



OFFERYNNAU STATUDOL
CYMRU

WELSH STATUTORY
INSTRUMENTS

2017 Rhif 553 (Cy. 127)

2017 No. 553 (W. 127)

**CYNLLUNIO GWLAD A
THREF, CYMRU**

**TOWN AND COUNTRY
PLANNING, WALES**

Rheoliadau Cynllunio Gwlad a
Thref (Rheoli Hysbysebion)
(Diwygio) (Cymru) 2017

The Town and Country Planning
(Control of Advertisements)
(Amendment) (Wales) Regulations
2017

NODYN ESBONIADOL

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

Mae'r Rheoliadau hyn yn diwygio Rheoliadau Cynllunio Gwlad a Thref (Rheoli Hysbysebion) 1992 ("Rheoliadau 1992").

Maent yn diwygio'r darpariaethau yn rheoliad 15 a Rhannau 3 i 5 o Atodlen 4. Mae'r darpariaethau hynny yn Rheoliadau 1992 yn cymhwyso adrannau 78 a 79 o Ddeddf Cynllunio Gwlad a Thref 1990 ("y Ddeddf Gynllunio"), fel y'u haddaswyd, i apelau mewn perthynas â cheisiadau am ganiatâd datganedig a phan gyflwynir hysbysiad peidio â pharhau o dan reoliad 8 o Reoliadau 1992.

Effaith y diwygiadau yw ei gwneud yn ofynnol—

- (a) i ddatganiad achos llawn ddod gyda hysbysiad apêl, sy'n cynnwys manylion llawn achos yr apelydd a chopïau o ddogfennau ategol yn achos apelau—
 - (i) yn erbyn rhoi caniatâd datganedig sy'n cael ei roi yn ddarostyngedig i amodau;
 - (ii) pan fo awdurdod cynllunio lleol wedi methu â phenderfynu ar gais am ganiatâd datganedig; a
 - (iii) mewn perthynas â hysbysiad peidio â pharhau; a
- (b) i'r apelydd gyflwyno i'r awdurdod cynllunio lleol, cyn gynted ag y bo'n rhesymol ymarferol, gopi o'r hysbysiad apêl ac, yn achos yr apelau a grybwyllir ym mharagraff (a) uchod, i hefyd gyflwyno copi o'r datganiad achos llawn.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Town and Country Planning (Control of Advertisements) Regulations 1992 ("the 1992 Regulations").

They amend the provisions in regulation 15 and Parts 3 to 5 of Schedule 4. Those provisions in the 1992 Regulations apply sections 78 and 79 of the Town and Country Planning Act 1990 ("the Planning Act"), as modified, to appeals in relation to applications for express consent and where a discontinuance notice is served under regulation 8 of the 1992 Regulations.

The effect of the amendments is to require—

- (a) a notice of appeal to be accompanied by a full statement of case comprised of a written statement containing full particulars of the appellant's case and copies of supporting documents in the case of appeals—
 - (i) against the grant of express consent which is granted subject to conditions;
 - (ii) where a local planning authority has failed to determine an application for express consent; and
 - (iii) in relation to discontinuance notices; and
- (b) the appellant to serve on the local planning authority, as soon as reasonably practicable, a copy of the notice of appeal and, in the case of the appeals mentioned in paragraph (a) above, to also serve a copy of the full statement of case.

Mae'r Rheoliadau hyn hefyd yn dileu Rhan 4 o Atodlen 4 a oedd yn nodi adrannau 78 a 79 o'r Ddeddf Gynllunio fel y'u haddaswyd gan Reoliadau 1992 mewn perthynas â cheisiadau am ganiatâd datganedig.

Ceir darpariaethau trosiannol ac arbed.

Mae'r Asesiad Effaith Rheoleiddiol sy'n gymwys i'r Rheoliadau hyn ar gael gan Lywodraeth Cymru yn: Parc Cathays, Caerdydd, CF10 3NQ ac ar wefan Llywodraeth Cymru ar www.llyw.cymru.

These Regulations also remove Part 4 of Schedule 4 which set out sections 78 and 79 of the Planning Act as modified by the 1992 Regulations in relation to applications for express consent.

There are transitional and saving provisions.

