

Hysbysiad Gwasanaethau Ystadau Arbenigol 20/08

14 Ebrill 2020

I'w weithredu gan y canlynol:

Cyfarwyddwyr a Rheolwyr Ystadau a Chyfleusterau
Cyfarwyddwyr Cynllunio a Strategaeth

Er gwybodaeth yn unig:

Prif Weithredwyr

Copi i'r canlynol: Adran Iechyd a Gofal Cymdeithasol, Llywodraeth Cymru

Dogfennau atodedig:

Llythyr oddi wrth Julie James AC, y Gweinidog Tai a Llywodraeth Leol dyddiedig 9 Ebrill 2020

Gorchymyn Cynllunio Gwlad a Thref (Datblygu Cyffredinol a Ganiateir) (Diwygio) (Cymru) (Rhif 2) 2010

Annwyl gydweithiwr,

HAWLIAU DATBLYGU A GANIATEIR MEWN ARGYFWNG AR GYFER GIG CYMRU – COVID-19

Mae llythyr ynghlwm sy'n cyflwyno hawliau cynllunio datblygiadau a ganiateir newydd ar gyfer sefydliadau GIG Cymru.

Mae Gorchymyn Cynllunio Gwlad a Thref (Datblygu Cyffredinol a Ganiateir) (Diwygio) (Cymru) (Rhif 2) 2020 yn diwygio Atodlen 2 i'r Gorchymyn Datblygu Cyffredinol a Ganiateir trwy fewnosod Rhan 3A newydd (Adeiladu a Defnyddiau at Ddibenion Argyfwng Iechyd y Cyhoedd), i ganiatáu datblygiad penodol at ddibenion atal, gwarchod yn erbyn, rheoli neu ddarparu ymateb i argyfwng iechyd y cyhoedd yn y Deyrnas Unedig.

Caniateir newid defnydd adeilad neu dir o unrhyw ddsbarth yn yr Atodlen i'r Gorchymyn Dosbarthiadau Defnydd neu unrhyw ddefnydd arall i Ddosbarth C2 (sefydliadau preswyl – gan gynnwys ysbytai, cartrefi nyrsio a chartrefi gofal preswyl) neu Ddosbarth D1 (sefydliadau amhreswyl – gan gynnwys canolfannau a chlinigau iechyd), a darparu adeiladau neu strwythurau eraill.

Effaith cyflwyno'r hawliau datblygu a ganiateir newydd yw, yn lle gorfod cyflwyno cais cynllunio ar gyfer unrhyw ddatblygiad sy'n gysylltiedig â COVID-19, rhaid i sefydliad y GIG (neu'r sefydliad sy'n ymgymryd â'r datblygiad ar ei ran) hysbysu'r awdurdod cynllunio lleol. Yr eithriad yma yw pan fo'r awdurdod cynllunio lleol yn gweithredu ar ran corff y GIG.

Mae amod pellach yn cyfyngu ar gadw datblygiad a wneir o dan y rhan newydd hon i gyfnod o 12 mis yn ddechrau ar y dyddiad y dechreuwyd y datblygiad. Cyn diwedd y cyfnod hwn, rhaid cael gwared ar unrhyw adeiladau, strwythurau a godwyd neu waith arall rhaid dod â'u defnydd i ben. Rhaid adfer y tir i'w gyflwr blaenorol neu i gyflwr arall y cytunwyd arno yn ysgrifenedig rhwng yr awdurdod cynllunio lleol a'r datblygwr. Mae angen cytundeb ysgrifenedig mewn amgylchiadau pan fo natur y datblygiad wedi newid y safle i'r fath raddau y mae'n anymarferol ei adfer i'w gyflwr blaenorol. Mewn achosion lle y cynigir cadw datblygiad yn hirach na 12 mis, disgwylir i gais cynllunio gael ei gyflwyno yn y ffordd arferol a fydd yn hwyluso cynnwys y cyhoedd yn y broses o ystyried rhinweddau cynllunio cadw'r datblygiad yn y lleoliad dan sylw.

Mae Llywodraeth Cymru wedi nodi ei bod yn parhau i fonitro effeithiau argyfwng parhaus COVID-19 ar y system gynllunio a bydd yn dwyn ymlaen newidiadau deddfwriaethol pellach maes o law.

Os bydd angen rhagor o wybodaeth arnoch neu os oes gennych unrhyw ymholiadau, cysylltwch â Clive Ball, Pennaeth Eiddo, ar 029 2090 4106 neu e-bostiwch Clive.Ball@wales.nhs.uk.

Yr eiddoch yn gywir,



NH Davies BSc (Anrh), Dip Proj Man (RICS), MBA, MCIQB, FIHEEM

Cyfarwyddwr Gwasanaethau Ystadau Arbenigol

Gwasanaethau Ystadau Arbenigol PCGC, Trydydd Llawr, Tŷ'r Cwmniau, Crown Way, Caerdydd, CF14 3UB



Specialist Estates Services Notification 20/08

14 April 2020

For action by:

Estates/Facilities Directors and Managers,
Directors of Planning and Strategy

For information only:

Chief Executives

Copy to: Department of Health and Social Care, Welsh Government

Attached documents:

Letter from Julie James AM, Minister for Housing and Local Government dated 9th April 2020

The Town and Country Planning (General Permitted Development) (Amendment) (Wales) (No2) Order 2010

Dear Colleague

EMERGENCY PERMITTED DEVELOPMENT RIGHTS FOR NHS WALES – COVID-19

Please find attached a letter which introduces new permitted development planning rights for NHS organisations in Wales.

The Town and Country Planning (General Permitted Development) (Amendment) (Wales) (No.2) Order 2020 amends Schedule 2 to the General Permitted Development Order by inserting a new Part 3A (Temporary Buildings and Changes of Use for Public Health Emergency Purposes) to permit certain development for the purposes of preventing, protecting against, controlling or providing a response to a public health emergency in the United Kingdom.

The development permitted is the change of use of a building or land from any class in the Schedule to the Use Classes Order or any other use to Class C2 (Residential institutions – including hospitals, nursing homes and residential care homes) or Class D1 (Non-residential institutions – including health centres and clinics), and the provision of buildings or other structures.

The effect of the introduction of the new permitted development rights is that, instead of having to submit a planning application for any COVID-19 related development, the NHS organisation (or the organisation undertaking the development on its behalf) must notify the local planning authority. The exception to this is where the local planning authority is acting on behalf of the NHS organisation.

A further condition restricts the retention of development undertaken under this new part to a period of 12 months beginning on the date the development began. Before the end of this period, buildings, structures erected or other works must be removed and any uses ceased. The land must be restored to its previous condition or to such other state as may be agreed in writing between the local planning authority and the developer. Written agreement is intended in circumstances where the nature of the development has changed the site to the extent it is impracticable to restore it to its previous condition. In cases where it is proposed to retain the development longer than 12 months, it is expected a planning application will be submitted in the normal way which will facilitate public involvement in considering the planning merits of retaining the development in that location.

The Welsh Government has stated that it is continuing to monitor the effects of the on-going COVID-19 emergency on the planning system and will be bringing forward further legislative changes in due course.

Should you require further information or have any queries, please contact Clive Ball, Head of Property, on 029 2090 4106 or e-mail Clive.Ball@wales.nhs.uk.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'NH Davies'.

NH Davies BSc (Hons), Dip Proj Man (RICS), MBA, MCIQB, FIHEEM

Director Specialist Estates Services

NWSSP Specialist Estates Services, 3rd Floor, Companies House, Crown Way, Cardiff CF14 3UB