

NODYN GWYBODAETH PROSIECT BRICS



GWLYPTIROEDD ADEILEDIG

PA GANIATÂD NEU GYDSYNIAD SY’N OFYNNOL?

BETH YW PWRPAS Y NODYN GWYBODAETH HWN?

Mae'r nodyn gwybodaeth hwn yn esbonio beth yw gwlyptir adeiledig yng nghyd-destun prosiect BRICs. Mae hefyd yn cynnig canllawiau i'ch cynorthwyo i weld a fydd angen unrhyw hysbysiad neu ganiatâd os, at ddibenion amaethyddol, y penderfynwch osod un.

Fe'i bwriedir ar gyfer y ffermwyr hynny sy'n ystyried, neu'r rhai yr awgrymwyd wrthynt, y gallai gwlyptir adeiledig lwyddo i arafu llif dŵr a thrwy hynny beri i waddodion neu silt waelodi mewn dŵr mwdlyd neu ddŵr "rhywfaint yn fudr" sy'n llifo oddi ar y fferm.

BETH A OLYGWN WRTH SÔN AM WLYPTIR ADEILEDIG?

At ddibenion prosiect BRICs, gwlyptir adeiledig yw system sydd â'r bwriad o atgynhyrchu swyddogaeth neu nodweddion corsle neu wlyptir naturiol. Mae hyn yn cynnwys arafu, torri neu ailgyfeirio llwybr dŵr "rhywfaint yn fudr", gan arwain at waddodi, hidlo a diraddio biolegol gan ficrobau, a thrwy hynny ddiogelu afon neu nant. Maent yn cynnig un ateb posibl ar gyfer ymdrin â llygredd gwasgaredig neu lifogydd mewn rhai lleoedd, a hefyd efallai y gellir eu cynllunio i wella'r cysylltiadau rhwng cynefinoedd ac annog bywyd gwyllt.

Gall system wlyptirol yng nghyd-destun y prosiect gynnwys pantiau, gwlyptiroedd mewn ffosydd, pyllau gwaddodion, argaeau dal gwaddodion/arafu llif dŵr, a gwlyptiroedd adeiledig neu gorsleoedd. Bydd gwahanol opsiynau'n briodol mewn gwahanol sefyllfaoedd, a gellir dewis opsiynau unigol neu eu cyfuno mewn system wlyptirol er mwyn cael canlyniad mwy effeithiol.

Mae cael y cynllun a'r lleoliad iawn yn hollbwysig o ran sicrhau bod modd rheoli cyfraddau llifo'n effeithiol i mewn i byllau gwaelodi, a thrwyddynt. Ymhellach, rhaid i'r pyllau hyn fod o'r maint iawn er mwyn sicrhau y bydd gwaddodion solidau crog yn cael eu gwanhau'n ddigonol ac er mwyn sicrhau gweithgarwch digonol gan y microbau.

Gall BRICs ariannu'r gwaith o lunio Adroddiadau Dichonoldeb ar Wlyptiroedd Adeiledig ar gyfer safleoedd penodol.

Mae'n bwysig nodi na ellir defnyddio gwlyptir adeiledig i drin elifion, dim ond i arafu llif yr hyn a elwir yn ddŵr "rhywfaint yn fudr". Dyma ddŵr sy'n llifo oddi ar fuarthau, llwybrau neu dir nad yw'n lân ond nad yw'n cynnwys slyri, golchion y parlwr godro neu elifion silwair. Er enghraifft, dŵr ffo oddi ar fuarth y tramwyir arno fel rhan o'r drefn arferol o reoli'r fferm, ond lle na chedwir anifeiliaid a lle na fydd anifeiliaid yn sefyll am amser maith.

CANIATADAU, CYDSYNIADAU A THRWYDDEDAU?

Ar gyfer adeiladu gwlyptir, efallai y bydd angen caniatâd, cydsyniad neu drwyddedau amgylcheddol gan yr awdurdodau perthnasol.

A WYF ANGEN TRWYDDED AMGYLCHEDDOL?

Fel arfer, ni fydd angen Trwydded Amgylcheddol gan na fydd y gwlyptir adeiledig yn cynnig unrhyw driniaeth sylfaenol, ac felly ni fydd elifion wedi'u trin yn cael eu gollwng i gwrs dŵr derbyn. Yng Nghymru, nid ystyrir gwlyptiroedd fel opsiwn ar gyfer trin plaladdwyr, elifion silwair neu slyri.