The Regulatory Impact Assessment applicable to these Regulations is obtainable from the Welsh Government at: Cathays Park, Cardiff, CF10 3NQ and on the Welsh Government website at www.gov.wales.

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Gwnaed 5 Ebrill 2017
*Gosodwyd gerbron Cynulliad Cenedlaethol
Cymru* 11 Ebrill 2017
Yn dod i rym 5 Mai 2017

Made 5 April 2017
*Laid before the National Assembly
for Wales* 11 April 2017
Coming into force 5 May 2017

Mae Gweinidogion Cymru, drwy arfer y pwerau a roddir i'r Ysgrifennydd Gwladol gan adrannau 220 a 333 o Ddeddf Cynllunio Gwlad a Thref 1990(1), ac sy'n arferadwy bellach ganddynt hwy(2) yn gwneud y Rheoliadau a ganlyn:

The Welsh Ministers, in exercise of the powers conferred on the Secretary of State by sections 220 and 333 of the Town and Country Planning Act 1990(1), and now exercisable by them(2) make the following Regulations:

Enwi, cychwyn, cymhwyso a dehongli

Title, commencement, application and interpretation

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau Cynllunio Gwlad a Thref (Rheoli Hysbysebion) (Diwygio) (Cymru) 2017, a deuant i rym ar 5 Mai 2017.

1.—(1) The title of these Regulations is the Town and Country Planning (Control of Advertisements) (Amendment) (Wales) Regulations 2017 and they come into force on 5 May 2017.

(1) 1990 p. 8. Diwygiwyd adran 220 gan adrannau 31, 32 ac 84 o Ddeddf Cynllunio a Digolledu 1991 (p. 34), a pharagraff 20 o Atodlen 6 iddi, paragraff 34 o Atodlen 7 iddi a Rhannau 1 a 2 o Atodlen 19 iddi, ac adran 120 o Ddeddf Cynllunio a Phrynu Gorfodol 2004 (p. 5) ("Deddf 2004") ac Atodlen 9 iddi. Mewnosodwyd adran 333(2A) gan adran 118(1) o Ddeddf 2004 a pharagraffau 1 a 14 o Atodlen 6 iddi. Mae diwygiadau eraill i adrannau 220 a 333 nad ydynt yn berthnasol i'r Rheoliadau hyn.

(2) Trosglwyddwyd swyddogaethau'r Ysgrifennydd Gwladol, 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). *Gweler* y cofnod priodol yn Atodlen 1. Trosglwyddwyd swyddogaethau Cynulliad Cenedlaethol Cymru i Weinidogion Cymru yn rhinwedd adran 162 o Ddeddf Llywodraeth Cymru 2006 (p. 32) a pharagraff 30 o Atodlen 11 iddi.

(1) 1990 c. 8. Section 220 was amended by sections 31, 32 and 84 of, and paragraph 20 of Schedule 6, paragraph 34 of Schedule 7 and Parts 1 and 2 of Schedule 19 to, the Planning and Compensation Act 1991 (c. 34) and section 120 of, and Schedule 9 to, the Planning and Compulsory Purchase Act 2004 (c. 5) ("the 2004 Act"). Section 333(2A) was inserted by section 118(1) of, and paragraphs 1 and 14 of Schedule 6 to, the 2004 Act. Other amendments to sections 220 and 333 are not relevant to these Regulations.

(2) The functions of the Secretary for State, so far as exercisable in relation to Wales, were transferred to the National Assembly for Wales by article 2 of the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672). *See* appropriate entry in Schedule 1. The functions of the National Assembly for Wales were transferred to the Welsh Ministers by virtue of section 162 of, and paragraph 30 of Schedule 11 to, the Government of Wales Act 2006 (c. 32).

(2) Mae'r Rheoliadau hyn yn gymwys o ran Cymru.

(3) Yn y Rheoliadau hyn, ystyr "Rheoliadau 1992" ("*the 1992 Regulations*") yw Rheoliadau Cynllunio Gwlad a Thref (Rheoli Hysbysebion) 1992(1).

Diwygio Rheoliadau 1992

2.—(1) Mae Rheoliadau 1992 wedi eu diwygio fel a ganlyn.

(2) Yn rheoliad 15 (apelau i'r Ysgrifennydd Gwladol), hepgorer paragraff (2).

