



OFFERYNNAU STATUDOL
CYMRU

WELSH STATUTORY
INSTRUMENTS

2020 Rhif 745 (Cy. 168)

2020 No. 745 (W. 168)

**CYNLLUNIO GWLAD A
THREF, CYMRU**

**TOWN AND COUNTRY
PLANNING, WALES**

Rheoliadau Cynllunio Gwlad a
Thref (Ffioedd am Geisiadau,
Ceisiadau Tybiedig ac Ymweliadau
Safle) (Cymru) (Diwygio) 2020

The Town and Country Planning
(Fees for Applications, Deemed
Applications and Site Visits)
(Wales) (Amendment) Regulations
2020

NODYN ESBONIADOL

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

Mae'r Rheoliadau hyn yn diwygio Rheoliadau Cynllunio Gwlad a Thref (Ffioedd am Geisiadau, Ceisiadau Tybiedig ac Ymweliadau Safle) (Cymru) 2015 ("Rheoliadau 2015").

Mae rheoliad 2 yn gwneud darpariaeth ar gyfer cynyddu'r ffioedd sy'n daladwy oddeutu 20% mewn perthynas â'r canlynol:

- (a) ceisiadau a wneir o dan Ddeddf Cynllunio Gwlad a Thref 1990 ("Deddf 1990") am ganiatâd cynllunio ar gyfer datblygu neu am gymeradwyaeth ar gyfer materion a gadwyd yn ôl gan ganiatâd cynllunio amlinellol;
- (b) ceisiadau tybiedig am ganiatâd cynllunio o dan adran 177(5) o Ddeddf 1990;
- (c) ceisiadau am dystysgrifau defnydd neu ddatblygiad cyfreithlon;
- (d) ceisiadau penodol o dan Orchymyn Cynllunio Gwlad a Thref (Datblygu Cyffredinol a Ganiateir) 1995;
- (e) monitro safleoedd mwyngloddio a thirlenwi;
- (f) ceisiadau a wneir o dan amod cynllunio;
- (g) ceisiadau am newidiadau ansylweddol i ganiatâd cynllunio;

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Town and Country Planning (Fees for Applications, Deemed Applications and Site Visits) (Wales) Regulations 2015 ("the 2015 Regulations").

Regulation 2 makes provision to increase fees payable by approximately 20% in respect of:

- (a) applications made under the Town and Country Planning Act 1990 ("the 1990 Act") for planning permission for development or for approval of reserved matters by an outline planning permission;
- (b) deemed applications for planning permission under section 177(5) of the 1990 Act;
- (c) applications for certificates of lawful use or development;
- (d) certain applications under the Town and Country Planning (General Permitted Development) Order 1995;
- (e) the monitoring of mining and landfill sites;
- (f) applications made under planning condition;
- (g) applications for non-material changes to planning permission;

- (h) diwygiadau ar ôl cyflwyno, i geisiadau am ddatblygiad mawr;
- (i) ceisiadau am ganiatâd i arddangos hysbysebion.

Mae rheoliad 3 yn gwneud darpariaeth mewn cysylltiad â:

- (a) rhagnodi ffi o £230 ar gyfer ceisiadau a wneir am dystysgrif datblygiad arall priodol o dan adran 17 o Ddeddf Digollediad Tir 1961;
- (b) y ffioedd sydd i'w talu gan gyngor cymuned neu ar ei ran;
- (c) pryd y mae'r ffi sy'n daladwy i'w dalu a sut i'w dalu;
- (d) talu ad-daliad os gwrthodir y cais fel un annilys.

Mae rheoliad 4 yn gwneud darpariaeth drosiannol mewn cysylltiad â cheisiadau tybiedig am ganiatâd cynllunio o dan Ddeddf 1990.