A FYDDAF ANGEN CANIATÂD DRAENIO TIR?

Argymhellir eich bod yn holi Cyngor Sir Penfro i weld a fydd y gwaith arfaethedig angen caniatâd Cwrs Dŵr Arferol dan adran 23 Deddf Draenio Tir 1991 fel y'i diwygiwyd gan Ddeddf Rheoli Llifogydd a Dŵr 2010. Ni chodir tâl am yr ymholiad hwn.

Fel canllaw cyffredinol:

- Os byddwch yn atal llif dŵr yn rhan drawstoriadol y cwrs dŵr, yna bydd angen caniatâd yn ôl pob tebyg.
- Os na chaiff y llif ei atal yn rhan drawstoriadol y cwrs dŵr gan ganiatáu i'r dŵr lifo dros unrhyw argae a adeiladwyd dros ben cwrs dŵr, ac os bydd dŵr yn llifo allan o'r cwrs dŵr gan greu gorlifdir mwy, yna efallai na fydd angen caniatâd.
- Os bydd y dŵr yn llifo o gwrs dŵr i wlyptir adeiledig ac yn ôl allan o'r gwlyptir adeiledig i gwrs dŵr ar dir o fewn yr un berchnogaeth, yna **efallai** na fydd angen caniatâd.
- Ni ddylai unrhyw waith a wneir effeithio ar faint o ddŵr a geir i lawr yr afon.

Wrth gyflwyno ymholiad ysgrifenedig i Gyngor Sir Penfro, dylid cynnwys digon o fanylion er mwyn galluogi'r peiriannydd i wybod union leoliad a maint y gwaith arfaethedig a phenderfynu a fydd yna unrhyw effaith i lawr yr afon.

Beth pe bai'r ymholiad yn nodi bod angen caniatâd?

Bydd angen ichi gyflwyno cais. Y gost fydd £50. Gellir cael ffurflen gais trwy gysylltu â:

Mr Neville Davies, Cyngor Sir Penfro, Yr Is-adran Seilwaith, Neuadd y Sir, Hwlfordd, Sir Benfro, SA61 1TP E-bost: ldconsent@pembrokeshire.gov.uk

A FYDDAF ANGEN CANIATÂD DRAENIO CYNALIADWY?

Bydd pob datblygiad newydd lle y mae maint y safle adeiladu'n 100m² neu fwy (er mis Ionawr 2019) angen Systemau Draenio Cynaliadwy (SuDS) ar gyfer dŵr wyneb, y mae'n rhaid i Gyngor Sir Penfro eu cymeradwyo, fel y Corff Cymeradwyo Systemau Draenio Cynaliadwy.

Nod Systemau Draenio Cynaliadwy yw rheoli glawiad mewn modd tebyg i brosesau naturiol, gan ddefnyddio'r dirwedd a llystyfiant naturiol i reoli llif a swm y dŵr wyneb, sef yr union beth y bydd gwlyptiroedd adeiledig a gaiff eu creu fel rhan o brosiect BRICs yn anelu at ei gyflawni. Mewn achosion annhebygol pan fydd maint safle adeiladu'r gwlyptir yn 100m² neu fwy, argymhellir y dylid gofyn i Gyngor Sir Penfro am ganllawiau.

A FYDDAF ANGEN TRWYDDED GWEITHGAREDDAU PERYGL LLIFOGYDD?

Go brin y bydd gwlyptir adeiledig at ddibenion amaethyddol wedi'i leoli ar brif afon, neu wrth ymyl un; ond pe bai'r gwaith wedi'i leoli wrth ymyl prif afon, efallai y bydd angen Trwydded Gweithgareddau Perygl Llifogydd gan Cyfoeth Naturiol Cymru (CNC). Diffiniad cyfreithiol prif afon yw cwrs dŵr a ddangosir ar [fap o brif afonydd](#) fel y'i gwelir ar wefan CNC. Dylid ceisio cyngor gan CNC.

<https://naturalresources.wales/permits-and-permissions/flood-risk-activities/flood-risk-activity-permits-information/?lang=cy>

A FYDDAF ANGEN TRWYDDED CRONNI DŴR?