(3) Yn Atodlen 4, mae Rhan 3 wedi ei diwygio fel a ganlyn—

(a) ym mharagraff 1(a) yn lle "paragraphs (a), (b) and (c)" rhodder "paragraphs (a), (aa), (b) and (c)";

(b) ym mharagraff 1(c)—

(i) yn is-adran (3A) a amnewidiwyd, ar ôl "subsection (3) shall" mewnosoder "in the case of an appeal against the refusal of express consent,"; a

(ii) ar ôl is-adran (3A) a amnewidiwyd, mewnosoder—

"(3B) The notice mentioned in subsection (3) must, in the case of an appeal against the grant of express consent which is granted subject to conditions or an appeal under subsection (2), be accompanied by a copy of each of the documents mentioned in subsection (3A)(a) to (d) and a full statement of case.";

(c) yn lle paragraff 1(d), rhodder—

"(d) for subsection (4) substitute the following subsections—

"(4) The appellant must, in the case of an appeal against the refusal of express consent, serve on the local planning authority, as soon as reasonably practicable, a copy of the notice mentioned in subsection (3).

(2) These Regulations apply in relation to Wales.

(3) In these Regulations, "the 1992 Regulations" ("*Rheoliadau 1992*") means the Town and Country Planning (Control of Advertisements) Regulations 1992(1).

Amendment to the 1992 Regulations

2.—(1) The 1992 Regulations are amended as follows.

(2) In regulation 15 (appeals to the Secretary of State) omit paragraph (2).

(3) In Schedule 4, Part 3 is amended as follows—

(a) in paragraph 1(a) for "paragraphs (a), (b) and (c)" substitute "paragraphs (a), (aa), (b) and (c)";

(b) in paragraph 1(c)—

(i) in the substituted subsection (3A) after "subsection (3) shall" insert "in the case of an appeal against the refusal of express consent,"; and

(ii) after the substituted subsection (3A) insert—

"(3B) The notice mentioned in subsection (3) must, in the case of an appeal against the grant of express consent which is granted subject to conditions or an appeal under subsection (2), be accompanied by a copy of each of the documents mentioned in subsection (3A)(a) to (d) and a full statement of case.";

(c) for paragraph 1(d) substitute—

"(d) for subsection (4) substitute the following subsections—

"(4) The appellant must, in the case of an appeal against the refusal of express consent, serve on the local planning authority, as soon as reasonably practicable, a copy of the notice mentioned in subsection (3).

(1) O.S.1992/666; gweler rheoliad 15 o O.S. 2008/1848 (Cy. 177) mewn perthynas â chymhwyso O.S. 1992/666 i arddangos, ar unrhyw safle yn ardal y bleidlais, unrhyw hysbyseb sy'n ymwneud yn benodol â refferendwm. Nid yw'r diwygiadau eraill yn berthnasol i'r Rheoliadau hyn.

(1) S.I.1992/666; see regulation 15 of S.I. 2008/1848 (W. 177) in relation to the application of S.I. 1992/666 to the display on any site in a voting area of an advertisement relating specifically to a referendum. Other amendments are not relevant to these Regulations.

(4ZA) The appellant must, in the case of an appeal against the grant of express consent which is granted subject to conditions or an appeal under subsection (2), serve on the local planning authority, as soon as reasonably practicable, a copy of—

- (a) the notice mentioned in subsection (3); and
- (b) the full statement of case.”;

(d) ar ôl paragraff 1(d) mewnosoder—

“(da) omit subsections (4A) to (4BB);”;

(e) ar ôl paragraff 1(e) mewnosoder—

“(f) after subsection (5) insert—

“(6) In this section “full statement of case” means and is comprised of a written statement containing full particulars of the case the appellant proposes to put forward in relation to the appeal and copies of any supporting documents the appellant proposes to refer to or put in evidence.”;

(f) yn lle paragraff 2(b), rhodder—

“(b) omit subsections (1A) to (4);”;

(g) ar ôl paragraff 2(d) mewnosoder—

“(da) omit subsection (6ZA);”.

(4) Hepgorer Rhan 4 o Atodlen 4.

