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WELSH STATUTORY
INSTRUMENTS

2019 Rhif 283 (Cy. 65)

2019 No. 283 (W. 65)

**CYNLLUNIO GWLAD A
THREF, CYMRU**

**TOWN AND COUNTRY
PLANNING, WALES**

Rheoliadau Datblygiadau o
Arwyddocâd Cenedlaethol (Meini
Prawf Penodedig, Ffioedd a Ffioedd
am Geisiadau Tybiedig) (Cymru)
(Diwygio) 2019

The Developments of National
Significance (Specified Criteria,
Fees and Fees for Deemed
Applications) (Wales)
(Amendment) Regulations 2019

NODYN ESBONIADOL

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

Mae'r Rheoliadau hyn yn diwygio—

–Rheoliadau Datblygiadau o Arwyddocâd Cenedlaethol (Meini Prawf Penodedig a Chydsyniadau Eilaidd Rhagnodedig) (Cymru) 2016 (“Rheoliadau Meini Prawf DAC”),

–Rheoliadau Datblygiadau o Arwyddocâd Cenedlaethol (Ffioedd) (Cymru) 2016 (“Rheoliadau Ffioedd DAC”), a

–Rheoliadau Cynllunio Gwlad a Thref (Ffioedd am Geisiadau, Ceisiadau Tybiedig ac Ymweliadau Safle) (Cymru) 2015 (“Rheoliadau Ffioedd CGTh”).

Mae'r Rheoliadau Meini Prawf DAC, ymysg pethau eraill, yn pennu'r meini prawf ar gyfer pan fo datblygiad yng Nghymru o arwyddocâd cenedlaethol at ddibenion adran 62D o Ddeddf Cynllunio Gwlad a Thref 1990 (“Deddf 1990”). Cyfeirir at ddatblygiad o'r fath fel datblygiad o arwyddocâd cenedlaethol neu “DAC”.

Mae rheoliad 2 o'r Rheoliadau hyn yn diwygio'r Rheoliadau Meini Prawf DAC er mwyn rhoi statws DAC i osod llinellau trydan uwchben y ddaear sydd â foltedd enwol o 132 cilofolt neu lai ac sy'n gysylltiedig â gorsaf gynhyrchu ddatganoledig yng Nghymru.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend—

–the Developments of National Significance (Specified Criteria and Prescribed Secondary Consents) (Wales) Regulations 2016 (“the DNS Criteria Regulations”),

–the Developments of National Significance (Fees) (Wales) Regulations 2016 (“the DNS Fees Regulations”), and

–the Town and Country Planning (Fees for Applications, Deemed Applications and Site Visits) (Wales) Regulations 2015 (“the TCP Fees Regulations”).

The DNS Criteria Regulations, amongst other things, specify the criteria whereby development in Wales is of national significance for the purposes of section 62D of the Town and Country Planning Act 1990 (“the 1990 Act”). Such development is referred to as development of national significance or “DNS”.

Regulation 2 of these Regulations amends the DNS Criteria Regulations to give DNS status to the installation of electric lines above ground which have a nominal voltage of 132 KV or less and which are associated with a devolved Welsh generating station.

Mae rheoliad 2 hefyd yn—

–cynyddu'r trothwy DAC sy'n ymwneud ag adeiladu neu estyn gorsafoedd cynhyrchu, ac eithrio gorsafoedd cynhyrchu trydan o ynni'r gwynt ar y tir, o 50 MW i 350 MW;

–tynnu cyfleusterau storio ynni o'r diffiniad o “gorsaf gynhyrchu”, gyda'r effaith na fydd datblygu cyfleusterau o'r fath yn DAC.

Mae rheoliad 3 o'r Rheoliadau hyn yn diwygio'r Rheoliadau Ffioedd DAC fel bod ffi ar gyfer penderfynu ynghylch cais am ganiatâd cynllunio ar gyfer gosod llinell drydan uwchben y ddaear ond yn daladwy pan fo penderfyniad wedi cael ei wneud gan Weinidogion Cymru yn hytrach na chan berson a benodwyd at y diben hwnnw.

Mae rheoliad 4 o'r Rheoliadau hyn yn cywiro anghysondeb yn y Rheoliadau Ffioedd CGTh. Mae ffi yn daladwy i awdurdodau cynllunio lleol mewn cysylltiad â chais tybiedig mewn amgylchiadau pan fyddai'r cais hwnnw, fel arall, wedi cael ei wneud i Weinidogion Cymru yn rhinwedd adran 62D o Ddeddf 1990.