Dim ond os ydych yn dymuno cronni dŵr mewn unrhyw gwrs dŵr neu gymryd mwy nag 20 o fetrau ciwbig (4,000 galwyn) o ddŵr y dydd y byddwch angen gwneud cais am drwydded. Strwythur a all newid lefel neu lif y dŵr, yn barhaol neu dros dro, yw cronriad. Mae'n debygol y bydd gwlyptir adeiledig at ddibenion amaethyddol yn cael ei ystyried fel risg isel o safbwynt yr amgylchedd neu ddefnyddwyr dŵr eraill, ac na fydd angen gwneud cais am drwydded o'r herwydd. Dylid ceisio cyngor gan CNC.

<https://naturalresources.wales/permits-and-permissions/water-abstraction-and-impoundment/information-about-water-abstraction-or-impoundment-licensing/?lang=cy>

YSTYRIAETHAU CADWRAETHOL

Gall gwlyptiroedd adeiledig sydd wedi'u cynllunio'n ystyriol a gofalus ddarparu nid yn unig ansawdd dŵr a buddion o ran lleddfu llifogydd mewn rhai lleoedd, ond trwy ddarparu cynefin gwerthfawr mae ganddynt hefyd y potensial i gynnal bywyd gwylt amrywiol, yn cynnwys: mamaliaid, ymlusgiaid, amffibiaid, pysgod, adar a chreaduriaid di-asgwrn-cefn. Ymhellach, efallai eu bod â rhan bwysig yn y dasg o wella'r cysylltiadau rhwng cynefinoedd naturiol a lled-naturiol sydd i'w cael eisoes ar diroedd ffermio yn y cyffiniau.

Bydd effaith ecolegol bosibl safleoedd sydd wedi'u pennu fel safleoedd posibl ar gyfer gwlyptiroedd adeiledig trwy gyfrwng prosiect BRICs wedi cael ei hasesu eisoes gan Swyddog Cadwraeth o Cyfoeth Naturiol Cymru (CNC). Bydd yr asesiad wedi ystyried cydnabyddiaeth o werth y cynefin presennol a fyddai'n cael ei golli trwy adeiladu gwlyptir artiffisial, er mwyn sicrhau na fydd creu gwlyptir artiffisial yn drech nag ystyriaethau ecolegol eraill. Ar gyfer safleoedd sydd wedi'u dynodi'n Safle o Ddiddordeb Gwyddonol Arbennig (SoDdGA) neu'n Ardal Cadwraeth Arbennig (ACA), bydd yr asesiad hwn yn ystyried unrhyw ofynion am ganiatâd neu sgrinio dan Reoliadau Cadwraeth Cynefinoedd a Rhywogaethau 2017.

A YW'N DDATBLYGIAD A GANIATEIR, YNTEU A FYDD ANGEN CANIATÂD CYNLLUNIO?

Mae pob safle a sefyllfa sy'n ymwneud â dŵr ffo yn unigryw, felly bydd angen i systemau gwlyptiroedd adeiledig fod yn benodol i'r safleoedd dan sylw, gan wneud yn fawr o nodweddion naturiol y safleoedd.

Felly, byddai'n syniad da **ceisio cyngor** gan eich Awdurdod Cynllunio Lleol, sef Cyngor Sir Penfro neu Awdurdod Parc Cenedlaethol Arfordir Penfro os yw eich tir a/neu eich fferm oddi mewn i Barc Cenedlaethol Arfordir Penfro. Bydd yr wybodaeth isod yn eich helpu i wneud hyn er mwyn sicrhau eich bod yn dilyn y gweithdrefnau priodol ac yn cael unrhyw ganiatâd angenrheidiol pe bai angen.

Fel arfer bydd angen caniatâd cynllunio pa bryd bynnag y bydd datblygiad ar waith a phan fydd y "datblygiad" yn cynnwys gwaith peirianeg, fel y gwaith y bydd angen ei wneud i adeiladu gwlyptir.

OND

Os yw eich fferm yn 5 hectar (12.5 acer) neu fwy, yna yn ôl pob tebyg fe fydd modd ichi fynd i'r afael â'r gwaith cloddio a'r gwaith peirianeg sy'n gysylltiedig ag adeiladu gwlyptir adeiledig dan hawliau **Datblygu a Ganiateir**, cyn belled â bod y gwaith yn cael ei wneud at ddibenion amaethyddol o fewn y daliad hwnnw a chyn belled ag y bydd yn bodloni'r meini prawf a bennir yn y ddeddfwriaeth berthnasol y cyfeirir ati isod.

