



CYNULLIAD CENEDLAETHOL CYMRU

NATIONAL ASSEMBLY FOR WALES

OFFERYNNAU STATUDOL

STATUTORY INSTRUMENTS

2003 Rhif 390 (Cy.52)

2003 No. 390 (W.52)

**CYNLLUNIO GWLAD A
THREF, CYMRU**

**TOWN AND COUNTRY
PLANNING, WALES**

Rheoliadau Cynllunio Gwlad a
Thref (Atgyfeiriadau ac Apelau)
(Gweithdrefn Sylwadau
Ysgrifenedig) (Cymru) 2003

The Town and Country Planning
(Referrals and Appeals) (Written
Representations Procedure)
(Wales) Regulations 2003

NODYN ESBONIADOL

EXPLANATORY NOTE

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

(This note does not form part of the Regulations)

Mae'r Rheoliadau hyn yn gosod y weithdrefn a'r terfynau amser mewn cysylltiad â phenderfynu-

These Regulations lay down the procedure and time limits in connection with the determination of an-

- (a) cais a atgyfeiriwyd i Gynulliad Cenedlaethol Cymru ("y Cynulliad Cenedlaethol") o dan adran 77 o Ddeddf Cynllunio Gwlad a Thref 1990 ("y Ddeddf Gynllunio");
- (b) apêl o dan adran 78 o'r Ddeddf Gynllunio (gan gynnwys achosion pan gymhwyswyd yr adran honno i orchymynion cadw coed);
- (c) apêl o dan adran 208 o'r Ddeddf Gynllunio;
- (ch) cais am gydsyniad adeilad rhestredig a atgyfeiriwyd i'r Cynulliad Cenedlaethol o dan adran 12 o Ddeddf Cynllunio (Adeiladau Rhestredig ac Ardaloedd Cadwraeth) 1990 ("y Ddeddf Adeiladau Rhestredig") (heblaw yn rhinwedd rheoliad 13(3) o Reoliadau Cynllunio (Adeiladau Rhestredig ac Ardaloedd Cadwraeth) 1990 ("y Rheoliadau Adeiladau Rhestredig")), neu am amrywio neu ryddhau amodau a atgyfeiriwyd iddo o dan yr adran honno fel y'u cymhwyswyd gan adran 19 o'r Ddeddf honno;
- (d) apêl o dan adran 20 o'r Ddeddf Adeiladau Rhestredig;
- (dd) cais am gydsyniad ardal gadwraeth a atgyfeiriwyd i'r Cynulliad Cenedlaethol, heblaw pan fermir i'r cais gael ei atgyfeirio yn

- (a) application which has been referred to the National Assembly for Wales ("the National Assembly") under section 77 of the Town and Country Planning Act 1990 ("the Planning Act");
- (b) appeal under section 78 of the Planning Act (including where that section has been applied to tree preservation orders);
- (c) appeal under section 208 of the Planning Act;
- (d) application for listed building consent which has been referred to the National Assembly under section 12 of the Planning (Listed Buildings and Conservation Areas) Act 1990 ("the Listed Buildings Act") (other than by virtue of regulation 13(3) of the Planning (Listed Buildings and Conservation Areas) Regulations 1990 ("the Listed Buildings Regulations")), or for the variation or discharge of conditions referred to it under that section as applied by section 19 of that Act;
- (e) appeal under section 20 of the Listed Buildings Act;
- (f) application for conservation area consent referred, other than where the application is deemed to have been referred by virtue of

rhinwedd rheoliad 13(3) o'r Rheoliadau Adeiladau Rhestredig, o dan adran 12 o'r Ddeddf Adeiladau Rhestredig (gan gynnwys cais y cymhwysir yr adran honno iddo gan adran 19 o'r Ddeddf honno), fel y cymhwysir yr adrannau hynny gan adran 74(3) o'r Ddeddf honno;

- (e) apêl o dan adran 20 o'r Ddeddf Adeiladau Rhestredig, fel y cymhwysir yr adran honno gan adran 74(3) o'r Ddeddf honno,

pan fydd y materion hynny i'w penderfynu ar sail sylwadau ysgrifenedig.

Mae adran 77 o'r Ddeddf Gynllunio yn rhoi pŵer i'r Cynulliad Cenedlaethol gyfarwyddo awdurdod cynllunio lleol ("yr awdurdod") i atgyfeirio i'r Cynulliad Cenedlaethol, ar gyfer penderfyniad, unrhyw gais am ganiatâd cynllunio, neu am gymeradwyaeth sy'n ofynnol o dan orchymyn datblygu, a wnaethpwyd i'r awdurdod.

Mae adran 78 o'r Ddeddf Gynllunio yn rhoi hawl i apelio i'r Cynulliad Cenedlaethol yn erbyn rhai o benderfyniadau cynllunio yr awdurdod ac os bydd yr awdurdod yn methu â hysbysu penderfyniad cynllunio o'r math hwnnw o fewn y cyfnodau a ragnodwyd. Mae'r adran yn gymwys i apelau yn erbyn penderfyniadau i wrthod cydsyniad, rhoi cydsyniad amodol, rhoi cyfarwyddyd o dan orchymyn cadw coed neu wrthod cais am gydsyniad, cytundeb neu gymeradwyaeth sy'n ofynnol o dan gyfarwyddyd o'r math hwnnw (neu fethu â phenderfynu unrhyw un o'r uchod o fewn y terfyn amser gofynnol) mewn perthynas â gorchymynion cadw coed.

Mae adran 208 o'r Ddeddf Gynllunio yn rhoi hawl i berson y cyflwynwyd iddo hysbysiad gorfodi cadw coed o dan adran 207(1) o'r Ddeddf honno apelio i'r Cynulliad Cenedlaethol.

Mae adran 12 o'r Ddeddf Adeiladau Rhestredig yn rhoi'r pŵer i'r Cynulliad Cenedlaethol gyfarwyddo awdurdod cynllunio lleol i atgyfeirio i'r Cynulliad Cenedlaethol unrhyw gais am gydsyniad adeilad rhestredig a wnaethpwyd i'r awdurdod. Mae'r Rheoliadau hyn yn gymwys i'r atgyfeiriadau hyn, ac eithrio pan fernir i'r atgyfeiriad gael ei wneud gan awdurdod cynllunio lleol mewn perthynas â'i gais ei hun, o dan reoliad 13 o'r Rheoliadau Adeiladau Rhestredig.