Ystyriwyd Cod Ymarfer Gweinidogion Cymru ar gynnal Aseidiadau Effaith Rheoleiddiol mewn perthynas â'r Rheoliadau hyn. O ganlyniad, lluniwyd asesiad effaith rheoleiddiol o'r costau a'r manteision sy'n debygol o ddeillio o gydymffurfio â'r Rheoliadau hyn. Gellir cael copi ar www.llyw.cymru.

Regulation 2 also—

–increases the DNS threshold relating to the construction or extension of generating stations, other than onshore wind generating stations, from 50 MW to 350 MW;

–removes energy storage facilities from the definition of “generating station”, with the effect that the development of such facilities is not DNS.

Regulation 3 of these Regulations amends the DNS Fees Regulations so that a fee for the determination of an application for planning permission for the installation of an electric line above ground, is only payable where that determination is made by the Welsh Ministers as opposed to a person appointed for that purpose.

Regulation 4 of these Regulations corrects an anomaly in the TCP Fees Regulations. A fee is made payable to local planning authorities in respect of a deemed application in circumstances where that application would otherwise have been made to the Welsh Ministers by virtue of section 62D of the 1990 Act.

The Welsh Ministers' Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result, a regulatory impact assessment has been prepared as to the likely costs and benefits of complying with these Regulations. A copy can be obtained at www.gov.wales.

2019 Rhif 283 (Cy. 65)

**CYNLLUNIO GWLAD A
THREF, CYMRU**

Rheoliadau Datblygiadau o
Arwyddocâd Cenedlaethol (Meini
Prawf Penodedig, Ffioedd a Ffioedd
am Geisiadau Tybiedig) (Cymru)
(Diwygio) 2019

Gwnaed 18 Chwefror 2019

Yn dod i rym 1 Ebrill 2019

Mae Gweinidogion Cymru, drwy arfer y pwerau a roddir iddynt gan adrannau 62D a 303 o Ddeddf Cynllunio Gwlad a Thref 1990(1), ac a roddir i'r Ysgrifennydd Gwladol gan adran 333 o'r Ddeddf(2) honno ac sydd bellach yn arferadwy ganddynt hwy(3), yn gwneud y Rheoliadau a ganlyn.

Yn unol ag adran 333(3E) o'r Ddeddf honno(4), gosodwyd drafft o'r offeryn hwn gerbron Cynulliad Cenedlaethol Cymru ac fe'i cymeradwywyd ganddo drwy benderfyniad.

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- (1) 1990 p. 8. Mewnosodwyd adran 62D gan adran 19 o Ddeddf Cynllunio (Cymru) 2015 (dccc 4) ("Deddf 2015"). Amnewidiwyd adran 303 gan adran 199 o Ddeddf Cynllunio 2008 (p. 29) ac fe'i diwygiwyd gan adrannau 27 a 55 o Ddeddf 2015, a pharagraffau 4(1) a 5 o Atodlen 7 iddi. Mae diwygiadau eraill nad ydynt yn berthnasol i'r Rheoliadau hyn.
- (2) Diwygiwyd adran 333 gan adran 118(1) o Ddeddf Cynllunio a Phrynu Gorfodol 2004 (p. 5) a pharagraffau 1 a 14 o Atodlen 6 iddi, a chan adran 55 o Ddeddf 2015 a pharagraff 3 o Atodlen 7 iddi. Mae diwygiadau eraill i adran 333 nad ydynt yn berthnasol i'r Rheoliadau hyn.
- (3) Trosglwyddwyd swyddogaethau'r Ysgrifennydd Gwladol i Gynulliad Cenedlaethol Cymru gan erthygl 2 o Orchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999 (O.S. 1999/672), gweler y cofnod yn Atodlen 1 ar gyfer Deddf Cynllunio Gwlad a Thref 1990. Trosglwyddwyd swyddogaethau Cynulliad Cenedlaethol Cymru i Weinidogion Cymru yn rhinwedd adran 162 o Ddeddf Llywodraeth Cymru 2006 (p. 32) a pharagraffau 30 a 32 o Atodlen 11 iddi.
- (4) Mewnosodwyd adran 333(3E) gan adran 55 o Ddeddf 2015, a pharagraff 3 o Atodlen 7 iddi.

