OFFERYNNAU STATUDOL CYMRU

# 2004 Rhif 1434 (Cy.147)

# CYNLLUNIO GWLAD A THREF, CYMRU

## Gorchymyn Cynllunio Gwlad a Thref (Gweithdrefn Datblygu Cyffredinol) (Diwygio) (Cymru) 2004

| | | |
|---|---|---|
| *Wedi'i wneud* | - - | *25 Mai 2004* |
| *Yn dod i rym* | - - | *1 Medi 2004* |

Mae Cynulliad Cenedlaethol Cymru ("y Cynulliad Cenedlaethol"), drwy arfer y pwerau a roddwyd i'r Ysgrifennydd Gwladol gan adrannau 59, 69, 74, 78 a 333(7) o Ddeddf Cynllunio Gwlad a Thref 1990(**1**), ac sydd bellach yn arferadwy gan y Cynulliad Cenedlaethol(**2**) mewn perthynas â Chymru, a phob pŵer arall sy'n ei alluogi yn y cyswllt hwnnw, drwy hyn yn gwneud y Gorchymyn canlynol:

### Enwi, cychwyn, cymhwyso a dehongli

**1.**—(1) Enw'r Gorchymyn hwn yw Gorchymyn Cynllunio Gwlad a Thref (Gweithdrefn Datblygu Cyffredinol) (Diwygio) (Cymru) 2004 ac mae'n dod i rym ar 1 Medi 2004.

(2) Mae'r Gorchymyn hwn yn gymwys i Gymru.

(3) Yn y Gorchymyn hwn, ystyr "Gorchymyn 1995" yw Gorchymyn Cynllunio Gwlad a Thref (Gweithdrefn Datblygu Cyffredinol) 1995(**3**).

### Diwygiadau i Orchymyn 1995

**2.** Yn erthygl 1(2) o Orchymyn 1995 (dehongli)—

(a) ar ôl y diffiniad o "outline planning permission", rhowch—

> ""planning obligation" means an obligation entered into by agreement or otherwise by any person interested in land pursuant to section 106 of the Act(**4**);"; a

(b) ar ôl y diffiniad o "reserved matters", rhowch—

(**1**) 1990 p.8: y mae diwygiadau iddi nad ydynt yn berthnasol i'r Gorchymyn hwn.
(**2**) Trosglwyddwyd swyddogaethau'r Ysgrifennydd Gwladol, i'r graddau y maent yn arferadwy mewn perthynas â Chymru, i'r Cynulliad Cenedlaethol gan erthygl 2 o Orchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999 (O.S. 1999/672), ac Atodlen 1 iddo, ac maent yn arferadwy bellach gan Gynulliad Cenedlaethol Cymru yn rhinwedd erthygl 4 o Orchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 2000 (O.S. 2000/253) (Cy. 5), ac Atodlen 3 iddo.
(**3**) O.S. 1995/419, y mae diwygiadau iddo nad ydynt yn berthnasol i'r Gorchymyn hwn.
(**4**) Amnewidiwyd adran 106 gan adran 12 o Ddeddf Cynllunio ac Iawndal 1991 (p.34).

""Secretary of State" shall be construed, in relation to Wales, as meaning the National Assembly for Wales;

"section 278 agreement" means an agreement entered into pursuant to section 278 of the Highways Act 1980(**5**);".

**3.** Yn erthygl 22(1)(a) o Orchymyn 1995 (hysbysiad ysgrifenedig o benderfyniad neu ddyfarniad sy'n ymwneud â chais cynllunio), ar ôl "condition imposed", rhowch—

", specifying all policies and proposals in the development plan which are relevant to the decision".

**4.** Yn erthygl 23 o Orchymyn 1995 (apelau), ar ôl paragraff (3), rhowch—

"(4) The Secretary of State may refuse to accept a notice of appeal from an applicant if the documents required under paragraphs (1) and (3) are not served on him within the time limit specified in paragraph (2).".

**5.** Yn erthygl 25 o Orchymyn 1995 (cofrestr o geisiadau)—

(a) dilëwch baragraff (3) a rhoi yn ei le—

"(3) Part I of the register shall contain in respect of each such application and any application for approval of reserved matters made in respect of an outline planning permission granted on such an application, made or sent to the local planning register authority and not finally disposed of—

(a) a copy (which may be photographic) of the application together with any accompanying plans and drawings;

(b) a copy (which may be photographic) of any planning obligation or section 278 agreement proposed or entered into in connection with the application;

(c) a copy (which may be photographic) of any other planning obligation or section 278 agreement entered into in respect of the land which is the subject of the application and which the applicant considers relevant; and

(d) particulars of any modification to any planning obligation or section 278 agreement included in Part I of the register in accordance with sub-paragraphs (b) and (c) above.";

(b) ar ôl paragraff (4)(e), rhowch—

"(f) a copy (which may be photographic) of any planning obligation or section 278 agreement entered into in connection with any decision of the local planning authority or the Secretary of State in respect of the application;

(g) a copy (which may be photographic) of any other planning obligation or section 278 agreement taken into account by the local planning authority or the Secretary of State when making the decision; and

(h) particulars of any modification to or discharge of any planning obligation or section 278 agreement included in Part II of the register in accordance with sub-paragraphs (f) and (g) above and paragraph (5) below."; ac

(c) ym mharagraff (5), ar ôl "effect of the Secretary of State's decision", rhowch—

"together with a copy (which may be photographic) of—

(a) any planning obligation or section 278 agreement entered into in connection with the decision; and

(**5**) 1980 p.66; amnewidiwyd yr adran hon gan adran 23 o Ddeddf Ffyrdd Newydd a Gwaith Stryd 1991 (p.22). Mae diwygiadau eraill nad ydynt yn berthnasol i'r Gorchymyn hwn.