OFFERYNNAU STATUDOL CYMRU

2017 Rhif 548 (Cy. 125)

CYNLLUNIO GWLAD A THREF, CYMRU

Rheoliadau Cynllunio Gwlad a Thref (Coed) (Diwygio) (Cymru) 2017

NODYN ESBONIADOL

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

Mae'r Rheoliadau hyn yn diwygio Rheoliadau Cynllunio Gwlad a Thref (Coed) 1999 ("Rheoliadau 1999").

Mae rheoliad 2 o Reoliadau 1999 yn gwneud darpariaeth bod rhaid i Orchymyn Cadw Coed fod ar y ffurf a nodir yn yr Atodlen i'r Rheoliadau hynny, neu ar ffurf sydd ag effaith sylweddol debyg.

Mae erthygl 7 o'r ffurf ar Orchymyn Cadw Coed a nodir yn yr Atodlen i Reoliadau 1999 ("y Gorchymyn") yn cymhwyso darpariaethau Deddf Cynllunio Gwlad a Thref 1990, gan gynnwys adrannau 78 a 79 o'r Ddeddf honno, i ganiatadau o dan y Gorchymyn a cheisiadau am ganiatâd o'r fath, yn ddarostyngedig i'r addasiadau a'r newidiadau a grybwyllir yn Rhan 1 o Atodlen 2 i'r Gorchymyn. Mae'r darpariaethau fel y'u haddaswyd a'u newidiwyd yn cael eu nodi yn Rhan 2 o Atodlen 2 i'r Gorchymyn.

Mae'r Rheoliadau hyn yn diwygio darpariaethau yn Rhan 1 ac yn dileu Rhan 2 o Atodlen 2 i'r Gorchymyn.

Effaith y diwygiadau yw ei gwneud yn ofynnol—

(a) bod hysbysiad apêl yn dod gyda datganiad achos llawn ar ffurf datganiad ysgrifenedig sy'n cynnwys manylion llawn achos yr apelydd a chopïau o ddogfennau ategol; a

(b) bod yr apelydd yn anfon, cyn gynted ag y bo'n rhesymol ymarferol, gopi o'r hysbysiad apêl a chopi o'r datganiad achos llawn i'r awdurdod a wnaeth y gorchymyn cadw coed.

WELSH STATUTORY INSTRUMENTS

2017 No. 548 (W. 125)

TOWN AND COUNTRY PLANNING, WALES

The Town and Country Planning (Trees) (Amendment) (Wales) Regulations 2017

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Town and Country Planning (Trees) Regulations 1999 ("the 1999 Regulations").

Regulation 2 of the 1999 Regulations provides that a Tree Preservation Order must be in the form set out in the Schedule to those Regulations, or in a form substantially to the same effect.

Article 7 of the form of Tree Preservation Order set out in the Schedule to the 1999 Regulations ("the Order") applies provisions of the Town and Country Planning Act 1990, including sections 78 and 79 of that Act, to consents under the Order and applications for such consent, subject to the adaptations and modifications mentioned in Part 1 of Schedule 2 to the Order. The provisions as so adapted and modified are set out in Part 2 of Schedule 2 to the Order.

These Regulations amend provisions in Part 1 and remove Part 2 of Schedule 2 to the Order.

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; and

(b) the appellant to send a copy of both the notice of appeal and full statement of case to the authority which made the tree preservation order as soon as reasonably practicable.

Ceir darpariaethau trosiannol ac arbed.

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

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

OFFERYNNAU STATUDOL CYMRU

2017 Rhif 548 (Cy. 125)

CYNLLUNIO GWLAD A THREF, CYMRU

Rheoliadau Cynllunio Gwlad a Thref (Coed) (Diwygio) (Cymru) 2017

Gwnaed *5 Ebrill 2017*

Gosodwyd gerbron Cynulliad Cenedlaethol Cymru *11 Ebrill 2017*

Yn dod i rym *5 Mai 2017*

Mae Gweinidogion Cymru, drwy arfer y pwerau a roddir i'r Ysgrifennydd Gwladol gan adrannau 199 a 333 o Ddeddf Cynllunio Gwlad a Thref 1990(**1**), ac sy'n arferadwy bellach ganddynt hwy(**2**), yn gwneud y Rheoliadau a ganlyn:

Enwi, cychwyn, cymhwyso a dehongli

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

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

(3) Yn y Rheoliadau hyn—

(**1**) 1990 p. 8. Mae diwygiadau i adran 333 ond nid oes un ohonynt yn berthnasol i'r Rheoliadau hyn. *Gweler* adran 198(3) a (4) o Ddeddf Cynllunio Gwlad a Thref 1990 mewn perthynas â darpariaeth y caniateir ei gwneud mewn gorchymyn cadw coed. Diwygiwyd adran 198(4) gan adrannau 31, 32 ac 84 o Ddeddf Cynllunio a Digolledu 1991 (p. 34) a pharagraff 20 o Atodlen 6, paragraff 34 o Atodlen 7 a Rhannau 1 a 2 o Atodlen 19 iddi.

(**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.

WELSH STATUTORY INSTRUMENTS

2017 No. 548 (W. 125)

TOWN AND COUNTRY PLANNING, WALES

The Town and Country Planning (Trees) (Amendment) (Wales) Regulations 2017

Made *5 April 2017*

Laid before the National Assembly for Wales *11 April 2017*

Coming into force *5 May 2017*

The Welsh Ministers, in exercise of the powers conferred on the Secretary of State by sections 199 and 333 of the Town and Country Planning Act 1990(**1**), and now exercisable by them(**2**) make the following Regulations:

Title, commencement, application and interpretation

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

(2) These Regulations apply in relation to Wales.

(3) In these Regulations—

(**1**) 1990 c. 8. There are amendments to section 333 but none are relevant to these Regulations. *See* section 198(3) and (4) of the Town and Country Planning Act 1990 in relation to provision which may be made in a tree preservation order. Section 198(4) 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).

(**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).

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

ystyr "Rheoliadau 1999" ("*the 1999 Regulations*") yw Rheoliadau Cynllunio Gwlad a Thref (Coed) 1999(**1**).

Diwygio Rheoliadau 1999

2.—(1) Mae Rheoliadau 1999 wedi eu diwygio fel a ganlyn.

(2) Mae'r Atodlen (Ffurf ar Orchymyn Cadw Coed) wedi ei diwygio fel a ganlyn—

(a) yn erthygl 7, hepgorer paragraff (2);

(b) yn Rhan 1 o Atodlen 2, mae'r addasiadau a'r newidiadau i adran 78(**2**) o'r Ddeddf Gynllunio a grybwyllir yng ngholofn (2) o Ran 1 o Atodlen 2 wedi eu diwygio fel a ganlyn—

(i) ym mharagraff (a) ar ôl "In subsection (1)" mewnosoder "omit paragraph (aa) and";

(ii) ar ôl paragraff (c) mewnosoder—

"(ca) After subsection (3) insert—

"(3A) The notice mentioned in subsection (3) must be accompanied by a full statement of case."."

(iii) ym mharagraff (d) yn lle is-adran (4) a amnewidiwyd rhodder—

"(4) The appellant must serve on the authority, as soon as reasonably practicable, a copy of—

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

(b) the full statement of case.";

(iv) ar ôl paragraff (d) mewnosoder—

"(da) Omit subsections (4A) to (4BB).";

(v) ym mharagraff (e) yn is-adran (5) a amnewidiwyd ar ôl "the application of section 79(1)" mewnosoder "and section 319B(7)";

(vi) ar ôl paragraff (e) mewnosoder—

"(f) After subsection (5) insert—

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

"the 1999 Regulations" ("*Rheoliadau 1999*") means the Town and Country Planning (Trees) Regulations 1999(**1**).

Amendment to the 1999 Regulations

2.—(1) The 1999 Regulations are amended as follows.

(2) The Schedule (Form of Tree Preservation Order) is amended as follows—

(a) in article 7, omit paragraph (2);

(b) in Part 1 of Schedule 2, the adaptations and modifications to section 78(**2**) of the Planning Act mentioned in column (2) of Part 1 of Schedule 2 are amended as follows—

(i) in paragraph (a) after "In subsection (1)" insert "omit paragraph (aa) and";

(ii) after paragraph (c) insert—

"(ca) After subsection (3) insert—

"(3A) The notice mentioned in subsection (3) must be accompanied by a full statement of case."."