Mae adran 19 o'r Ddeddf honno yn galluogi person i wneud cais i'r awdurdod am amrywio neu ryddhau amodau a gynhwysir mewn cydsyniad adeilad rhestredig y mae'r awdurdod hwnnw eisoes wedi ei roi ac mae adran 20 o'r Ddeddf honno yn rhoi hawl i berson sy'n tybio iddo gael cam gan benderfyniad gan yr awdurdod apelio i'r Cynulliad Cenedlaethol. Mae adran 74 o'r Ddeddf Adeiladau Rhestredig yn cymhwyso'r swyddogaethau hynny i gydsyniadau ardal gadwraeth.

regulation 13(3) of the Listed Buildings Regulations, to the National Assembly under section 12 of the Listed Buildings Act (including an application to which that section is applied by section 19 of that Act), as those sections are applied by section 74(3) of that Act;

- (g) appeal under section 20 of the Listed Buildings Act, as that section is applied by section 74(3) of that Act,

where those matters are to be disposed of on the basis of written representations.

Section 77 of the Planning Act empowers the National Assembly to direct a local planning authority ("the authority") to refer to the National Assembly for determination any application for planning permission, or for approval required under a development order, which has been made to the authority.

Section 78 of the Planning Act confers a right of appeal to the National Assembly against certain planning decisions of the authority and where the authority fails to notify such a planning decision within the prescribed periods. The section is applied to appeals against decisions to refuse consent, to grant conditional consent, to give a direction under a tree preservation order or to refuse an application for consent, agreement or approval required under such a direction (or to fail to determine any of the above within the required time limit) in relation to tree preservation orders.

Section 208 of the Planning Act confers a right of appeal to the National Assembly on a person on whom a tree preservation enforcement notice has been served under section 207(1) of that Act.

Section 12 of the Listed Buildings Act empowers the National Assembly to direct a local planning authority to refer to the National Assembly for determination any application for listed building consent which has been made to the authority. These Regulations apply to such referrals, except where the referral is deemed to have been made, by a local planning authority in respect of its own application, under regulation 13 of the Listed Buildings Regulations.

Section 19 of that Act enables a person to apply to the authority for the variation or discharge of conditions contained in a listed building consent which that authority has previously given and section 20 of that Act provides a person aggrieved by a decision of the authority with a right of appeal to the National Assembly. Section 74 of the Listed Buildings Act applies those functions to conservation area consents.

Mae gan y ceisydd neu, fel y digwydd, yr apelydd, a'r awdurdod, yr hawl, mewn unrhyw achos apêl, ymddangos gerbron person a benodir gan y Cynulliad Cenedlaethol, a chael ei wrando gan y person hwnnw, ond yn lle hynny cânt gytuno i'r apêl gael ei benderfynu ar sail sylwadau ysgrifenedig a dogfennau ategol.

Mae'r Rheoliadau hyn yn disodli, yn ddarostyngedig i'r darpariaethau trosiannol yn rheoliad 13 o'r Rheoliadau hyn, Reoliadau Cynllunio Gwlad a Thref (Apelau) (Gweithdrefn Sylwadau Ysgrifenedig) 1987 (O.S. 1987/701) ("Rheoliadau 1987"), a dirymu Rhan IV (rheoliadau 11 i 16) o Reoliadau Cynllunio Gwlad a Thref (Coed) 1999 (O.S. 1999/1892) ("Rheoliadau 1999"), mewn perthynas â Chymru.

Dirymwyd Rheoliadau 1987 a'u disodli mewn perthynas â Lloegr gan Reoliadau Cynllunio Gwlad a Thref (Apelau) (Gweithdrefn Sylwadau Ysgrifenedig) (Lloegr) 2000 (O.S. 2000/1628). Mae Rhan IV o Reoliadau 1999 yn parhau mewn grym yn Lloegr.

Mae'r prif newidiadau sy'n cael eu cyflwyno gan y rheoliadau hyn fel a glyn:

- (a) maent yn gymwys i achosion pan fydd gofyn i gais cynllunio gael ei atgyfeirio i'r Cynulliad Cenedlaethol o dan adran 77 o'r Ddeddf Gynllunio (y weithdrefn "galw i mewn"), i hawl apelio o dan adran 78 o'r Ddeddf Gynllunio yn erbyn penderfyniadau cynllunio a methiant i gymryd y penderfyniadau hynny (ac i apelau y mae adran 78 wedi'i chymhwyso iddynt gan ddeddfwriaeth gorchymyn cadw coed), hawl apelio o dan adran 208 o'r Ddeddf Gynllunio yn erbyn cyflwyno hysbysiad gorfodi gorchymyn cadw coed gan awdurdod cynllunio lleol ac i geisiadau ac apelau sy'n perthyn i gydysyniad adeilad rhestredig neu amrywio neu ryddhau amodau a gynhwysir mewn cydsyniad adeilad rhestredig (ac i'r darpariaethau hynny sy'n gymwys i ardaloedd cadwraeth) o dan y Ddeddf Adeiladau Rhestredig;
- (b) rhaid i'r awdurdod hysbysu ymgynghoreion statudol a phersonau sydd â buddiant am yr apêl o fewn 2 wythnos o'r dyddiad dechrau ac mae'r pŵer i wneud sylwadau cyfrinachol wedi'i dynnu (rheoliad 5);
- (c) gosodwyd terfynau amser caeth ar gyfer cyflwyno sylwadau a sylwadau pellach ar y sylwadau rheiny. Mae'n ofynnol i'r Cynulliad Cenedlaethol anfon ymlaen gopïau o sylwadau a sylwadau ar y rheiny i'r partion eraill cyn gynted ag y bo'n ymarferol ar ôl eu cael (rheoliad 7);
- (ch) mae terfynau amser wedi eu hestyn er mwyn i bartion sydd â buddiant ac sydd wedi'u hysbysu anfon sylwadau i'r Cynulliad Cenedlaethol ac mae gan y Cynulliad Cenedlaethol y pŵer i ddiystyru sylwadau

The applicant or, as the case may be, the appellant, and the authority, are entitled in any appeal proceedings to appear before, and be heard by, a person appointed by the National Assembly but they may agree instead for the appeal to be determined on the basis of written representations and supporting documents.

