



OFFERYNNAU STATUDOL
CYMRU

WELSH STATUTORY
INSTRUMENTS

2019 Rhif 290 (Cy. 68)

2019 No. 290 (W. 68)

**CYNLLUNIO GWLAD A
THREF, CYMRU**

**TOWN AND COUNTRY
PLANNING, WALES**

Gorchymyn Datblygiadau o
Arwyddocâd Cenedlaethol
(Gweithdrefn) (Cymru) (Diwygio)
2019

The Developments of National
Significance (Procedure) (Wales)
(Amendment) Order 2019

NODYN ESBONIADOL

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

Mae'r Gorchymyn hwn yn diwygio Gorchymyn Datblygiadau o Arwyddocâd Cenedlaethol (Gweithdrefn) (Cymru) 2016 ("y Gorchymyn Gweithdrefn").

Mae erthygl 2 yn diwygio erthyglau 8 a 12 o'r Gorchymyn Gweithdrefn. Mae'r diwygiadau yn ychwanegu gofynion pan fo datblygiad yn cynnwys gosod mathau penodol o linellau trydan uwchben. Mae'r gofynion yn ymwneud â'r wybodaeth y mae'n rhaid i berson sy'n bwriadu gwneud cais am ganiatâd cynllunio ei chyhoeddi, a chynnwys y cais hwnnw.

Mae Atodlenni 1 a 2 yn amnewid y ffurflenni hysbysu yn Atodlenni 1 a 2 i'r Gorchymyn Gweithdrefn er mwyn ystyried y ffaith y caniateir i benderfyniadau ynghylch cydsyniadau sy'n gysylltiedig â datblygu llinellau trydan uwchben penodol gael eu cymryd gan berson a benodir gan Weinidogion Cymru at y diben hwnnw.

Mae Atodlen 3 yn diwygio Atodlen 5 i'r Gorchymyn Gweithdrefn. Effaith y diwygiadau hynny yw diwygio'r gofynion mewn cysylltiad â'r ymgynghoriad arbenigol y mae'n rhaid i Weinidogion Cymru, o dan erthygl 22 o'r Gorchymyn hwnnw, ymgynghori â hwy cyn rhoi caniatâd cynllunio.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Developments of National Significance (Procedure) (Wales) Order 2016 ("the Procedure Order").

Article 2 amends articles 8 and 12 of the Procedure Order. The amendments add requirements where development consists of the installation of certain kinds of overhead electric lines. The requirements relate to the information that a person proposing to make an application for planning permission must publish, and the content of that application.

Schedules 1 and 2 substitute the forms of notice at Schedules 1 and 2 to the Procedure Order to take account of the fact that decisions on consents connected with the development of certain overhead electric lines may be taken by a person appointed by the Welsh Ministers for that purpose.

Schedule 3 amends Schedule 5 to the Procedure Order. The effect of those amendments is to amend the requirements in respect of the specialist consultees who must, under article 22 of that Order, be consulted by the Welsh Ministers before the grant of planning permission.

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

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

2019 Rhif 290 (Cy. 68)

**CYNLLUNIO GWLAD A
THREF, CYMRU**

**Gorchymyn Datblygiadau o
Arwyddocâd Cenedlaethol
(Gweithdrefn) (Cymru) (Diwygio)
2019**

Gwnaed 18 Chwefror 2019
*Gosodwyd gerbron Cynulliad Cenedlaethol
Cymru* 20 Chwefror 2019
Yn dod i rym 1 Ebrill 2019

2019 No. 290 (W. 68)

**TOWN AND COUNTRY
PLANNING, WALES**

**The Developments of National
Significance (Procedure) (Wales)
(Amendment) Order 2019**

Made 18 February 2019
Laid before the National Assembly for Wales
20 February 2019
Coming into force 1 April 2019

Mae Gweinidogion Cymru, drwy arfer y pwerau a roddir iddynt gan adrannau 61Z, 62R a 333 o Ddeddf Cynllunio Gwlad a Thref 1990(1), a thrwy arfer y pwerau a roddir i'r Ysgrifennydd Gwladol gan adrannau 59 a 62 o'r Ddeddf honno(2) ac sydd bellach yn arferadwy ganddynt hwy(3) (fel y'u cymhwysir yn achos adran 62 gydag addasiadau gan Orchymyn Datblygiadau o Arwyddocâd Cenedlaethol (Cymhwysio Deddfiadau) (Cymru) 2016(4), yn gwneud y Gorchymyn a ganlyn:

The Welsh Ministers, in exercise of the powers conferred on them by sections 61Z, 62R and 333 of the Town and Country Planning Act 1990(1), and in exercise of the powers conferred on the Secretary of State by sections 59 and 62 of that Act(2) now exercisable by them(3) (as applied in the case of section 62 with modifications by the Developments of National Significance (Application of Enactments) (Wales) Order 2016(4), make the following Order:

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- (1) 1990 p. 8. Mewnosodwyd adran 61Z gan adran 17(3) o Ddeddf Cynllunio (Cymru) 2015 (decc 4) ("Deddf 2015"). Mewnosodwyd adran 62R gan adran 25 o Ddeddf 2015. Diwygiwyd adran 333 gan: adran 78 o Ddeddf yr Amgylchedd 1995 (p. 25), a pharagraff 32(12) o Atodlen 10 iddi; adran 118(1) o Ddeddf Cynllunio a Phrynu Gorfodol 2004 (p. 5), 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. Mae diwygiadau eraill i adran 333 nad ydynt yn berthnasol i'r Gorchymyn hwn.
- (2) Diwygiwyd adran 59 gan adran 27 o Ddeddf 2015, a pharagraff 3 o Atodlen 4 iddi, a chan adran 55 o Ddeddf 2015, a pharagraff 5 o Atodlen 7 iddi, Mae diwygiadau eraill i adran 59 nad ydynt yn berthnasol i'r Gorchymyn hwn.
- (3) 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. Trosglwyddwyd swyddogaethau Cynulliad Cenedlaethol Cymru i Weinidogion Cymru yn rhinwedd adran 162 o Ddeddf Llywodraeth Cymru 2006 (p. 32), a pharagraffau 30 a 32 o Atodlen 11 iddi.
- (4) O.S. 2016/54 (Cy. 24).

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- (1) 1990 c. 8. Section 61Z was inserted by section 17(3) of the Planning (Wales) Act 2015 (anaw 4) ("the 2015 Act"). Section 62R was inserted by section 25 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 Planning and Compulsory Purchase Act 2004 (c. 5); S.I. 2014/2773 (W. 280) and section 55 of, and paragraphs 3 and 6 of Schedule 7 to, the 2015 Act. There are other amendments to section 333 not relevant to this Order.
- (2) 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 2015 Act. There are other amendments to section 59 not relevant to this Order.
- (3) 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 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).
- (4) S.I. 2016/54 (W. 24).

Enwi, cychwyn, cymhwyso a dehongli

1.—(1) Enw'r Gorchymyn hwn yw Gorchymyn Datblygiadau o Arwyddocâd Cenedlaethol (Gweithdrefn) (Cymru) (Diwygio) 2019 a daw i rym ar 1 Ebrill 2019.

(2) Nid yw'r Gorchymyn hwn yn gymwys i gais a wneir, neu y bwriedir ei wneud, i Weinidogion Cymru o dan adran 62D o Ddeddf Cynllunio Gwlad a Thref 1990 cyn y dyddiad y daw'r Gorchymyn hwn i rym.

(3) Yn y Gorchymyn hwn, ystyr “y Gorchymyn Gweithdrefn” yw Gorchymyn Datblygiadau o Arwyddocâd Cenedlaethol (Gweithdrefn) (Cymru) 2016(1).

Diwygio'r Gorchymyn Gweithdrefn

2.—(1) Mae'r Gorchymyn Gweithdrefn wedi ei ddiwygio fel a ganlyn.

(2) Yn erthygl 2, yn y lle priodol mewnosoder—

“ystyr “y Rheoliadau Meini Prawf” (“*the Criteria Regulations*”) yw Rheoliadau Datblygiadau o Arwyddocâd Cenedlaethol (Meini Prawf Penodedig a Chydsyniadau Eilaidd Rhagnodedig) (Cymru) 2016(2);”.

(3) Yn erthygl 8—

(a) ar ddiwedd paragraff (1)(b)(vii) hepgorer “ac”;

(b) ar ddiwedd paragraff (1)(b)(viii) mewnosoder “; a”; ac

(c) ar ôl paragraff (1)(b)(viii) mewnosoder—

“(ix) yn achos datblygiad o fewn rheoliad 3(1)(ab) o'r Rheoliadau Meini Prawf, datganiad ysgrifenedig ynghylch hyd y llinell arfaethedig a'i foltedd enwol.”