Ystyriwyd Cod Ymarfer Gweinidogion Cymru ar gynnal Aseidiadau Effaith Rheoleiddiol mewn perthynas â'r Rheoliadau hyn. O ganlyniad, lluniwyd asesiad effaith rheoleiddiol o'r costau a'r manteision sy'n debygol o ddeillio o gydymffurfio â'r Rheoliadau hyn. Gellir cael copi gan Lywodraeth Cymru yn: Parc Cathays, Caerdydd CF10 3NQ ac ar wefan Llywodraeth Cymru ar www.llyw.cymru.

- (h) post submission amendments to major development applications;
- (i) applications for consent to display advertisements.

Regulation 3 makes provision in respect of:

- (a) prescribing a fee of £230 for applications made for a certificate of appropriate alternative development under section 17 of the Land Compensation Act 1961;
- (b) the fees to be paid by or on behalf of a community council;
- (c) when and how the fee due is paid;
- (d) the payment of a refund if the application is rejected as invalid.

Regulation 4 makes transitional provision in respect of deemed applications for planning permission under the 1990 Act.

The Welsh Ministers' Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result, a regulatory impact assessment has been prepared as to the likely costs and benefits of complying with these Regulations. A copy can be obtained from the Welsh Government at Cathays Park, Cardiff CF10 3NQ and on the Welsh Government website at www.gov.wales.

2020 Rhif 745 (Cy. 168)

2020 No. 745 (W. 168)

**CYNLLUNIO GWLAD A
THREF, CYMRU**

**TOWN AND COUNTRY
PLANNING, WALES**

Rheoliadau Cynllunio Gwlad a
Thref (Ffioedd am Geisiadau,
Ceisiadau Tybiedig ac Ymweliadau
Safle) (Cymru) (Diwygio) 2020

The Town and Country Planning
(Fees for Applications, Deemed
Applications and Site Visits)
(Wales) (Amendment) Regulations
2020

Gwnaed 16 Gorffennaf 2020

Made 16 July 2020

Yn dod i rym 24 Awst 2020

Coming into force 24 August 2020

Mae Gweinidogion Cymru, drwy arfer y pwerau a roddir iddynt gan adrannau 303(1), (2), (5) a (6) a 333(2A) o Ddeddf Cynllunio Gwlad a Thref 1990(1), yn gwneud y Rheoliadau a ganlyn.

The Welsh Ministers, in exercise of the powers conferred on them by sections 303(1), (2), (5) and (6) and 333(2A) of the Town and Country Planning Act 1990(1), make the following Regulations.

Yn unol ag adran 333(3E) o'r Ddeddf honno(2), gosodwyd drafft o'r offeryn hwn gerbron Senedd Cymru(3) ac fe'i cymeradwywyd ganddo drwy benderfyniad.

In accordance with section 333(3E) of that Act(2), a draft of this instrument was laid before and approved by resolution of Senedd Cymru.(3)

Enwi, cychwyn a dehongli

Title, commencement and interpretation

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau Cynllunio Gwlad a Thref (Ffioedd am Geisiadau, Ceisiadau Tybiedig ac Ymweliadau Safle) (Cymru) (Diwygio) 2020.

1.—(1) The title of these Regulations is the Town and Country Planning (Fees for Applications, Deemed Applications and Site Visits) (Wales) (Amendment) Regulations 2020.

(1) 1990 p. 8. Amnewidiwyd adran 303 gan adran 199 o Ddeddf Cynllunio 2008 p. 29. Ceir diwygiadau eraill nad ydynt yn berthnasol i'r offeryn hwn. Mewnosodwyd adran 333(2A) gan baragraff 14 o Atodlen 6 i Ddeddf Cynllunio a Phrynu Gorfodol 2004, p. 5. Ystyr "rhagnodedig" ("*prescribed*") yw rhagnodedig mewn rheoliadau; gweler adran 336 o Ddeddf Cynllunio Gwlad a Thref 1990. Gweinidogion Cymru yw'r "awdurdod priodol" ("*appropriate authority*") o ran Cymru; gweler adran 303(7)(b) o Ddeddf Cynllunio Gwlad a Thref 1990.