(iii) in paragraph (d) for the substituted subsection (4) substitute—

"(4) The appellant must serve on the authority, as soon as reasonably practicable, a copy of—

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

(b) the full statement of case.";

(iv) after paragraph (d) insert—

"(da) Omit subsections (4A) to (4BB).";

(v) in paragraph (e) in the substituted subsection (5) after "the application of section 79(1)" insert "and section 319B(7)";

(vi) after paragraph (e) insert—

"(f) After subsection (5) insert—

(**1**) O.S. 1999/1892 y mae diwygiadau iddo ond nid oes yr un ohonynt yn berthnasol.

(**2**) Diwygiwyd adran 78 gan adran 197 o Ddeddf Cynllunio 2008 (p. 29) a pharagraffau 1 a 2 o Atodlen 11 iddi, erthygl 3 o Orchymyn Cynllunio Gwlad a Thref (Pennu'r Weithdrefn) (Cymru) 2014 (O.S. 2014/2773) (Cy. 280) a pharagraffau 1 a 3 o'r Atodlen iddo, adrannau 45, 47(1) a 55 o Ddeddf Cynllunio (Cymru) 2015 (dccc 4) a pharagraff 7(1) a (2) o Atodlen 7 iddi, adran 150(5) o Ddeddf Tai a Chynllunio 2016 (p. 22) a pharagraffau 1 ac 21 o Atodlen 12 iddi. Mae diwygiadau eraill nad ydynt yn berthnasol i'r Rheoliadau hyn.

(**1**) S.I. 1999/1892 to which there are amendments but none are relevant.

(**2**) Section 78 was amended by section 197 of, and paragraphs 1 and 2 of Schedule 11 to, the Planning Act 2008 (c. 29), article 3 of, and paragraphs 1 and 3 of the Schedule to, the Town and Country Planning (Determination of Procedure) (Wales) Order 2014 (S.I. 2014/2773) (W. 280), sections 45, 47(1) and 55 of, and paragraph 7(1) and (2) of Schedule 7 to, the Planning (Wales) Act 2015 (anaw 4), section 150(5) of, and paragraphs 1 and 21 of Schedule 12 to, the Housing and Planning Act 2016 (c. 22). Other amendments are not relevant to these Regulations.

“(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.”.”;

(c) mae’r addasiadau a’r newidiadau i adran 79(**1**) o’r Ddeddf Gynllunio a grybwyllir yng ngholofn (2) o Ran 1 o Atodlen 2 wedi eu diwygio fel a ganlyn—

(i) ym mharagraff (a) yn lle “subsections (1) and (2)” rhodder “subsection (1)”;

(ii) yn lle paragraff (b) rhodder—

“(b) Omit subsections (1A) to (3A).”;

(iii) yn lle paragraff (c) rhodder—

“(c) For subsection (4), substitute—

“(4) The provisions of section 70(1), (1A) and (1B) apply, with any necessary modifications, in relation to an appeal to the Secretary of State under section 78 as they apply in relation to an application for consent under a tree preservation order which falls to be determined by the authority.”.”;

(iv) ym mharagraff (d) yn lle “(6A)” rhodder “(6ZA)”;

(v) ar ôl paragraff (d) mewnosoder—

“(da) In subsection (6A), for “such an appeal” substitute “an appeal in relation to an application for consent under a tree preservation order”.”;

(d) hepgorer Rhan 2 o Atodlen 2.

Darpariaethau trosiannol ac arbed

3.—(1) Mae paragraff (2) yn gymwys pan wnaed unrhyw un neu ragor o’r canlynol cyn i’r Rheoliadau hyn ddod i rym—

(a) cais am ganiatâd o dan orchymyn cadw coed,

(**1**) Diwygiwyd adran 79 gan adrannau 18 a 32 o Ddeddf Cynllunio a Digolledu 1991 (p. 34) a pharagraff 19 o Atodlen 7 iddi, adran 196(4) o Ddeddf Cynllunio 2008 a pharagraffau 1 a 4 o Atodlen 10 iddi, erthygl 3 o Orchymyn Cynllunio Gwlad a Thref (Pennu’r Weithdrefn) (Cymru) 2014 a pharagraffau 1 a 4 o’r Atodlen iddo, adran 29(1) a (3) o Ddeddf Cynllunio (Cymru) 2015 ac adran 150(5) o Ddeddf Tai a Chynllunio 2016 a pharagraffau 1 a 23(1), (2)(a) i (d), (3) o Atodlen 12 iddi.

