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WELSH STATUTORY
INSTRUMENTS

2021 Rhif 254 (Cy. 67)

2021 No. 254 (W. 67)

**CYNLLUNIO GWLAD A
THREF, CYMRU**

**TOWN AND COUNTRY
PLANNING, WALES**

Gorchymyn Cynllunio Gwlad a
Thref (Datblygu Cyffredinol a
Ganiateir) (Diwygio) (Cymru) 2021

The Town and Country Planning
(General Permitted Development)
(Amendment) (Wales) Order 2021

NODYN ESBONIADOL

EXPLANATORY NOTE

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

(This note is not part of the Order)

Mae'r Gorchymyn hwn yn diwygio Gorchymyn Cynllunio Gwlad a Thref (Datblygu Cyffredinol a Ganiateir) 1995 ("yr GDCG").

This Order amends the Town and Country Planning (General Permitted Development) Order 1995 ("the GPDO").

Mae erthygl 3 o'r GDCG, ac Atodlen 2 iddo, yn rhoi hawliau datblygu a ganiateir mewn cysylltiad â datblygiadau penodol. Pan roddir yr hawliau hynny, nid yw cais am ganiatâd cynllunio yn ofynnol.

Article 3 of, and Schedule 2 to, the GPDO confer permitted development rights in respect of certain developments. Where such rights are conferred, an application for planning permission is not required.

Mae erthygl 3 o'r Gorchymyn hwn yn diwygio paragraff A.2(c) o Ran 3A o Atodlen 2 i'r GDCG (adeiladu dros dro a newid defnydd at ddibenion argyfwng iechyd y cyhoedd). Pan fo paragraff A.2(c) yn gymwys, mae'r amserlen ar gyfer symud y datblygiad ymaith wedi ei diwygio fel bod y cyfnod wedi ei estyn o ddeuddeg mis i ddeunaw mis ar gyfer y datblygiadau hynny sy'n dechrau cyn 10 Ebrill 2021. Ar gyfer y datblygiadau hynny sy'n dechrau ar 10 Ebrill 2021 neu ar ôl hynny, mae'r cyfnod yn parhau i fod yn ddeuddeg mis. Ym mhob achos, mae'r amser yn dechrau o'r dyddiad y dechreuodd y datblygu.

Article 3 of this Order amends paragraph A.2(c) of Part 3A of Schedule 2 to the GPDO (temporary building and changes of use for public health emergency purposes). Where paragraph A.2(c) applies, the timeframe for removing the development is amended so for those developments which begin before 10 April 2021, the period is extended from twelve to eighteen months. For those developments which begin on or after 10 April 2021, the period remains twelve months. In each case, the time begins from the date on which the development began.

Mae erthygl 4 o'r Gorchymyn hwn yn diwygio paragraff A.1(b) o Ran 12A o Atodlen 2 i'r GDCG (datblygu brys gan awdurdodau lleol). Pan fo paragraff A.1(b) yn gymwys, mae'r amserlen ar gyfer symud y datblygiad ymaith wedi ei diwygio fel bod y cyfnod wedi ei estyn o ddeuddeg mis i ddeunaw mis ar gyfer y datblygiadau hynny sy'n dechrau cyn 30 Mawrth 2021. Ar gyfer y datblygiadau hynny sy'n dechrau ar 30 Mawrth 2021 neu ar ôl hynny, mae'r cyfnod yn parhau i fod yn ddeuddeg mis. Ym mhob achos, mae'r amser yn dechrau o'r dyddiad y dechreuodd y datblygu.

Article 4 of this Order amends paragraph A.1(b) of Part 12A of Schedule 2 to the GPDO (emergency development by local authorities). Where paragraph A.1(b) applies, the timeframe for removing the development is amended so for those developments which begin before 30 March 2021, the period is extended from twelve to eighteen months. For those developments which begin on or after 30 March 2021, the period remains twelve months. In each case, the time begins from the date on which the development began.