(2) Mewnosodwyd adran 333(3E) gan baragraff 3 o Atodlen 7 i Ddeddf Cynllunio (Cymru) 2015 (decc. 4).

(3) Mae'r cyfeiriadau yn adran 333(3E) at Gynulliad Cenedlaethol Cymru bellach yn cael effaith fel cyfeiriadau at Senedd Cymru yn rhinwedd adran 150A(2) o Ddeddf Llywodraeth Cymru 2006 p. 32.

(1) 1990 c. 8. Section 303 was substituted by section 199 of the Planning Act 2008 c. 29. There are other amendments which are not relevant to this instrument. Section 333(2A) was inserted by paragraph 14 of Schedule 6 to the Planning and Compulsory Purchase Act 2004, c. 5 "Prescribed" means prescribed by regulations; see section 336 of the Town and Country Planning Act 1990. The Welsh Ministers are the "appropriate authority" in relation to Wales; see section 303(7)(b) of the Town and Country Planning Act 1990.

(2) Section 333(3E) was inserted by paragraph 3 to Schedule 7 to the Planning (Wales) Act 2015 (anaw.4).

(3) The references in section 333(3E) to the National Assembly for Wales now have effect as references to Senedd Cymru by virtue of section 150A(2) of the Government of Wales Act 2006 c. 32.

(2) Daw'r Rheoliadau hyn i rym ar 24 Awst 2020.

(3) Yn y Rheoliadau hyn, ystyr "Rheoliadau 2015" ("*the 2015 Regulations*") yw Rheoliadau Cynllunio Gwlad a Thref (Ffioedd am Geisiadau, Ceisiadau Tybiedig ac Ymweliadau Safle) (Cymru) 2015(1).

Cynnydd mewn ffioedd

2.—(1) Mae Rheoliadau 2015 wedi eu diwygio fel a ganlyn.

(2) Yn rheoliad 11 (ffioedd am geisiadau am dystysgrifau defnydd neu ddatblygiad cyfreithlon)—

- (a) ym mharagraff 3(b), yn lle "£190", rhodder "£230";
- (b) ym mharagraff 6(a), yn lle "£380", rhodder "£460"; ac
- (c) ym mharagraff 6(b), yn lle "£19,000", rhodder "£23,000", yn lle "£100", rhodder "£120" ac yn lle "£287,500", rhodder "£300,000".

(3) Ym mharagraff 1 o reoliad 13 (ffioedd am geisiadau penodol o dan y Gorchymyn Datblygu Cyffredinol a Ganiateir)—

- (a) yn is-baragraff (a), yn lle "£80", rhodder "£100"; a
- (b) yn is-baragraff (b), yn lle "£380", rhodder "£460".

(4) Yn rheoliad 14 (ffioedd mewn cysylltiad â monitro safleoedd mwyngloddio a thirlenwi)—

- (a) ym mharagraff 4, yn lle "£330", rhodder "£400"; a
- (b) ym mharagraff 5, yn lle "£110", rhodder "£135".

(5) Ym mharagraff 1 o reoliad 15 (ffioedd am geisiadau a wneir o dan amod cynllunio)—

- (a) yn is-baragraff (a), yn lle "£30", rhodder "£35"; a
- (b) ym mharagraff (b), yn lle "£95", rhodder "£115".

(6) Ym mharagraff 1 o reoliad 16 (ffioedd am geisiadau am newidiadau ansylweddol i ganiatâd cynllunio)—

- (a) yn is-baragraff (a), yn lle "£30", rhodder "£35"; a
- (b) yn is-baragraff (b), yn lle "£95", rhodder "£115".

(2) These Regulations come into force on 24 August 2020.