These Regulations replace, subject to the transitional provisions in regulation 13 of these Regulations, the Town and Country Planning (Appeals) (Written Representations Procedure) Regulations 1987 (S.I. 1987/701) ("the 1987 Regulations"), and revoke Part IV (regulations 11 to 16) of the Town and Country Planning (Trees) Regulations 1999 (S.I. 1999/1892) ("the 1999 Regulations"), in relation to Wales.

The 1987 Regulations were revoked and replaced in relation to England by the Town and Country Planning (Appeals) (Written Representations Procedure) (England) Regulations 2000 (S.I. 2000/1628). Part IV of the 1999 Regulations remains in force in England.

The main changes made by these Regulations are that-

- (a) they apply to cases where a planning application has been required to be referred to the National Assembly under section 77 of the Planning Act (the "call-in" procedure), to a right of appeal under section 78 of the Planning Act against planning decisions and failure to take such decisions (and to appeals to which section 78 of that Act is applied by tree preservation order legislation), to a right of appeal under section 208 of the Planning Act against the service by a local planning authority of a tree preservation order enforcement notice and to applications and appeals relating to listed building consent or for the variation or discharge of conditions contained in a listed building consent (and to those provisions applied to conservation areas) under the Listed Buildings Act;
- (b) the authority must notify statutory consultees and interested persons of the appeal within 2 weeks of the starting date and the power to make confidential representations has been removed (regulation 5);
- (c) strict time limits for the submission of representations and further comments on representations have been imposed. The National Assembly is required to forward copies of representations and comments to the other parties as soon as practicable after receipt (regulation 7);
- (d) time limits are extended for notified interested parties to send representations to the National Assembly and the National Assembly has the power to disregard comments made by the local planning authority on interested persons

wedi'u gwneud gan yr awdurdod cynllunio lleol am sylwadau personau sydd â buddiant pan na fydd yr awdurdod cynllunio lleol wedi hysbysu personau sydd â buddiant yn gywir (rheoliad 8);

- (d) rhoddwyd pŵer i'r Cynulliad Cenedlaethol ddiystyru sylwadau ysgrifenedig nad yw wedi eu cael o fewn y terfynau amser perthnasol (rheoliad 10); ac
- (dd) awdurdodwyd anfon dogfennau drwy gyfrwng cyfathrebu electronig (rheoliad 12).

representations where the local planning authority has not notified interested persons correctly (regulation 8);

- (e) the National Assembly is given power to disregard written representations not received within the relevant time limits (regulation 10); and
- (f) documents are authorised to be sent by means of electronic communication (regulation 12).

2003 Rhif 390 (Cy.52)

2003 No. 390 (W.52)

**CYNLLUNIO GWLAD A
THREF, CYMRU**

**TOWN AND COUNTRY
PLANNING, WALES**

Rheoliadau Cynllunio Gwlad a
Thref (Atgyfeiriadau ac Apelau)
(Gweithdrefn Sylwadau
Ysgrifenedig) (Cymru) 2003

The Town and Country Planning
(Referrals and Appeals) (Written
Representations Procedure)
(Wales) Regulations 2003

Wedi'u gwneud

25 Chwefror 2003

Made

25th February 2003

Yn dod i rym

1 Ebrill 2003

Coming into force

1st April 2003

Mae Cynulliad Cenedlaethol Cymru, drwy arfer y pwerau a roddwyd i'r Ysgrifennydd Gwladol gan adrannau 323 a 333 o Ddeddf Cynllunio Gwlad a Thref 1990(a) ac adrannau 89(1), 91(1) a 93(2) o Ddeddf Cynllunio (Adeiladau Rhestredig ac Ardaloedd Cadwraeth) 1990(b) ac a freiniwyd bellach yng Nghynulliad Cenedlaethol Cymru(c) a phob pŵer arall sy'n ei alluogi yn y cyswllt hwnnw, drwy hyn yn gwneud y Rheoliadau canlynol:

The National Assembly for Wales, in exercise of the power conferred on the Secretary of State by sections 323 and 333 of the Town and Country Planning Act 1990(a) and sections 89(1), 91(1) and 93(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990(b) and now vested in the National Assembly for Wales(c), and of all other powers enabling it in that behalf, makes the following Regulations:

Enwi, cychwyn a chymhwyso

1.-(1) Enw'r Rheoliadau hyn yw Rheoliadau Cynllunio Gwlad a Thref (Atgyfeiriadau ac Apelau) (Gweithdrefn Sylwadau Ysgrifenedig) (Cymru) 2003 a byddant yn dod i rym ar 1 Ebrill 2003

(2) Mae'r Rheoliadau hyn yn gymwys i Gymru.

Citation, commencement and application

1.-(1) These Regulations may be cited as the Town and Country Planning (Referrals and Appeals) (Written Representations Procedure) (Wales) Regulations 2003 and come into force on 1st April 2003.

(2) These Regulations apply to Wales.

Dehongli

2. Yn y Rheoliadau hyn:

ystyr "apêl" ("*appel*") yw, mewn perthynas ag-

(a) adran 77 o'r Ddeddf Gynllunio neu adran 12

Interpretation

2. In these Regulations-

"*appel*" ("*appel*") means, in relation to-

(a) section 77 of the Planning Act or section 12 or

(a) 1990 p.8; diwygiwyd adran 323 gan adran 18(1) o Ddeddf Tribiwnlysoedd ac Ymchwiliadau 1992 (p.52) a pharagraff 26 o Atodlen 3 iddi.

(b) 1990 p.9; mae adran 89(1) yn cymhwyso'r darpariaethau gwneud rheoliadau a gynhwysir yn adran 323 o Ddeddf Cynllunio Gwlad a Thref 1990 i'r Ddeddf Cynllunio (Adeiladau Rhestredig ac Ardaloedd Cadwraeth) 1990.

(c) *Gweler* erthygl 2 o Orchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999 (O.S. 1999/672) ac Atodlen 1 iddo, ac erthygl 4 o Orchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 2000 (O.S. 2000/253 (Cy.5)) ac Atodlen 3 iddo.