(5) Yn Atodlen 4, mae Rhan 5 wedi ei diwygio fel a ganlyn—

(a) ym mharagraff 1—

(i) ar ddiwedd is-adran (2)(b) a amnewidiwyd, hepgorer “and”;

(ii) ar ôl is-adran (2)(c) a amnewidiwyd, mewnosoder—

“and

“(d) a full statement of case.”;

(iii) yn lle is-adran (3) a amnewidiwyd, rhodder—

“(3) The appellant must serve on the local planning authority, as soon as reasonably practicable, a copy of—

(a) the notice of appeal mentioned in subsection (2); and

(b) the full statement of case.”;

(iv) ar ôl is-adran (3) a amnewidiwyd, mewnosoder—

(4ZA) The appellant must, in the case of an appeal against the grant of express consent which is granted subject to conditions or an appeal under subsection (2), serve on the local planning authority, as soon as reasonably practicable, a copy of—

(a) the notice mentioned in subsection (3); and

(b) the full statement of case.”;

(d) after paragraph 1(d) insert—

“(da) omit subsections (4A) to (4BB);”;

(e) after paragraph 1(e) insert—

“(f) after subsection (5) insert—

“(6) In this section “full statement of case” means and is comprised of a written statement containing full particulars of the case the appellant proposes to put forward in relation to the appeal and copies of any supporting documents the appellant proposes to refer to or put in evidence.”;

(f) for paragraph 2(b) substitute—

“(b) omit subsections (1A) to (4);”;

(g) after paragraph 2(d) insert—

“(da) omit subsection (6ZA);”.

(4) Omit Part 4 of Schedule 4.

(5) In Schedule 4, Part 5 is amended as follows—

(a) in paragraph 1—

(i) at the end of the substituted subsection (2)(b) omit “and”;

(ii) after the substituted subsection (2)(c) insert—

“and

(d) a full statement of case.”;

(iii) for the substituted subsection (3) substitute—

“(3) The appellant must serve on the local planning authority, as soon as reasonably practicable, a copy of—

(a) the notice of appeal mentioned in subsection (2); and

(b) the full statement of case.”;

(iv) after the substituted subsection (3) insert—

“(4) In this section “full statement of case” means and is comprised of a written statement containing full particulars of the case the appellant proposes to put forward in relation to the appeal and copies of any supporting documents the appellant proposes to refer to or put in evidence.”;

(b) ar ôl paragraff 2(a) mewnosoder—

“(aa) omit subsections (1A) to (3A);”;

(c) yn lle paragraff 2(c) rhodder—

“(c) omit subsections (6) and (6ZA);”.

Darpariaethau trosiannol ac arbed

3.—(1) Pan wneir apêl mewn perthynas â chais am ganiatâd datganedig a wnaed cyn i’r Rheoliadau hyn ddod i rym mae Rheoliadau 1992 yn gymwys i’r apêl honno fel pe na bai’r diwygiadau a wnaed gan reoliad 2(3)(b), (c) ac (e) wedi eu gwneud.

(2) Pan wneir apêl mewn perthynas â hysbysiad peidio â pharhau a gyflwynwyd gan awdurdod cynllunio lleol o dan reoliad 8 o Reoliadau 1992 cyn i’r Rheoliadau hyn ddod i rym mae Rheoliadau 1992 yn gymwys i’r apêl honno fel pe na bai’r diwygiadau a wnaed gan reoliad 2(5)(a) wedi eu gwneud.

“(4) In this section “full statement of case” means and is comprised of a written statement containing full particulars of the case the appellant proposes to put forward in relation to the appeal and copies of any supporting documents the appellant proposes to refer to or put in evidence.”;

(b) after paragraph 2(a) insert—

“(aa) omit subsections (1A) to (3A);”;

(c) for paragraph 2(c) substitute—

“(c) omit subsections (6) and (6ZA);”.

Transitional and saving provisions

3.—(1) Where an appeal is made in relation to an application for express consent which was made before these Regulations come into force the 1992 Regulations apply to that appeal as though the amendments made by regulation 2(3)(b), (c) and (e) had not been made.

(2) Where an appeal is made in relation to a discontinuance notice which was served by a local planning authority under regulation 8 of the 1992 Regulations before these Regulations come into force the 1992 Regulations apply to that appeal as though the amendments made by regulation 2(5)(a) had not been made.

Jane Hutt

Un o Weinidogion Cymru
5 Ebrill 2017

One of the Welsh Ministers
5 April 2017

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