2019 No. 283 (W. 65)

**TOWN AND COUNTRY
PLANNING, WALES**

The Developments of National
Significance (Specified Criteria,
Fees and Fees for Deemed
Applications) (Wales)
(Amendment) Regulations 2019

Made 18 February 2019

Coming into force 1 April 2019

The Welsh Ministers, in exercise of the powers conferred on them by sections 62D and 303 of the Town and Country Planning Act 1990(1), and conferred on the Secretary of State by section 333 of that Act(2) and now exercisable by them(3), make the following Regulations.

In accordance with section 333(3E) of that Act(4), a draft of this instrument was laid before and approved by resolution of the National Assembly for Wales.

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- (1) 1990 c. 8. Section 62D was inserted by section 19 of the Planning (Wales) Act 2015 (anaw 4) ("the 2015 Act"). Section 303 was substituted by section 199 of the Planning Act 2008 (c. 29) and was amended by sections 27 and 55 of, and paragraphs 4(1) and 5 of Schedule 7 to, the 2015 Act. There are other amendments not relevant to these Regulations.
- (2) Section 333 was amended by section 118(1) of, and paragraphs 1 and 14 of Schedule 6 to, the Planning and Compulsory Purchase Act 2004 (c. 5) and by section 55 of, and paragraph 3 of Schedule 7 to, the 2015 Act. There are other amendments to section 333 not relevant to these Regulations.
- (3) The functions of the Secretary of State were transferred to the National Assembly for Wales by article 2 of the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672), see the entry in Schedule 1 for the Town and Country Planning Act 1990. The functions of the National Assembly for Wales were transferred to the Welsh Ministers by virtue of section 162 of, and paragraphs 30 and 32 of Schedule 11 to, the Government of Wales Act 2006 (c. 32).
- (4) Section 333(3E) was inserted by section 55 of, and paragraph 3 of Schedule 7 to, the 2015 Act.

Enwi a chychwyn

1. Enw'r Rheoliadau hyn yw Rheoliadau Datblygiadau o Arwyddocâd Cenedlaethol (Meini Prawf Penodedig, Ffioedd a Ffioedd am Geisiadau Tybiedig) (Cymru) (Diwygio) 2019 a deuant i rym ar 1 Ebrill 2019.

Diwygiadau i Reoliadau Datblygiadau o Arwyddocâd Cenedlaethol (Meini Prawf Penodedig a Chydsyniadau Eilaidd Rhagnodedig) (Cymru) 2016

2.—(1) Mae Rheoliadau Datblygiadau o Arwyddocâd Cenedlaethol (Meini Prawf Penodedig a Chydsyniadau Eilaidd Rhagnodedig) (Cymru) 2016(1) wedi eu diwygio fel a ganlyn.

(2) Ar ôl rheoliad 3(1)(aa) (datblygiadau o arwyddocâd cenedlaethol: cyffredinol) mewnosoder—

“(ab) gosod llinell drydan uwchben y ddaear;”.

(3) Yn rheoliad 4 (gorsafoedd cynhyrchu)—

(a) ym mharagraffau (1) a (2) yn lle “50 megawat” rhodder “350 megawat”;

(b) ym mharagraff (3)—

(i) yn y diffiniad o “gorsaf gynhyrchu” (“*generating station*”) ar ôl “ond nid yw'n cynnwys gorsaf cynhyrchu trydan o ynni'r gwynt ar y tir” mewnosoder “na chyfleuster sy'n cynhyrchu trydan o ynni wedi ei storio”;

(ii) mewnosoder yn y manau priodol—

““cyfleuster storio hydrodrydan â phwmp” (“*a pumped hydroelectric storage facility*”) yw cyfleuster sy'n storio ynni disgrychol potensial dŵr sydd wedi cael ei bwmpio i lefel uwch er mwyn defnyddio ei gwmp yn ôl i'r lefel is i gynhyrchu trydan;”;

“ystyr “ynni wedi ei storio” (“*stored energy*”) yw ynni—

Title and commencement

1. The title of these Regulations is the Developments of National Significance (Specified Criteria, Fees and Fees for Deemed Applications) (Wales) (Amendment) Regulations 2019 and they come into force on 1 April 2019.

Amendments to the Developments of National Significance (Specified Criteria and Prescribed Secondary Consents) (Wales) Regulations 2016

2.—(1) The Developments of National Significance (Specified Criteria and Prescribed Secondary Consents) Regulations 2016(1) are amended as follows.

(2) After regulation 3(1)(aa) (developments of national significance: general) insert—

“(ab) the installation of an electric line above ground;”.