(4) Yn erthygl 12—

(a) ar ddiwedd paragraff (1)(b)(ix) hepgorer “a”;

(b) ar ddiwedd paragraff (1)(b)(x) mewnosoder “; a”; ac

Title, commencement, application and interpretation

1.—(1) The title of this Order is the Developments of National Significance (Procedure) (Wales) (Amendment) Order 2019 and it comes into force on 1 April 2019.

(2) This Order does not apply to an application made or proposed to be made to the Welsh Ministers under section 62D of the Town and Country Planning Act 1990 before the date this Order comes into force.

(3) In this Order “the Procedure Order” means the Developments of National Significance (Procedure) (Wales) Order 2016(1).

Amendments to the Procedure Order

2.—(1) The Procedure Order is amended as follows.

(2) In article 2 at the appropriate place insert—

““the Criteria Regulations” (“*y Rheoliadau Meini Prawf*”) means the Developments of National Significance (Specified Criteria and Prescribed Secondary Consents) (Wales) Regulations 2016(2);”.

(3) In article 8—

(a) at the end of paragraph (1)(b)(vii) omit “and”;

(b) at the end of paragraph (1)(b)(viii) insert “; and”; and

(c) after paragraph (1)(b)(viii) insert—

“(ix) in the case of development within regulation 3(1)(ab) of the Criteria Regulations, a written statement about the length of the proposed line and its nominal voltage.”

(4) In article 12—

(a) at the end of paragraph (1)(b)(ix) omit “and”;

(b) at the end of paragraph (1)(b)(x) insert “; and”; and

(1) O.S. 2016/55 (Cy. 25), a ddiwygiwyd gan O.S. 2017/567 (Cy. 136).

(2) O.S. 2016/53 (Cy. 23), a ddiwygiwyd gan O.S. 2016/358 (Cy. 111) ac O.S. 2019/283 (Cy. 65).

(1) S.I. 2016/55 (W. 25), amended by S.I. 2017/567 (W. 136).

(2) S.I. 2016/53 (W. 23), amended by S.I. 2016/358 (W. 111) and S.I. 2019/283 (W. 65).

(c) ar ôl paragraff (1)(b)(x) mewnosoder—

“(xi) yn achos datblygiad o fewn rheoliad 3(1)(ab) o’r Rheoliadau Meini Prawf, datganiad ysgrifenedig ynghylch hyd y llinell arfaethedig a’i foltedd enwol, a pha un a gytunwyd ar yr holl fforddfreintiau angenrheidiol gyda pherchnogion a meddianwyr y tir y bwriedir i’r llinell ei groesi.”

(5) Yn lle Atodlen 1, rhodder yr Atodlen yn Atodlen 1 i’r Gorchymyn hwn.

(6) Yn lle Atodlen 2, rhodder yr Atodlen yn Atodlen 2 i’r Gorchymyn hwn.

(7) Mae’r diwygiadau yn Atodlen 3 i’r Gorchymyn hwn yn cael effaith.

(c) after paragraph (1)(b)(x) insert—

“(xi) in the case of development within regulation 3(1)(ab) of the Criteria Regulations, a written statement about the length of the proposed line and its nominal voltage, and whether all necessary wayleaves have been agreed with owners and occupiers of land proposed to be crossed by the line.”

(5) For Schedule 1, substitute the Schedule at Schedule 1 to this Order.

(6) For Schedule 2, substitute the Schedule at Schedule 2 to this Order.

(7) The amendments in Schedule 3 to this Order have effect.

Julie James

Y Gweinidog Tai a Llywodraeth Leol, un o
Weinidogion Cymru
18 Chwefror 2019

Minister for Housing and Local Government, one of
the Welsh Ministers
18 February 2019

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ATODLEN 1

Erthygl 2(5)

Amnewid Atodlen 1 i'r Gorchymyn Gweithdrefn

“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) arfaethedig cyn cyflwyno cais am ganiatâd cynllunio 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 hysbyseu bod (b)

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

ac yn ystyried bod y cydsyniadau eilaidd a ganlyn yn gysylltiedig â'r cais arfaethedig a bod penderfyniad mewn cysylltiad â'r cydsyniadau hynny i'w wneud gan Weinidogion Cymru, neu gan berson a benodir gan Weinidogion Cymru at y diben hwnnw, neu y dylai gael ei wneud ganddynt: (d).....