(a) 1990 c.8; section 323 was amended by section 18(1) of, and paragraph 26 of Schedule 3 to, the Tribunals and Inquiries Act 1992 (c.53).

(b) 1990 c.9; section 89(1) applies the regulation-making provisions contained in section 323 of the Town and Country Planning Act 1990 to the Planning (Listed Buildings and Conservation Areas) Act 1990.

(c) *See* article 2 of, and Schedule 1 to, the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672) and article 4 of, and Schedule 3 to, the National Assembly for Wales (Transfer of Functions) Order 2000 (S.I. 2000/253 (W.5)).

neu 19 o'r Ddeddf Adeiladau Rhestredig, penderfyniad ar gais a atgyfeiriwyd i'r Cynulliad Cenedlaethol, ond nid yw'n cynnwys cais y bernir iddo gael ei atgyfeirio i'r Cynulliad Cenedlaethol yn rhinwedd rheoliad 13(3) o Reoliadau Cynllunio (Adeiladau Rhestredig ac Ardaloedd Cadwraeth) 1990(a); a

- (b) adran 78 neu 208 o'r Ddeddf Gynllunio neu adran 20 o'r Ddeddf Adeiladau Rhestredig, apêl wedi'i gwneud o dan yr adran honno;

ystyr "apelydd" ("*appellant*") yw, yn achos:

- (a) cais a atgyfeiriwyd i'r Cynulliad Cenedlaethol o dan adran 77 o'r Ddeddf Gynllunio neu adran 12 neu 19 o'r Ddeddf Adeiladau Rhestredig, y person a wnaeth y cais hwnnw i'r awdurdod cynllunio lleol;
- (b) apêl o dan adran 78 o'r Ddeddf Gynllunio neu adran 20 o'r Ddeddf Adeiladau Rhestredig, y person y gwrthodwyd ei gais, neu y rhoddwyd caniatad, cytundeb neu gymeradwyaeth i'w gais yn ddarostyngedig i amodau neu nas penderfynwyd ar ei gais, gan yr awdurdod cynllunio lleol; ac
- (c) apêl o dan adran 208 o'r Ddeddf Gynllunio, y person y cyflwynwyd hysbysiad iddo o dan adran 207(1) o'r Ddeddf honno;

ystyr "awdurdod cynllunio lleol" ("*local planning authority*") yw, mewn perthynas ag:

- (a) cais o dan adran 77 o'r Ddeddf Gynllunio neu adran 12 neu 19 o'r Ddeddf Adeiladau Rhestredig, y corff a ymdriniasai â'r cais pe nas atgyfeirid i'r Cynulliad Cenedlaethol;
- (b) apêl o dan adran 78 o'r Ddeddf Gynllunio neu adran 20 o'r Ddeddf Adeiladau Rhestredig, y corff a oedd yn gyfrifol am benderfynu'r cais a achosodd yr apêl; ac
- (c) apêl o dan adran 208 o'r Ddeddf Gynllunio, y corff a gyflwynodd yr hysbysiad o dan adran 207(1) o'r Ddeddf honno;

ystyr "cais" ("*application*") yw, mewn perthynas ag:

- (a) adran 77 o'r Ddeddf Gynllunio neu adran 12 neu 19 o'r Ddeddf Adeiladau Rhestredig, y cais a atgyfeiriwyd i'r Cynulliad Cenedlaethol;
- (b) adran 78 o'r Ddeddf Gynllunio neu adran 20 o'r Ddeddf Adeiladau Rhestredig, y cais sy'n destun yr apêl; ac
- (c) adran 208 o'r Ddeddf Gynllunio, yr hysbysiad a gyflwynwyd gan yr awdurdod cynllunio lleol o dan adran 207(1) o'r Ddeddf honno;

mae i "cyfathrebu electronig" yr ystyr a roddwyd i'r term "*electronic communication*" gan adran 15(1) o Ddeddf Cyfathrebu Electronig 2000(b);

(a) O.S. 1990/1519.

(b) 2000 p.7.

19 of the Listed Buildings Act, the determination of an application which has been referred to the National Assembly, but does not include an application which is deemed to have been referred to the National Assembly by virtue of regulation 13(3) of the Planning (Listed Buildings and Conservation Areas) Regulations 1990(a); and

- (b) section 78 or 208 of the Planning Act or section 20 of the Listed Buildings Act, an appeal made under that section;

"appellant" ("*apelydd*") means, in the case of-

- (a) an application referred to the National Assembly under section 77 of the Planning Act or section 12 or 19 of the Listed Buildings Act, the person who made that application to the local planning authority;
- (b) an appeal under section 78 of the Planning Act or section 20 of the Listed Buildings Act, the person whose application was refused, granted subject to conditions or not determined, by the local planning authority; and
- (c) an appeal under section 208 of the Planning Act, the person on whom a notice has been served under section 207(1) of that Act;

"application" ("cais") means, in relation to-

- (a) section 77 of the Planning Act or section 12 or 19 of the Listed Buildings Act, the application which has been referred to the National Assembly;
- (b) section 78 of the Planning Act or section 20 of the Listed Buildings Act, the application which is the subject of the appeal; and
- (c) section 208 of the Planning Act, the notice served by the local planning authority under section 207(1) of that Act;

"document" ("*dogfen*") includes a photograph, map or plan;

"electronic communication" has the meaning assigned to that term by section 15(1) of the Electronic Communications Act 2000(b);

"the Listed Buildings Act" ("*y Ddeddf Adeiladau Rhestredig*") means the Planning (Listed Buildings and Conservation Areas) Act 1990;

"local planning authority" ("*awdurdod cynllunio lleol*") means, in relation to-

- (a) an application under section 77 of the Planning Act or section 12 or 19 of the Listed Buildings Act, the body which would have dealt with the application had it not been referred to the National Assembly;
- (b) an appeal under section 78 of the Planning Act

(a) S.I. 1990/1519.