(3) In regulation 4 (generating stations)—

(a) in paragraphs (1) and (2) for “50 megawatts” substitute “350 megawatts”;

(b) in paragraph (3)—

(i) in the definition of “generating station” (“*gorsaf gynhyrchu*”) after “but does not include an onshore wind generating station” insert “nor a facility that generates electricity from stored energy”;

(ii) at the appropriate places insert—

““a pumped hydroelectric storage facility” (“*cyfleuster storio hydrodrydan â phwmp*”) is a facility that stores the gravitational potential energy of water that has been pumped to a higher level so that its return to the lower level can be used to generate electricity;”;

““stored energy” (“*ynni wedi ei storio*”) means energy that—

(1) O.S. 2016/53 (Cy. 23), a ddiwygiwyd gan O.S. 2016/358 (Cy. 111).

(1) S.I. 2016/53 (W. 23), amended by S.I. 2016/358 (W. 111).

- (a) a drawsnewidiwyd o drydan; a
- (b) sy'n cael ei storio at ddiben ei aildrawsnewid yn drydan yn y dyfodol,
ond nid yw'n cynnwys ynni wedi ei storio mewn cyfleuster storio hydrodrydan â phwmp;”.

(4) Ar ôl rheoliad 4A (gorsafoedd cynhyrchu trydan o ynni'r gwynt ar y tir) mewnosoder—

“Llinellau Trydan

4B.—(1) Nid yw gosod llinell drydan uwchben y ddaear ond o fewn rheoliad 3(1)(ab)—

- (a) os oes gan y llinell o dan sylw foltedd enwol o 132 cilofolt neu lai; a
- (b) os yw'r llinell o dan sylw yn gysylltiedig ag adeiladu neu estyn gorsaf gynhyrchu ddatganoledig yng Nghymru sydd wedi cael caniatâd cynllunio neu sydd wedi cael cydsyniad ar 1 Ebrill 2019 neu ar ôl hynny.

(2) Yn y rheoliad hwn—

ystyr “dyfroedd Cymru” (“*Welsh waters*”) yw hynny o ddyfroedd mewnol a môr tiriogaethol y Deyrnas Unedig sy'n gyfagos i Gymru, a pharth Cymru;

ystyr “gorsaf gynhyrchu ddatganoledig yng Nghymru” (“*devolved Welsh generation station*”) yw gorsaf gynhyrchu—

- (a) sydd yng Nghymru ac—
 - (i) sy'n cynhyrchu trydan o ynni'r gwynt, neu
 - (ii) sydd â'r gallu cynhyrchu uchaf o 350 megawat neu lai; neu
- (b) sydd yn nyfroedd Cymru ac sydd â'r gallu cynhyrchu uchaf o 350 megawat neu lai;

ystyr “linell drydan” (“*electric line*”) yw unrhyw linell sy'n cael ei ddefnyddio i ddargludo trydan at unrhyw ddiben ac sy'n cynnwys, oni fydd y cyd-destun yn mynnu fel arall—

- (a) was converted from electricity, and
- (b) is stored for the purpose of its future reconversion into electricity,
but does not include energy stored in a pumped hydroelectric storage facility;”.

(4) After regulation 4A (onshore wind generating stations) insert—

“Electric Lines

4B.—(1) The installation of an electric line above ground is within regulation 3(1)(ab) only if the line in question—

- (a) has a nominal voltage of 132 kilovolts or less; and
- (b) is associated with the construction or extension of a devolved Welsh generating station granted planning permission or consented to on or after 1 April 2019.

(2) In this regulation—

“devolved Welsh generating station” (“*gorsaf gynhyrchu ddatganoledig yng Nghymru*”) means a generating station that—

- (a) is in Wales and—
 - (i) generates electricity from wind, or
 - (ii) has a maximum capacity of 350 megawatts or less; or
- (b) is in Welsh waters and has a maximum capacity of 350 megawatts or less;

“electric line” (“*linell drydan*”) means any line which is used for carrying electricity for any purpose and includes, unless the context otherwise requires—

