*the deadline*”), rhaid i Weinidogion Cymru anfon y ffi am adroddiad at yr awdurdod.

- (b) “the representation period” (“*y cyfnod sylwadau*”) means the period provided for in article 4 of the 2016 Order(1).

### Fee for a local impact report

8.—(1) A fee must be paid to the Welsh Ministers in respect of each local impact report(2) required to be submitted by a relevant local planning authority(3)(a “report fee”) (“*ffi am adroddiad*”).

(2) The report fee is the amount set out in the relevant row of column 3.

(3) The report fee must accompany the application.

(4) The Welsh Ministers must—

- (a) remit such fee in accordance with regulation 9(2); or
- (b) remit and refund such fee in accordance with regulation 9(3); or
- (c) refund such fee in accordance with regulation 9(1) or 9(4).

### Remission and refund of report fee

9.—(1) The Welsh Ministers must refund the report fee to the applicant where —

- (a) the application is withdrawn before a relevant local planning authority submits a local impact report to the Welsh Ministers; or
- (b) the Welsh Ministers notify the applicant under article 15(5) of the 2016 Order that the application is not accepted.

(2) Where a relevant local planning authority submit a local impact report to the Welsh Ministers by the deadline specified by the Welsh Ministers in accordance with section 62I(3) of the 1990 Act (“the deadline”) (“*y terfyn amser*”), the Welsh Ministers must remit the report fee to the authority.

(1) Mae erthygl 4 yn darparu mai’r cyfnod sylwadau yw pum wythnos ond caiff Gweinidogion Cymru drwy gyfarwyddyd estyn y cyfnod hwnnw mewn unrhyw achos penodol.

(2) Ar gyfer “local impact report” gweler adran 62K o Ddeddf 1990. Mewnosodwyd adran 62K gan adran 21 o Ddeddf Cynllunio (Cymru) 2015. Rhaid i adroddiad ar yr effaith leol gael ei gyflwyno gan awdurdodau cynllunio lleol perthnasol, gweler adran 62I.

(3) Ar gyfer “relevant local planning authority” (“*awdurdod cynllunio lleol perthnasol*”) gweler adran 62I(5) o Ddeddf 1990. Mewnosodwyd adran 62I gan adran 21 o Ddeddf Cynllunio (Cymru) 2015.

(1) Article 4 provides that the representation period is five weeks but the Welsh Ministers may by direction extend this in any particular case.

(2) For “local impact report” see section 62K of the 1990 Act. Section 62K was inserted by section 21 of the Planning (Wales) Act 2015. A local impact report must be submitted by relevant local planning authorities, see section 62I.

(3) For “relevant local planning authority” see section 62I(5) of the 1990 Act. Section 62I was inserted by section 21 of the Planning (Wales) Act 2015.

(3) Pan fo awdurdod cynllunio lleol perthnasol yn cyflwyno adroddiad ar yr effaith leol i Weinidogion Cymru ar ôl y terfyn amser ond o fewn cyfnod o 14 diwrnod sy'n dechrau gyda'r terfyn amser, rhaid i Weinidogion Cymru—

- (a) anfon hanner y ffi am adroddiad at yr awdurdod; a
- (b) ad-dalu hanner arall y ffi am adroddiad i'r ceisydd.

(4) Pan nad yw awdurdod cynllunio lleol perthnasol yn cyflwyno adroddiad ar yr effaith leol i Weinidogion Cymru naill ai erbyn y terfyn amser neu o fewn y cyfnod o 14 diwrnod sy'n dechrau gyda'r terfyn amser, rhaid i Weinidogion Cymru ad-dalu'r ffi am adroddiad i'r ceisydd.

(5) Yn y rheoliad hwn, mae cyfeiriadau at “ffi am adroddiad” yn gyfeiriadau at y ffi am adroddiad a dalwyd i Weinidogion Cymru gan y ceisydd.