(b) 2000 c.7.

ystyr "y Cynulliad Cenedlaethol" ("*the National Assembly*") yw Cynulliad Cenedlaethol Cymru;

ystyr "y Ddeddf Adeiladau Rhestredig" ("*the Listed Buildings Act*") yw Deddf Cynllunio (Adeiladau Rhestredig ac Ardaloedd Cadwraeth) 1990;

mae cyfeiriadau at adran 12, 19 neu 20 o'r Ddeddf Adeiladau Rhestredig yn cynnwys cyfeiriad at yr adrannau hynny fel y'u cymhwysir gan adran 74(3) o'r Ddeddf honno;

ystyr "y Ddeddf Gynllunio" ("*the Planning Act*") yw Deddf Cynllunio Gwlad a Thref 1990;

mae cyfeiriadau at adran 78 o'r Ddeddf Gynllunio yn cynnwys cyfeiriad at yr adran honno fel y'i cymhwysir i geisiadau am orchymynion cadw coed a wneir o dan y Ddeddf honno;

mae "dogfen" ("*document*") yn cynnwys ffotograff, map neu blân;

ystyr "dyddiad dechrau" ("*starting date*") yw dyddiad:

- (a) hysbysiad ysgrifenedig y Cynulliad Cenedlaethol i'r apelydd a'r awdurdod cynllunio lleol ei fod wedi cael yr holl ddogfennau sy'n ofynnol i'w alluogi i roi ystyriaeth i'r apêl; neu
- (b) hysbysiad ysgrifenedig o dan reoliad 4 isod, p'un bynnag yw'r diweddaraf;

ystyr "holiadur" ("*questionnaire*") yw dogfen ar ffurf a ddarperir gan y Cynulliad Cenedlaethol i awdurdod cynllunio lleol at ddibenion achos o dan y Rheoliadau hyn;

ystyr "hysbysiad perthnasol" ("*relevant notice*") yw, mewn perthynas ag:

- (a) cais a atgyfeiriwyd i'r Cynulliad Cenedlaethol o dan adran 77 o'r Ddeddf Gynllunio neu adran 12 neu 19 o'r Ddeddf Adeiladau Rhestredig, cais ysgrifenedig gan yr apelydd i'r mater gael ei benderfynu drwy gyfrwng sylwadau ysgrifenedig; ac
- (b) apêl a ddugwyd o dan adran 78 neu 208 o'r Ddeddf Gynllunio neu adran 20 o'r Ddeddf Adeiladau Rhestredig, hysbysiad ysgrifenedig a gyflwynwyd gan yr apelydd, sy'n hysbysu'r Cynulliad Cenedlaethol o'i ddymuniad i'r apêl gael ei phenderfynu ar sail sylwadau ysgrifenedig; ac

mae "sylwadau ysgrifenedig" ("*written representations*") yn cynnwys dogfennau ategol.

Cymhwyso'r Rheoliadau

3.-(1) Mae'r Rheoliadau hyn yn gymwys os, wedi iddynt ddod i rym, bydd apelydd yn rhoi gwybod i'r Cynulliad Cenedlaethol yn yr hysbysiad perthnasol o ddymuniad i'r apêl gael ei phenderfynu ar sail sylwadau ysgrifenedig.

or section 20 of the Listed Buildings Act, the body which was responsible for determining the application occasioning the appeal; and

- (c) an appeal under section 208 of the Planning Act, the body which served the notice under section 207(1) of that Act;

"the National Assembly" ("*y Cynulliad Cenedlaethol*") means the National Assembly for Wales;

"the Planning Act" ("*y Ddeddf Gynllunio*") means the Town and Country Planning Act 1990;

"questionnaire" ("*holiadur*") means a document in the form supplied by the National Assembly to a local planning authority for the purpose of proceedings under these Regulations;

references to section 12, 19 or 20 of the Listed Buildings Act includes reference to those sections as applied by section 74(3) of that Act;

references to section 78 of the Planning Act includes reference to that section as applied to applications for tree preservation orders made under that Act;

"relevant notice" ("*hysbysiad perthnasol*") means, in relation to an-

- (a) application referred to the National Assembly under section 77 of the Planning Act or section 12 or 19 of the Listed Buildings Act, a written request by the appellant that the matter be disposed of by means of written representations; and
- (b) appeal brought under section 78 or 208 of the Planning Act or section 20 of the Listed Buildings Act, a written notice served by the appellant,

notifying the National Assembly of their wish that the appeal be disposed of on the basis of written representations;

"starting date" ("*dyddiad dechrau*") means the date of the-

- (a) National Assembly's written notice to the appellant and the local planning authority that all the documents required to enable it to entertain the appeal have been received; or
- (b) written notice under regulation 4 below,

whichever is later; and

"written representations" ("*sylwadau ysgrifenedig*") includes supporting documents.

Application of the Regulations

3.-(1) These Regulations apply where, after they come into force, an appellant informs the National Assembly in the relevant notice of a wish for the appeal to be disposed of on the basis of written representations.

(2) Os na fydd apêl yn cael ei phenderfynu ar sail sylwadau ysgrifenedig a bydd yr apelydd a'r awdurdod cynllunio lleol yn rhoi gwybod i'r Cynulliad Cenedlaethol eu bod yn dymuno iddi gael ei phenderfynu ar y sail honno, bydd y Rheoliadau hyn yn gymwys i'r apêl i unrhyw raddau y caiff y Cynulliad Cenedlaethol eu pennu gan ystyried unrhyw gamau sydd eisoes wedi eu cymryd mewn perthynas â'r apêl.

(3) Mae'r Rheoliadau hyn yn peidio â bod yn gymwys i apelau os yw'r Cynulliad Cenedlaethol yn rhoi gwybod i'r apelydd a'r awdurdod cynllunio lleol y bydd yn rhoi cyfle iddynt fod yn bresennol a chymryd rhan mewn gwrandawriad neu ymchwiliad lleol a gynhelir gan berson a benodwyd ganddo at y diben hwnnw.

Hysbysu cael cais

4. Rhaid i'r Cynulliad Cenedlaethol, cyn gynted ag y bo'n ymarferol wedi iddo gael yr hysbysiad perthnasol, roi gwybod yn ysgrifenedig i'r apelydd a'r awdurdod cynllunio lleol am:

- (a) y dyddiad dechrau;
- (b) y cyfeirnod a ddyrannwyd i'r apêl; ac
- (c) y cyfeiriad y mae unrhyw gyfathrebu ysgrifenedig i'r Cynulliad Cenedlaethol i gael ei anfon iddo.