Gallwch weld copïau o'r canlynol:

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

ar-lein yn (e)

Rhaid i 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 y cydsyniadau eilaidd y mae'r ceisydd yn ystyried y dylai Gweinidogion Cymru, neu berson a benodir gan Weinidogion Cymru at y diben hwnnw, wneud penderfyniad mewn cysylltiad â hwy (ar gyfer y diffiniad o "cydsyniad eilaidd" gweler y diffiniad o "secondary consent" yn adran 62H o Ddeddf Cynllunio Gwlad a Thref 1990; mae cydsyniadau eilaidd wedi eu rhagnodi 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/yr asiant
- g) cyfeiriad y ceisydd
- h) dyddiad gan ganiatáu cyfnod o 42 o ddiwrnodau, gan ddechrau â'r dyddiad cyflwyno a chyhoeddi"

ATODLEN 2

Erthygl 2(6)

Amnewid Atodlen 2 i'r Gorchymyn Gweithdrefn

“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'r ymgynghoriad cyn gwneud cais 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 cysylltiad â Datblygiad o Arwyddocâd Cenedlaethol, sef (c):

ac yn ystyried bod y cydsyniadau eilaidd a ganlyn yn gysylltiedig â'r cais arfaethedig, a bod penderfyniad mewn cysylltiad â'r cydsyniadau hynny i'w wneud gan Weinidogion Cymru, neu berson a benodir gan Weinidogion Cymru at y diben hwnnw, neu y dylai gael ei wneud ganddynt: (d).....

Mae copi o'r cais arfaethedig; y planiau; a'r dogfennau ategol eraill wedi eu hatodi/i'w gweld ar-lein (dilëir fel y bo'n briodol) ar (e)

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

Llofnod:

Dyddiad:

Mewnosoder:

- cyfeiriad neu leoliad y datblygiad arfaethedig
- enw'r ceisydd
- disgrifiad o'r datblygiad arfaethedig
- manylion y cydsyniadau eilaidd y mae'r ceisydd yn ystyried y dylai Gweinidogion Cymru, neu berson a benodir gan Weinidogion Cymru at y diben hwnnw, wneud penderfyniad mewn cysylltiad â hwy (ar gyfer y diffiniad o "cydsyniad eilaidd" gweler y diffiniad o "secondary consent" yn adran 62H o Ddeddf Cynllunio Gwlad a Thref 1990; mae cydsyniadau eilaidd wedi eu rhagnodi 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/yr asiant
- g) dyddiad gan ganiatáu cyfnod o 42 o ddiwrnodau, gan ddechrau â'r dyddiad cyflwyno"

ATODLEN 3

Erthygl 2(7)

Dyletswydd i ymgynghori cyn rhoi caniatâd cynllunio

1. Mae Atodlen 5 i'r Gorchymyn Gweithdrefn wedi ei diwygio fel a ganlyn

2. Yn y Tabl—

(a) yn lle paragraff (h) rhodder—

“

(h)	<p>(i) Datblygiad sy'n cael effaith ffisegol uniongyrchol ar heneb gofrestredig.</p> <p>(ii) Datblygiad sy'n debygol o fod yn weladwy o heneb gofrestredig ac sy'n bodloni un o'r meini prawf a ganlyn—</p> <p>(a) ei fod o fewn pellter o 0.5 cilometr o unrhyw bwynt ar berimedr heneb gofrestredig;</p> <p>(b) ei fod o fewn pellter o 1 cilometr o berimedr heneb gofrestredig a bod ei uchder yn 15 o fetrau neu ragor, neu fod ei arwynebedd yn 0.2 hectar neu ragor;</p> <p>(c) ei fod o fewn pellter o 2 gilometr o berimedr heneb gofrestredig a bod ei uchder yn 50 metr neu ragor, neu fod ei arwynebedd yn 0.5 hectar neu ragor;</p> <p>(d) ei fod o fewn pellter o 3 cilometr o berimedr heneb gofrestredig a bod ei uchder yn 75 o fetrau neu ragor, neu fod ei arwynebedd yn 1 hectar neu ragor; neu</p> <p>(e) ei fod o fewn pellter o 5 cilometr o berimedr heneb gofrestredig a bod ei uchder yn 100 metr neu ragor, neu fod ei arwynebedd yn 1 hectar neu ragor.</p> <p>(iii) Datblygiad sy'n debygol o effeithio ar safle parc hanesyddol cofrestredig neu ardd hanesyddol gofrestredig neu leoliad y parc hwnnw neu'r ardd honno;</p> <p>(iv) Datblygiad o fewn tirwedd hanesyddol gofrestredig y mae angen Asesiad o'r Effaith Amgylcheddol ar ei gyfer; neu</p> <p>(v) Datblygiad sy'n debygol o gael effaith ar werth byd-eang eithriadol Safle Treftadaeth y Byd</p>	Gweinidogion Cymru
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”.