### Ffi am archwilio cais

**10.**—(1) Rhaid talu ffi i Weinidogion Cymru am archwilio cais (“ffi archwilio”) (“*examination fee*”).

(2) Rhaid cyfrifo'r ffi fel swm cyfanredol—

- (a) nifer y diwrnodau neu ran o ddiwrnod a dreulir gan y person penodedig yn archwilio'r cais wedi ei luosi gydag—
  - (i) ar gyfer y rhan honno o'r cais a archwilir ar sail sylwadau ysgrifenedig, y gyfradd ddyddiol a nodir yn y rhes berthnasol o golofn 3;
  - (ii) ar gyfer y rhan honno o'r cais a archwilir ar sail gwrandawriad neu ymchwiliad, y gyfradd ddyddiol a nodir yn y rhes berthnasol o golofn 3; a
- (b) unrhyw gostau ychwanegol a dynnir mewn gwirionedd gan neu ar ran Gweinidogion Cymru mewn cysylltiad ag archwilio'r cais.

(3) Mae'r costau y cyfeirir atynt ym mharagraff (2)(b) yn cynnwys—

- (a) costau a dynnir wrth ddarparu lleoliad neu gyfleusterau eraill mewn cysylltiad â gwrandawriad neu ymchwiliad, gan gynnwys costau a dynnir yn rhesymol mewn cysylltiad â gwrandawriad neu ymchwiliad nas cynhelir;
- (b) costau a dynnir wrth roi hysbysiad cyhoeddus o wrandawriad neu ymchwiliad;
- (c) unrhyw gostau sy'n briodoladwy i benodi asesydd;
- (d) unrhyw gostau cyfreithiol neu all daliadau rhesymol eraill a dynnir neu a delir gan neu ar ran Gweinidogion Cymru mewn cysylltiad ag archwilio cais.

(3) Where a relevant local planning authority submit a local impact report to the Welsh Ministers after the deadline but within the period of 14 days beginning with the deadline, the Welsh Ministers must—

- (a) remit half of the report fee to the authority; and
- (b) refund the other half of the report fee to the applicant.

(4) Where a relevant local planning authority do not submit a local impact report to the Welsh Ministers either by the deadline or within the period of 14 days beginning with the deadline, the Welsh Ministers must refund the report fee to the applicant.

(5) In this regulation references to the “report fee” are to the report fee paid to the Welsh Ministers by the applicant.

### Fee for examining an application

**10.**—(1) A fee must be paid to the Welsh Ministers for examining an application (an “examination fee”) (“*ffi archwilio*”).

(2) The examination fee is to be calculated as the aggregate of—

- (a) the number of days or part of a day spent by the appointed person examining the application multiplied by—
  - (i) for that part of the application examined on the basis of written representations, the daily rate set out in the relevant row of column 3;
  - (ii) for that part of the application examined by way of hearing or inquiry, the daily rate set out in the relevant row of column 3; and
- (b) any additional costs actually incurred by or on behalf of the Welsh Ministers in connection with examining the application.

(3) The costs referred to in paragraph (2)(b) include—

- (a) costs incurred in the provision of a venue or other facilities in respect of a hearing or inquiry, including costs reasonably incurred in respect of a hearing or inquiry that does not take place;
- (b) costs incurred in giving public notice of a hearing or inquiry;
- (c) any costs attributable to the appointment of an assessor;
- (d) any reasonable legal costs or other disbursements incurred or paid by or on behalf of the Welsh Ministers in connection with examining an application.

(4) Rhaid i Weinidogion Cymru roi i'r ceisydd, cyn gynted ag y bo'n rhesymol ymarferol, amcangyfrif ysgrifenedig o'r nifer o ddiwrnodau y bydd archwilio'r cais yn debygol o'u cymryd.

(5) Caiff Gweinidogion Cymru ddiwygio'r amcangyfrif y cyfeirir ato ym mharagraff (4), ar unrhyw adeg.

