OFFERYNNAU STATUDOL CYMRU

2017 Rhif 546 (Cy. 123) (C. 49)

CYNLLUNIO GWLAD A THREF, CYMRU

Gorchymyn Deddf Cynllunio (Cymru) 2015 (Cychwyn Rhif 4 a Darpariaethau Trosiannol) 2017

NODYN ESBONIADOL

(Nid yw'r nodyn hwn yn rhan o'r Gorchymyn)

Y Gorchymyn hwn yw'r pedwerydd gorchymyn cychwyn a wneir gan Weinidogion Cymru o dan Ddeddf Cynllunio (Cymru) 2015 ("Deddf 2015").

Mae erthygl 2 yn dwyn adran 54 (ceisiadau i ddiwygio cofrestrau: pŵer i wneud darpariaeth ynghylch ffioedd) o Ddeddf 2015 i rym, i'r graddau nad yw eisoes mewn grym, ar 10 Ebrill 2017.

Mae erthygl 3 yn dwyn y darpariaethau a ganlyn o Ddeddf 2015 i rym, i'r graddau nad ydynt eisoes mewn grym, ar 5 Mai 2017—

— adran 39 (arfer swyddogaethau awdurdod cynllunio lleol sy'n ymwneud â cheisiadau);

— adran 47 (dim amrywio ar gais ar ôl cyflwyno hysbysiad am apêl yn erbyn penderfyniad cynllunio);

— adran 48 (apelio yn erbyn hysbysiad mewn cysylltiad â thir sy'n cael effaith andwyol ar amwynder);

— adran 50 (y weithdrefn ar gyfer achosion penodol); ac

— adran 51 a pharagraffau 15 i 19, 21, 23, 25 a 27 o Atodlen 5 (costau a'r weithdrefn wrth apelio etc: diwygiadau pellach).

Mae erthyglau 4 a 5 yn cynnwys darpariaethau trosiannol.

WELSH STATUTORY INSTRUMENTS

2017 No. 546 (W. 123) (C. 49)

TOWN AND COUNTRY PLANNING, WALES

The Planning (Wales) Act 2015 (Commencement No. 4 and Transitional Provisions) Order 2017

EXPLANATORY NOTE

(This note is not part of the Order)

This Order is the fourth commencement order made by the Welsh Ministers under the Planning (Wales) Act 2015 ("the 2015 Act").

Article 2 brings section 54 (applications to amend registers: power to make provision about fees) of the 2015 Act into force, so far as it is not already in force, on 10 April 2017.

Article 3 brings the following provisions of the 2015 Act into force, so far as they are not already in force, on 5 May 2017—

— section 39 (exercise of functions of local planning authority relating to applications);

— section 47 (no variation of application after service of notice of appeal against planning decision);

— section 48 (appeal against notice in respect of land adversely affecting amenity);

— section 50 (procedure for certain proceedings); and

— section 51 and paragraphs 15 to 19, 21, 23, 25 and 27 of Schedule 5 (costs and procedure on appeals etc. further amendments).

Articles 4 and 5 contain transitional provisions.

NODYN AM Y GORCHMYNION CYCHWYN CYNHARACH

(Nid yw'r nodyn hwn yn rhan o'r Gorchymyn)

Mae'r darpariaethau a ganlyn o Ddeddf 2015 wedi eu dwyn i rym gan Orchmynion Cychwyn a wnaed cyn dyddiad y Gorchymyn hwn:

Y Ddarpariaeth	*Y Dyddiad Cychwyn*	*Rhif O.S.*
Adran 2	1 Ebrill 2016	O.S. 2015/1987 (Cy. 297) (C. 123)
Adran 3 (i'r graddau y mae'n rhoi adrannau newydd 60, 60A a 60B yn lle adran 60 o Ddeddf Cynllunio a Phrynu Gorfodol 2004)	4 Ionawr 2016	O.S. 2015/1987 (Cy. 297) (C. 123)
Adran 4 (i'r graddau nad yw eisoes mewn grym)	5 Hydref 2015	O.S. 2015/1736 (Cy. 237) (C. 106)
Adrannau 11 i 14 (i'r graddau nad ydynt eisoes mewn grym)	4 Ionawr 2016	O.S. 2015/1987 (Cy. 297) (C. 123)
Adran 15(1) a (2) (i'r graddau nad yw eisoes mewn grym)	16 Mawrth 2016	O.S. 2015/1987 (Cy. 297) (C. 123)
Adran 15(3)	1 Ebrill 2016	O.S. 2015/1987 (Cy. 297) (C. 123)
Adrannau 17 i 22 (i'r graddau nad ydynt eisoes mewn grym)	1 Mawrth 2016	O.S. 2016/52 (Cy. 22) (C. 4)
Adrannau 24 i 27 (i'r graddau y maent yn ymwneud â datblygiadau o arwyddocâd cenedlaethol a chydsyniadau eilaidd)	1 Mawrth 2016	O.S. 2016/52 (Cy. 22) (C. 4)
Adrannau 28 i 30 (i'r graddau nad ydynt eisoes mewn grym)	16 Mawrth 2016	O.S. 2016/52 (Cy. 22) (C. 4)