Ystyriwyd Cod Ymarfer Gweinidogion Cymru ar gynnal Asesiadau Effaith Rheoleiddiol mewn perthynas â'r Gorchymyn hwn. O ganlyniad, lluniwyd asesiad effaith rheoleiddiol o'r costau a'r manteision sy'n debygol o ddeillio o gydymffurfio â'r Gorchymyn hwn. Gellir cael copi oddi wrth: Llywodraeth Cymru, Parc Cathays, Caerdydd, CF10 3NQ ac ar wefan Llywodraeth Cymru ar www.llyw.cymru.

The Welsh Ministers' Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to this Order. As a result, a regulatory impact assessment has been prepared as to the likely costs and benefits of complying with this Order. A copy can be obtained from the Welsh Government at Cathays Park, Cardiff, CF10 3NQ and is published on the Welsh Government website at www.gov.wales.

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Thref (Datblygu Cyffredinol a
Ganiateir) (Diwygio) (Cymru) 2021

The Town and Country Planning
(General Permitted Development)
(Amendment) (Wales) Order 2021

Gwnaed 4 Mawrth 2021
Gosodwyd gerbron
Senedd Cymru 8 Mawrth 2021
Yn dod i rym 29 Mawrth 2021

Made 4 March 2021
Laid before Senedd Cymru 8 March 2021
Coming into force 29 March 2021

Mae Gweinidogion Cymru, drwy arfer y pwerau a roddir gan adrannau 59, 60(1), 61(1) a 333(4B) a (7) o Ddeddf Cynllunio Gwlad a Thref 1990(1) ac a freiniwyd bellach ynddynt hwy(2), yn gwneud y Gorchymyn a ganlyn.

The Welsh Ministers, in exercise of the powers conferred by sections 59, 60(1), 61(1) and 333(4B) and (7) of the Town and Country Planning Act 1990(1) and now vested in them(2), make the following Order.

Enwi, cychwyn a chymhwysio

1.—(1) Enw'r Gorchymyn hwn yw Gorchymyn Cynllunio Gwlad a Thref (Datblygu Cyffredinol a Ganiateir) (Diwygio) (Cymru) 2021 a daw i rym ar 29 Mawrth 2021.

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

Title, commencement and application

1.—(1) The title of this Order is the Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2021 and it comes into force on 29 March 2021.

(2) This Order applies in relation to Wales.

(1) 1990 p. 8. Mewnosodwyd adran 59(4) gan adran 55 o Ddeddf Cynllunio (Cymru) 2015 (dccc 4), a pharagraff 5 o Atodlen 7 iddi. Mae diwygiadau eraill i Ddeddf 1990 nad ydynt yn berthnasol i'r offeryn hwn.

(2) Trosglwyddwyd swyddogaethau'r Ysgrifennydd Gwladol o dan adrannau 59, 60(1), 61(1) a (333)(4B) a (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 fel y'i hamnewidiwyd gan erthygl 4 o Orchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 2000 (O.S. 2000/253), ac Atodlen 3 iddo. Yn rhinwedd adran 162 o Ddeddf Llywodraeth Cymru 2006 (p. 32), a pharagraffau 30 a 32 o Atodlen 11 iddi, trosglwyddwyd swyddogaethau Cynulliad Cenedlaethol Cymru i Weinidogion Cymru.

(1) 1990 c. 8. Section 59(4) was inserted by section 55 of, and paragraph 5 of Schedule 7 to, the Planning (Wales) Act 2015 (anaw 4). There have been other amendments to the 1990 Act which are not relevant to this instrument.

(2) The functions of the Secretary of State under sections 59, 60(1), 61(1) and 333(4B) and (7) were, so far as exercisable in relation to Wales, transferred to the National Assembly for Wales by article 2 of, and Schedule 1 to, 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 as substituted by article 4 of, and Schedule 3 to, the National Assembly for Wales (Transfer of Functions) Order 2000 (S.I. 2000/253). By virtue of section 162 of, and paragraphs 30 and 32 of Schedule 11 to, the Government of Wales Act 2006 (c. 32) the functions of the National Assembly for Wales were transferred to the Welsh Ministers.

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

2. Mae Atodlen 2 i Orchymyn Cynllunio Gwlad a Thref (Datblygu Cyffredinol a Ganiateir) 1995(1) wedi ei diwygio yn unol ag erthyglau 3 a 4.