(6) Caiff Gweinidogion Cymru anfonebu'r ceisydd fesul ysbaid resymol mewn cysylltiad â nifer y diwrnodau a dreulir ac am unrhyw gostau a dynnir mewn gwirionedd mewn cysylltiad ag archwilio'r cais.

(7) Rhaid i unrhyw ffi sy'n ddyladwy o dan y rheoliad hwn gyrraedd Gweinidogion Cymru o fewn y cyfnod o 21 diwrnod sy'n dechrau gyda'r diwrnod yr anfonir yr anfoneb berthnasol oddi wrth Weinidogion Cymru.

(8) Os yw'r ceisydd yn methu â thalu unrhyw ffi sy'n ddyladwy o dan y rheoliad hwn o fewn y cyfnod a bennir ym mharagraff (7), ni fydd rhaid i Weinidogion Cymru gymryd unrhyw gamau pellach mewn perthynas â'r cais hyd nes byddant wedi cael y taliad.

(9) Os bydd y ceisydd yn methu â thalu unrhyw ffi sy'n ddyladwy o dan y rheoliad hwn o fewn y cyfnod o 12 wythnos sy'n dechrau ar ddiwedd y cyfnod ym mharagraff (7), ni fydd rhaid i Weinidogion Cymru gymryd unrhyw gamau pellach mewn perthynas â'r cais ac ystyrir bod y cais wedi ei dynnu'n ôl.

(10) Mae ffi yn parhau yn daladwy o dan y rheoliad hwn pan dynnir cais yn ôl cyn bo adroddiad wedi ei wneud o dan Reoliadau 2016.

(11) Yn y rheoliad hwn—

- (a) ystyr “asesydd” (“*assessor*”) yw person a benodir i eistedd gyda pherson penodedig mewn gwrandawriad neu ymchwiliad neu wrandawriad neu ymchwiliad a ail agorwyd, i gynorthwyo'r person penodedig;
- (b) ystyrir bod “diwrnod” (“*day*”) yn cynnwys 7.4 o oriau; ac
- (c) bod “archwilio cais” (“*examining an application*”) yn cynnwys archwilio unrhyw gydsyniadau eilaidd<sup>(1)</sup> sy'n gysylltiedig â'r cais pan fo'r penderfyniad ar y cydsyniadau hynny i gael ei wneud gan Weinidogion Cymru.

### Ffi am hysbysu ynghylch bwriad i amrywio

**11.**—(1) Pan fo ceisydd yn rhoi hysbysiad o fwriad i amrywio cais, rhaid talu ffi i Weinidogion Cymru (“ffi amrywio”) (“*variation fee*”).

(4) The Welsh Ministers must give the applicant as soon as reasonably practicable an estimate in writing of the number of days examination of the application is likely to take.

(5) The Welsh Ministers may revise the estimate referred to in paragraph (4), at any time.

(6) The Welsh Ministers may invoice the applicant at reasonable intervals in respect of the number of actual days spent and for any actual costs incurred, in examining the application.

(7) Any fee due under this regulation must be received by the Welsh Ministers within the period of 21 days beginning with the date the relevant invoice from the Welsh Ministers is sent.

(8) If the applicant fails to pay any fee due under this regulation within the period specified in paragraph (7), the Welsh Ministers need take no further steps in relation to the application until payment has been received by the Welsh Ministers.

(9) If the applicant fails to pay any fee due under this regulation within the period of 12 weeks beginning on the expiry of the period specified in paragraph (7), the Welsh Ministers need take no further steps in relation to the application and the application is deemed to be withdrawn.

(10) A fee remains payable under this regulation where the application is withdrawn before a report is made under the 2016 Regulations.

(11) In this regulation—

- (a) “assessor” (“*asesydd*”) means a person appointed to sit with an appointed person at a hearing or inquiry or re-opened hearing or inquiry to assist the appointed person;
- (b) a “day” (“*diwrnod*”) is deemed to consist of 7.4 hours; and
- (c) “examining an application” (“*archwilio cais*”) includes examination of any secondary consents<sup>(1)</sup> connected to the application where the decision on those consents is to be made by the Welsh Ministers.