Hysbysu personau sydd â buddiant

5.-(1) Rhaid i'r awdurdod cynllunio lleol roi hysbysiad ysgrifenedig o'r apêl, er mwyn i'r personau a ganlyn ei gael o fewn 2 wythnos ar ôl y dyddiad dechrau, i:

- (a) unrhyw berson a hysbyswyd neu yr ymgynghorwyd ag ef yn unol â'r Ddeddf Gynllunio, y Ddeddf Adeiladau Rhestredig neu orchymyn datblygu, yn ôl y digwydd, am yr apêl; a
- (b) unrhyw berson arall sydd wedi gwneud sylwadau i'r awdurdod cynllunio lleol am yr apêl.

(2) Rhaid i hysbysiad o dan baragraff (1):

- (a) nodi enw'r apelydd a chyfeiriad y safle y mae'r apêl yn berthnasol iddo;
- (b) disgrifio'r apêl;
- (c) nodi'r materion a hysbyswyd i'r apelydd a'r awdurdod cynllunio lleol o dan reoliad 4;
- (ch) nodi yr anfonir copiâu o unrhyw sylwadau a wnaethpwyd gan unrhyw berson a grybwyllir ym mharagraff (1) i'r Cynulliad Cenedlaethol ac at yr apelydd;
- (d) nodi y caiff unrhyw sylwadau o'r fath eu hystyried gan y Cynulliad Cenedlaethol wrth benderfynu'r apêl oni bai i unrhyw berson a grybwyllwyd ym mharagraff (1) eu tynnu yn ôl

(2) Where an appeal is not being disposed of on the basis of written representations and the appellant and the local planning authority inform the National Assembly that they wish it to be disposed of on that basis, these Regulations apply to the appeal to such extent as the National Assembly may specify having regard to any steps already taken in relation to the appeal.

(3) These Regulations cease to apply to appeals if the National Assembly informs the appellant and the local planning authority that it will afford to them an opportunity of attending and taking part in a hearing or a local inquiry held by a person appointed by it for the purpose.

Notification of receipt of application

4. The National Assembly must, as soon as practicable after receipt of the relevant notice, advise the appellant and the local planning authority in writing of-

- (a) the starting date;
- (b) the reference number allocated to the appeal; and
- (c) the address to which written communications to the National Assembly about the appeal are to be sent.

Notice to interested persons

5. -(1) The local planning authority must give written notice of the appeal, so as to be received within 2 weeks of the starting date, to-

- (a) any person notified or consulted in accordance with the Planning Act, the Listed Buildings Act or a development order, as the case may be, about an appeal; and
- (b) any other person who made representations to the local planning authority about an appeal.

(2) A notice under paragraph (1) must-

- (a) state the name of the appellant and the address of the site to which the appeal relates;
- (b) describe the appeal;
- (c) set out the matters notified to the appellant and local planning authority under regulation 4;
- (d) state that copies of any representations made by any person mentioned in paragraph (1) will be sent to the National Assembly and the appellant;
- (e) state that any such representations will be considered by the National Assembly when determining the appeal unless any person mentioned in paragraph (1) withdraws them

o fewn 6 wythnos ar ôl y dyddiad dechrau; ac
(dd) nodi y bydd yn bosibl i sylwadau ysgrifenedig
pellach gael eu hanfon i'r Cynulliad
Cenedlaethol er mwyn iddo eu cael o fewn 6
wythnos ar ôl y dyddiad dechrau.

Holiadur

6.-(1) Rhaid i'r awdurdod cynllunio lleol anfon i'r
Cynulliad Cenedlaethol, a chopio i'r apelydd, er mwyn
iddynt eu cael o fewn 2 wythnos o'r dyddiad dechrau:

- (a) holiadur wedi'i gwblhau; a
- (b) copi o bob un o'r dogfennau y cyfeirir atynt
ynddo.

(2) Rhaid i'r holiadur nodi'r dyddiad yr anfonir ef i'r
Cynulliad Cenedlaethol arno.

Sylwadau

7.-(1) Bernir mai sylwadau'r apelydd, mewn
perthynas â'r apêl, yw'r hysbysiad perthnasol a'r
dogfennau sy'n mynd ag ef.

(2) Caiff yr awdurdod cynllunio lleol ddewis trin yr
holiadur, a'r dogfennau a anfonwyd gydag ef, fel ei
sylwadau mewn perthynas â'r apêl ac, os yw'n gwneud
hynny, rhaid iddo hysbysu'r Cynulliad Cenedlaethol a'r
apelydd yn unol â hynny pan fydd yn anfon yr holiadur
i'r Cynulliad Cenedlaethol, ac yn anfon copi ohono at
yr apelydd, yn unol â rheoliad 6.

(3) Os nad yw'r awdurdod cynllunio lleol yn dewis
gwneud fel a ddisgrifir ym mharagraff (2), rhaid iddo
sicrhau bod y Cynulliad Cenedlaethol yn cael 2 gopi o'r
sylwadau ysgrifenedig pellach hynny o fewn 6
wythnos o'r dyddiad dechrau.

(4) Rhaid i apelydd sy'n dymuno gwneud unrhyw
sylwadau pellach i'r rheini ym mharagraff (1) anfon 2
gopi o'r sylwadau pellach hynny i'r Cynulliad
Cenedlaethol er mwyn iddo eu cael o fewn 6 wythnos
o'r dyddiad dechrau.

(5) Rhaid dyddio unrhyw sylwadau a wneir i'r
Cynulliad Cenedlaethol o dan baragraffau (3) a (4) a'r
dyddiad yr anfonir hwy i'r Cynulliad Cenedlaethol
arno.

(6) Rhaid i'r Cynulliad Cenedlaethol, cyn gynted ag
y bo'n ymarferol ar ôl eu cael, anfon at yr apelydd gopi
o unrhyw sylwadau a anfonwyd iddo gan yr awdurdod
cynllunio lleol, a rhaid iddo anfon i'r awdurdod
cynllunio lleol gopi o unrhyw sylwadau a anfonwyd
iddo gan yr apelydd.

