OFFERYNNAU STATUDOL CYMRU

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CYNLLUNIO GWLAD A THREF

Gorchymyn Cynllunio Gwlad a Thref (Diwygiadau Amrywiol ac Addasiadau sy'n ymwneud â Thir y Goron) (Cymru) 2006

Wedi'i wneud	- -	*23 Mai 2006*
Yn dod i rym	- -	*Mehefin 2006*

Mae Cynulliad Cenedlaethol Cymru ("y Cynulliad Cenedlaethol"), drwy arfer y pwerau a roddwyd iddo gan adrannau 55(2)(f), 59, 60, 61(1), 293A(8) a (9)(b) a 333(7) o Ddeddf Cynllunio Gwlad a Thref 1990(**1**) a phob pŵer arall sy'n ei alluogi yn y cyswllt hwnnw, drwy hyn yn gwneud y Gorchymyn canlynol–

Enwi, cychwyn a chymhwyso

1.—(1) Enw'r Gorchymyn hwn yw Gorchymyn Cynllunio Gwlad a Thref (Diwygiadau Amrywiol ac Addasiadau sy'n ymwneud â Thir y Goron) (Cymru) 2006 a daw i rym ar 7 Mehefin 2006.

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

Gorchymyn Cynllunio Gwlad a Thref (Dosbarthiadau Defnydd) 1987

2.—(1) Mae Gorchymyn Cynllunio Gwlad a Thref (Dosbarthiadau Defnydd) 1987(**2**)wedi'i ddiwygio fel a ganlyn:

(2) Yn Rhan C o'r Atodlen, ar ôl Dosbarth 2 (sefydliadau preswyl) mewnosoder–

"**Secure residential institutions**

C2A. Use for the provision of secure residential accommodation, including use as a prison, young offenders institution, detention centre, secure training centre, custody centre, short-term holding centre, secure hospital, secure local authority accommodation or use as military barracks.".

(**1**) 1990 p.8; y mae iddi ddiwygiadau nad ydynt yn berthnasol i"r Gorchymyn hwn. Trosglwyddwyd swyddogaethau"r Ysgrifennydd Gwladol o dan adrannau 55(2)(f), 59, 60, 61(1) 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 (O.S. 1999/672) ac Atodlen 1 iddo: 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 iddi (O.S. 2000/253). Mae"r swyddogaethau o dan adran 293A fel y"u mewnosodwyd gan adran 82(1) o Ddeddf Cynllunio a Phrynu Gorfodol 2004 yn arferadwy gan y Cynulliad Cenedlaethol yn rhinwedd adran 118(3) o"r Ddeddf honno.

(**2**) O.S. 1987/764 a ddiwygiwyd gan O.S. 1991/1567, 1992/610, 1992/657, 1994/724, 1995/297, 1999/293 a 2002/1875 (Cy.184).

(3) Yn Rhan D o'r Atodlen, yn nosbarth D1 (sefydliadau dibreswyl) ar ôl is-baragraff (h) mewnosoder–

"(i) as a law court.".

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

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

(2) Yn erthygl 1(2) (dehongli)–

(a) yn y diffiniad o "building"yn lle "and Class A of Part 31" rhodder ", Class A of Part 31 and Class C of Part 38";

(b) ar ôl y diffiniad o "classified road"mewnosoder–

""Crown land" has the meaning given by section 293(**4**) of the Act;";

(c) ar ôl y diffiniad o "Notification Regulations"mewnosoder–

""operational Crown building" means a building which is operational Crown land;

"operational Crown land" means–

(a) Crown land which is used for operational purposes; and

(b) Crown land which is held for those purposes,

but does not include–

(i) land which, in respect of its nature and situation, is comparable rather with land in general than with land which is used, or held, for operational purposes;

(ii) Crown land–

(aa) belonging to Her Majesty in right of the Crown and forming part of the Crown Estate;

(bb) in which there is an interest belonging to Her Majesty in right of Her private estates;

(cc) in which there is an interest belonging to Her Majesty in right of the Duchy of Lancaster; or

(dd) belonging to the Duchy of Cornwall;

"operational purposes" means the purposes of carrying on the functions of the Crown or of either House of Parliament;"; ac

(ch) yn lle'r diffiniad o "original"rhodder–

""original" means–

(a) in relation to a building, other than a building which is Crown land, existing on 1st July 1948, as existing on that date and, in relation to a building, other than a building which is Crown land, built on or after 1st July 1948, as so built;

(b) in relation to a building which is Crown land on 7th June 2006, as existing on that date and, in relation to a building built on or after 7th June 2006 which is Crown land on the date of its completion, as so built;".

(3) Ar ôl paragraff (12) o erthygl 1 mewnosoder–

(**3**) O.S. 1995/418, a ddiwygiwyd gan O.S. 1996/528, 1997/366, 1998/462, 1999/1661, 2002/1878 a 2006/124 (Cy.17)
(**4**) Diwygiwyd adran 293 gan Ddeddf Cynllunio a Phrynu Gorfodol 2004 (p.5), Atodlen 3, paragraff 6.

"(13) For the purposes of this Order, development carried out by or on behalf of any person in whom control of accommodation in any part of the Palace of Westminster or its precincts is vested shall be treated (so far as it would not otherwise be treated) as development by or on behalf of the Crown.".

(4) Yn erthygl 3(12) (datblygu a ganiateir) ar ôl is-baragraff (f) mewnosoder–

"(g) development for which permission is granted by Class B of Part 13.".