### Fee for notification of intention to vary

**11.**—(1) Where an applicant gives notification of intention to vary an application, a fee must be paid to the Welsh Ministers (a “variation fee”) (“*ffi amrywio*”).

(1) Ar gyfer “secondary consents” (“*cydsyniadau eilaidd*”) gweler adran 62H o Ddeddf 1990. Mewnosodwyd adran 62H gan adran 20 o Ddeddf Cynllunio (Cymru) 2015. Rhagnodir cydsyniadau eilaidd at ddibenion adran 62H gan Reoliadau Datblygiadau o Arwyddocâd Cenedlaethol (Meini Prawf Penodedig a Chydsyniadau Eilaidd Rhagnodedig) (Cymru) 2016 (O.S. 2016/53) (Cy.23).

(1) For secondary consents, see section 62H of the 1990 Act. Section 62H was inserted by section 20 of the Planning (Wales) Act 2015. 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 (S.I. 2016/53) (W.23).



(2) Y ffi amrywio yw'r swm a nodir yn y rhes berthnasol o golofn 3.

(3) Rhaid cyflwyno'r ffi amrywio ynghyd â'r hysbysiad.

(4) Os yw'r ceisydd yn methu â thalu'r ffi amrywio, ni fydd rhaid i Weinidogion Cymru gymryd unrhyw gamau mewn perthynas â'r hysbysiad hyd nes bydd Gweinidogion Cymru wedi cael y taliad.

(5) Yn y rheoliad hwn, ystyr "hysbysiad o fwriad i amrywio" ("*notification of intention to vary*") yw hysbysiad i Weinidogion Cymru o dan erthygl 27(3) o Orchymyn 2016, gan gynnwys yr erthygl honno fel y'i cymhwysir gan Reoliadau 2016.

### **Ffi am i Weinidogion Cymru benderfynu cais**

**12.**—(1) Rhaid talu ffi i Weinidogion Cymru am benderfynu cais ("*ffi benderfynu*") ("*determination fee*").

(2) Y ffi benderfynu yw swm cyfanredol y canlynol—

- (a) ffi benodedig; a
- (b) unrhyw gostau ychwanegol a dynnir mewn gwirionedd gan neu ar ran Gweinidogion Cymru mewn cysylltiad â phenderfynu'r cais.

(3) Y ffi benodedig yw'r swm a nodir yn y rhes berthnasol o golofn 3.

(4) Mae'r costau y cyfeirir atynt ym mharagraff (2)(b) yn cynnwys—

- (a) unrhyw gostau cyfreithiol neu alldaliadau rhesymol eraill a dynnir neu a delir gan neu ar ran Gweinidogion Cymru mewn cysylltiad â phenderfynu'r cais; a
- (b) costau a dynnir wrth adolygu ac ystyried rhwymedigaethau cynllunio<sup>(1)</sup>.

(5) Caiff Gweinidogion Cymru anfonebu'r ceisydd am y ffi benodedig ar unrhyw adeg ar ôl cael adroddiad y person penodedig, a fesul ysbaid resymol mewn cysylltiad ag unrhyw gostau ychwanegol a dynnir mewn gwirionedd mewn cysylltiad â phenderfynu'r cais.

(6) Rhaid i unrhyw ffi sy'n daladwy o dan y rheoliad hwn gyrraedd Gweinidogion Cymru o fewn y cyfnod o 21 diwrnod sy'n dechrau gyda'r dyddiad yr anfonir yr anfoneb berthnasol oddi wrth Weinidogion Cymru.

(7) Os bydd y ceisydd yn methu â thalu unrhyw ffi sy'n ddyladwy o dan y rheoliad hwn o fewn y cyfnod a

(2) The variation fee is the amount set out in the relevant row of column 3.

(3) The variation fee must accompany the notification.

(4) If the applicant fails to pay the variation fee, the Welsh Ministers need take no steps in relation to the notification until payment is received by the Welsh Ministers.