(7) Rhaid i'r apelydd a'r awdurdod cynllunio lleol
anfon i'r Cynulliad Cenedlaethol 2 gopi o unrhyw
sylwadau ysgrifenedig sydd gan y naill ar sylwadau'r
llall er mwyn iddo eu cael o fewn 9 wythnos o'r
dyddiad dechrau a rhaid i'r Cynulliad Cenedlaethol,
cyn gynted ag y bo'n ymarferol ar ôl iddo eu cael,
anfon copi o'r sylwadau pellach hynny i'r parti arall.

within 6 weeks of the starting date; and

- (f) state that further written representations may
be sent to the National Assembly so as to be
received within 6 weeks of the starting date.

Questionnaire

6.-(1) The local planning authority must send to the
National Assembly, and copy to the appellant, so as to
be received within 2 weeks of the starting date-

- (a) a completed questionnaire; and
- (b) a copy of each of the documents referred to in
it.

(2) The questionnaire must state the date on which it
is sent to the National Assembly.

Representations

7.-(1) The relevant notice, and the documents
accompanying it, will be deemed to comprise the
appellant's representations in relation to the appeal.

(2) The local planning authority may elect to treat
the questionnaire, and the documents sent with it, as its
representations in relation to the appeal and, where it
does so, it must notify the National Assembly and the
appellant accordingly when it sends to the National
Assembly, and copies to the appellant, the
questionnaire in accordance with regulation 6.

(3) Where the local planning authority does not elect
as described in paragraph (2), it must ensure that 2
copies of those further written representations are
received by the National Assembly within 6 weeks of
the starting date.

(4) An appellant who wishes to make any further
representations to those in paragraph (1) must send 2
copies of those further representations to the National
Assembly so as to be received within 6 weeks of the
starting date.

(5) Any representations made to the National
Assembly under paragraphs (3) and (4) must be dated
with the date on which they are sent to the National
Assembly.

(6) The National Assembly must, as soon as
practicable after receipt, send to the appellant a copy of
any representations sent to it by the local planning
authority and must send to the local planning authority
a copy of any representations sent to it by the appellant.

(7) The appellant and the local planning authority
must send to the National Assembly 2 copies of any
written comments they have on each other's
representations so as to be received within 9 weeks of
the starting date and the National Assembly must, as
soon as practicable after receipt, send a copy of those
further comments to the other party.

(8) Caiff y Cynulliad Cenedlaethol ddiystyru gwybodaeth bellach oddi wrth yr apelydd a'r awdurdod cynllunio lleol nad yw wedi ei chael o fewn 9 wythnos ar ôl y dyddiad dechrau oni bai iddo ofyn am yr wybodaeth bellach honno.

Sylwadau Trydydd Parti

8.-(1) Caiff person a hysbyswyd o dan reoliad 5(1), ac sy'n dymuno anfon sylwadau i'r Cynulliad Cenedlaethol, wneud hynny ar yr amod bod y Cynulliad Cenedlaethol yn eu cael o fewn 6 wythnos o'r dyddiad dechrau.

(2) Rhaid i'r Cynulliad Cenedlaethol:

- (a) anfon at yr apelydd a'r awdurdod cynllunio lleol, cyn gynted ag y bo'n ymarferol ar ôl eu cael, gopi o unrhyw sylwadau y mae'r Cynulliad Cenedlaethol wedi eu cael oddi wrth unrhyw berson arall mewn perthynas â'r apêl; a
- (b) pennu cyfnod o nid llai na 2 wythnos erbyn ei ddiwedd y mae'n rhaid i'r Cynulliad Cenedlaethol gael unrhyw sylwadau ysgrifenedig ar y sylwadau hynny.

(3) Caiff y Cynulliad Cenedlaethol ddiystyru sylwadau a wnaethpwyd gan yr awdurdod cynllunio lleol o dan baragraff (2)(b) os yw'r awdurdod wedi methu â rhoi'r hysbysiad sy'n ofynnol gan reoliad 5.

Caniatáu rhagor o amser

9. Caiff y Cynulliad Cenedlaethol mewn achos penodol roi cyfarwyddiadau sy'n estyn y terfynau amser a ragnodwyd gan y Rheoliadau hyn.

Penderfynu ar gais

10.-(1) Caiff y Cynulliad Cenedlaethol fynd rhagddo i benderfynu ar apêl gan gymryd i ystyriaeth dim ond y sylwadau ysgrifenedig hynny y mae wedi'u cael o fewn y terfynau amser perthnasol.

(2) Caiff y Cynulliad Cenedlaethol, wedi iddo roi i'r apelydd a'r awdurdod cynllunio lleol hysbysiad ysgrifenedig o'i fwriad i wneud hynny, fynd rhagddo i benderfynu ar apêl er na wnaethpwyd unrhyw sylwadau ysgrifenedig o fewn y terfynau amser perthnasol os ymddengys i'r Cynulliad Cenedlaethol fod ganddo ddigon o ddeunydd ger ei fron i'w alluogi i gyrraedd penderfyniad ar rinweddau'r achos.

(3) Yn y rheoliad hwn, ystyr "terfynau amser perthnasol" ("*relevant limits*") yw'r terfynau amser a ragnodwyd gan y Rheoliadau hyn neu gan unrhyw gyfarwyddyd o dan reoliad 9.

Hysbysu am y penderfyniad

11. Rhaid i'r Cynulliad Cenedlaethol hysbysu ei benderfyniad ar apêl, a'i resymau dros ddod i'r

(8) The National Assembly may disregard further information from the appellant and the local planning authority which is not received within 9 weeks of the starting date unless that further information has been requested by it.

Third party representations

8.-(1) A person who has been notified under regulation 5(1), and who wishes to send representations to the National Assembly, may do so provided they are received by the National Assembly within 6 weeks of the starting date.

(2) The National Assembly must-

- (a) send to the appellant and the local planning authority, as soon as practicable after receipt, a copy of any representations received by the National Assembly from any other person in relation to the appeal; and
- (b) specify a period of not less than 2 weeks within which any written comments on the representations must be received by the National Assembly.

(3) The National Assembly may disregard comments made by the local planning authority under paragraph (2)(b) if the authority has failed to give the notice required by regulation 5.

Allowing further time

9. The National Assembly may in a particular case give directions which extend the time limits prescribed by these Regulations.

Decision on an application

10.-(1) The National Assembly may proceed to a decision on an appeal taking into account only such written representations as have been received within the relevant time limits.