Mae Rhan 6 Atodlen 2 Gorchymyn Cynllunio Gwlad a Thref (Datblygu Cyffredinol a Ganiateir) 1995 yn rhoi hawliau datblygu a ganiateir ar gyfer amrywiaeth o adeiladau amaethyddol a gwaith cloddio neu waith peirianeg.

Gweler Atodiad A neu dilynwch y ddolen isod i weld a yw eich gwlyptir adeiledig arfaethedig yn bodloni'r meini prawf angenrheidiol ar gyfer Datblygu a Ganiateir.

<http://www.legislation.gov.uk/cy/uksi/1995/418/schedule/2/made>

Sylwer hefyd y gall mwy o gyfyngiadau fod yn berthnasol i Hawliau Datblygu a Ganiateir o fewn Parc Cenedlaethol Arfordir Penfro.

GWASANAETH YMHOLIADAU DATBLYGU A GANIATEIR

Os dewch i'r casgliad fod eich datblygiad yn bodloni'r meini prawf, a'i fod felly yn ddatblygiad a ganiateir, gallwch gadarnhau hyn gyda'r Awdurdod Cynllunio perthnasol – yn wir, fe'ch cynghorir i wneud hyn.

Mae Cyngor Sir Penfro yn cynnig gwasanaeth ymholiadau datblygu a ganiateir. Bydd y gwasanaeth yn rhoi gwybod ichi a yw eich datblygiad arfaethedig yn ddatblygiad a ganiateir ai peidio; ac os ydyw, pa un a oes angen ichi gyflwyno Hysbysiad Ymlaen Llaw ynghylch y Datblygiad a Ganiateir, ynteu a oes angen ichi, cyn dechrau ar y datblygiad, wneud cais i'r awdurdod cynllunio lleol am benderfyniad ynghylch a fydd angen ei ganiatâd ef ymlaen llaw ai peidio. Fodd bynnag, os nad yw eich datblygiad yn ddatblygiad a ganiateir, yna bydd yr awdurdod cynllunio lleol yn eich hysbysu ynghylch yr angen i gyflwyno cais cynllunio llawn. Fe'ch cynghorir i gyflwyno ymholiad datblygu a ganiateir yn ysgrifenedig i Gyngor Sir Penfro. Mae'r wybodaeth y bydd angen ichi ei nodi yn cynnwys: eich manylion cyswllt, cynllun o'r

lleoliad, maint y gwlyptir ac esboniad ynglŷn â pham y mae'n angenrheidiol at ddibenion amaethyddol.

Cost y gwasanaeth hwn yw £25 a'r cyfod ymateb yw 21 diwrnod.

Sylwer y bydd y cyngor a roddir yn cynrychioli cyngor anffurfiol gan un o swyddogion y cyngor, ac y bydd yn cael ei gyflwyno'n ddiymrwymiad.

Ceir mwy o wybodaeth trwy ddilyn y ddolen isod:

www.pembrokeshire.gov.uk/planning-applications/do-i-need-to-apply-for-planning-permission

Os ydych ym Mharc Cenedlaethol Arfordir Penfro, er mwyn cynorthwyo gydag ymholiadau cychwynnol mae'r Parc Cenedlaethol yn cynnal Cymorthfeydd Cynllunio bob dydd Iau ym Mhencadlys y Parc Cenedlaethol ym Mharc Llanion, Doc Penfro rhwng 10am – 12.30pm a 1.30pm – 4pm. I gael wybodaeth am gyngor cyn ymgeisio ym Mharc Cenedlaethol Arfordir Penfro, dilynwch y ddolen isod:-

<https://www.pembrokeshirecoast.wales/default.asp?PID=286>

HYSBYSIAD YMLAEN LLAW YNGHYLCH DATBLYGU A GANIATEIR

Nid yw pob Datblygiad a Ganiateir angen caniatâd ymlaen llaw gan yr Awdurdod Cynllunio lleol. Ond os bydd eich gwaith cloddio chi'n fwy na 0.5 hectar (oddeutu 1 acer), yna yn ôl pob tebyg fe fydd angen caniatâd. I wneud cais am hysbysiad ymlaen llaw, gellir cael gafael ar y ffurflenni yn y ffyrdd a ganlyn:-