(5) In this regulation "*notification of intention to vary*" ("*hysbysiad o fwriad i amrywio*") means notification to the Welsh Ministers under article 27(3) of the 2016 Order, including that article as applied by the 2016 Regulations.

### **Fee for the Welsh Ministers determining an application**

**12.**—(1) A fee must be paid to the Welsh Ministers for determining an application (a "*determination fee*") ("*ffi benderfynu*").

(2) The determination fee is the aggregate of—

- (a) a fixed fee; and
- (b) any additional costs actually incurred by or on behalf of the Welsh Ministers in connection with determining the application.

(3) The fixed fee is the amount set out in the relevant row of column 3.

(4) The costs referred to in paragraph (2)(b) include—

- (a) any reasonable legal costs or other disbursements incurred or paid by or on behalf of the Welsh Ministers in connection with determining the application; and
- (b) costs incurred in reviewing and considering planning obligations<sup>(1)</sup>.

(5) The Welsh Ministers may invoice the applicant for the fixed fee at any time after receiving the appointed person's report and at reasonable intervals in respect of any additional costs actually incurred in connection with determining the application.

(6) Any fee due under this regulation must be received by the Welsh Ministers within the period of 21 days beginning with the date the relevant invoice from the Welsh Ministers is sent.

(7) If the applicant fails to pay any fee due under this regulation within the period specified in paragraph (6),

(1) Ar gyfer "planning obligations" gweler adran 106 o Ddeddf 1990. Amnewidiwyd adran 106 gan adran 12(1) o Ddeddf Cynllunio a Digolledu 1991(p 3) a diwygiwyd hi gan adran 174(2) o Ddeddf Cynllunio 2008 (p. 29). Nid yw diwygiadau eraill yn berthnasol i'r Rheoliadau hyn.

(1) For "Planning obligations" see section 106 of the 1990 Act. Section 106 was substituted by section 12(1) of the Planning and Compensation Act 1991 (c 3) and amended by section 174(2) of the Planning Act 2008 (c. 29). Other amendments are not relevant to these Regulations.

bennir ym mharagraff (6), ni fydd rhaid i Weinidogion Cymru gymryd unrhyw gamau pellach mewn perthynas â'r cais hyd nes bydd Gweinidogion Cymru wedi cael y taliad.

(8) Os bydd y ceisydd yn methu â thalu unrhyw ffi sy'n ddyladwy o dan y rheoliad hwn o fewn y cyfnod o 12 wythnos sy'n dechrau ar ddiwedd y cyfnod a bennir ym mharagraff (6), ni fydd rhaid i Weinidogion Cymru gymryd unrhyw gamau pellach mewn perthynas â'r cais ac ystyrir bod y cais wedi ei dynnu'n ôl.

(9) Bydd ffi benderfynu yn parhau'n daladwy hyd yn oed os tynnir y cais yn ôl cyn i'r cais gael ei benderfynu gan Weinidogion Cymru.

(10) Yn y rheoliad hwn, mae "penderfynu cais" ("*determining an application*") yn cynnwys penderfynu unrhyw gydsyniadau eilaidd sy'n gysylltiedig â'r cais pan fo'r penderfyniad ar y cydsyniadau hynny i gael ei wneud gan Weinidogion Cymru.

the Welsh Ministers need take no further steps in relation to the application until payment has been received by the Welsh Ministers.

(8) If the applicant fails to pay any fee due under this regulation within the period of 12 weeks beginning on the expiry of the period specified in paragraph (6), the Welsh Ministers need take no further steps in relation to the application and the application is deemed to be withdrawn.

(9) A determination fee remains payable notwithstanding the application being withdrawn before the Welsh Ministers determine the application.

(10) In this regulation "*determining an application*" ("*penderfynu cais*") includes determination of any secondary consents connected with the application where the decision on those consents is to be made by the Welsh Ministers.