(3) In these Regulations "the 2015 Regulations" ("*Rheoliadau 2015*") means the Town and Country Planning (Fees for Applications, Deemed Applications and Site Visits) (Wales) Regulations 2015(1).

Increase in fees

2.—(1) The 2015 Regulations are amended as follows.

(2) In regulation 11 (fees for applications for certificates of lawful use or development)—

- (a) in paragraph 3(b) for "£190" substitute "£230";
- (b) in paragraph 6(a) for "£380" substitute "£460"; and
- (c) in paragraph 6(b) for "£19,000" substitute "£23,000", for "£100" substitute "£120" and for "£287,500" substitute "£300,000".

(3) In paragraph 1 of regulation 13 (fees for certain applications under the General Permitted Development Order)—

- (a) in sub-paragraph (a) for "£80" substitute "£100"; and
- (b) in sub-paragraph (b) for "£380" substitute "£460".

(4) In regulation 14 (fees in respect of the monitoring of mining and landfill sites)—

- (a) in paragraph 4 for "£330" substitute "£400"; and
- (b) in paragraph 5 for "£110" substitute "£135".

(5) In paragraph 1 of regulation 15 (fees for applications made under planning condition)—

- (a) in sub-paragraph (a) for "£30" substitute "£35"; and
- (b) in paragraph (b) for "£95" substitute "£115".

(6) In paragraph 1 of regulation 16 (fees for applications for non-material changes to planning permission)—

- (a) in sub-paragraph (a) for "£30" substitute "£35"; and
- (b) in sub-paragraph (b) for "£95" substitute "£115".

(1) O.S. 2015/1522 (Cy. 179) fel y'i diwygiwyd gan O.S. 2016/62 (Cy. 32), O.S. 2017/528 (Cy. 111) ac O.S. 2019/283 (Cy. 65).

(1) S.I. 2015/1522 (W. 179) as amended by S.I. 2016/62 (W. 32), S.I. 2017/528 (W. 111) and S.I. 2019/283 (W. 65).

(7) Ym mharagraff 3 o reoliad 16A (ffioedd am ddiwygiadau ar ôl cyflwyno, i geisiadau am ddatblygiad mawr), yn lle “£190”, rhodder “£230”.

(8) Yn Rhan 1 o Atodlen 1 (ffioedd mewn cysylltiad â cheisiadau a cheisiadau tybiedig am ganiatâd cynllunio neu am gymeradwyaeth ar gyfer materion a gadwyd yn ôl)—

- (a) ym mharagraffau 3(1), 4(2) a 4(3), yn lle “£385”, rhodder “£460”;
- (b) ym mharagraff 5, yn lle “£190”, rhodder “£230”;
- (c) ym mharagraff 5A(3)—
 - (i) ym mharagraff (a), yn lle “£160”, rhodder “£190”; a
 - (ii) ym mharagraff (b), yn lle “£95”, rhodder “£115”;
- (d) ym mharagraffau 6(b) a 7, yn lle “£190”, rhodder “£230”; ac
- (e) ym mharagraff 13(2)—
 - (i) ym mharagraff (a), yn lle “£380”, rhodder “£460”; a
 - (ii) ym mharagraff (b), yn lle “£9,500”, rhodder “£11,500”, yn lle “£100”, rhodder “£120”, ac yn lle “£143,750”, rhodder “£150,000”.

(9) Yn Rhan 2 o Atodlen 1 (graddfa ffioedd mewn cysylltiad â cheisiadau a wnaed neu y tybir iddynt gael eu gwneud), yn y golofn “Ffi daladwy” yn y tabl, yn lle unrhyw ffi o swm a bennir yng Ngholofn 1 o’r tabl isod, rhodder y swm uwch a bennir yng Ngholofn 2.

(7) In paragraph 3 of regulation 16A (fees for post submission amendments to major development applications) for “£190” substitute “£230”.