Diwygio Rhan 3A o Atodlen 2 (adeiladu dros dro a newid defnydd at ddibenion argyfwng iechyd y cyhoedd)

3.—(1) Mae Rhan 3A (Dosbarth A) wedi ei diwygio fel a ganlyn.

(2) Ar ddiwedd paragraff A.2(b), hepgorer “and”.

(3) Yn lle paragraff A.2(c) rhodder—

“(c) on or before the expiry date—

- (i) any use of that building or land for the purpose of Class A must cease;
- (ii) any building, moveable structure, works, plant or machinery permitted by Class A must be removed; and
- (iii) the building or land must be restored to its condition before the development took place, or to such other state as may be agreed in writing between the local planning authority and the developer; and”.

(4) Ar ôl paragraff A.2(c) mewnosoder—

“(d) in sub-paragraph (c), “the expiry date” means—

- (i) for developments which begin before 10 April 2021 the date eighteen months after the date on which the development began; and
- (ii) for developments which begin on or after 10 April 2021 the date twelve months after the date on which the development began.”

Diwygio Rhan 12A o Atodlen 2 (datblygu brys gan awdurdodau lleol)

4.—(1) Mae Rhan 12A (Dosbarth A) wedi ei diwygio fel a ganlyn.

(2) Ar ddiwedd paragraff A.1(a), hepgorer “and”.

(3) Yn lle paragraff A.1(b) rhodder—

“(b) on or before the expiry date—

Amendment of the Town and Country Planning (General Permitted Development) Order 1995

2. Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995(1) is amended in accordance with articles 3 and 4.

Amendment of Part 3A of Schedule 2 (temporary building and changes of use for public health emergency purposes)

3.—(1) Part 3A (Class A) is amended as follows.

(2) At the end of paragraph A.2(b), omit “and”.

(3) For paragraph A.2(c) substitute—

“(c) on or before the expiry date—

- (i) any use of that building or land for the purpose of Class A must cease;
- (ii) any building, moveable structure, works, plant or machinery permitted by Class A must be removed; and
- (iii) the building or land must be restored to its condition before the development took place, or to such other state as may be agreed in writing between the local planning authority and the developer; and”.

(4) After paragraph A.2(c) insert—

“(d) in sub-paragraph (c), “the expiry date” means—

- (i) for developments which begin before 10 April 2021 the date eighteen months after the date on which the development began; and
- (ii) for developments which begin on or after 10 April 2021 the date twelve months after the date on which the development began.”

Amendment of Part 12A of Schedule 2 (emergency development by local authorities)

4.—(1) Part 12A (Class A) is amended as follows.

(2) At the end of paragraph A.1(a), omit “and”.

(3) For paragraph A.1(b) substitute—

“(b) on or before the expiry date—

(1) O.S. 1995/418. Mae diwygiadau eraill nad ydynt yn berthnasol i'r offeryn hwn.

(1) S.I. 1995/418. There have been other amendments which are not relevant to this instrument.

- (i) any use of that land for a purpose of Class A must cease and any buildings, plant, machinery, structures and erections permitted by Class A must be removed; and
- (ii) the land must be restored to its condition before the development took place, or to such other state as may be agreed in writing between the local planning authority and the developer; and”.

(4) Ar ôl paragraff A.1(b) mewnosoder—

“(c) in sub-paragraph (b), “the expiry date” means—

- (i) for developments which begin before 30 March 2021 the date eighteen months after the date on which the development began; and
- (ii) for developments which begin on or after 30 March 2021 the date twelve months after the date on which the development began.”

- (i) any use of that land for a purpose of Class A must cease and any buildings, plant, machinery, structures and erections permitted by Class A must be removed; and
- (ii) the land must be restored to its condition before the development took place, or to such other state as may be agreed in writing between the local planning authority and the developer; and”.

(4) After paragraph A.1(b) insert—

“(c) in sub-paragraph (b), “the expiry date” means—

- (i) for developments which begin before 30 March 2021 the date eighteen months after the date on which the development began; and
- (ii) for developments which begin on or after 30 March 2021 the date twelve months after the date on which the development began.”

Julie James

Y Gweinidog Tai a Llywodraeth Leol, un o
Weinidogion Cymru
4 Mawrth 2021

Minister for Housing and Local Government, one of
the Welsh Ministers
4 March 2021

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