*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

YR ATODLEN — Rheoliadau 3(2), 4(3), 5(2), 7(2), 8(2), 10(2)(a)(i), 10(2)(a)(ii), 11(2), a 12(3)

Symiau taladwy mewn cysylltiad â ffioedd ar gyfer Datblygiadau o Arwyddocâd Cenedlaethol

<i>Colofn 1</i>	<i>Colofn 2</i>	<i>Colofn 3</i>
<i>Rheoliad</i>	<i>Pwnc</i>	
Rheoliad 3(2)	Gwasanaethau cyn ymgeisio awdurdodau cynllunio lleol	£1,500
Rheoliad 4(3)	Cyfradd fesul awr am swyddog cynllunio	£55 plws treth ar werth
Rheoliad 5(2)	Ffi hysbysu	£580
Rheoliad 7(2)	Ffi ddechreuol	£15,350
Rheoliad 8(2)	Ffi am adroddiad mewn achos pan fo adroddiad ar yr effaith leol yn ofynnol mewn cysylltiad â chais yn unol ag adran 73 o Ddeddf 1990 (penderfynu ceisiadau i ddatblygu tir heb gydymffurfio ag amodau a osodwyd yn flaenorol)(1) pan fod adroddiad ar yr effaith leol wedi ei gyflwyno yn flaenorol	£2,350
	Ffi adrodd mewn unrhyw achos arall	£7,750
Rheoliad 10(2)(a)(i)	Cyfradd ddyddiol am berson penodedig yn archwilio cais ar sail sylwadau ysgrifenedig	£870
Rheoliad 10(2)(a)(ii)	Cyfradd ddyddiol am berson penodedig yn archwilio cais ar sail gwrandawriad neu ymchwiliad	£920
Rheoliad 11(2)	Ffi amrywio	£520
Rheoliad 12(3)	Ffi benodedig am i gais gael ei benderfynu gan Weinidogion Cymru	£14,700

(1) Diwygiwyd adran 73 gan adrannau 42 a 120 o Ddeddf Cynllunio a Phrynu Gorfodol 2004 a pharagraff 1 o Atodlen 9 i'r Ddeddf honno. Nid yw diwygiadau eraill yn berthnasol i'r Rheoliadau hyn. Gweler adran 62D(6) a (7) o Ddeddf 1990 ar gyfer yr amgylchiadau pan fo cais o dan adran 73 i gael ei drin fel pe bai'n gais datblygiad o arwyddocâd cenedlaethol.

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SCHEDULE — Regulations 3(2), 4(3), 5(2), 7(2), 8(2), 10(2)(a)(i), 10(2)(a)(ii), 11(2), and 12(3)

Amounts Payable in Respect of Fees for Developments of National Significance

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
<i>Regulation</i>	<i>Subject matter</i>	
Regulation 3(2)	Local planning authorities' pre-application services	£1,500
Regulation 4(3)	Hourly rate for planning officer	£55 plus value added tax
Regulation 5(2)	Notification fee	£580
Regulation 7(2)	Initial fee	£15,350
Regulation 8(2)	Report fee in the case of a local impact report required in respect of an application pursuant to section 73 of the 1990 Act (determination of applications to develop land without compliance with conditions previously attached)(1) where a local impact report has previously been submitted	£2,350
	Report fee in any other case	£7,750
Regulation 10(2)(a)(i)	Daily rate for an appointed person examining an application on the basis of written representations	£870
Regulation 10(2)(a)(ii)	Daily rate for an appointed person examining an application by way of hearing or inquiry	£920
Regulation 11(2)	Variation fee	£520
Regulation 12(3)	Fixed fee for the Welsh Ministers determining an application	£14,700

(1) Section 73 was amended by sections 42 and 120 of, and paragraph 1 of Schedule 9 to, the Planning and Compulsory Purchase Act 2004. Other amendments are not relevant to these Regulations. See section 62D(6) and (7) of the 1990 Act for the circumstances in which an application under section 73 is to be treated as being a national significant development application.

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**TOWN AND COUNTRY  
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