Gellir lawrlwytho Ffurflen Cyngor Sir Penfro '*Application for prior notification of proposed agricultural or forestry development proposed EXCAVATION/WASTE MATERIAL*' yma:

<https://www.pembrokeshire.gov.uk/planning-applications/planning-application-forms>

Gellir lawrlwytho'r ffurflen gyfatebol ar gyfer Awdurdod Parc Cenedlaethol Arfordir Penfro '*Application for prior notification of agricultural or forestry development - excavation/waste material. Town and Country Planning General Permitted Development Order 1995 Schedule 2, parts 6 & 7*' yma:

<https://www.pembrokeshirecoast.wales/default.asp?PID=829#Agricultural,%20forestry%20and%20telecommunications%20prior%20notification>

Bydd yr wybodaeth angenrheidiol yn debyg i'r wybodaeth ar gyfer y gwasanaeth ymholiadau, ac yn bwysig bydd yn cynnwys cynllun o'r lleoliad yn amlinellu'r safle arfaethedig ynghyd â hyd a lled y gwaith peirianeg/cloddio mewn coch. Cost y gwasanaeth yw £80 ac mae gan yr Awdurdod 28 diwrnod i ymateb a datgan a oes angen Caniatâd Ymlaen Llaw, ai peidio. Os na chewch ateb o fewn 28 diwrnod, gallwch barhau â'ch datblygiad. Fodd bynnag, fe fydd yr Awdurdod fel arfer yn ymateb o fewn 28 diwrnod. Bydd naill ai'n rhoi gwybod ichi nad ydych angen Caniatâd Ymlaen Llaw (os felly, gallwch barhau

â'ch datblygiad); neu'n cadarnhau eich bod angen Caniatâd Ymlaen Llaw, gan ofyn am fwy o wybodaeth neu fanylion cyn y gall roi caniatâd. Mewn achosion o'r fath, ar ôl ichi anfon y manylion ychwanegol at yr Awdurdod mae ganddo 8 wythnos arall i gymeradwyo'r manylion. Fel arall, os na wnaethoch gyflwyno ymholiad datblygu a ganiateir mewn ymateb i hysbysiad ymlaen llaw, efallai y bydd yn rhoi gwybod ichi na chaiff eich cynnig ei ystyried fel datblygiad a ganiateir a'ch bod angen caniatâd cynllunio llawn.

Sylwer: er mwyn osgoi unrhyw oedi, efallai y dewiswch hepgor cam y Gwasanaeth Ymholiadau Datblygu a Ganiateir a chyflwyno Hysbysiad Ymlaen Llaw yn syth, gan dderbyn bod yna £55 o wahaniaeth yn y gost.

CANIATÂD CYNLLUNIO

Os ydych yn gwybod, neu wedi canfod, bod angen caniatâd cynllunio ar gyfer eich datblygiad arfaethedig, yna efallai y dymunwch yn gyntaf ystyried cyflwyno ymholiad cyn ymgeisio i'r Awdurdod Cynllunio Lleol er mwyn gweld a yw eich cynnig yn debygol o gael caniatâd cynllunio. Y gost ar gyfer cyflwyno **ymholiad cyn ymgeisio** yw £250, £600 neu £1000, yn dibynnu ar faint y gwlyptir. Bydd gan yr Awdurdod Cynllunio 21 diwrnod i ymateb.

Sylwer y bydd y cyngor a roddir yn cynrychioli cyngor anffurfiol gan un o Swyddogion y Cyngor, ac y bydd yn cael ei gyflwyno'n ddiymrwymiad.

Mae cyflwyno **Cais Cynllunio llawn** yn costio £190 ar gyfer pob 0.1 hectar (neu ran ohono) hyd at uchafswm o £287,500 ac mae gan yr Awdurdodau 8 wythnos i wneud penderfyniad ynghylch y cais.