“(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.”.”;

(c) the adaptations and modifications to section 79(**1**) of the Planning Act mentioned in column (2) of Part 1 of Schedule 2 are amended as follows—

(i) in paragraph (a) for “subsections (1) and (2)” substitute “subsection (1)”;

(ii) for paragraph (b) substitute—

“(b) Omit subsections (1A) to (3A).”;

(iii) for paragraph (c) substitute—

“(c) For subsection (4), substitute—

“(4) The provisions of section 70(1), (1A) and (1B) apply, with any necessary modifications, in relation to an appeal to the Secretary of State under section 78 as they apply in relation to an application for consent under a tree preservation order which falls to be determined by the authority.”.”;

(iv) in paragraph (d) for “(6A)” substitute “(6ZA)”;

(v) after paragraph (d) insert—

“(da) In subsection (6A), for “such an appeal” substitute “an appeal in relation to an application for consent under a tree preservation order”.”;

(d) omit Part 2 of Schedule 2.

Transitional and saving provisions

3.—(1) Paragraph (2) applies where any of the following was made before these Regulations come into force—

(a) an application for consent under a tree preservation order,

(**1**) Section 79 was amended by sections 18 and 32 of, and paragraph 19 of Schedule 7 to, the Planning and Compensation Act 1991 (c 34), section 196(4) of, and paragraphs 1 and 4 of Schedule 10 to the Planning Act 2008, article 3 of, and paragraphs 1 and 4 of the Schedule to, the Town and Country Planning (Determination of Procedure) (Wales) Order 2014, section 29(1) and (3) of the Planning (Wales) Act 2015 and section 150(5) of, and paragraphs 1 and 23(1), (2)(a) to (d), (3) of Schedule 12 to, the Housing and Planning Act 2016.

(b) cais am unrhyw ganiatâd, cytundeb neu gymeradwyaeth sy'n ofynnol gan amod a osodir ar roi caniatâd o dan orchymyn o'r fath, neu

(c) cyfarwyddyd o dan orchymyn cadw coed neu gais am unrhyw ganiatâd, cytundeb neu gymeradwyaeth sy'n ofynnol gan y fath gyfarwyddyd.

(2) Mae Rheoliadau 1999 yn gymwys i apêl mewn perthynas â'r fath gais neu gyfarwyddyd fel pe na bai'r diwygiadau a wnaed gan reoliad 2(2)(b)(ii), (iii) a (vi) wedi eu gwneud.

(b) an application for any consent, agreement or approval required by a condition imposed on a grant of consent under such an order, or

(c) a direction under a tree preservation order or an application for any consent, agreement or approval required by such a direction.

(2) The 1999 Regulations apply to an appeal in relation to such an application or direction as though the amendments made by regulation 2(2)(b)(ii), (iii) and (vi) had not been made.

Jane Hutt

Un o Weinidogion Cymru
5 Ebrill 2017

One of the Welsh Ministers
5 April 2017

©Ⓗ Hawlfraint y Goron 2017

Argraffwyd a chyhoeddwyd yn y Deyrnas Unedig gan The Stationery Office Limited o dan awdurdod ac arolygiaeth Carol Tullo, Rheolwr Gwasg Ei Mawrhydi ac Argraffydd Deddfau Seneddol y Frenhines.

© Crown copyright 2017

Printed and published in the UK by The Stationery Office Limited under the authority and superintendence of Carol Tullo, Controller of Her Majesty's Stationery Office and Queen's Printer of Acts of Parliament.

OFFERYNNAU STATUDOL CYMRU

WELSH STATUTORY INSTRUMENTS

2017 Rhif 548 (Cy. 125)

2017 No. 548 (W. 125)

CYNLLUNIO GWLAD A THREF, CYMRU

TOWN AND COUNTRY PLANNING, WALES

Rheoliadau Cynllunio Gwlad a Thref (Coed) (Diwygio) (Cymru) 2017

The Town and Country Planning (Trees) (Amendment) (Wales) Regulations 2017

£6.00

W2017040529 04/2017

http://www.legislation.gov.uk/id/wsi/2017/548

ISBN 978-0-348-20107-9