(5) Yn erthygl 4(3) (cyfarwyddiadau yn cyfyngu ar ddatblygu a ganiateir)–

(a) ar ôl is-baragraff (a) mewnosoder–

"(aa) development permitted by Class B of Part 13;

(ab) development permitted by Part 37 or Part 38;"; a

(b) yn is-baragraff (b) ar ôl "emergency"mewnosoder "other than development permitted by Part 37".

(6) Yn Atodlen 2 (datblygu a ganiateir)–

(a) yn lle Rhan 13 (datblygu gan awdurdodau priffyrdd lleol) rhodder Rhan 13 fel y'i nodir yn Rhan 1 o'r Atodlen i'r Gorchymyn hwn; a

(b) ar ôl Rhan 33 (camerâu teledu cylch cyfyng) mewnosoder Rhannau 34 i 38 fel y'u nodir yn Rhan 2 o'r Atodlen honno.

Gorchmyn Cynllunio Gwlad a Thref (Gweithdrefn Datblygu Cyffredinol) 1995

4.—(1) Mae Gorchymyn Cynllunio Gwlad a Thref (Gweithdrefn Datblygu Cyffredinol) 1995(**5**)wedi'i ddiwygio fel a ganlyn.

(2) Yn lle erthygl 4A (ceisiadau mewn perthynas â thir y Goron) rhodder–

"**Applications in respect of Crown land**

4A.—(1) An application for planning permission in respect of Crown land must be accompanied by–

(a) a statement that the application is made in respect of Crown land; and

(b) where the application is made by a person authorised in writing by the appropriate authority, a copy of that authorisation.".

(3) Yn erthygl 8 (cyhoeddusrwydd ar gyfer ceisiadau am ganiatâd cynllunio) ar ôl paragraff (7) mewnosoder–

"(7A) This article applies to applications made to the Secretary of State under section 293A of the Act (urgent Crown development) as if the references to a local planning authority were references to the Secretary of State.".

(4) Ar ôl erthygl 10 (ymgynghori cyn rhoi caniatâd cynllunio) mewnosoder–

"**Consultations before the grant of planning permission: urgent Crown development**

10A.—(1) Article 10 applies in relation to applications made to the Secretary of State under section 293A of the Act with the following modifications.

(2) For paragraphs (1), (1A), and (1B) substitute–

(**5**) O.S. 1995/419 a ddiwygiwyd gan Ddeddf yr Amgylchedd 1995 (p.25), Atodlen 22, paragraff 233 a gan O.S. 1995/1139, 1996/396, 1996/593, 1996/1817, 1997/858, 1999/293, 1999/981, 2002/1877 (Cy.186) a 2004/1434 (Cy.147).

"(1) Before granting planning permission for development which, in the opinion of the Secretary of State, falls within a category set out in the table below, the Secretary of State must consult the authority or person mentioned in relation to that category, except where–

(a) the authority or person so mentioned has advised the Secretary of State that they do not wish to be consulted; or

(b) the development is subject to any standing advice provided by the authority or person so mentioned to the Secretary of State in relation to the category of development.

(1A) The exception in paragraph (1)(a) will not apply where, in the opinion of the Secretary of State, development falls within paragraph (zb) of the table below.

(1B) The exception in paragraph (1)(b) will not apply where–

(a) the development is an EIA development; or

(b) the standing advice was issued more than two years before the date of the application for planning permission for the development and the guidance has not been amended or confirmed as being extant by the authority or person within that period.".

(3) In the table after paragraph (b) insert–

"(ba)	Development likely to affect land in the area of a community council 9	The community council"

(4) Omit paragraph (3).

(5) In paragraph (4)–

(a) for "a local planning authority are"substitute "the Secretary of State is";

(b) in sub-paragraph (a) for "they shall"substitute "it must".

(6) In paragraph (5) for "local planning authority" substitute "Secretary of State".".

(5) Yn erthygl 19(3) (sylwadau i'w cymryd i ystyriaeth) yn lle "of the Act (reference of applications to the Secretary of State)" rhodder "(reference of applications to the Secretary of State) and section 293A(2) (applications for urgent Crown development) of the Act".

(6) Yn erthygl 25 (cofrestr ceisiadau)–

(a) ym mharagraff (4)(d) ar ôl "whether on appeal"mewnosoder ", on an application under section 293A(2) of the Act (applications for urgent Crown development)";

(b) ym mharagraff (9) yn lle "Every"rhodder "Subject to paragraph (9A), every"; ac

(c) ar ôl paragraff (9) mewnosoder–

"(9A) A copy of any application made under section 293A(2) of the Act (applications for urgent Crown development) and of any plans and drawings submitted in relation to it must be placed on the register within 14 days of the date on which the local planning authority is consulted on the application by the Secretary of State.".

(7) Yn Rhan 1 o Atodlen 2 (hysbysiadau o dan erthyglau 6 a 9)–

(a) yn yr hysbysiad cyntaf–

(i) yn lle "Council"rhodder "[Council] [National Assembly for Wales]†" ym mhob man y mae'r gair yn ymddangos; a

(ii) yn nodyn (05) ar ôl "Council"mewnosoder "or the National Assembly for Wales as appropriate";

(b) yn yr ail hysbysiad–

(i) yn lle "Council"rhodder "[Council] [National Assembly for Wales]†" ym mhob man y mae'r gair yn ymddangos; a

(ii) yn nodyn (g) ar ôl "Council"mewnosoder "or the National Assembly for Wales as appropriate".

Llofnodwyd ar ran y Cynulliad Cenedlaethol Cymru o dan adran 66(1) o Ddeddf Llywodraeth Cymru 1998(**6**)

D. Elis-Thomas
23 Mai 2006 Llywydd y Cynulliad Cenedlaethol

(**6**) 1998 p.38.