OFFERYNNAU STATUDOL CYMRU

2012 Rhif 2318 (Cy. 252)

CYNLLUNIO GWLAD A THREF, CYMRU

Gorchymyn Cynllunio Gwlad a Thref (Datblygu Cyffredinol a Ganiateir) (Diwygio) (Cymru) (Rhif 2) 2012

Gwnaed - - - - 6 Medi 2012
Gosodwyd gerbron Cynulliad Cenedlaethol Cymru - - 11 Medi 2012

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

Mae Gweinidogion Cymru, drwy arfer y pwerau a roddwyd i'r Ysgrifennydd Gwladol gan adrannau 59, 60, 61 a 333(7) o Ddeddf Cynllunio Gwlad a Thref 1990(**1**), ac sydd bellach yn arferadwy ganddynt hwy(**2**), yn gwneud y Gorchymyn a ganlyn:

Enwi, cychwyn, dehongli a chymhwyso

1.—(1) Enw'r Gorchymyn hwn yw Gorchymyn Cynllunio Gwlad a Thref (Datblygu Cyffredinol a Ganiateir) (Diwygio) (Cymru) (Rhif 2) 2012 a daw i rym ar 5 Hydref 2012.

(2) Ystyr "Gorchymyn 1995" ("*The 1995 Order*") yw Gorchymyn Cynllunio Gwlad a Thref (Datblygu Cyffredinol a Ganiateir) 1995(**3**).

(3) Mae'r Gorchymyn hwn yn gymwys o ran Cymru.

Diwygio mewn perthynas â thir amaethyddol

2.—(1) Mae Rhan 6 o Atodlen 2 (adeiladau a gweithrediadau amaethyddol) i Orchymyn 1995 wedi ei diwygio fel a ganlyn.

(2) Yn Nosbarth A, ar ddiwedd paragraff (h) o baragraff A.1 (datblygiad nas caniateir) hepgorer "or".

(**1**) 1990 p.8; y mae iddi ddiwygiadau nad ydynt yn berthnasol i'r Gorchymyn hwn.

(**2**) Trosglwyddwyd swyddogaethau'r Ysgrifennydd Gwladol o dan adrannau 59, 60, 61 a 333(7) i'r graddau y maent yn arferadwy o ran Cymru, i Gynulliad Cenedlaethol Cymru gan erthygl 2 o Orchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999 ac Atodlen 1 iddo (O.S. 1999/672): gweler y cofnod yn Atodlen 1 ar gyfer Deddf Cynllunio Gwlad a Thref 1990 (p.8) fel y'i hamnewidwyd gan erthygl 4 o Orchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 2000 (O.S. 2000/253), ac Atodlen 3 iddo. Trosglwyddwyd y swyddogaethau i Weinidogion Cymru gan adran 162 o Ddeddf Llywodraeth Cymru 2006 (p.32) a pharagraff 30 o Atodlen 11 iddi, ac yr oedd y swyddogaethau hynny yn swyddogaethau perthnasol i'r Cynulliad fel y'u diffinir ym mharagraff 30(2).

(**3**) O.S. 1995/418. Gwnaed diwygiadau perthnasol gan O.S. 1997/366, O.S. 2009/2193 (Cy.185) ac O.S. 2012/1346 (Cy.167).

(3) Yn Nosbarth A, ar ddiwedd paragraff (i) o baragraff A.1 (datblygiad nas caniateir) yn lle "." rhodder "; or".

(4) Yn Nosbarth A, ar ôl paragraff (i) o baragraff A.1 (datblygiad nas caniateir) mewnosoder—

"(j) any building for storing fuel for or waste from a biomass boiler or an anaerobic digestion system—

(i) would be used for storing fuel not produced on land within the unit or waste not produced by that boiler or system; or

(ii) is or would be within 400 metres of the curtilage of a protected building."

(5) Yn Nosbarth A, ym mharagraff (1)(a) o baragraff A.2 (amodau) ar ôl "sewage sludge" hepgorer ";" a mewnosoder ", for housing a biomass boiler or an anaerobic digestion system, for storage of fuel for or waste from that boiler or system, or for housing a hydro-turbine;".

(6) Yn Nosbarth B, ar ddiwedd paragraff (d) o baragraff B.1 (datblygiad nas caniateir) hepgorer "or".

(7) Yn Nosbarth B, ar ddiwedd paragraff (e) o baragraff B.1 (datblygiad nas caniateir) yn lle "." rhodder "; or".