Dilynwch y dolenni isod i gael canllawiau cynllunio, gwybodaeth am y costau a'r ffurflenni priodol:-

<https://www.pembrokeshire.gov.uk/planning-applications/pre-application-advice>

<https://www.pembrokeshire.gov.uk/planning-applications/making-an-application>

<https://www.pembrokeshirecoast.wales/default.asp?PID=244>

GWYBODAETH BELLACH A CHANLLAWIAU AR GYNLLUNIO

Y Porth Cynllunio ar gyfer Cymru – https://www.planningportal.co.uk/wales_cy/

Llywodraeth Cymru – https://beta.llyw.cymru/caniatad-cynllunio?_ga=2.166018110.1416018775.1550220546-101118181.1543771380

The Town and Country Planning (General Permitted Development) Order 1995

SCHEDULE 2

PART 6 AGRICULTURAL BUILDINGS AND OPERATIONS

Class A Development on units of 5 hectares or more

A. Permitted development

The carrying out on agricultural land comprised in an agricultural unit of 5 hectares or more in area of—

(a) works for the erection, extension or alteration of a building; or

(b) any excavation or engineering operations,

which are reasonably necessary for the purposes of agriculture within that unit.

A.1 Development not permitted

Development is not permitted by Class A if—

(a) the development would be carried out on a separate parcel of land forming part of the unit which is less than 1 hectare in area;

(b) it would consist of, or include, the erection, extension or alteration of a dwelling;

(c) it would involve the provision of a building, structure or works not designed for agricultural purposes;

(d) the ground area which would be covered by—

(i) any works or structure (other than a fence) for accommodating livestock or any plant or machinery arising from engineering operations; or

(ii) any building erected or extended or altered by virtue of Class A, would exceed 465 square metres, calculated as described in paragraph D.2 below;

(e) the height of any part of any building, structure or works within 3 kilometres of the perimeter of an aerodrome would exceed 3 metres;

(f) the height of any part of any building, structure or works not within 3 kilometres of the perimeter of an aerodrome would exceed 12 metres;

(g) any part of the development would be within 25 metres of a metalled part of a trunk road or classified road;

(h)it would consist of, or include, the erection or construction of, or the carrying out of any works to, a building, structure or an excavation used or to be used for the accommodation of livestock or for the storage of slurry or sewage sludge where the building, structure or excavation is, or would be, within 400 metres of the curtilage of a protected building; or

(i)it would involve excavations or engineering operations on or over article 1(6) land which are connected with fish farming.

A.2. Conditions

(1) Development is permitted by Class A subject to the following conditions—

(a)where development is carried out within 400 metres of the curtilage of a protected building, any building, structure, excavation or works resulting from the development shall not be used for the accommodation of livestock except in the circumstances described in paragraph D.3 below or for the storage of slurry or sewage sludge;

(b)where the development involves—

(i)the extraction of any mineral from the land (including removal from any disused railway embankment); or

(ii)the removal of any mineral from a mineral-working deposit,the mineral shall not be moved off the unit;

(c)waste materials shall not be brought on to the land from elsewhere for deposit except for use in works described in Class A(a) or in the provision of a hard surface and any materials so brought shall be incorporated forthwith into the building or works in question.

(2) Subject to paragraph (3), development consisting of—

(a)the erection, extension or alteration of a building;

(b)the formation or alteration of a private way;

(c)the carrying out of excavations or the deposit of waste material (where the relevant area, as defined in paragraph D.4 below, exceeds 0.5 hectare); or

(d)the placing or assembly of a tank in any waters,

is permitted by Class A subject to the following conditions—

(i)the developer shall, before beginning the development, apply to the local planning authority for a determination as to whether the prior approval of the authority will be required to the siting, design and external appearance of the building, the siting and means of construction of the private way, the siting of the excavation or deposit or the siting and appearance of the tank, as the case may be;

(ii)the application shall be accompanied by a written description of the proposed development and of the materials to be used and a plan indicating the site together with any fee required to be paid;

(iii)the development shall not be begun before the occurrence of one of the following—

(aa)the receipt by the applicant from the local planning authority of a written notice of their determination that such prior approval is not required;

(bb)where the local planning authority give the applicant notice within 28 days following the date of receiving his application of their determination that such prior approval is required, the giving of such approval; or

(cc)the expiry of 28 days following the date on which the application was received by the local planning authority without the local planning authority making any determination as to whether such approval is required or notifying the applicant of their determination;

(iv)(aa)where the local planning authority give the applicant notice that such prior approval is required the applicant shall display a site notice by site display on or near the land on which the proposed development is to be carried out, leaving the notice in position for not less than 21 days in the period of 28 days from the date on which the local planning authority gave the notice to the applicant;

(bb)where the site notice is, without any fault or intention of the applicant, removed, obscured or defaced before the period of 21 days referred to in sub-paragraph (aa) has elapsed, he shall be treated as having complied with the requirements of that sub-paragraph if he has taken reasonable steps for protection of the notice and, if need be, its replacement;

(v)the development shall, except to the extent that the local planning authority otherwise agree in writing, be carried out—

(aa)where prior approval is required, in accordance with the details approved;

(bb)where prior approval is not required, in accordance with the details submitted with the application; and

(vi)the development shall be carried out—

(aa)where approval has been given by the local planning authority, within a period of five years from the date on which approval was given;

(bb)in any other case, within a period of five years from the date on which the local planning authority were given the information referred to in sub-paragraph (d)(ii).