- (a) unrhyw gynhaliad ar gyfer unrhyw linell o'r fath, hynny yw, unrhyw strwythur, polyn neu wrthrych arall y mae unrhyw linell o'r fath yn cael ei chynnal, ei chario neu ei chrogi ynddo, arno, ganddo neu ohono neu y gall unrhyw linell o'r fath gael ei chynnal, ei chario neu ei chrogi ynddo, arno, ganddo neu ohono;
- (b) unrhyw gyfarpar sy'n gysylltiedig ag unrhyw linell o'r fath at ddiben dargludo trydan; ac
- (c) unrhyw wifren, cebl, tiwb, pibell neu wrthrych tebyg arall (gan gynnwys ei chasin neu ei gasin neu ei gorchudd neu ei orchudd) sy'n amgylchynu neu sy'n cynnal unrhyw linell o'r fath, neu sydd wedi ei hamgylchynu neu ei amgylchu neu ei chynnal neu ei gynnal ganddi, neu wedi ei gosod neu ei osod yn agos ati, neu wedi ei chynnal neu ei gynnal, ei chario neu ei gario neu ei chrogi neu ei grogi mewn cysylltiad ag unrhyw linell o'r fath; ac

mae i "parth Cymru" yr ystyr a roddir i "Welsh zone" yn adran 158 o Ddeddf Llywodraeth Cymru 2006(1)."

- (a) any support for any such line, that is to say, any structure, pole or other thing in, on, by or from which any such line is or may be supported, carried or suspended;
- (b) any apparatus connected to any such line for the purpose of carrying electricity; and
- (c) any wire, cable, tube, pipe or other similar thing (including its casing or coating) which surrounds or supports, or is surrounded or supported by, or is installed in close proximity to, or is supported, carried or suspended in association with, any such line";

"Welsh waters" ("*dyfroedd Cymru*") means so much of the internal waters and territorial sea of the United Kingdom as are adjacent to Wales, and the Welsh zone; and

"Welsh zone" ("*parth Cymru*") has the meaning given in section 158 of the Government of Wales Act 2006(1)."

Diwygiadau i Reoliadau Datblygiadau o Arwyddocâd Cenedlaethol (Ffioedd) (Cymru) 2016

3.—(1) Mae Rheoliadau Datblygiadau o Arwyddocâd Cenedlaethol (Ffioedd) (Cymru) 2016(2) wedi eu diwygio fel a ganlyn.

(2) Yn rheoliad 6(2)(e) ar ôl "y ffi" mewnosoder "(os oes un)".

(3) Yn rheoliad 12 ar ddechrau paragraff (1) mewnosoder "Yn ddarostyngedig i baragraff (1A)," ac ar ôl y paragraff hwnnw mewnosoder—

"(1A) Nid yw'r rheoliad hwn yn gymwys i gais am ddatblygiad o fewn rheoliad 3(1)(ab) o Reoliadau Datblygiadau o Arwyddocâd Cenedlaethol (Meini Prawf Penodedig a Chydsyniadau Eilaidd Rhagnodedig) (Cymru) 2016 ac eithrio yn ystod unrhyw gyfnod y mae'r swyddogaeth o benderfynu ar y cais i'w harfer ynddo gan Weinidogion Cymru yn rhinwedd cyfarwyddyd a roddwyd ganddynt o dan baragraff 9 o Atodlen 4D i Ddeddf 1990(3)."

Amendments to the Developments of National Significance (Fees) (Wales) Regulations 2016

3.—(1) The Developments of National Significance (Fees) (Wales) Regulations 2016(2) are amended as follows.

(2) In regulation 6(2)(e) after "the fee" insert "(if any)".

(3) In regulation 12 at the beginning of paragraph (1) insert "Subject to paragraph (1A)," and after that paragraph insert—

"(1A) This regulation applies to an application for development within regulation 3(1)(ab) of the Developments of National Significance (Specified Criteria and Prescribed Secondary Consents) (Wales) Regulations 2016 only during any period within which the function of determining the application is to be exercised by the Welsh Ministers by virtue of a direction given by them under paragraph 9 of Schedule 4D to the 1990 Act(3)."

(1) 2006 p. 32. Mewnosodwyd y diffiniad o "Welsh zone" gan adran 43 o Ddeddf y Môr a Mynediad i'r Arfordir 2009 (p. 23).

(2) O.S. 2016/57 (Cy. 27).

(3) Mewnosodwyd Atodlen 4D gan adran 26(1) o Ddeddf 2015 a pharagraff 1 o Atodlen 3 iddi.

(1) 2006 c. 32. The definition of "Welsh zone" was inserted by section 43 of the Marine and Coastal Access Act 2009 (c. 23).

(2) S.I. 2016/57 (W. 27).

(3) Schedule 4D was inserted by section 26(1) of, and paragraph 1 of Schedule 3 to, the 2015 Act.

