OFFERYNNAU STATUDOL CYMRU

2009 Rhif 1024 (Cy.87)

CYNLLUNIO GWLAD A THREF, CYMRU

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

Gwnaed - - - -	*18 Ebrill 2009*
Gosodwyd gerbron Cynulliad Cenedlaethol Cymru - -	*21 Ebrill 2009*
Yn dod i rym - -	*1 Mehefin 2009*

Mae Gweinidogion Cymru yn gwneud y Gorchymyn hwn drwy arfer y pwerau a roddwyd i'r Ysgrifennydd Gwladol gan adrannau 59, 61(1), 62 a 69 o Ddeddf Cynllunio Gwlad a Thref 1990(**1**) ac sydd bellach yn arferadwy gan Weinidogion Cymru(**2**).

Enwi, cychwyn, dehongli a chymhwyso

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

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

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

2.—(1) Mae Gorchymyn Cynllunio Gwlad a Thref (Gweithdrefn Datblygu Cyffredinol) 1995(**3**) wedi'i ddiwygio fel a ganlyn.

(2) Yn lle erthygl 4D (Datganiadau mynediad: Cymru) rhodder—

"**Design and access statements: Wales**

4D.—(1) This article applies to an application for planning permission which is not an application for planning permission for—

(**1**) 1990 p.8. Amnewidiwyd adran 62 gan Ddeddf Cynllunio a Phrynu Gorfodol 2004 (p.5), adran 42.

(**2**) Trosglwyddwyd swyddogaethau o dan yr adrannau perthnasol o Ddeddf 1990, i'r graddau yr oeddynt yn arferadwy mewn perthynas â Chymru, i Gynulliad Cenedlaethol Cymru gan Orchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999 (O.S. 1999/672). *Gweler* y cofnod ar gyfer Deddf 1990 yn Atodlen 1 i'r Gorchymyn hwnnw, fel y'i hamnewidiwyd gan erthygl 4 o Orchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 2000 (O.S. 2000/253) (Cy.5) ac Atodlen 3 iddo ac fel y'i diwygiwyd gan adran 118(3) o Ddeddf 2004. Yn rhinwedd adran 162 o Ddeddf Llywodraeth Cymru 2006 (p.32) a pharagraff 30 o Atodlen 11 iddi, mae'r swyddogaethau hynny yn arferadwy bellach gan Weinidogion Cymru.

(**3**) O.S. 1995/419. Gwnaethpwyd diwygiadau perthnasol gan O.S. 1997/2971, 2004/3156 (Cy.273) a 2006/3390 (Cy.310).

(a) engineering or mining operations;

(b) development of an existing dwellinghouse, or development within the curtilage of such a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse as such; or

(c) a material change in the use of land or buildings, provided that if the new use will necessitate access by an employee or involves the provision of services to the public or to a section of the public, with or without payment, then this article applies to the application as if—

(i) in paragraph (3), for "a design and access statement" there were substituted "an access statement";

(ii) in paragraph (5), for "A design and access statement must, in relation to access," there were substituted "An access statement must"; and

(iii) paragraphs 3(a), (4) and (6) were omitted.

(2) For the purposes of paragraph (1)(c) "the provision of services" includes the provision of any goods or facilities.

(3) An application for planning permission to which this article applies must be accompanied by a statement ("a design and access statement") explaining—

(a) the design principles and concepts that have been applied to the development; and

(b) how issues relating to access to the development have been dealt with.

(4) A design and access statement must, in relation to design—

(a) explain the design principles and concepts that have been applied to the following aspects of the development—

(i) environmental sustainability;

(ii) movement to, from and within the development;

(iii) character; and

(iv) community safety; and

(b) demonstrate the steps taken to appraise the context of the development and how the design of the development takes that context into account in relation to its proposed use and each of the aspects specified in sub-paragraph (a).

(5) A design and access statement must, in relation to access, explain—

(a) the policy or approach adopted as to access and how policies relating to access in the development plan(**4**) have been taken into account;

(b) how any specific issues which might affect access to the development have been addressed; and

(c) how features which ensure access to the development will be maintained.

(6) In this article—

"amount" means—

(a) in relation to residential development, the number of proposed units for residential use; and

(b) in relation to all other forms of development, the proposed floor space for each proposed use forming part of the development;

(**4**) *Gweler* adran 38(4) o Ddeddf Cynllunio a Phrynu Gorfodol 2004 (p.5) i gael ystyr "development plan" a'r darpariaethau trosiannol a'r arbedion yn erthygl 3 o Orchymyn Deddf Cynllunio a Phrynu Gorfodol 2004 (Cychwyn Rhif 6, Darpariaethau Trosiannol ac Arbedion) 2005 (O.S. 2005/2847) (C.118).