(2) The National Assembly may, after giving the appellant and the local planning authority written notice of its intention to do so, proceed to a decision on an appeal notwithstanding that no written representations have been made within the relevant time limits if it appears to the National Assembly that it has sufficient material before it to enable it to reach a decision on the merits of the case.

(3) In this regulation, "relevant time limits" means the time limits prescribed by these Regulations or by any direction given under regulation 9.

Notification of decision

11. The National Assembly must notify the decision on an appeal, and its reasons for reaching that decision,

penderfyniad hwnnw, yn ysgrifenedig:

- (a) i'r apelydd;
- (b) i'r awdurdod cynllunio lleol;
- (c) i unrhyw berson sydd â buddiant; ac
- (ch) i unrhyw berson arall sydd wedi gofyn am gael ei hysbysu o'r penderfyniad y mae'r Cynulliad Cenedlaethol yn ystyried y mae'n rhesymol ei hysbysu.

Trosglwyddo dogfennau

12.-(1) Gellir anfon drwy'r post neu drwy gyfrwng cyfathrebu electronig unrhyw ddogfen y mae'n ofynnol ei hanfon neu yr awdurdodir ei hanfon gan y naill berson at y llall o dan y Rheoliadau hyn a rhaid dehongli unrhyw gyfeiriad yn y Rheoliadau hyn, sut bynnag y caiff ei fynegi, fel petai'n cynnwys cyfeiriad at ffurf y mae modd ei chadw ar gyfrifiadur, ei throsglwyddo i gyfrifiadur ac oddi wrth gyfrifiadur, a'i darllen drwy gyfrwng cyfrifiadur.

(2) O dan y Rheoliadau pan hyn, fydd yn ofynnol i'r naill berson anfon copi o ddatganiad, hysbysiad sylwadau neu ddogfen arall oddi wrth at y llall, yna, os anfonir y copi hwnnw drwy gyfrwng cyfathrebu electronig, mae unrhyw ofyniad pellach y dylid anfon mwy nag un copi i'w ddiystyru.

Dirymu a darpariaethau trosiannol

13.-(1) Yn ddarostyngedig i baragraff (3), dirymir Rheoliadau Cynllunio Gwlad a Thref (Apelau) (Gweithdrefn Sylwadau Ysgrifenedig) 1987(a) ("Rheoliadau 1987") i'r graddau eu bod yn gymwys i Gymru(b).

(2) Yn ddarostyngedig i baragraff (3), dirymir Rhan IV (rheoliadau 11 i 16) o'r Rheoliadau Cynllunio Gwlad a Thref (Coed) 1999(c) ("Rheoliadau 1999") i'r graddau ei bod yn gymwys i Gymru.

(3) Yn ddarostyngedig i baragraff (4), rhaid parhau ag unrhyw apêl y cymhwysir Rheoliadau 1987 neu, yn ôl y digwydd, Rheoliadau 1999 ati, nad yw wedi ei phenderfynu ar y dyddiad pan ddaw'r Rheoliadau hyn rym, o dan Rheoliadau 1987 neu Rheoliadau 1999 yn ôl y digwydd.

(4) Os caiff penderfyniad gan y Cynulliad Cenedlaethol ar apêl y cymhwysir Rheoliadau 1987, neu, yn ôl y digwydd, Rheoliadau 1999, ati ei ddileu wedyn mewn achos o flaen unrhyw lys, rhaid ailbenderfynu'r penderfyniad yn unol â'r Rheoliadau hyn ac nid Rheoliadau 1987 neu, yn ôl y digwydd, Rheoliadau 1999.

(a) O.S. 1987/701.

(b) Dirymwyd Rheoliadau 1987 a'u disodli i'r graddau eu bod yn gymwys i Loegr gan Rheoliadau Cynllunio Gwlad a Thref (Apelau) (Sylwadau Ysgrifenedig) (Lloegr) 2000 (O.S. (2000/1628), rheoliad 12.

(c) O.S. 1999/1892.

in writing to-

- (a) the appellant;
- (b) the local planning authority;
- (c) any interested person; and
- (d) any other person who has asked to be notified of the decision whom the National Assembly considers it reasonable to notify.

Transmission of documents

12. -(1) Any document required or authorised to be sent by one person to another under these Regulations may be sent by post or by means of electronic communication and any reference in these Regulations, however expressed, to writing is to be construed as including a reference to a form capable of being stored on, transmitted to and from, and read by means of a computer.

(2) Where, under these Regulations, there is a requirement that a copy of a statement, representation notice or other document should be sent by one person to another then, if that copy is sent by means of electronic communication, any further requirement that more than one copy should be sent is to be disregarded.

Revocation and transitional provisions

13.-(1) Subject to paragraph (3), the Town and Country Planning (Appeals) (Written Representations Procedure) Regulations 1987(a) ("the 1987 Regulations") are revoked so far as they apply to Wales(b).

(2) Subject to paragraph (3), Part IV (regulations 11 to 16) of the Town and Country Planning (Trees) Regulations 1999(c) ("the 1999 Regulations") is revoked so far as it applies to Wales.

(3) Subject to paragraph (4), any appeal to which the 1987 Regulations or, as the case may be, the 1999 Regulations applied which has not been determined on the date when these Regulations come into force is to be continued under the 1987 Regulations or the 1999 Regulations, as the case may be.

(4) Where a decision of the National Assembly on an appeal to which the 1987 Regulations or, as the case may be, the 1999 Regulations applied is subsequently quashed in proceedings before any court, the decision is to be re-determined in accordance with these Regulations and not the 1987 Regulations or, as the case may be, the 1999 Regulations.

(a) S.I. 1987/701.

(b) The 1987 Regulations were revoked and replaced so far as they applied to England by the Town and Country Planning (Appeals) (Written Representations) (England) Regulations 2000 (S.I. 2000/1628), regulation 12.

(c) S.I. 1999/1892.

Llofnodwyd ar ran Cynulliad Cenedlaethol Cymru o dan adran 66(1) o Ddeddf Llywodraeth Cymru 1998(a)

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998(a)

25 Chwefror 2003

25th February 2003

D.Elis-Thomas

Llywydd y Cynulliad Cenedlaethol

The Presiding Officer of the National Assembly

(a) 1998 p.38.

(a) 1998 c.38.

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£2.50

W50/03/03

ON

ISBN 0-11-090686-1



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