(b) hepgorer paragraff (k); ac

(c) ar ôl paragraff (t) mewnosoder—

“

(u)	<p>Datblygiad—</p> <p>(i) ar dir a ddynodwyd yn Barth Llifogydd C2;</p> <p>(ii) sy'n ymwneud â, neu sy'n cynnwys, datblygiad gwasanaethau brys neu</p>	Corff Adnoddau Naturiol Cymru
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	ddatblygiad a all fod mewn perygl mawr, ar dir a ddynodwyd yn Barth Llifogydd C1 neu ar dir yr hysbyswyd yr awdurdod cynllunio lleol yn ei gylch gan Gorff Adnoddau Naturiol Cymru at ddiben y ddarpariaeth hon	
(v)	Unrhyw ddatblygiad	Yr ymgwymerwr dŵr a charthffosiaeth perthnasol

3. Yn y diffiniadau a roddir o dan y pennawd “Dehongli’r Tabl”—

(a) yn lle paragraff (d) rhodder—

“(d) ym mharagraff (h)—

- (i) mae i “heneb gofrestredig” yr un ystyr ag a roddir i “scheduled monument” yn adran 1(11) o Ddeddf Henebion ac Ardaloedd Archeolegol 1979 (henebion cofrestredig)(1);
- (ii) mae cyfeiriad at uchder datblygiad i’w ddehongli fel cyfeiriad at ei uchder wedi ei fesur o lefel y ddaear; ac at ddibenion y paragraff hwn ystyr “lefel y ddaear” (“*ground level*”) yw lefel arwyneb y ddaear yn union gerllaw’r datblygiad dan sylw neu, pan na fo lefel arwyneb y ddaear y lleolir y datblygiad arno yn wastad, lefel rhan uchaf yr arwyneb yn union gerllaw’r datblygiad;
- (iii) ystyr “parc hanesyddol cofrestredig neu ardd hanesyddol gofrestredig” (“*registered historic park or garden*”) a “tirwedd hanesyddol gofrestredig” (“*registered historic landscape*”) yw’r parc, yr ardd neu’r dirwedd sydd wedi ei gynnwys neu ei chynnwys yn y Gofrestr o Dirweddau, Parciau a Gerddi o Ddiddordeb Hanesyddol Arbennig yng Nghymru a gynhelir gan Weinidogion Cymru(2);
- (iv) ystyr “Safle Treftadaeth y Byd” (“*World Heritage Site*”) yw tir sy’n ymddangos ar Restr Treftadaeth y Byd a gedwir o dan erthygl 11(2) o Gonfensiwn UNESCO ar Amddiffyn Treftadaeth Ddiwylliannol a Naturiol y Byd a fabwysiadwyd ym Mharis ar 16 Tachwedd 1972(3);” a

(b) ar ôl paragraff (i) mewnosoder—

“(j) ym mharagraff (u)—

- (i) ystyr “Parth Llifogydd C1” (“*Flood Zone C1*”) yw ardal o orlifdir sydd wedi ei datblygu ac a wasanaethir gan seilwaith arwyddocaol, gan gynnwys amddiffynfeydd rhag llifogydd(4);
- (ii) ystyr “Parth Llifogydd C2” (“*Flood Zone C2*”) yw ardal o orlifdir sydd heb seilwaith arwyddocaol i’w hamddiffyn rhag llifogydd;
- (iii) mae i “datblygiad gwasanaethau brys” (“*emergency services development*”) a “datblygiad a all fod mewn perygl mawr” (“*highly vulnerable development*”) yr un ystyron ag a roddir iddynt yng Nghyfarwyddyd Cynllunio Gwlad a Thref (Hysbysu) (Cymru) 2012(5).”

(1) 1979 p. 46.

(2) Gweler <http://cadw.gov.wales/historicenvironment/protection/historiclandscapes/?lang=cy>.

(3) Gweler <http://whc.unesco.org/en/list>.

(4) Mae mapiau sy’n dangos parthau llifogydd ar gael oddi wrth Lywodraeth Cymru ar <http://data.wales.gov.uk/apps/floodmapping>.

(5) Cylchlythyr Llywodraeth Cymru: 07/2012.