NOTE AS TO EARLIER COMMENCEMENT ORDERS

(This note is not part of the Order)

The following provisions of the 2015 Act have been brought into force by Commencement Orders made before the date of this Order:

Provision	*Date of Commencement*	*S.I. No*
Section 2	1 April 2016	S.I. 2015/1987 (W. 297) (C. 123)
Section 3 (so far as it substitutes section 60 of the Planning and Compulsory Purchase Act 2004 with new sections 60, 60A and 60B)	4 January 2016	S.I. 2015/1987 (W. 297) (C. 123)
Section 4 (so far as not already in force)	5 October 2015	S.I. 2015/1736 (W. 237) (C. 106)
Sections 11 to 14 (so far as not already in force)	4 January 2016	S.I. 2015/1987 (W. 297) (C. 123)
Section 15(1) and (2) (so far as not already in force)	16 March 2016	S.I. 2015/1987 (W. 297) (C. 123)
Section 15(3)	1 April 2016	S.I. 2015/1987 (W. 297) (C. 123)
Sections 17 to 22 (so far as not already in force)	1 March 2016	S.I. 2016/52 (W. 22) (C. 4)
Sections 24 to 27 (so far as they relate to developments of national significance and secondary consents)	1 March 2016	S.I. 2016/52 (W. 22) (C. 4)
Sections 28 to 30 (so far as not already in force)	16 March 2016	S.I. 2016/52 (W. 22) (C. 4)

Adran 31 (i'r graddau nad yw eisoes mewn grym)	4 Ionawr 2016	O.S. 2015/1987 (Cy. 297) (C. 123)	Section 31 (so far as not already in force)	4 January 2016	S.I. 2015/1987 (W. 297) (C. 123)
Adran 32 (i'r graddau nad yw eisoes mewn grym)	16 Mawrth 2016	O.S. 2016/52 (Cy. 22) (C. 4)	Section 32 (so far as not already in force)	16 March 2016	S.I. 2016/52 (W. 22) (C. 4)
Adrannau 33 a 34 (i'r graddau y maent yn ymwneud â datblygiadau o arwyddocâd cenedlaethol a chydsyniadau eilaidd)	1 Mawrth 2016	O.S. 2016/52 (Cy. 22) (C. 4)	Sections 33 and 34 (so far as they relate to developments of national significance and secondary consents)	1 March 2016	S.I. 2016/52 (W. 22) (C. 4)
Adrannau 33 i 38 (i'r graddau nad ydynt eisoes mewn grym)	16 Mawrth 2016	O.S. 2016/52 (Cy. 22) (C. 4)	Sections 33 to 38 (so far as not already in force)	16 March 2016	S.I. 2016/52 (W. 22) (C. 4)
Adrannau 40 i 42 (i'r graddau nad ydynt eisoes mewn grym)	16 Mawrth 2016	O.S. 2015/1987 (Cy. 297) (C. 123)	Sections 40 to 42 (so far as not already in force)	16 March 2016	S.I. 2015/1987 (W. 297) (C. 123)
Adrannau 43 i 46 (i'r graddau nad ydynt eisoes mewn grym)	16 Mawrth 2016	O.S. 2016/52 (Cy. 22) (C. 4)	Sections 43 to 46 (so far as not already in force)	16 March 2016	S.I. 2016/52 (W. 22) (C. 4)
Adran 49 (i'r graddau nad yw eisoes mewn grym)	1 Mawrth 2016	O.S. 2016/52 (Cy. 22) (C. 4)	Section 49 (so far as not already in force)	1 March 2016	S.I. 2016/52 (W. 22) (C. 4)
Adran 50 (i'r graddau y mae'n ymwneud â datblygiadau o arwyddocâd cenedlaethol a chydsyniadau eilaidd)	1 Mawrth 2016	O.S. 2016/52 (Cy. 22) (C. 4)	Section 50 (so far as it relates to developments of national significance and secondary consents)	1 March 2016	S.I. 2016/52 (W. 22) (C. 4)
Adran 51 (i'r graddau y mae'n ymwneud â'r paragraffau o Atodlen 5 a restrir isod)	1 Mawrth 2016	O.S. 2016/52 (Cy. 22) (C. 4)	Section 51 (so far as it relates to the paragraphs of Schedule 5 listed below)	1 March 2016	S.I. 2016/52 (W. 22) (C. 4)
Rhan 1 o Atodlen 1 (i'r graddau nad yw eisoes mewn grym)	5 Hydref 2015	O.S. 2015/1736 (Cy. 237) (C. 106)	Part 1 of Schedule 1 (so far as not already in force)	5 October 2015	S.I. 2015/1736 (W. 237) (C. 106)