Diwygiadau i Reoliadau Cynllunio Gwlad a Thref (Ffioedd am Geisiadau, Ceisiadau Tybiedig ac Ymweliadau Safle) (Cymru) 2015

4.—(1) Mae rheoliad 10 o Reoliadau Cynllunio Gwlad a Thref (Ffioedd am Geisiadau, Ceisiadau Tybiedig ac Ymweliadau Safle) (Cymru) 2015(1) wedi ei ddiwygio fel a ganlyn.

(2) Yn lle paragraffau (3) a (4) rhodder—

“(3) Nid yw ffi ond yn daladwy o dan y rheoliad hwn mewn cysylltiad â chais tybiedig os ar y dyddiad perthnasol mewn cysylltiad â'r materion y datgenir yn yr hysbysiad gorfodi eu bod yn torri rheolaeth gynllunio—

- (a) y byddai ffi wedi bod yn daladwy o dan y Rheoliadau hyn am gais am ganiatâd cynllunio a wnaed i'r awdurdod perthnasol; neu
- (b) y byddai ffi wedi bod yn daladwy o dan Reoliadau Datblygiadau o Arwyddocâd Cenedlaethol (Ffioedd) (Cymru) 2016 am gais am ganiatâd cynllunio a wnaed i Weinidogion Cymru.

(4) Swm y ffi yw—

- (a) pan fyddai cais wedi ei wneud i'r awdurdod perthnasol, dwywaith swm y ffi a fyddai wedi bod yn daladwy mewn cysylltiad â'r cais; neu
- (b) pan fyddai cais wedi ei wneud i Weinidogion Cymru, dwywaith swm y ffi a fyddai wedi bod yn daladwy i'r awdurdod perthnasol mewn cysylltiad â'r cais pe bai'r cais wedi ei wneud i'r awdurdod a phe bai'r datblygiad wedi dod o fewn paragraff 9(b) o Ran 2 o Atodlen 1.”

(3) Ym mharagraff (9) ar ddiwedd is-baragraff (a) hepgorer “neu” ac ar ôl is-baragraff (b) mewnosoder—

“neu

- (c) cyn y dyddiad y dyroddwyd yr hysbysiad gorfodi perthnasol, wedi gwneud cais i Weinidogion Cymru o dan adran 62D o Ddeddf 1990 am ganiatâd cynllunio ar gyfer y datblygiad y mae'r hysbysiad yn ymwneud ag ef, ac wedi talu i Weinidogion Cymru y ffi sy'n daladwy pan wneir y cais hwnnw.”.

Amendments to the Town and Country Planning (Fees for Applications, Deemed Applications and Site Visits) (Wales) Regulations 2015

4.—(1) Regulation 10 of the Town and Country Planning (Fees for Applications, Deemed Applications and Site Visits) (Wales) Regulations 2015(1) is amended as follows.

(2) For paragraphs (3) and (4) substitute—

“(3) A fee is only payable under this regulation in respect of a deemed application if on the relevant date in respect of the matters stated in the enforcement notice as constituting a breach of planning control—

- (a) a fee would have been payable under these Regulations for an application for planning permission made to the relevant authority; or
- (b) a fee would have been payable under the Developments of National Significance (Fees) (Wales) Regulations 2016 for an application for planning permission made to the Welsh Ministers.

(4) The amount of the fee is—

- (a) where an application would have been made to the relevant authority, twice the amount of the fee which would have been payable in respect of the application; or
- (b) where an application would have been made to the Welsh Ministers, twice the amount of the fee which would have been payable to the relevant authority in respect of the application had the application been made to the authority and had the development fallen within paragraph 9(b) of Part 2 of Schedule 1.

(3) In paragraph (9) at the end of sub-paragraph (a) omit “or” and after sub-paragraph (b) insert—

“or

- (c) before the date when the relevant enforcement notice was issued, made an application to the Welsh Ministers under section 62D of the 1990 Act for planning permission for the development to which the notice relates and had paid to the Welsh Ministers the fee payable upon making that application.”.

(1) O.S. 2015/1522 (Cy. 179). Diwygiwyd rheoliad 10 gan O.S. 2017/528 (Cy. 111).

(1) S.I. 2015/1522 (W. 179). Regulation 10 was amended by S.I. 2017/528 (W. 111).

Julie James

Y Gweinidog Tai a Llywodraeth Leol, un o
Weinidogion Cymru
18 Chwefror 2019

Minister for Housing and Local Government, one of
the Welsh Ministers
18 February 2019

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