(3) The conditions in paragraph (2) do not apply to the extension or alteration of a building if the building is not on article 1(6) land except in the case of a significant extension or a significant alteration.

(4) Development consisting of the significant extension or the significant alteration of a building may only be carried out once by virtue of Class A(a).

Class B Development on units of less than 5 hectares

B. Permitted development

The carrying out on agricultural land comprised in an agricultural unit of not less than 0.4 but less than 5 hectares in area of development consisting of—

(a)the extension or alteration of an agricultural building;

- (b)the installation of additional or replacement plant or machinery;**
 - (c)the provision, rearrangement or replacement of a sewer, main, pipe, cable or other apparatus;**
 - (d)the provision, rearrangement or replacement of a private way;**
 - (e)the provision of a hard surface;**
 - (f)the deposit of waste; or**
 - (g)the carrying out of any of the following operations in connection with fish farming, namely, repairing ponds and raceways; the installation of grading machinery, aeration equipment or flow meters and any associated channel; the dredging of ponds; and the replacement of tanks and nets,**
- where the development is reasonably necessary for the purposes of agriculture within the unit.

B.1 Development not permitted

Development is not permitted by Class B if—

- (a)the development would be carried out on a separate parcel of land forming part of the unit which is less than 0.4 hectare in area;**
- (b)the external appearance of the premises would be materially affected;**
- (c)any part of the development would be within 25 metres of a metalled part of a trunk road or classified road;**
- (d)it would consist of, or involve, the carrying out of any works to a building or structure used or to be used for the accommodation of livestock or the storage of slurry or sewage sludge where the building or structure is within 400 metres of the curtilage of a protected building; or**
- (e)it would relate to fish farming and would involve the placing or assembly of a tank on land or in any waters or the construction of a pond in which fish may be kept or an increase (otherwise than by the removal of silt) in the size of any tank or pond in which fish may be kept.**

Development is not permitted by Class B(a) if—

- (a)the height of any building would be increased;**
- (b)the cubic content of the original building would be increased by more than 10%;**
- (c)any part of any new building would be more than 30 metres from the original building;**
- (d)the development would involve the extension, alteration or provision of a dwelling;**
- (e)any part of the development would be carried out within 5 metres of any boundary of the unit; or**
- (f)the ground area of any building extended by virtue of Class B(a) would exceed 465 square metres.**

Development is not permitted by Class B(b) if—

- (a) the height of any additional plant or machinery within 3 kilometres of the perimeter of an aerodrome would exceed 3 metres;**
- (b) the height of any additional plant or machinery not within 3 kilometres of the perimeter of an aerodrome would exceed 12 metres;**
- (c) the height of any replacement plant or machinery would exceed that of the plant or machinery being replaced; or**
- (d) the area to be covered by the development would exceed 465 square metres calculated as described in paragraph D.2 below.**

Development is not permitted by Class B(e) if the area to be covered by the development would exceed 465 square metres calculated as described in paragraph D.2 below.

B.5 Conditions

Development permitted by Class B and carried out within 400 metres of the curtilage of a protected building is subject to the condition that any building which is extended or altered, or any works resulting from the development, shall not be used for the accommodation of livestock except in the circumstances described in paragraph D.3 below or for the storage of slurry or sewage sludge.

Development consisting of the extension or alteration of a building situated on article 1(6) land or the provision, rearrangement or replacement of a private way on such land is permitted subject to—

(a) the condition that the developer shall, before beginning the development, apply to the local planning authority for a determination as to whether the prior approval of the authority will be required to the siting, design and external appearance of the building as extended or altered or the siting and means of construction of the private way; and

(b) the conditions set out in paragraphs A.2(2)(ii) to (vi) above.