Atodlen 3 (i'r graddau y mae'n ymwneud â datblygiadau o arwyddocâd cenedlaethol a chydsyniadau eilaidd)	1 Mawrth 2016	O.S. 2016/52 (Cy. 22) (C. 4)	Schedule 3 (so far as it relates to developments of national significance and secondary consents)	1 March 2016	S.I. 2016/52 (W. 22) (C. 4)
Atodlen 4 (i'r graddau y mae'n ymwneud â datblygiadau o arwyddocâd cenedlaethol a chydsyniadau eilaidd)	1 Mawrth 2016	O.S. 2016/52 (Cy. 22) (C. 4)	Schedule 4 (so far as it relates to developments of national significance and secondary consents)	1 March 2016	S.I. 2016/52 (W. 22) (C. 4)
Atodlen 5: paragraffau 1-14; paragraff 16(1) i'r graddau y mae'n ymwneud ag is-baragraff (2), ac is-baragraff (2); paragraff 18 i'r graddau y mae'n ymwneud â pharagraff 5(4) o Atodlen 8 i Ddeddf Cynllunio Gwlad a Thref 1990; paragraff 19 i'r graddau y mae'n ymwneud â pharagraff 20 a pharagraff 21(1), (2)(a) a (b); paragraff 20; paragraff 21(1) i'r graddau y mae'n ymwneud ag is-baragraff (2)(a) a (b), ac is-baragraff (2)(a) a (b); paragraff 22; paragraff 23 i'r graddau y mae'n ymwneud â pharagraffau 24, 25(1), 25(2)(a) a (b), a 26; paragraff	1 Mawrth 2016	O.S. 2016/52 (Cy. 22) (C. 4)	Schedule 5: paragraphs 1-14; paragraph 16(1) so far as it relates to sub-paragraph (2), and sub-paragraph (2); paragraph 18 so far as it relates to paragraph 5(4) of Schedule 8 to the Town and Country Planning Act 1990; paragraph 19 so far as it relates to paragraph 20, and paragraph 21(1), (2)(a) and (b); paragraph 20; paragraph 21(1) so far as it relates to sub-paragraph (2)(a) and (b), and sub-paragraph (2)(a)and (b); paragraph 22; paragraph 23 so far as it relates to paragraphs 24, 25(1), 25(2)(a) and (b), and 26; paragraph 24; paragraph 25(1), (2)(a) and (b); and	1 March 2016	S.I. 2016/52 (W. 22) (C. 4)

24; paragraff 25(1), (2)(a) a (b); a pharagraff 26.		

Gweler adran 58(1) o Ddeddf 2015 ar gyfer y darpariaethau a ddaeth i rym ar y diwrnod y cafodd Deddf 2015 y Cydsyniad Brenhinol(**1**) ac adran 58(2) ar gyfer y darpariaethau a ddaeth i rym 2 fis ar ôl i Ddeddf 2015 gael y Cydsyniad Brenhinol.

(**1**) Cafodd Deddf 2015 y Cydsyniad Brenhinol ar 6 Gorffennaf 2015.

paragraph 26.		

See section 58(1) of the 2015 Act for provisions which came into force on the day the 2015 Act received Royal Assent(**1**) and section 58(2) for the provisions which came into force 2 months after the 2015 Act received Royal Assent.

(**1**) The 2015 Act received Royal Assent on 6 July 2015.

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Gorchymyn Deddf Cynllunio (Cymru) 2015 (Cychwyn Rhif 4 a Darpariaethau Trosiannol) 2017

Gwnaed *5 Ebrill 2017*

Mae Gweinidogion Cymru yn gwneud y Gorchymyn a ganlyn drwy arfer y pwerau a roddir iddynt gan adran 58 o Ddeddf Cynllunio (Cymru) 2015(**1**).

Enwi a dehongli

1.—(1) Enw'r Gorchymyn hwn yw Gorchymyn Deddf Cynllunio (Cymru) 2015 (Cychwyn Rhif 4 a Darpariaethau Trosiannol) 2017.

(2) Yn y Gorchymyn hwn—

ystyr "Deddf 1990" ("*the 1990 Act*") yw Deddf Cynllunio Gwlad a Thref 1990(**2**);

ystyr "Deddf 2015" ("*the 2015 Act*") yw Deddf Cynllunio (Cymru) 2015.