(8) In Part 1 of Schedule 1 (fees in respect of applications and deemed applications for planning permission or for approval of reserved matters)—

- (a) in paragraphs 3(1), 4(2) and 4(3) for “£385” substitute “£460”;
- (b) in paragraph 5 for “£190” substitute “£230”;
- (c) in paragraph 5A(3)—
 - (i) in paragraph (a) for “£160” substitute “£190”; and
 - (ii) in paragraph (b) for “£95” substitute “£115”;
- (d) in paragraphs 6(b) and 7 for “£190” substitute “£230”; and
- (e) in paragraph 13(2)—
 - (i) in paragraph (a) for “£380” substitute “£460”; and
 - (ii) in paragraph (b) for “£9,500” substitute “£11,500”, for “£100” substitute “£120” and for “£143,750” substitute “£150,000”.

(9) In Part 2 of Schedule 1 (scale of fees in respect of applications made or deemed to be made), in the “Fee payable” column of the table for any fee of an amount specified in Column 1 of the table below, substitute the increased amount specified in Column 2.

<i>Colofn 1 - swm mewn £ a bennir yn y tabl graddfa ffioedd yn Rhan 2 o Atodlen 1 i Reoliadau 2015</i>	<i>Colofn 2 - swm uwch</i>
£70	£85
£100	£120
£190	£230
£380	£460
£385	£460
£2,150	£2,600
£9,500	£11,500
£19,000	£23,000
£28,500	£34,500
£74,800	£80,000
£143,750	£150,000
£287,500	£300,000

<i>Column 1 – amount in £ specified in the scale of fees table in Part 2 of Schedule 1 to the 2015 Regulations</i>	<i>Column 2 – increased amount</i>
£70	£85
£100	£120
£190	£230
£380	£460
£385	£460
£2,150	£2,600
£9,500	£11,500
£19,000	£23,000
£28,500	£34,500
£74,800	£80,000
£143,750	£150,000
£287,500	£300,000

(10) Yn Atodlen 2 (ffioedd am hysbysebion graddfa ffioedd mewn cysylltiad â cheisiadau am ganiatâd i arddangos hysbysebion) yn y Tabl—

- (a) ym mharagraffau 1 a 2, yn yr ail golofn, yn lle “£100”, rhodder “£120”; a
- (b) ym mharagraff 3, yn yr ail golofn, yn lle “£380”, rhodder “£460”.

Ffioedd am geisiadau am dystysgrifau datblygiad arall priodol

3.—(1) Mae Rheoliadau 2015 wedi eu diwygio ymhellach fel a ganlyn.

(2) Ar ôl rheoliad 16A, mewnosoder—

“16B Ffioedd am geisiadau am dystysgrifau datblygiad arall priodol

(1) Pan wneir cais i awdurdod cynllunio lleol o dan adran 17 o Ddeddf Digollediad Tir 1961 (tystysgrifau datblygiad arall priodol), rhaid talu ffi i'r awdurdod hwnnw.

(2) Y ffi sy'n daladwy mewn cysylltiad â chais y mae'r rheoliad hwn yn gymwys iddo yw £230.

(3) Pan wneir cais gan neu ar ran cyngor cymuned, y ffi sy'n daladwy yw hanner y swm a fyddai'n daladwy fel arall.

(4) Rhaid i'r ffi mewn cysylltiad â chais y mae'r rheoliad hwn yn gymwys iddo fynd gyda'r cais pan gyflwynir ef i'r awdurdod cynllunio lleol.

(5) Os nad yr awdurdod cynllunio lleol sy'n cael y ffi yn unol â pharagraffau (1) i (4) yw'r awdurdod cynllunio lleol sy'n gorfod penderfynu'r cais, rhaid iddo anfon y ffi at yr awdurdod hwnnw yr un pryd ag y bydd yn anfon y cais ymlaen ato.

(6) Rhaid ad-dalu unrhyw ffi a delir yn unol â'r rheoliad hwn os gwrthodir y cais ar y sail ei fod yn annilys.”