SCHEDULE 1

Article 2(5)

Substitution of Schedule 1 to the Procedure Order

“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, or a person appointed by the Welsh Ministers for that purpose:

(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, or a person appointed by the Welsh Ministers for that purpose (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 2(6)

Substitution of Schedule 2 to the Procedure Order

“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, or a person appointed by the Welsh Ministers for that purpose: (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, or a person appointed by the Welsh Ministers for that purpose (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 2(7)

Duty to consult before the grant of planning permission

1. Schedule 5 to the Procedure Order is amended as follows

2. In the Table—

(a) for paragraph (h) substitute—

“

(h)	<p>(i) Development which has a direct physical impact on a scheduled monument.</p> <p>(ii) Development likely to be visible from a scheduled monument and which meets one of the following criteria—</p> <p>a) it is within a distance of 0.5 kilometres from any point of the perimeter of a scheduled monument;</p> <p>b) it is within a distance of 1 kilometre from the perimeter of a scheduled monument and is 15 metres or more in height, or has an area of 0.2 hectares or more;</p> <p>c) it is within a distance of 2 kilometres from the perimeter of a scheduled monument and is 50 metres or more in height, or has an area of 0.5 hectares or more;</p> <p>d) it is within a distance of 3 kilometres from the perimeter of a scheduled monument and is 75 metres or more in height, or has an area of 1 hectare or more;</p> <p>or</p> <p>(e) it is within a distance of 5 kilometres from the perimeter of a scheduled monument and is 100 metres or more in height, or has an area of 1 hectare or more.</p> <p>(iii) Development likely to affect the site of a registered historic park or garden or its setting;</p> <p>(iv) Development within a registered historic landscape that requires an Environmental Impact Assessment; or</p> <p>(v) Development likely to have an impact on the outstanding universal value of a World Heritage Site</p>	The Welsh Ministers
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”.

(b) omit paragraph (k); and

(c) after paragraph (t) insert—

“

(u)	Development— (i) on land designated as Flood Zone C2; (ii) involving or including emergency services development or highly vulnerable development on land designated as Flood Zone C1 or on land that has been notified to the local planning authority by the Natural Resources Body for Wales for the purpose of this provision	The Natural Resources Body for Wales
(v)	Any development	The water and sewerage undertaker concerned

3. In the definitions given under the heading “Interpretation of Table”—

(a) for paragraph (d) substitute—

“(d) in paragraph (h)—

- (i) “scheduled monument” (“*heneb gofrestredig*”) has the same meaning as in section 1(11) of the Ancient Monuments and Archaeological Area Act 1979 (scheduled monuments)(1);
- (ii) reference to the height of development is to be construed as a reference to its height when measured from ground level; and for the purposes of this paragraph “ground level” (“*lefel y ddaear*”) means the level of the surface of the ground immediately adjacent to the development in question or, where the level of the surface of the ground on which it is situated is not uniform, the level of the highest part of the surface adjacent to it;
- (iii) “registered historic park or garden” (“*parc hanesyddol cofrestredig neu ardd hanesyddol gofrestredig*”) and “registered historic landscape” (“*tirwedd hanesyddol gofrestredig*”) means the park, garden or landscape included in the Register of Landscapes, Parks and Gardens of Special Historic Interest in Wales maintained by the Welsh Ministers(2);
- (iv) “World Heritage Site” (“*Safle Treftadaeth y Byd*”) means land appearing on the World Heritage List kept under article 11(2) of the UNESCO Convention for the Protection of the World Cultural and Natural Heritage adopted at Paris on 16th November 1972(3);” and

(b) after paragraph (i) insert—

“(j) in paragraph (u)—

- (i) “Flood Zone C1” (“*Parth Llifogydd C1*”) means an area of a floodplain which is developed and served by significant infrastructure, including flood defences(4);
- (ii) “Flood Zone C2” (“*Parth Llifogydd C2*”) means an area of a floodplain without significant flood defence infrastructure;
- (iii) “emergency services development” (“*datblygiad gwasanaethau brys*”) and “highly vulnerable development” (“*datblygiad a all fod mewn perygl mawr*”) have the same meaning as set out in the Town and Country Planning (Notification) (Wales) Direction 2012(5).”

(1) 1979 c. 46.

(2) See <http://cadw.gov.wales/historicenvironment/protection/historiclandscapes/?lang=en>.

(3) See <http://whc.unesco.org/en/list>.

(4) Maps showing flood zones are available from the Welsh Government at <http://data.wales.gov.uk/apps/floodmapping>.

(5) Welsh Government Circular: 07/2012.

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