Y ddarpariaeth sy'n dod i rym ar 10 Ebrill 2017

2. Y diwrnod penodedig i adran 54 o Ddeddf 2015 ddod i rym, i'r graddau nad yw eisoes mewn grym, yw 10 Ebrill 2017.

Y darpariaethau sy'n dod i rym ar 5 Mai 2017

3. Y diwrnod penodedig i'r darpariaethau a ganlyn o Ddeddf 2015 ddod i rym, i'r graddau nad ydynt eisoes mewn grym, yw 5 Mai 2017—

(a) adran 39;

(b) adrannau 47 a 48;

(c) adran 50;

(**1**) 2015 dccc 4.
(**2**) 1990 p. 8.

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TOWN AND COUNTRY PLANNING, WALES

The Planning (Wales) Act 2015 (Commencement No. 4 and Transitional Provisions) Order 2017

Made *5 April 2017*

The Welsh Ministers make the following Order in exercise of the powers conferred on them by section 58 of the Planning (Wales) Act 2015(**1**).

Title and interpretation

1.—(1) The title of this Order is the Planning (Wales) Act 2015 (Commencement No. 4 and Transitional Provisions) Order 2017.

(2) In this Order—

"the 1990 Act" ("*Deddf 1990*") means the Town and Country Planning Act 1990(**2**);

"the 2015 Act" ("*Deddf 2015*") means the Planning (Wales) Act 2015.

Provision coming into force on 10 April 2017

2. The appointed day for the coming into force of section 54 of the 2015 Act, so far as it is not already in force, is 10 April 2017.

Provisions coming into force on 5 May 2017

3. The appointed day for the coming into force of the following provisions of the 2015 Act so far as they are not already in force is 5 May 2017—

(a) section 39;

(b) sections 47 and 48;

(c) section 50;

(**1**) 2015 anaw 4.
(**2**) 1990 c. 8.

(d) adran 51; ac

(e) paragraffau 15 i 19, 21, 23, 25 a 27 o Atodlen 5.

Darpariaethau trosiannol

4.—(1) Mae paragraff (2) yn gymwys pan gaiff hysbysiad o apêl ei gyflwyno mewn perthynas â chais a wnaed cyn 5 Mai 2017 o dan—

(a) adrannau 78 a 195 o Ddeddf 1990;

(b) adran 20 o Ddeddf Cynllunio (Adeiladau Rhestredig ac Ardaloedd Cadwraeth) 1990(**1**) ("y Ddeddf Adeiladau Rhestredig");

(c) adran 21 o Ddeddf Cynllunio (Sylweddau Peryglus) 1990(**2**) ("y Ddeddf Sylweddau Peryglus").

(2) Mae Deddf 1990, y Ddeddf Adeiladau Rhestredig a'r Ddeddf Sylweddau Peryglus yn eu trefn yn gymwys i'r apêl berthnasol a'r cais y mae'r apêl honno yn berthnasol iddo fel pe na bai'r diwygiadau a wneir gan adran 47 o Ddeddf 2015 wedi eu gwneud.

5. Pan fo apêl yn cael ei gwneud o dan adran 217 o Ddeddf 1990 yn erbyn hysbysiad o dan adran 215 o'r Ddeddf honno a gyflwynwyd cyn 5 Mai 2017, mae Deddf 1990 yn gymwys i'r apêl honno fel pe na bai'r diwygiadau a wneir gan adran 48 o Ddeddf 2015 wedi eu gwneud.

Jane Hutt

Un o Weinidogion Cymru
5 Ebrill 2017

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(**1**) 1990 p. 9.
(**2**) 1990 p. 10.

(d) section 51; and

(e) paragraphs 15 to 19, 21, 23, 25 and 27 of Schedule 5.

Transitional provisions

4.—(1) Paragraph (2) applies where notice of an appeal is served in relation to an application which was made before 5 May 2017 under—

(a) sections 78 and 195 of the 1990 Act;

(b) section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990(**1**) ("the Listed Buildings Act");

(c) section 21 of the Planning (Hazardous Substances) Act 1990(**2**) ("the Hazardous Substances Act").

(2) The 1990 Act, the Listed Buildings Act and the Hazardous Substances Act respectively apply to the relevant appeal and the application to which that appeal relates as though the amendments made by section 47 of the 2015 Act had not been made.

5. Where an appeal is made under section 217 of the 1990 Act against a notice under section 215 of that Act which was served before the 5 May 2017, the 1990 Act applies to that appeal as though the amendments made by section 48 of the 2015 Act had not been made.

One of the Welsh Ministers
5 April 2017

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(**1**) 1990 c. 9.
(**2**) 1990 c. 10.

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