Development is permitted by Class B(f) subject to the following conditions—

(a) that waste materials are not brought on to the land from elsewhere for deposit unless they are for use in works described in Class B(a), (d) or (e) and are incorporated forthwith into the building or works in question; and

(b) that the height of the surface of the land will not be materially increased by the deposit.

Class C Mineral working for agricultural purposes

C. Permitted development

The winning and working on land held or occupied with land used for the purposes of agriculture of any minerals reasonably necessary for agricultural purposes within the agricultural unit of which it forms part.

C.1 Development not permitted

Development is not permitted by Class C if any excavation would be made within 25 metres of a metalled part of a trunk road or classified road.

C.2 Condition

Development is permitted by Class C subject to the condition that no mineral extracted during the course of the operation shall be moved to any place outside the land from which it was extracted, except to land which is held or occupied with that land and is used for the purposes of agriculture.

D.1 Interpretation of Part 6

For the purposes of Part 6—

“agricultural land” means land which, before development permitted by this Part is carried out, is land in use for agriculture and which is so used for the purposes of a trade or business, and excludes any dwellinghouse or garden;

“agricultural unit” means agricultural land which is occupied as a unit for the purposes of agriculture, including—

(a) any dwelling or other building on that land occupied for the purpose of farming the land by the person who occupies the unit, or

(b) any dwelling on that land occupied by a farmworker;

“building” does not include anything resulting from engineering operations;

“fish farming” means the breeding, rearing or keeping of fish or shellfish (which includes any kind of crustacean and mollusc);

“livestock” includes fish or shellfish which are farmed;

“protected building” means any permanent building which is normally occupied by people or would be so occupied, if it were in use for purposes for which it is apt; but does not include—

(i) a building within the agricultural unit; or

(ii) a dwelling or other building on another agricultural unit which is used for or in connection with agriculture;

“significant extension” and “significant alteration” mean any extension or alteration of the building where the cubic content of the original building would be exceeded by more than 10% or the height of the building as extended or altered would exceed the height of the original building;

“slurry” means animal faeces and urine (whether or not water has been added for handling); and

“tank” includes any cage and any other structure for use in fish farming.

For the purposes of Part 6—

(a) an area calculated as described in this paragraph comprises the ground area which would be covered by the proposed development, together with the ground area of any building (other than a dwelling), or any structure, works, plant, machinery, ponds or tanks within the same unit which are being provided or have been provided within the preceding two years and any part of which would be within 90 metres of the proposed development;

(b) 400 metres is to be measured along the ground.

The circumstances referred to in paragraphs A.2(1)(a) and B.5 are—

(a) that no other suitable building or structure, 400 metres or more from the curtilage of a protected building, is available to accommodate the livestock; and

(b)(i) that the need to accommodate the livestock arises from—

(aa) quarantine requirements; or

(bb) an emergency due to another building or structure in which the livestock could otherwise be accommodated being unavailable because it has been damaged or destroyed by fire, flood or storm; or

(ii) in the case of animals normally kept out of doors, they require temporary accommodation in a building or other structure—

(aa) because they are sick or giving birth or newly born; or

(bb) to provide shelter against extreme weather conditions.

For the purposes of paragraph A.2(2)(c), the relevant area is the area of the proposed excavation or the area on which it is proposed to deposit waste together with the aggregate of the areas of all other excavations within the unit which have not been filled and of all other parts of the unit on or under which waste has been deposited and has not been removed.

In paragraph A.2(2)(iv), “site notice” means a notice containing—

(a) the name of the applicant,

(b) the address or location of the proposed development,

(c) a description of the proposed development and of the materials to be used,

(d) a statement that the prior approval of the authority will be required to the siting, design and external appearance of the building, the siting and means of construction of the private way, the siting of the excavation or deposit or the siting and appearance of the tank, as the case may be,

(e) the name and address of the local planning authority,

and which is signed and dated by or on behalf of the applicant.

For the purposes of Class B—

(a) the erection of any additional building within the curtilage of another building is to be treated as the extension of that building and the additional building is not to be treated as an original building;

(b) where two or more original buildings are within the same curtilage and are used for the same undertaking they are to be treated as a single original building in making any measurement in connection with the extension or alteration of either of them.

In Class C, “the purposes of agriculture” includes fertilising land used for the purposes of agriculture and the maintenance, improvement or alteration of any buildings, structures or works occupied or used for such purposes on land so used.