Darpariaeth Drosiannol

4.—(1) Yn y rheoliad hwn mae i “ymweliad safle” yr ystyr a roddir yn rheoliad 2(1) o Reoliadau 2015.

(2) Nid yw rheoliad 2 yn gymwys i—

- (a) ceisiadau a wnaed cyn y dyddiad y daw'r Rheoliadau hyn i rym;

(10) In Schedule 2 (fees for advertisements scale of fees in respect of applications for consent to display advertisements) in the Table—

- (a) in paragraphs 1 and 2, in the second column for “£100” substitute “£120”; and
- (b) in paragraph 3, in the second column for “£380” substitute “£460”.

Fees for applications for certificates of appropriate alternative development

3.—(1) The 2015 Regulations are further amended as follows.

(2) After regulation 16A insert—

“16B Fees for applications for certificates of appropriate alternative development

(1) Where an application is made to a local planning authority under section 17 of the Land Compensation Act 1961 (certificates of appropriate alternative development) a fee must be paid to that authority.

(2) The fee payable in respect of an application to which this regulation applies is £230.

(3) Where an application is made by or on behalf of a community council, the fee payable is one half of the amount that would otherwise be payable.

(4) The fee due in respect of an application to which this regulation applies must accompany the application when it is lodged with the local planning authority.

(5) Where the local planning authority who receive the fee in accordance with paragraphs (1) to (4) are not the local planning authority who have to determine the application, they must remit the fee to that authority at the same time as they forward the application to them.

(6) Any fee paid pursuant to this regulation must be refunded if the application is rejected as invalid.”

Transitional Provision

4.—(1) In this regulation “site visit” has the meaning given in regulation 2(1) of the 2015 Regulations.

(2) Regulation 2 does not apply to—

- (a) applications made before the date on which these Regulations come into force;

- (b) ceisiadau a tybir eu bod wedi eu gwneud yn rhinwedd adran 177(5) o Ddeddf Cynllunio Gwlad a Thref 1990 (rhoi neu addasu caniatâd cynllunio ar apelau yn erbyn hysbysiadau gorfodi) mewn cysylltiad â hysbysiad gorfodi a ddyroddir o dan adran 172 o'r Ddeddf honno cyn y dyddiad y daw'r Rheoliadau hyn i rym;
- (c) ymweliadau safle a gynhelir cyn y dyddiad y daw'r Rheoliadau hyn i rym;
- (d) diwygiadau a gyflwynir cyn y dyddiad y daw'r Rheoliadau hyn i rym.

- (b) applications deemed to have been made by virtue of section 177(5) of the Town and Country Planning Act 1990 (grant or modification of planning permission on appeals against enforcement notices) in connection with an enforcement notice issued under section 172 of that Act before the date on which these Regulations come into force;
- (c) site visits which are made before the date on which these Regulations come into force;
- (d) amendments submitted before the date on which these Regulations come into force.

Julie James

Y Gweinidog Tai a Llywodraeth Lleol, un o
Weinidogion Cymru
16 Gorffennaf 2020

Minister for Housing and Local Government, one of
the Welsh Ministers
16 July 2020

©[©] Hawlfraint y Goron 2020

© Crown copyright 2020

Argraffwyd a chyhoeddwyd yn y Deyrnas Unedig gan The Stationery Office Limited o dan awdurdod ac arolygiaeth Jeff James, Rheolwr Gwasg Ei Mawrhydi ac Argraffydd Deddfau Seneddol y Frenhines.

Printed and published in the UK by The Stationery Office Limited under the authority and superintendence of Jeff James, Controller of Her Majesty's Stationery Office and Queen's Printer of Acts of Parliament.

£6.90

W202007161006 07/2020

<http://www.legislation.gov.uk/id/wsi/2020/745>

ISBN 978-0-348-20588-6



9 780348 205886