(8) Yn Nosbarth B, ar ôl paragraff (e) o baragraff B.1 (datblygiad nas caniateir) mewnosoder—

"(f) any building for storing fuel for or waste from a biomass boiler or an anaerobic digestion system would be used for storing fuel not produced on land within the unit or waste not produced by that boiler or system."

(9) Yn Nosbarth B, ym mharagraff B.5 (amodau) ar ôl "sewage sludge" hepgorer "." a mewnosoder ", for housing a biomass boiler or an anaerobic digestion system, for storage of fuel for or waste from that boiler or system, or for housing a hydro-turbine."

(10) Yn Nosbarth D (dehongli Rhan 6) ar ôl paragraff D.7 mewnosoder—

"(D.8) For the purposes of Class A(a) "the purposes of agriculture" includes works for the erection, extension or alteration of a building for housing a biomass boiler or an anaerobic digestion system, for storage of fuel for or waste from that boiler or system, or for housing a hydro-turbine.

(D.9) For the purposes of Class B(a) "the purposes of agriculture" includes the extension or alteration of an agricultural building for housing a biomass boiler or an anaerobic digestion system, for storage of fuel for or waste from that boiler or system, or for housing a hydro-turbine."

Diwygio mewn perthynas â thir coedwigaeth

3.—(1) Mae Rhan 7 o Atodlen 2 (adeiladau a gweithrediadau coedwigaeth) i Orchymyn 1995 wedi ei diwygio fel a ganlyn.

(2) Ym mharagraff A.1 (datblygiad nas caniateir) ar ddiwedd paragraff (b) hepgorer "or".

(3) Ym mharagraff A.1 (datblygiad nas caniateir) ar ddiwedd paragraff (c) yn lle "." rhodder "; or".

(4) Ym mharagraff A.1 (datblygiad nas caniateir) ar ôl paragraff (c) mewnosoder—

"(d) any building for storing fuel for or waste from a biomass boiler or an anaerobic digestion system would be used for storing fuel not produced on land which is occupied together with that building for the purposes of forestry or waste not produced by that boiler or system."

(5) Ar ôl paragraff A.3 (dehongli Dosbarth A) mewnosoder—

"(A.4) For the purposes of Class A(a) "the purposes of forestry" includes works for the erection, extension or alteration of a building for housing a biomass boiler or an anaerobic

digestion system, for storage of fuel for or waste from that boiler or system, or for housing a hydro-turbine."

Diwygio mewn perthynas â microgynhyrchu annomestig

4. Ar ôl Rhan 42 o Atodlen 2 (siopau neu sefydliadau arlwyo, gwasanaethau ariannol neu broffesiynol) i Orchymyn 1995 mewnosoder Rhan 43 fel y'i gosodir yn yr Atodlen i'r Gorchymyn hwn.

John Griffiths
Gweinidog yr Amgylchedd a Datblygu Cynaliadwy, un o Weinidogion Cymru

6 Medi 2012

YR ATODLEN Erthygl 4

"PART 43

INSTALLATION OF NON-DOMESTIC MICROGENERATION EQUIPMENT

Class A

Permitted development

A. The installation, alteration or replacement of solar PV or solar thermal equipment on a building other than a dwellinghouse or a block of flats.

Development not permitted

A.1. Development is not permitted by Class A if—

(a) the solar PV or solar thermal equipment would be installed on a wall or pitched roof and would protrude more than 20 centimetres beyond the plane of the wall or the roof slope when measured from the perpendicular with the external surface of the wall or roof slope;

(b) the solar PV or solar thermal equipment would be installed on a flat roof and would protrude more than 1 metre above the plane of the roof;

(c) the solar PV or solar thermal equipment would be installed on a roof and within 1 metre of the external edge of the roof;

(d) the solar PV or solar thermal equipment would be installed on a wall and within 1 metre of a junction of that wall with another wall or with the roof of the building;

(e) in the case of a building on article 1(5) land or on land within a World Heritage Site, the solar PV or solar thermal equipment would be installed on a wall or roof slope which fronts a highway;

(f) the solar PV or solar thermal equipment would be installed on a building within the curtilage of a listed building; or

(g) the solar PV or solar thermal equipment would be installed on a site designated as a scheduled monument.

Conditions

A.2. Development is permitted by Class A subject to the following conditions—

(a) solar PV or solar thermal equipment must, so far as practicable, be sited so as to minimise its effect on the external appearance of the building;

(b) solar PV or solar thermal equipment must, so far as practicable, be sited so as to minimise its effect on the amenity of the area; and

(c) solar PV or solar thermal equipment no longer needed for or capable of microgeneration must be removed as soon as reasonably practicable.