OFFERYNNAU STATUDOL CYMRU

2009 Rhif 2193 (Cy.185)

CYNLLUNIO GWLAD A THREF, CYMRU

Gorchymyn Cynllunio Gwlad a Thref (Datblygu Cyffredinol a Ganiateir) (Diwygio) (Cymru) 2009

Gwnaed - - - -	*9 Awst 2009*
Gosodwyd gerbron Cynulliad Cenedlaethol Cymru - -	*11 Awst 2009*
Yn dod i rym - -	*1 Medi 2009*

Mae Gweinidogion Cymru, drwy arfer y pwerau a roddwyd gan adrannau 59, 60, 61, a 333(7) o Ddeddf Cynllunio Gwlad a Thref 1990(**1**), yn gwneud y Gorchymyn a ganlyn:

Enwi, cychwyn a chymhwyso

1.—(1) Enw'r Gorchymyn hwn yw Gorchymyn Cynllunio Gwlad a Thref (Datblygu Cyffredinol a Ganiateir) (Diwygio) (Cymru) 2009 a daw i rym ar 1 Medi 2009.

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

Diwygio Gorchymyn Cynllunio Gwlad a Thref (Datblygu Cyffredinol a Ganiateir) 1995

2.—(1) Mae Gorchymyn Cynllunio Gwlad a Thref (Datblygu Cyffredinol a Ganiateir) 1995(**2**) wedi ei ddiwygio yn unol â'r erthygl hon.

(2) Yn erthygl 1(2) (dehongli)—

(a) ym mharagraff (a) o'r diffiniad o "building" yn lle "25 a 33" rhodder "25, 33 and 40";

(b) ar ôl y diffiniad o "site of special scientific interest" rhodder—

""solar PV" means solar photovoltaics;";

(c) yn y diffiniad o "the Use Classes Order" yn lle "." rhodder "; and"; ac

(**1**) 1990 p.8; y mae iddi ddiwygiadau nad ydynt yn berthnasol i'r Gorchymyn hwn. Trosglwyddwyd swyddogaethau'r Ysgrifennydd Gwladol o dan adrannau 59, 60 a 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 hamnewidiwyd gan erthygl 4 o Orchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 2000 ac Atodlen 3 iddo (O.S. 2000/253). Trosglwyddwyd y swyddogaethau i Weinidogion Cymru gan adran 162 o Ddeddf Llywodraeth Cymru 2006 (p.32) a pharagraff 30 o Atodlen 11 iddi, a'r swyddogaethau hynny yn swyddogaethau Cynulliad perthnasol fel y'u diffinnir ym mharagraff 30(2).

(**2**) O.S. 1995/418. Gwnaed diwygiadau perthnasol gan O.S. 2007/952 (Cy.83).

(ch) ar ôl y diffiniad o "the Use Classes Order" mewnosoder—

""World Heritage Site" means a property appearing on the World Heritage List kept under article 11(2) of the 1972 UNESCO Convention for the Protection of the World Cultural and Natural Heritage.".

(3) Yn Rhan 1 (datblygu o fewn cwrtil tŷ annedd) o Atodlen 2—

(a) ar ddiwedd paragraff A.1(g) hepgorer "or";

(b) ar ddiwedd paragraff A.1(h) yn lle "." rhodder "; or";

(c) ar ôl paragraff A.1(h) rhodder—

"(i) it would consist of or include the installation, alteration or replacement of solar PV, solar thermal equipment or a flue forming part of a biomass heating system or combined heating and power system"; ac

(ch) yn lle paragraff C.1 rhodder—

"**C.1.** Development is not permitted by Class C if it would—

(i) consist of or include the installation, alteration or replacement of solar PV, solar thermal equipment or a flue forming part of a biomass heating system or combined heating and power system; or

(ii) result in a material alteration to the shape of the dwellinghouse."

(4) Yn Atodlen 2 ar ôl Rhan 39 (diogelu dros dro ddofednod ac adar caeth eraill) ychwaneger—

"PART 40

INSTALLATION OF DOMESTIC MICROGENERATION EQUIPMENT

Class A

Permitted development

A. The installation, alteration or replacement of solar PV or solar thermal equipment on—

(a) a dwellinghouse; or

(b) a building situated within the curtilage of a dwellinghouse.

Development not permitted

A.1. Development is not permitted by Class A, in the case of solar PV or solar thermal equipment installed on an existing wall or roof of a dwellinghouse or a building within its curtilage if—

(a) the solar PV or solar thermal equipment would protrude more than 200 millimetres 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) it would result in the highest part of the solar PV or solar thermal equipment being higher than the highest part of the roof (excluding any chimney);

(c) in the case of land within a conservation area or which is a World Heritage Site, the solar PV or solar thermal equipment would be installed—

(i) on a wall forming the principal or side elevation of the dwellinghouse and would be visible from a highway; or

(ii) on a wall of a building within the curtilage of the dwellinghouse and would be visible from a highway; or

(d) the solar PV or solar thermal equipment would be installed on a building within the curtilage of the dwellinghouse if the dwellinghouse is a listed building.

Conditions

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

(a) solar PV or solar thermal equipment installed on a building 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 microgeneration must be removed as soon as reasonably practicable.

Class B

Permitted development

B. The installation, alteration or replacement of stand alone solar within the curtilage of a dwellinghouse.

Development not permitted

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

(a) it would result in the presence within the curtilage of more than one stand alone solar; or

(b) any part of the stand alone solar—

(i) would exceed four metres in height above ground level;

(ii) would be situated within five metres of the boundary of the curtilage of the dwellinghouse and would—

(aa) exceed two metres in height above ground level; or

(bb) be situated within five metres of the highway;

(iii) would, in the case of land within a conservation area or which is a World Heritage Site, be situated within any part of the curtilage of the dwellinghouse and would be visible from the highway; or

(iv) would be situated within the curtilage of a listed building; or

(c) the surface area of the solar panels forming part of the stand alone solar would exceed nine square metres or any dimension of its array (including any housing) would exceed three metres.

Conditions

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

(a) stand alone solar must, so far as practicable, be sited so as to minimise its effect on the amenity of the area;

(b) stand alone solar which is no longer needed for microgeneration must be removed as soon as reasonably practicable.

Class C